

REGULAR COUNCIL MEETING AGENDA



SEPTEMBER 25, 2017 - 7:30 P.M.

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

OPEN FORUM - 30 MINUTES PRIOR TO OFFICIAL MEETING (7:00 P.M.)

DUE TO A SCHEDULING CONFLICT, THERE WILL BE NO OPEN FORUM

INVOCATION BY BISHOP THOMAS L. HOLSEY

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN LINDELL

AGENDA ADDITIONS/DELETIONS

*** CONSENT AGENDA**

THOSE ITEMS ON THE COUNCIL AGENDA WHICH ARE CONSIDERED ROUTINE AND NON-CONTROVERSIAL SHALL BE MARKED WITH AN ASTERISK (*) AND WILL BE ACTED UPON BY A SINGLE ROLL CALL VOTE OF THE COUNCIL. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A MEMBER OF COUNCIL SO REQUESTS, IN WHICH EVENT THE MATTER SHALL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED A SEPARATE ITEM.

- * 1. ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF SEPTEMBER 11, 2017**
- 2. CERTIFICATE OF APPRECIATION - GIRL SCOUT TROOP #648, SERVICE UNIT #31**
- 3. PRESENTATION - APPRECIATION AND CONGRATULATIONS - EARL W. HAYES**
- 4. PROCLAMATIONS**
 - A. CYBER SECURITY AWARENESS MONTH**
 - B. FIRE PREVENTION WEEK**
 - C. HALLOWEEN TRICK-OR-TREAT**
 - D. NATIONAL ADULT EDUCATION AND FAMILY LITERACY WEEK**
 - E. NATIONAL COMMUNITY PLANNING MONTH**

5. REZONING REQUEST - PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2017-10

THE FIRST READING OF THE PROPOSED ORDINANCE WAS ACCOMPLISHED DURING THE COUNCIL MEETING OF JULY 24, 2017. THE ORDINANCE IS AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS AND ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT." (THIS ITEM WAS DEFERRED DURING THE COUNCIL MEETING OF SEPTEMBER 11, 2017)

- A. PROPERTY LOCATED AT 826 FOREST STREET, CONSISTING OF 0.5^{+/-} ACRES, OWNED BY SARAHE. JONES. THE PROPERTY IS CURRENTLY ZONED RG-1 (GENERAL RESIDENCE), SUBJECT TO COZ-1 (CORRIDOR OVERLAY ZONE) AND THE PROPOSED ZONING IS C-1A (LIMITED COMMERCIAL), SUBJECT TO COZ-1 (CORRIDOR OVERLAY ZONE)**
(TAX PARCEL: ED-05-076.12-01-16.00-000, FOURTH COUNCIL DISTRICT; PLANNING REFERENCE: Z-17-04)

* **6. DOVER HUMAN RELATIONS COMMISSION REPORT - AUGUST 24, 2017**

A. DHRC COMMITTEE UPDATES

- (1) GOVERNMENT POLICY, PROGRAMS, AND PRACTICES COMMITTEE (GADDIS)
- (2) COMMUNITY ENGAGEMENT COMMITTEE (MULLEN)
- (3) EDUCATION COMMITTEE (FLEMING)
- (4) COMMUNICATIONS COMMITTEE (PAIGE)

B. STATE HUMAN RELATIONS COMMISSION LIAISON REPORT (HERBERT)

C. DHRC VACANCIES

D. FUTURE MEETING DATES

(COMMISSION TABLED THIS ITEM PENDING FURTHER RESEARCH REGARDING CHAPTER 58 OF THE DOVER CODE AND POTENTIAL OTHER DATES)

* **7. COUNCIL COMMITTEE OF THE WHOLE REPORT - SEPTEMBER 12, 2017**

A. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

- (1) **EVALUATION OF REQUESTS FOR PROPOSALS (RFP) - ENTERPRISE RESOURCES PLANNING (ERP)**

(COMMITTEE RECOMMENDED AUTHORIZATION FOR THE ACTING CITY MANAGER TO ENTER INTO A CONTRACT WITH TYLER TECHNOLOGIES FOR THE PURPOSE OF ACQUIRING AN ENTERPRISE RESOURCE PLANNING SYSTEM AND AUTHORIZATION TO RETAIN THE SERVICES OF BERRYDUNN TO ASSIST STAFF WITH THE IMPLEMENTATION PHASE OF THIS PROJECT. TOTAL COST NOT TO EXCEED THE AUTHORIZED BUDGET UNLESS OTHERWISE APPROVED BY CITY COUNCIL.)

- (2) **PROPOSED CITY OF DOVER ETHICS INITIATIVE**

(THIS ITEM WAS DEFERRED UNTIL THE MEETING OF SEPTEMBER 26, 2017)

- (3) **UPDATED MEMORANDUM OF UNDERSTANDING (MOU) FOR PRELIMINARY LAND USE SERVICES (PLUS) REVIEW**

(COMMITTEE RECOMMENDED APPROVAL OF THE MEMORANDUM OF UNDERSTANDING)

- (4) **PROPOSED CODE ENFORCEMENT POLICY AND VACANT BUILDING ORDINANCE CHANGES**

(COMMITTEE TOOK NO ACTION)

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7. COUNCIL COMMITTEE OF THE WHOLE REPORT - SEPTEMBER 12, 2017 (CONTINUED)**B. PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE****(1) REQUEST FOR DOG PARK AND PASSIVE PLAYGROUND - ACORN FARMS**

(COMMITTEE RECOMMENDED ACCEPTANCE OF THE PETITION AND LETTER AND REFERRED THE MATTER TO MR. HUGG)

(2) PROPOSED RESOLUTION No. 2017-11 IN SUPPORT OF DELAWARE OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) GRANT APPLICATION - DOVER PARK MASTER PLAN AND SCHUTTE PARK PHASE I IMPROVEMENTS

(COMMITTEE RECOMMENDED ADOPTION OF RESOLUTION No. 2017-11)

(3) UPDATES**(A) CONTINENTAL PARK****(B) CITY OF DOVER PARTNERSHIP WITH NCALL - POP-UP PARKS****8. ACTING CITY MANAGER'S ANNOUNCEMENTS****9. COUNCIL MEMBERS' ANNOUNCEMENTS****10. ADJOURNMENT**

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EXECUTIVE SESSION PURSUANT TO:

29 DEL. C. §10004(B)(2) - PRELIMINARY DISCUSSIONS ON SITE ACQUISITIONS FOR ANY PUBLICLY FUNDED CAPITAL IMPROVEMENTS, OR SALES OR LEASES OF REAL PROPERTY;

29 DEL. C. §10004(B)(4) - STRATEGY SESSIONS, INCLUDING THOSE INVOLVING LEGAL ADVICE OR OPINION FROM AN ATTORNEY-AT-LAW, WITH RESPECT TO COLLECTIVE BARGAINING OR PENDING OR POTENTIAL LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT ON THE BARGAINING OR LITIGATION POSITION OF THE PUBLIC BODY;

29 DEL. C. §10004(B)(6) - DISCUSSION OF THE CONTENT OF DOCUMENTS, EXCLUDED FROM THE DEFINITION OF "PUBLIC RECORD" IN §10002 OF THIS TITLE WHERE SUCH DISCUSSION MAY DISCLOSE THE CONTENTS OF SUCH DOCUMENTS;

29 DEL. C. §10004(B)(9) - PERSONNEL MATTERS IN WHICH THE NAMES, COMPETENCY AND ABILITIES OF INDIVIDUAL EMPLOYEES ARE DISCUSSED, UNLESS THE EMPLOYEE REQUESTS THAT SUCH A MEETING BE OPEN

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.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on September 11, 2017 at 7:30 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Polce, Mr. Hare, and Mr. Lindell.

Staff members present were Police Chief Mailey, Ms. Peddicord, Mrs. Mitchell, Mr. Hugg, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 7:32 p.m.).

OPEN FORUM

The Open Forum was held at 7:00 p.m., prior to commencement of the Official Council Meeting. Council President Slavin declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

Ms. Pie Jones reminded members that she spoke at the previous Open Forum about seat belts for school buses. She advised that she contacted Senator Bushweller and presented him with a petition with 300 signatures, along with the list of the states that have seatbelt laws. Ms. Jones requested assistance with requiring seatbelts on school buses.

Council President Slavin suggested that the Safety Advisory and Transportation Committee could consider a Resolution from the City to the State Legislature in support of seat belts on school buses.

Mr. Lewis asked if Ms. Jones had been in contact with the school district. Responding, Ms. Jones stated that Senator Bushweller advised that once she provided the signatures, he would get her in contact with the Transportation Department.

Ms. Sue Harris, referring to the sale of the former Dover Public Library to Wesley College in exchange for \$1M in Community Transportation Funds from the State of Delaware, asked if the \$1M was in addition to the \$500,000 in Community Transportation Funds that was in the draft budget. She asked if Wesley College and Delaware State University had taken ownership of the Schwartz Center in February 2016, and now it is sitting empty.

Ms. Harris asked why a similar deal could not be made to a coalition of non-profits that support the homeless. Noting that it had been said that no plans had been presented, Ms. Harris advised that they have been unable to be placed on the agenda for a Regular Council meeting or be invited in to have a two-way conversation with anybody. She stated that they assume that Council is not ready to positively listen to any official plan they might have. Ms. Harris advised that they do have ideas, and they have shown dedication and commitment to being a partner to finding a solution, but to say they just have ideas is hardly fair. She noted that it was not ideas that have provided over 20,000 meals to the homeless this year or more than 500 boxes of food to desperate families this year, and it wasn't just ideas that have helped change dozens of lives.

Ms. Harris advised that they are not a bunch of do-gooders trying to kick up trouble. The elder Pastor Appling has been a respected businessman, land developer, and religious leader in their community for decades. She noted that the young Pastor Appling is educated, worldly, and is as passionate about helping his fellow man as any human being you will ever find and have the pleasure

of meeting. His community leadership and dedication to his causes and to his followers is unmatched by anybody around here. Ms. Harris advised that Council should consider themselves fortunate to be offered a partnership with them.

Ms. Harris noted that her father was a highly respected leader on City Council, and her mother and brother were well-loved by the community. She stated that they come to City Council and are responded to like they are a side show.

Ms. Harris asked why City Council would make the deal with Wesley College when the Mayor's Task Force on Homelessness had not even been formed yet, noting that they might have wanted to look at that location as a resource. She noted that the City receives Community Transportation Funds every year from the state and advised that she could look for a legislator that will stand up for the homeless and offer the same deal of their Community Transportation Funds, one contingent upon some vacant houses being offered for a dollar to a coalition that was created to help the homeless.

Ms. Harris asked what report a community member could access to see the all of the City's Community Transportation Fund expenditures. She noted that she would submit her questions officially to ensure that she gets a response.

Mr. Steven French referenced buildings that had been vacant for some time and suggested that they be fixed up and rented to the homeless.

Mr. Eric Abernathy advised that they were still looking for help for the homeless and that they would keep advocating, helping, and doing for those who are in need.

Mr. Swan Twitty stated that the homelessness seemed to be getting worse and asked where they were supposed to go. He noted that Code Purple and other shelters can only take so many people.

Mr. Corey Berry advised that he works two jobs and is still homeless. He requested help for himself and others.

Ms. Elizabeth Joves advised that she reads the paper everyday and has not seen anything about the task force to study the homeless. She noted that winter is coming and people have no place to go. Ms. Joves stated that, in certain woods, tents are still being stolen. She also advised that some of the cops are giving them a hard time. Ms. Joves requested that something be done to help the homeless.

The invocation was given by Captain Elmer N. Davis, Jr., followed by the Pledge of Allegiance.

Mayor Robin R. Christiansen made the following remarks, followed by a moment of silence in remembrance of 9/11:

Sixteen years ago, on a sun-lit blue-sky day, 2,997 of our fellow citizens were brutally slain in the 9/11 attacks. Six thousand or more remain as casualties and suffer from their infirmities on a daily basis, remembering what happened on that horrific day.

I ask you to always keep those who departed that day in your prayers. Those who suffer the infirmities of that day in your prayers, and their families, always in your prayers. And I ask you to never, never, never forget.

AGENDA ADDITIONS/DELETIONS

Council President Slavin requested that item #2-A - Rezoning Request - Public Hearing/Final Reading of Proposed Ordinance #2017-10 - Property located at 826 Forest Street, owned by Sarah E. Jones, be deferred until the Council meeting of September 25, 2017.

Mr. Neil moved for approval of the agenda, as amended. The motion was seconded by Mr. Lindell and unanimously carried.

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF AUGUST 28, 2017

The Minutes of the Regular Council Meeting of August 28, 2017 were unanimously approved by motion of Mr. Neil, seconded by Mr. Anderson and bore the written approval of Mayor Christiansen.

PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2017-11 - REZONING REQUEST FOR PROPERTY LOCATED AT 870-872 FOREST STREET

A public hearing was duly advertised for this time and place to consider the rezoning of property located at 870-872 Forest Street, consisting of 0.7473^{+/-} acres (32,552^{+/-} S.F.), owned by Bennie Smith Real Estate, LLC. Council President Slavin noted that the First Reading of Ordinance #2017-11 described the IO zone as "Industrial and Office," and the Final Reading has been corrected to read, "Institutional and Office." The property is currently zoned C-1A (Limited Commercial), subject to COZ-1 (Corridor Overlay Zone) and the proposed zoning is IO (Institutional and Office), subject to COZ-1 (Corridor Overlay Zone). (Tax Parcel: ED-05-076.12-01-08.00-000, Fourth Council District; Planning Reference: Z-17-05).

Mr. Neil moved that the Final Reading of Proposed Ordinance #2017-11 be acknowledged by title only, seconded by Mr. Lindell and unanimously carried. (The First Reading of the ordinance was accomplished during the Council Meeting of July 24, 2017.)

Planner's Review

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

Responding to Mr. Anderson, Mr. Hugg noted that the primary change is the Institutional use, which would allow places of worship and philanthropic and charitable uses, which are not permitted in the C-1A zone. Mr. Hugg noted that St. Nicholas Ukrainian Orthodox Mission was the equitable owner.

Responding to Mr. Hare, Mr. Hugg stated that the property would remain taxable because of its intended use of the existing commercial business.

Public Hearing

Council President Slavin declared the public hearing open.

Mr. Phil McGinnis, McGinnis Commercial Real Estate Company, advised that he was representing both Benny Smith and St. Nicholas Ukrainian Orthodox Mission. He noted that St. Nicholas Ukrainian Orthodox Mission intended to make the site the permanent home for their church. Mr. McGinnis stated that Cindy's Bright Stars Daycare is located in the back of the property and that use will continue. He advised that the IO zoning is necessary to accommodate both the daycare and the church.

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

Mr. Hare moved for approval of the rezoning request, as recommended by the Planning Commission. The motion was seconded by Mr. Neil and, by a unanimous roll call vote, Council adopted Ordinance #2017-11, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 870 - 872 FOREST STREET

WHEREAS, the City of Dover has enacted a zoning ordinance regulating the use of property within the limits of the City of Dover; and

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from C-1A (Limited Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone) to IO (Institutional and Office Zone) and subject to the COZ-1 (Corridor Overlay Zone).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from C-1A (Limited Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone) to IO (Institutional and Office Zone) and subject to the COZ-1 (Corridor Overlay Zone) on that property located on the south side of Forest Street and east of Gibbs Drive at 870 - 872 Forest Street, consisting of 0.7473^{+/-} acres (32,552^{+/-} S.F.), owned by Bennie Smith Real Estate, LLC. (Tax Parcel: ED-05-076.12-01-08.00-000; Planning Reference: Z-17-05; Council District: 4).

ADOPTED: SEPTEMBER 11, 2017

COUNCIL COMMITTEE OF THE WHOLE REPORT/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - AUGUST 15, 2017 - PROPOSED AMENDMENT TO COMMITTEES, COMMISSIONS, AND BOARDS APPOINTMENT PROCESS

During their Regular Meeting of August 28, 2017, due to the absence of Councilmen Hare and Lewis, members of Council deferred action on this item. Council President Slavin reminded members that this item was forwarded to City Council with no recommendation by the Committee.

Mr. Lindell moved to amend the existing process to allow those members being considered for Committee re-appointments to have the option of either updating their previously submitted application or requesting that their previously submitted application be considered. The motion was seconded by Mr. Polce.

Mr. Lewis advised that, not more than a year ago, the Committee of the Whole asked he and Councilman Anderson to come up with ideas to revise the recruitment process for the City. He noted that they took their time and came up with various ideas, which were voted upon unanimously by both the Committee of the Whole and City Council. Mr. Lewis stated that he thought the current process was good and that it did not need fixing, noting that it had already been amended by removing the resume requirement. He advised that his concern was the conflict of interest portion of the application, which he thought should be reviewed annually for people to make adjustments. Mr. Lewis also expressed concern with changing rules that had been implemented.

Mr. Lindell stated his feeling that the City's ordinances and processes should be flexible and based on the needs of the people. He noted the importance of Committees and the need to know what district members live in and some background on those individuals initially. However, the process of having people re-apply over and over again, especially when they have served the City for quite a long time, could be improved by having them update the application they have already submitted, if they so choose. Mr. Lindell stated his feeling that the annual application requirement was another bureaucratic layer that is unnecessary.

In response to Council President Slavin, Mr. Lindell and Mr. Polce agreed that if a current member had never submitted an application, a baseline application for them would be required.

Mr. Neil thanked Councilmen Anderson and Lewis, feeling that their efforts have yielded results in the area of recruitment. He advised that he had no objection to the amendments and noted that the discussion of amendments related to the Ethics Commission the following evening would have a greater impact on every member of City Council.

Mr. Anderson stated that he shared Mr. Lewis' concerns and, although he was open to amendments that would allow appointees to review and update their applications, he wanted to be careful to maintain the reforms that had been implemented.

Mr. Hare stated that he could understand having an application; however, he thought it would be acceptable to ask members who had served for 10 or 12 years if there was anything that had changed that would cause a conflict. He stated that he thought, because the City was asking them to serve, completing the initial application should be the responsibility of the appointing member.

Mr. Sudler advised, for the record, that he was not in disagreement with revisiting or adjusting an ordinance; however, he was concerned with City Council being perceived as indecisive in implementing new ordinances. He noted that he believed that there needed to be a tangible tool to assess the effectiveness of new ordinances and without any research data to support a change in an ordinance, he could not support the motion. Mr. Sudler advised that if there were tangible data and research provided with the request indicating that this is or could potentially become a problem, then he would have no problem making the proper adjustment at that time. He stated that he respected the spirit of making the process better.

Mr. Lindell called the question. The motion was seconded by Mr. Polce and carried by a unanimous roll call vote.

The motion to amend the existing process to allow those members being considered for Committee re-appointments to have the option of either updating their previously submitted application or requesting that their previously submitted application be considered, stipulating that a baseline application be on file for all appointees, was carried by a roll call vote of six (6) yes (Neil, Cole, Polce, Hare, Lindell, and Slavin) and three (3) no (Anderson, Sudler, and Lewis).

Mr. Sudler moved for acceptance of the Council Committee of the Whole/Legislative, Finance, and Administration Committee Report of August 15, 2017 - Proposed Amendment to Committees, Commissions, and Boards Appointment Process. The motion was seconded by Mr. Neil and unanimously carried.

COUNCIL COMMITTEE OF THE WHOLE REPORT - AUGUST 29, 2017

The Council Committee of the Whole met on August 29, 2017 at 6:03 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Polce (departed at 6:50 p.m. and returned at 6:51 p.m.), and Mr. Lindell. Mr. Lewis, Mr. Cole, and Mr. Hare were absent. Mayor Christiansen was also present (departed at 6:37 p.m., returned at 6:39 p.m., and departed at 7:00 p.m.). Civilian members present for their Committee meetings were Mr. Garfinkel (*Safety Advisory and Transportation*), and Ms. Arndt (*Utility*). Mr. Shelton (*Safety Advisory and Transportation*) was absent.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee met with Council President Slavin presiding in the absence of Chairman Lewis.

Viability of the Shotspotter Gunshot Detection and Location Service (Anderson)

During the Council Committee of the Whole/Safety Advisory and Transportation Committee Meeting of July 26, 2016, members discussed the Viability of the ShotSpotter Gunshot Detection and Location Service and deferred the item for further investigation. During the Council Committee of the Whole/Safety Advisory and Transportation Committee Meeting of August 23, 2016, Marvin Mailey, then serving as Deputy Police Chief, addressed the questions that members had posed during the July 26, 2016 meeting discussion of this item.

Mr. Anderson indicated that this matter was a very important issue in the City. He stated that, in spite of the fact that the City has one of the finest police forces in the region, there is a human element when it comes to shootings. Mr. Anderson explained that, from his experience, it can be very hard to tell exactly where shots are coming from because of echoes and ricochets. He advised that the City's police officers usually respond to calls regarding shootings within a couple of minutes but are often spread out because they are not sure where the problem is. Mr. Anderson noted that officers had been very effective in dealing with the problems and apprehending suspects very quickly or finding weapons that escaping suspects had gotten rid of; however, the question was what more could be done to help officers be more efficient. Mr. Anderson stated that a new ShotSpotter-type technology was developing and had been tested, and he noted that he did not think the City should be limited to any particular vendor. He explained that this technology helps to pinpoint exactly where gunfire comes from and had been used in some places with great success. Mr. Anderson noted that the technology was less successful in other places, particularly where the police are advised exactly when and where an incident occurs and it takes them 15 or 20 minutes to appear, which is not a problem with the police force in Dover. He advised that it is important to put so much heat on the criminals that they know the risk of getting caught is too high and find somewhere else to go.

Mr. Anderson advised that members had considered this type of technology a year ago and found it an intriguing and promising prospect; however, the price tag was understandably an issue and there was a need to research where to get money. He noted that new technology by GE made this matter worthy of discussion, explaining that GE now had ShotSpotter sensors with LED lights, with the benefit of brighter lights and associated cameras. Mr. Anderson indicated that there were now also ShotSpotter sensors on existing infrastructure, instead of having to go through the expense of trying to put sensors in buildings, etc., and having to build an entirely new meshed infrastructure. He stated that the LED lights would allow for obtaining energy-saving grants, and public safety grants could also be obtained. Mr. Anderson advised that, in checking with Representative Sean Lynn and Senator Colin Bonini and having them research this, it looked like ShotSpotter would also qualify for transportation spending, which would open up an entirely new realm of possibilities and definitely had the support of at least these two (2) members of the legislature. Mr. Anderson advised that Police Chief Mailey had been doing technical research.

Police Chief Marvin Mailey stated that ShotSpotter had partnered with GE and AT&T in an endeavor to expand upon the standing ShotSpotter platform. He advised that this expansion would not entirely replace the existing platform and ShotSpotter would still have to locate microphones on structures; however, the new technology would expand the reach by putting them in light fixtures as well. Chief Mailey noted that you cannot have a ShotSpotter system that is independent of microphones being affixed to buildings. He stated that this harbor system would be slightly cheaper and provide the same coverage as far as ShotSpotter detection, noting that the City had previously looked at a footprint of roughly five (5) to six (6) miles. Chief Mailey

indicated that the City would lease the system by contract, and the down side was that when the contract is up, if the City did not pay for the product in the outgoing years, it would not own it.

Chief Mailey noted that he had previously spoken about a product called Verbi that costs more at the initial time of purchase, and the City would have to pay for the service as well; however, the City would not pay for hardware in the outgoing years. He explained that the ShotSpotter setup with AT & T and LED is very new, was currently being test piloted in a few areas, and there were no test results yet regarding its success. Chief Mailey advised that, earlier in the day, he had requested documentation from a salesperson. He stated that this individual was unable to produce documentation because the setup was so new, but he offered to send a complete layout of the cost to outfit the City when it becomes available. Chief Mailey stated that he believed the previous cost sheet from last year indicated a cost of \$195,000 per year.

Mayor Christiansen stated that he and Chief Mailey met with ShotSpotter representatives approximately two (2) months ago, and he and former Chief Bernat met a number of times with ShotSpotter, as well as the City of Wilmington, to track their success.

Chief Mailey stated that ShotSpotter representatives advised that the first-year cost would be \$235,000 and the initial year costs approximately \$40,000 more than the outgoing yearly cost of \$195,000. He indicated that representatives also provided guidance on grants and advised the City to reach out to stakeholders. Chief Mailey informed members that he had obtained contact information and emailed one (1) a representative from the Department of Housing and Urban Development (HUD) asking if they had time to talk about the feasibility of helping the City to fund the ShotSpotter technology. He noted that the ShotSpotter salesman had advised that reaching out to HUD and perhaps the local hospital would probably be the best options. Chief Mailey indicated that he had not spoken with the CEO of Bayhealth Medical Center, stating that it would be difficult to ask someone that he does not know for approximately \$200,000; however, he stated he would reach out to him. He noted that the cost of the product was tremendous; however, it would greatly help the Police Department's capacity to respond to shots fired complaints and put officers at the spot where they need to be without guesswork. Chief Mailey explained that, within seconds of shots being fired, this is relayed through a network to a response or receiving center where they analyze the shot, verify that it was a shot, and transmit it to the local police department so that officers can be deployed to the exact location. He stated that this approach had been somewhat successful in a lot of cities, and others had not liked it at all. Chief Mailey noted that he had spoken with Police Chief Robert Tracy in Wilmington, where the technology had been used for several years, and Chief Tracy was not against it but was not overjoyed with some of the results he had seen.

Mayor Christiansen stated that he would facilitate a meeting with Mr. Terry Murphy, President and Chief Executive, Bayhealth Medical Center.

Mayor Christiansen informed members that one (1) of the first contacts they had with ShotSpotter was when Attorney General Matt Denn released some of the funds from the Bank of America settlement; however, it proved to be cost-prohibitive. He noted that there had been an ongoing research process since that time, during the regime of former Chief Paul Bernat and the succession of Chief Mailey. Mayor Christiansen stated that he had discussed this topic at the Conference of Mayors in Washington in January and was provided with maps with some of the statistics. He indicated that, because of the City's tight budget situation, the City would have to rely on grant monies and also hunt for funds through its own resources to facilitate this program to any extent. Mayor Christiansen advised that, if the City is committed to this program and becomes reliant on it, it will be an ongoing expense for which Council will have to assume the costs. He explained that the City had received grants for the police cadet program, which was self-sustaining for 18 months, and the City then had to pick up the costs. Mayor Christiansen stated that the system is proprietary and the equipment would eventually be turned over to the City after the initial contract.

Mayor Christiansen stated that he was not 100% convinced of the success of the program. He noted that he had talked to Mayor Bill de Blasio from New York City, who indicated that they were very happy with their system. Mayor Christiansen advised that New York's response time was probably not as rapid as the Dover Police Department's. He indicated that when they spoke to the City of Wilmington initially, Wilmington was reporting moderate success. Mayor Christiansen stated the need to think about whether to move forward with this program and to consider not only the success of the program but also the actual budget cost.

Mr. Anderson indicated that the ShotSpotter people had been more responsive than those from Verbi and asked what the annual cost of service would be for Verbi. Responding, Chief Mailey stated that the startup cost would be approximately \$350,000. He indicated that after that there would be a cost for the monitoring service, which he imagined would be much cheaper; however, he could not put a dollar figure on it without verifying it with Verbi. Mr. Anderson noted that this cost would make a difference and stated the need to look at various options.

Mr. Anderson stated that the spike in problems with shootings had largely been driven by drug turf, due to changes in leadership and other items, and may not be a permanent situation. He asked, if the City went with a leased system and could get the number of shootings down, whether the City could reassess whether or not to keep the system after a five-year contract. Responding, Chief Mailey stated that this would be an option with ShotSpotter. He advised that the hardware is purchased with Verbi and would belong to the City, and the City would pay for the service cost. Chief Mailey noted that the problems regarding drug turf and increases in shootings had been identified and addressed quite successfully. He explained that the Police Department was making a lot of progress, they had great people who were working

hard, and they had a good plan that was working. Mr. Anderson stated that the Department does have good people and asked Chief Mailey to let them know that Council supports them in their efforts.

Mr. Neil stated that, when members considered this matter previously, the area being discussed was very narrow. He indicated that the question was, when looking at a pot of money to help protect citizens, whether it should be spent to cover three (3) to five (5) miles versus the City's entire area. Mr. Neil noted that members were weighing whether this money could be used for additional cadets, services, or other things, stating that he would look to Chief Mailey to give members an idea of how this would be spent. He stated that it was wonderful to look at the technology, noting that the price usually comes down as progress is made; therefore, this could be something to look forward to. Mr. Neil noted that if City was to spend this enormous amount of money to cover three (3) to five (5) miles, when the City is much larger, he was concerned about problems in the Third District in the White Oak and Towne Point area. He stated that he was delighted that Chief Mailey was looking at what was available and he looked forward to Chief Mailey providing members with information regarding how he feels the money could be spent and how they can help him to do a better job.

Mr. Polce stated that he echoed some of Mr. Neil's concerns. He advised that, as the second-newest member of Council after Mr. Lindell, he tries to do research for every Council meeting. Mr. Polce advised that he had the opportunity to ride with a Dover police officer a little over a month ago, and it was amazing what they do with their limited resources. He explained that, on this rainy Thursday evening, there were 12 patrol units on the street by the computer system; however, due to vacation, sick time, etc., there were approximately nine (9) officers to patrol a city of 40,000 plus. Mr. Polce indicated that their response time, going from the Wawa on Route 8 across town, had been very fast.

Mr. Polce stated that, from his research regarding ShotSpotter and this type of technology, he had immense concerns regarding the financial allocation, practicality, functionality, and potential legal implications that the City could be exposed to. He noted that some cities had used this technology very well and implemented it with success; some stated that there had been a 10% reduction in shooting incidents, which was amazing; and some had reported a nominal decrease. Mr. Polce stated that most concerning was research he pulled from around the City of Oakland, California, where there were a number of pending legal cases that were now finding their way through the circuit court based on this technology. He explained that the American Civil Liberties Union (ACLU) had picked up on this, and this had made him pause and really deliberate on the necessity of this technology. Mr. Polce advised that in Oakland there had been claims that this technology had been able to identify specific voices, and those voices had been used to prosecute individuals, arguably without true discretion. He stated that this would open a massive door to technology surveillance policing and the question of where Big Brother stops. Mr. Polce advised that he unequivocally supported the Dover Police Department;

however, he indicated that they needed more officers and to re-engage community policing to really make an impact. He stated that, with these concerns within the court system and the limited information that they had, especially when looking to spend a quarter of a million taxpayer dollars, members could not make a sound decision. Mr. Polce also stated concerns regarding the scientific validity of the statistics gathered about the success and the success rate. He noted, as an academician, he looks at data and sees that it may not be that valid. Mr. Polce indicated, as a social scientist, that members could find greater value in Centers for Disease Control (CDC) data, gun violence data nationally, and in identifying where the City's issues are in the census block.

Mr. Polce advised that he agreed absolutely with Chief Mailey and commended him on targeting specific areas and then making sure that the patrolmen are right there. He explained that on the rainy Thursday night that he mentioned, there were two (2) reports of gunshots, and when participating in the ride-along, they were at both scenes within 90 seconds after coming across town. Mr. Polce stated that the Police Department's work is amazing and the City's resources need to be spent in the form of bodies, community policing, letting Chief Mailey and his Department come up with the proposal that makes the most sense.

Mr. Polce moved to table the matter until members have additional information, seconded by Mr. Lindell.

Mr. Sudler asked Chief Mailey for his thoughts regarding whether this technology could be utilized right now versus more police officers. Responding, Chief Mailey stated that there is nothing that trumps an officer in a squad car being able to respond to the area. He noted that the technology would put officers at the exact spot and there would be no guesswork for looking around; however, as Mr. Polce stated, on a night when there are 12 officers on paper but two (2) out on Family Medical Leave Act (FMLA) leave and one (1) injured, ShotSpotter cannot fill that void. Chief Mailey stated that ShotSpotter would get officers to the spot quicker. He explained that, although he would like to ask for additional police officers, he had not done so and did not plan to, noting that he takes the resources that he has. Chief Mailey informed members that changes were being made within the Police Department to fully staff the patrol unit by robbing Peter to pay Paul, and had done so for the last several years while he was a member of staff and in a position to be a part of those meetings and conversations. He stated that technology is great and is used to help the Department perform more efficiently; however, he would always rather have the manpower.

Mr. Slavin indicated that he was hearing a healthy amount of skepticism, which was not necessarily a bad thing. He stated that tabling was the proper action to take because members did not have enough information to make a recommendation. Mr. Slavin indicated that he had a procedural concern and stated his assumption that this item would be part of a request for next fiscal year's budget, rather than a mid-year expense. He noted that there was not \$195,000 laying around that members

wished to spend. Mr. Slavin advised that he encouraged continuation of this discussion, which would inform the draft budget and the budget that would eventually come forward. He stated that, philosophically, he would rather see the City's money spent on reducing the number of shootings than responding to them faster. Mr. Slavin noted that the technology was interesting; however, he thought the gain would be better before the shootings occur than after.

Mr. Anderson stated that members would not have to make an either/or choice because the money for the technology would not be money that could be spent on the officers if the City had these particular grants. He indicated that energy grants and transportation funds, which could be used for lighting upgrades and other issues, as well as crime grants, would not go toward hiring police officers. Mr. Anderson advised that hiring officers could be discussed, noting that he had always been supportive of this and had supported the addition of police officers three (3) times while on Council. He stated that unless enough officers would be hired to put substations in every neighborhood, which he did not see the City heading toward, technology would be needed to help officers. Mr. Anderson noted that hiring 30 more officers was not part of the discussion or budget.

Mr. Anderson stated that one (1) of the reasons this matter had been brought up was because it was time to do research on grants and to include this as part of discussion when a public service fee is brought up and when looking at new transportation funds coming in. He indicated that it was currently time to have this discussion because the City would be looking at public money that could be coming in for public safety. Mr. Anderson stated there was a need to know what mix of technology and people would best serve, noting that he fully supports both.

Mr. Lindell stated that he agreed with Mr. Anderson that discussion is good on issues that can help the Police Department with crime in the City; however, he likes to rely on the experts in the field. Having also done a ride-along, he stated that he could vouch for the speeds of those rides, and the Police Department's response time and professionalism were excellent. Mr. Lindell indicated that he had to take Chief Mailey's word that they were making progress and suggested letting the experts continue to quarterback the situation and come to members to further the discussion if they need something. He stated that he did not necessarily want to invest in something that the City would be on the hook for leasing year after year, after buying the hardware, or to put future Councils in the same position.

Responding to Mr. Lindell, Mayor Christiansen estimated that the cost of putting an officer on the street at roughly \$82,000 - \$84,000, including salary, training, and benefits and not including a car.

Mr. Lindell asked if this equipment or two (2) more police officers on the street would make a bigger difference in helping to reduce the shootings. Responding, Chief Mailey stated that he would rather have the two (2) officers. He noted that he had heard the concern from Council and the community, and the Dover Police

Department had established why there had been so many shootings in the City and was addressing the problem. Chief Mailey advised that the problem was not a broad sweep where they had no idea who was committing the shootings. He explained that they knew who was committing them, they had the Department's attention, and the Department had been making policing and tactical decisions to remove them from the streets of Dover. Chief Mailey stated that he thought members would be very happy with the results at the end of this project.

Mr. Lindell stated that he relies on the advice of present and past experts. Referring to the Council Committee of the Whole Report of July 26, 2016, he noted that former Councilman James Hutchison had stated that this equipment could be considered; however, when the price tag is considered, he felt that putting boots on the ground and possibly paying extra duty officers to become more involved in community policing would provide a better value than this device. Mr. Lindell stated that former Councilman James Hosfelt had some of the same skepticism about the program as well. Mr. Lindell suggested letting the Police Department do what they need to do and come to members if they need assistance and a discussion of what they need to get the job done.

The Committee tabled the matter until members have additional information.

Quarterly Briefing on Dover/Kent County Metropolitan Planning Organization (MPO) Projects

Mr. James Galvin, AICP, Principal Planner, Dover/Kent County Metropolitan Planning Organization (MPO), advised members that the executive director of the MPO had left as of June 30, 2017 and the MPO was currently searching for a new executive director. He stated that they had received applications and anticipated a review process and potential hiring by October.

Mr. Galvin informed members that one of the most important projects the MPO was working on was the Dover Parking Study. He advised members that the MPO had provided several public comment opportunities during the last couple of months, with the most recent meeting held on Thursday, August 24, 2017. Mr. Galvin reviewed an updated presentation entitled "Downtown Dover Parking Study," dated August 24, 2017, noting that it was the version of the presentation that was presented to the Dover community on August 24, 2017.

Referring to the graph on page 4 of the presentation, Mr. Galvin noted that he believed that the red area labeled "Off-Street Parking Takes this much space" was actually representative of on-street parking. In reference to page 7 of the presentation, he informed members that the MPO is going to suggest that the consultants not use the graphic of the disembodied parking lot because it is confusing and they received many comments regarding it during the public workshop.

Referring to the Cost of Parking, page 9, Mr. Galvin informed members that there were comments during the public workshop that Dover should not be compared with

Wilmington; Newark; Annapolis, Maryland; or Media, Pennsylvania, because Dover is more like Smyrna and Milford. Mr. Galvin advised that he disagreed with these comments and thought that Dover was more like Newark.

Mr. Galvin noted that there would not be any spots gained with Potential Improvement Scenario 1; 40 spots would be gained with Scenario 2; 40 spots would be gained with a combination of Scenarios 1 and 2; with Scenario 3, 22 spots would be gained out of the 1,800 that they counted; Scenarios 2 and 3 would provide a total gain of 62 spots; and 318 spots would be gained with Scenario 4, the garage.

Mr. Sudler asked if there was any projected profit forecast for the \$4M or \$100,000 options. Responding Mr. Galvin explained that the consultant had not done a profit forecast yet and he had not had the opportunity to do one himself. He stated that he expected that the profit forecast would be included in the final report.

Mr. Neil informed members that he had attended the community meeting on August 24, 2017 and he thought that the report and the personnel there anticipated virtually every question he had to ask and they did it well. He noted that the presentation also included directional signage, which he thought was a very important component. Mr. Neil stated that the fact that there are a number of places where you need a permit was also discussed. He noted that he thought that the City charges a permit fee, which is probably less than the amount that should be charged, explaining that it could help pay for the additional parking.

Mr. Neil stated that he was very familiar with Annapolis and, because it is a capital city, parking is difficult to come by. He explained that there are a lot more stores and a lot more activity because of the Naval Academy, and they can afford to drive up the prices of parking, since there isn't any. Mr. Neil noted that Annapolis and many other cities in Maryland have parking garages, and stated that he thought that a public-private partnership may be able to be brought in to provide that additional parking. He indicated that he provided one of the Langan representatives with contact information for Ms. Wendy Vestfall, Executive Director, Kent County Tourism, because he thought a synergy could be worked out between tourism and parking. Mr. Neil stated that the more we can do to make it easier for people to come and to park, the better it will be for the merchants and the City as a whole.

Mr. Galvin, referring to page 22 of the presentation, informed members that there was discussion regarding having shared cars located somewhere in downtown Dover. He stated that he thought that this would really work if there was a parking garage to put the shared cars in, and he expected that to be one of the ideas included in the final report.

Mr. Galvin reviewed the Parking Study deliverables, indicating that the project management portion was simply getting the consultant to talk to the MPO and the second deliverable was stakeholder and public participation. He stated that the MPO had pushed them to make sure that they get good public participation. Mr. Galvin

advised that, for the last workshop, public notices went out three (3) or four (4) weeks ahead of time and were shared with the Downtown Dover Partnership (DDP) and posted on their website and the City's website. He stated that he thought that the result showed since more than 40 people attended the workshop.

Mr. Galvin advised that the next step was data collection and baseline analysis, which had been completed, and the consultant had gone into the alternatives analysis, which was included in the presentation. He stated that the fifth step would be a preferred plan which they are developing now, and the last is a final report. Mr. Galvin noted that the study was running behind schedule, explaining that the consultant's contract, which he believed was signed approximately one (1) year ago, stated that they would have it completed within six (6) months. He advised that he had only recently become involved with the study, since Mr. Rich Vetter left the MPO.

Referring to other MPO projects, Mr. Galvin advised members that they were finishing the Regional Bike Plan, which had a good public outreach component, and the public comment period had just ended. He stated that they were tweaking the plan, would be presenting it to the MPO Council in two (2) weeks, and would be happy to present it to City Council as well. Mr. Galvin noted that the request for proposals (RFP) for a Milford parking study was in draft.

Members were informed that the West Dover Connector was scheduled to open in September.

Mr. Anderson asked if parking apps were part of the discussion, noting that they would be simple, relatively inexpensive, and go well with signage. In response, Mr. Galvin advised that parking apps had not been part of the discussion so far. He noted that this was brought up during the last workshop, and he was certain the consultants would be happy to provide an app at an additional cost. Mr. Slavin stated that, based on his personal experience, the apps work very well and are very convenient.

Mr. Anderson advised that he had heard a concern about morning and afternoon rush hour traffic and the difficulty getting onto Governors Avenue and New Burton Road from Crossgates. He asked if there had been any studies on those types of traffic patterns. Responding, Mr. Galvin advised that, to an extent, New Burton Road is going to have more traffic when the West Dover Connector opens, because there is an exit off the West Dover Connector to New Burton Road at the Boys and Girls Club and County facility. He stated that the MPO had not done a study on New Burton Road and he did not think one had been done in a while. Mr. Galvin recalled that the biggest thing that came out of the MPO for New Burton was getting pedestrian facilities, noting that there were not currently any. He indicated that he thought that New Burton Road would be one of the more difficult streets to discuss additional lane area for, if that was an alternative, given the constraints in the area

between the railroad tracks and the property owners to the east. Mr. Galvin stated that it is something that the MPO may want to look in future years.

Mr. Anderson stated that there was a suggestion a while ago for the West Dover Connector to be named after William Penn, and he asked if that had been given any consideration or if there was a naming convention. Responding, Mr. Slavin stated his belief that it had been named the POW-MIA Highway. Mr. Galvin noted that it had been named and the MPO was not involved in the naming.

Mr. Kirby Hudson, Assistant City Manager, informed members that he had attended the community meeting of August 24, 2017 and, during that meeting, he stated that he thought that the wayward signs were great; however, signage on Route 1 had not been mentioned. He advised that the consultants said that they would put that in the notes.

Quarterly Update - Bicycle/Pedestrian Subcommittee

Mr. David Hugg, Acting Director of Planning and Community Development, reviewed the Bicycle and Pedestrian Subcommittee Quarterly Update for August 2017.

UTILITY COMMITTEE

The Utility Committee met with Council President Slavin presiding in the absence of Chairman Cole.

Dedication of Rights-of-Way and Public Infrastructure - Garrison Oak Technical Park

Mrs. Donna Mitchell, Acting City Manager, advised members that the Department of Public Works had requested that all public infrastructure improvements related to the Garrison Oak Technical Park be dedicated to the City of Dover for permanent ownership and maintenance. Referring to the list of public improvements, she noted that since the City of Dover was the developer of this project, the contractor, account number, and project codes associated with the specific infrastructure were notated. Mrs. Mitchell stated that the total construction value of capitalized public improvements was \$12,241,583.21, the final budget was \$12,983,000, and the total expenses with non-capital was \$13,078,497.53. She explained that the total expenses amount was different because it included the engineering costs and items that were not being capitalized.

Members reviewed a map depicting the general location and configuration of the subject rights-of-way. Mrs. Mitchell noted that all construction aspects had been completed to meet the City of Dover Standards and Specifications for Public Works Construction as well as the Water/Wastewater Handbook, and a one (1) year Maintenance Bond and a Release of Liabilities would be submitted as part of the dedication process. She stated that required as-built drawings of the infrastructure as well as videos of the sanitary sewer mains had been provided to staff.

Staff recommended acceptance of the dedication of rights-of-way and public infrastructure of the Garrison Oak Technical Park. Dedication is to include all of the referenced public improvements.

Responding to Mr. Slavin, Mrs. Mitchell confirmed that this was a pro forma action, explaining that at the conclusion of a City project, the City dedicates the streets and accepts them.

The Committee recommended acceptance of the dedication of rights-of-way and public infrastructure of the Garrison Oak Technical Park, as recommended by staff. Dedication is to include all of the referenced public improvements.

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

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

MONTHLY REPORTS - JULY 2017

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

- City Assessor's Report
- City Council's Community Enhancement Fund Report
- City Manager's Report
- City Planner's Report
- Controller/Treasurer's Budget Report
- Fire Chief's Report
- Police Chief's Report

ACTING CITY MANAGER'S ANNOUNCEMENTS

Mrs. Donna Mitchell, Acting City Manager, reminded members that leaf collection would begin in October and that the dates would be posted.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Sudler thanked each and every Councilperson and City Staff for coming out and supporting the revitalization of Dover Park. He thanked Council President Slavin, Mrs. Mitchell, Acting City Manager, Mr. Hugg, Acting Director of Planning and Community Development, Mrs. Duca, Director of Public Works, and staff members Mr. Eddie Diaz and Ms. Carolyn Courtney for helping with the event. Mr. Sudler advised that it was a great time attended by a lot of kids and adults. He stated that he was looking forward to holding more events at Dover Park.

Mr. Slavin thanked Mr. Sudler for leading the effort, noting that for the brief time that he was there, it was wonderful to see the amount of people and the wide range of ages of the people who were using the park for what it was designed to be - an area of respite and rest and comfort in their neighborhoods.

Mr. Neil advised that September 20, 2017 would mark the start of the Jewish New Year and he wished a Happy New Year to the members of the Jewish faith of the Dover community.

Mr. Lewis thanked Councilman Sudler for organizing the event and uniting the community at Dover Park. He advised that the event was phenomenal and everybody had a good time.

Mr. Anderson concurred with the comments previously made regarding the Dover Park event and congratulated Mr. Sudler on his award-winning bbq ribs.

Mr. Anderson advised that he had been asked why he supported the transfer of the Dover Public Library to Wesley College and he answered by listing all of the streets that are in high need of reconstruction in the City of Dover, which the money had not been available for until now. Mr. Anderson noted that this was an important part of what they were doing.

Mr. Sudler stated that all of the individuals that participated in the rib-off were winners because they were doing something selfless for the community and that impacted the whole community. He advised that he accepted the rib-off trophy on behalf of not just himself, but also the others. Mr. Sudler stated that all those who participated in and supported the event, whether they were there or not, were all winners.

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

Meeting adjourned at 8:01 p.m.

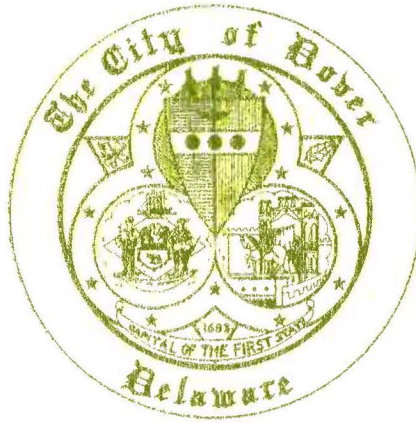
TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of September 11, 2017, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM

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CERTIFICATE OF APPRECIATION

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

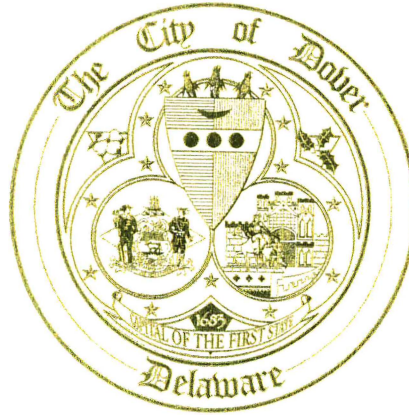
***Lea Hardesty
Lydia Klecan
Teresa Peña***

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

September 25, 2017

***ROBIN R. CHRISTIANSEN
MAYOR***

***TIMOTHY A. SLAVIN
COUNCIL PRESIDENT***



PROCLAMATION

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


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

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

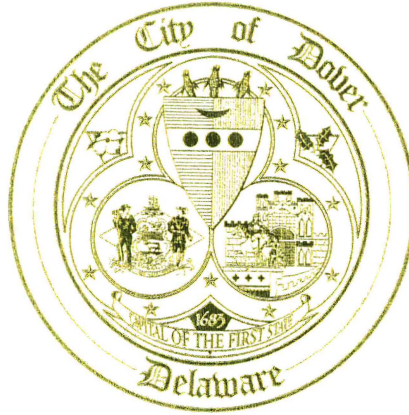
NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim October 2017 as

Cyber Security Awareness Month

in the City of Dover and urge all citizens to learn about cyber security and put that knowledge into practice.



ROBIN R. CHRISTIANSEN
MAYOR



PROCLAMATION

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

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

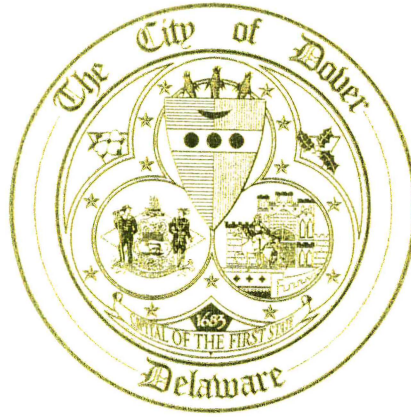
WHEREAS, residents are reminded to close doors behind them as they leave a burning building to slow the spread of smoke, heat, and fire and, once outside, to stay outside and never re-enter a building on fire.

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim October 8 – 14, 2017 as

Fire Prevention Week

in the City of Dover and urge all residents to understand that seconds can mean the difference between escaping safely from a fire and lives ending tragically. Residents are encouraged to develop a home fire escape plan with at least two exits from every room and to participate in the many public safety activities and efforts of fire and emergency service personnel.


ROBIN R. CHRISTIANSEN
MAYOR




PROCLAMATION

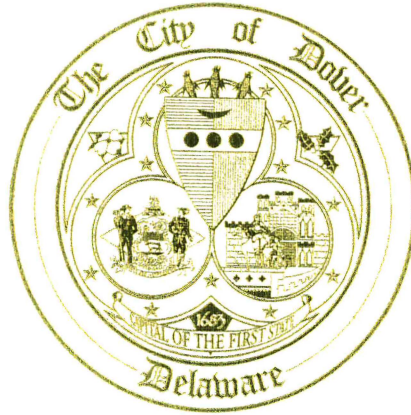
***WHEREAS**, the children of the City of Dover enjoy the fun and festivities associated with the observance of the Halloween Trick-or-Treat custom of emerging from their homes as ghosts, witches, princesses, cartoon characters, caped crusaders, or action heroes and traveling with friends and family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

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

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

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


ROBIN R. CHRISTIANSEN
MAYOR



PROCLAMATION

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


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

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

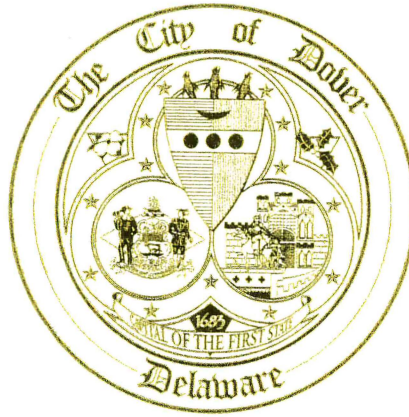
NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim September 24 – 30, 2017 as

National Adult Education and Family Literacy Week

in the City of Dover and urge all citizens to participate in the national Educate & Elevate Campaign, which helps our residents learn about Adult Education options to attain their professional and personal goals.



ROBIN R. CHRISTIANSEN
MAYOR



PROCLAMATION

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

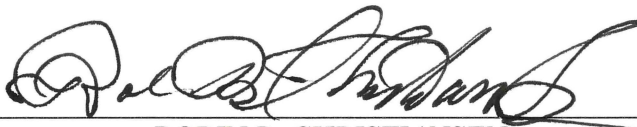
WHEREAS, the American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions that sound planning and plan implementation make to the quality of our communities and environment;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

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

NOW THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim the month of October 2017 as

NATIONAL COMMUNITY PLANNING MONTH

in the City of Dover, and encourage all citizens to join me in recognizing the participation and dedication of the members of the City of Dover Planning Commission and the valuable contributions made by community and regional planners and our partner agencies at the State and County level. We extend our heartfelt thanks for the continued commitment to public service by these professionals and private citizens.


ROBIN R. CHRISTIANSEN
MAYOR



PETITION TO AMEND THE ZONING DISTRICT

Public Hearing before the
Dover City Council
September 11, 2017

Applicants/Owners: Sarah E. Jones

Address: 826 Forest Street, Dover, DE
(Store Addressed as 828 Forest Street)

Location: South side of Forest Street between Gibbs Drive and Lincoln Street

Tax Parcel ID #: ED-05-076.12-01-16.00-000

Size: 0.5 acres

Present Use: Retail Establishment (Liquor Store)

Proposed Use: Retail Establishment (Liquor Store)

Comprehensive
Plan Designation: Mixed Use

Present Zoning: RG-1 (General Residence Zone)/COZ-1 (Corridor Overlay Zone)

Proposed Zoning: C-1A (Limited Commercial Zone)/COZ-1 (Corridor Overlay Zone)

Reason for Request: To allow the existing use to remain on site instead of sunset due to City Council action requiring the sunseting of nonconforming uses in residential zones

File Number: Z-17-04

Associated File Number: MI-16-13 Nonconforming Uses in Residential Districts

Ordinance Number: 2017-10

Planning Commission
Recommendation: Following a public hearing on August 21, 2017, where two members of the public spoke regarding the application, the Planning Commission moved by vote of 8-0 to recommend in favor of the proposed rezoning. (Draft Minutes attached)

Overview

The applicant's property consists of one parcel currently zoned RG-1 (General Residence Zone). This rezoning request would rezone the parcel from RG-1 to C-1A (Limited Commercial Zone). The property is also subject to the COZ-1 (Corridor Overlay Zone) and would remain as such following rezoning.

The Rezoning request is necessary due to the Planning Office's ongoing project, assigned by City Council in December 2015, to sunset nonresidential, nonconforming uses in the City's residential zones. This sunset is required under the *Zoning Ordinance*, Article 7 §1.53:

Article 7 Section 1. Nonconforming buildings and uses.

1.53 In any residence zone, any non-conforming use of buildings which is not permitted under the provisions of this ordinance may be continued for a period of:

- a) Twenty years after the effective date of this ordinance, or
- b) Forty years after the initial construction of the building containing such use or of any addition thereto adding 50 percent or more to the floor area occupied by such use,

Whichever is the longer period, provided that, after the expiration of that period, such nonconforming use shall be terminated. However, no such nonconforming use shall be permitted to continue for a period exceeding two years, unless such use shall be operated in conformance with performance standards established in article 5, section 8.

The effective date of the current *Zoning Ordinance* is April 21, 1975. As such sufficient time has passed that most remaining nonconforming uses in the City's residence zones must now be discontinued or brought into compliance with the *Zoning Ordinance*.

Existing Property

The property at 826 Forest Street is the location of a retail store (liquor store) building. The retail store is addressed as 828 Forest Street and situated on the western portion of the property. Available Business License records dating back to 1998, show a Merchant License for the business known as E&J West Dover Liquors. Though in a residential zone, this store is located next to and across from several commercially zoned properties. It has a small amount of frontage on Lincoln Street but no driveway access to it; access is from Forest Street.

Surrounding Land Uses:

The surrounding uses vary. Immediately surrounding this property on the east and south are residential properties zoned RG-1 (General Residence Zone) and with properties zoned R-8 (One Family Residence Zone) further to the south. Directly adjacent on the west also fronting on Forest Street are two parcels zoned C-1 (Neighborhood Commercial Zone) which include one-family residences. This property is part of the general area of single family dwellings is known as Lincoln Park. To the north of the subject property across Forest Street is a mix of zoning including C-1A (Limited Commercial Zone), and C-3 (Service Commercial Zone). The commercial uses in this area include a laundromat, car wash, and retail store.

Comprehensive Plan:

In the 2008 *Comprehensive Plan*, the Land Development Plan (Map 12-1 as amended, dated March 2012) recommends that this property be used for Mixed Use land use classification. Specifically, regarding Mixed Use in the downtown area, the *Comprehensive Plan* identifies the following goal:

Enhance the role of Downtown Dover as a major employment, residential and commercial center as well as the symbolic and cultural heart of the community, and recognize its unique heritage and historic resources. Provide for mixed use development allowing greatest variation of uses.

The Rezoning request is also consistent with the Land Use Classification of Mixed Use. Table 12-1: Land Use and Zoning Matrix specifies that the following zones are compatible with this land use classification. The property is not located with the Downtown Development Target Area.¹

- C-2 (Central Commercial) *within the Downtown Development Target Area only
- C-2A (limited Central Commercial)
- TND (Traditional Neighborhood Design)
- C-1 (Neighborhood Commercial)
- C-1A (Limited Commercial)
- RGO (General Residence and Office) *within the Downtown Development Target Area only
- R-8 (One Family Residential)
- R-7 (One Family Residential)
- RG-1 (General Residential)
- RG-2 (General Residential)
- RG-4 (Multi-Story Apartments)
- C-3 (Service Commercial)
- CPO (Commercial/Professional Office)
- IO (Institutional and Office)

Request for C-1A (Limited Commercial Zone)

The uses permitted in the C-1A zoning district are listed in Article 3 §12 of the *Zoning Ordinance*. See Code excerpt below.

Article 3

Section 12. - Limited commercial zone (C-1A).

12.1 *Uses permitted.* In a limited commercial zone (C-1A), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

- (a) Retail stores.
- (b) Personal service establishments.
- (c) Service establishments.
- (d) Restaurants.
- (e) Business, professional, and governmental offices.
- (f) One family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
- (g) Apartments and multi-family dwellings.

12.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

- (a) Drive-throughs accessory to a permitted use.

12.3 *Uses prohibited.* The following uses are prohibited:

¹ The 2008 Comprehensive Plan references the “Downtown Target Area.” This is equivalent to the “Downtown Redevelopment Target Area” as defined and whose boundaries are described in *Dover Code of Ordinances*, Appendix C.

(a) Fuel pumps and motor vehicle storage, sales, or repairs.

12.4 *Enclosed buildings.* All permitted uses and all storage accessory thereto, other than offstreet parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

12.5 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

12.6 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

The existing and proposed use as a retail store (liquor store) would be permitted in the C-1A Zone.

Corridor Overlay Zone

The provisions of the COZ-1 (Corridor Overlay Zone) in *Zoning Ordinance*, Article 3 §27 are established to “promote superior urban corridor development and the highest quality built environment.” There are a series architectural, parking, and landscaping guidelines that would be required by the COZ-1 zoning district, if redevelopment of the property is proposed.

Recommendation of the Planning Staff

And Recommendation of the Planning Commission:

Staff supports the rezoning request from RG-1 to C-1A. The zoning district of C-1A is in compliance with the *Comprehensive Plan* as the Map 12-1: Land Development Plan depicts property with a Mixed Use land use classification. The C-1A zone is the lowest density zoning classification that would permit a retail store utilized as a liquor store. There is another C-1A zoned property nearby. The property could be rezoned to C-1 (Neighborhood Commercial Zone), but in such a case it would still be a nonconforming use, albeit not in a residential zone because of the prohibition of liquor stores in the C-1 zone.

Staff recommends that the property remain subject to the COZ-1 (Corridor Overlay Zone) due to the frontage on to Forest Street. The purposes of the COZ-1 are to promote superior urban corridor development; to foster coordination and linkage among corridor properties; to preserve functionality and efficiency of the roadway for traffic movement; and to achieve a visually balanced streetscape environment friendly to the pedestrian and motorist. (*Zoning Ordinance*, Article 3 §27). This segment of Forest Street is a gateway into the Downtown area of Dover. The Staff recommendation was made without the benefit of hearing the comments of surrounding landowners and residents as the Public Hearing had not yet occurred.

Following a Public Hearing before the Planning Commission on August 21, 2017, where the application’s representative and two members of the public spoke regarding the proposed rezoning, the Planning Commission unanimously (of the members present) recommended in favor of the rezoning as proposed (8-0). See the included excerpt of the DRAFT Meeting Minutes of the August 21, 2017 Planning Commission meeting. The comments received from the other member agencies of the Development Advisory Committee (D.A.C.) are also provided.

ADVISORY COMMENTS TO THE APPLICANT:

- 1) **In accordance with the provisions of *Dover Code, Chapter 1, Sec. 1-13 Clean Hands (b) Obligations which must be current*, the City will be unable to grant final action on this Rezoning Application as property taxes are delinquent (as of July 31, 2017) for the involved property. All payments due to the City must be paid in full into order to complete the review process and receive any final approval.**
 - a. For questions regarding the property tax billing, you may contact the Tax Assessor's Office at (302) 736-7022.
 - b. As of August 31, 2017, the property taxes for this property had not been paid.
- 2) Formal Notice of Decision will indicate actions taken on this rezoning by the Planning Commission and City Council, and will indicate the resolution (or lack thereof) of the property's nonconforming use status.
- 3) The applicant shall be aware that following any decision made by City Council in regards to approval of this rezoning, that a Site Plan, Subdivision Plan and or appropriate Building Permits must be submitted to the Planning Department prior to the establishment of a new use or any construction activity on the site. The applicant should contact the Planning Staff to determine the appropriate review process for any proposed projects.
- 4) The applicant shall be aware that approval of any rezoning application does not represent a Building Permit, other construction activity permit approval, or authorization to establish a new use. A separate application submission showing any proposed improvements is required before issuance of permits by the City of Dover.
- 5) The business (retail store) located on the property is required to maintain a City of Dover Business License. The new licensing year started August 1st and the applicant should have received information on the process for renewal of the Business License. For questions and processing of Business Licenses, contact the City's Permitting & Licensing Division at (302) 736-7010.

Attachments:

- Excerpt from DRAFT Planning Commission Meeting Minutes of August 21, 2017
- Development Advisory Committee Comments from City of Dover Electric & Public Works Departments, City Office of the Fire Marshal, DelDOT, and Kent Conservation District
- Zoning Map Exhibit

CITY OF DOVER PLANNING COMMISSION

August 21, 2017

Excerpt from Meeting Minutes – DRAFT

Z-17-04 Lands of Sarah Jones at 826/828 Forest Street – Public Hearing and Review for Recommendation to City Council on the rezoning of one parcel of land totaling 0.5 acres+/- located on the south side of Forest Street between Gibbs Drive and Lincoln Street. The property is zoned RG-1 (General Residence Zone) and subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is C-1A (Limited Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Sarah E. Jones. Property Address: 826/828 Forest Street. Tax Parcel: ED-05-076.12-01-16.00-000. Council District 4. Ordinance #2017-10. *For this zoning map amendment, the First Reading was completed on July 24, 2017. Public Hearing before the Planning Commission is scheduled for August 21, 2017, and Final Reading/Public Hearing is scheduled before City Council for September 11, 2017. This application is associated with item MI-16-13: Nonconforming Uses in Residential District. The Rezoning is proposed in order to comply with City Council action requiring the sunseting of nonconforming uses in residential zones.*

Representatives: Ms. Jocelyn Jones, E&J West Dover Liquors

Mrs. Melson-Williams stated that this application is a rezoning application. It is in regards to the property located at 826 Forest Street. The store on the property is also addressed as 828 Forest Street. The property is on the south side of Forest Street between Gibbs Drive and Lincoln Street. Currently, the present zoning of the property is RG-1 (General Residence Zone) and it is subject to the COZ-1 (Corridor Overlay Zone). The application before us this evening seeks a zoning classification of C-1A (Limited Commercial Zone) with the property remaining subject to the COZ-1 (Corridor Overlay Zone). The reason for the request is to allow the existing use which is a retail establishment of a liquor store to remain on the site instead of sunseting due to its nonconforming use status in the residential zone. As mentioned, the property is currently zoned RG-1 (General Residence Zone) and the Planning staff has been working through a project City wide to identify non-residential uses that are non-conforming that happen to be located on properties that are zoned residentially. It is the location of a retail store; specifically, the E&J West Dover Liquors which has been that for a number of years at the existing building on the site. This application does not involve any construction or redevelopment of the property. It is strictly about the zoning classification of the property. Surrounding the site is really a mix of residential zoning classifications as well as some nearby commercial zones including C-1 (Neighborhood Commercial Zone), C-1A (Limited Commercial Zone) and also C-3 (Service Commercial Zone). Most of the commercial zones are specifically across the street from this property. With all rezonings, we have to look at the *Comprehensive Plan* and the *Comprehensive Plan* for this area identifies the appropriate land use classification as Mixed Use. When they refer to the land-use and zoning matrix, the classification of C-1A (Limited Commercial Zone) is in compliance with the *Comprehensive Plan*. Specifically, the types of uses that are allowed in the C-1A (Limited Commercial Zone) include retail stores, personal service establishments, restaurants, and a variety of types of offices. It does allow for one-family residences and apartments and multi-family dwellings as permitted uses. There are some conditional uses that

are allowed through a specialized process and then several uses that are specifically prohibited which in this case would include a prohibition of fuel pumps and any kind of motor vehicle storage, sales or repairs in that C-1A (Limited Commercial Zone) classification. The property is also subject to the COZ-1 (Corridor Overlay Zone) and this is a zone that adds a series of architectural, parking and landscaping guidelines should re-development of the property be anticipated.

With this application, the Planning Staff is supporting the rezoning request from RG-1 (General Residence Zone) to C-1A (Limited Commercial Zone) noting that the C-1A (Limited Commercial Zone) is the lowest density zoning classification that would permit this type of retail store within the zone. They also recommend that the property remain subject to the COZ (Corridor Overlay Zone). They have a number of advisory comments to the applicant including a notation that currently the property taxes are delinquent on this property. That is an item that must be taken care of before City Council can take final action on this specific property and its rezoning request. There are comments from the participating Development Advisory Committee agencies but most of those comments indicate no objection to the rezoning of the property. They just identify some advisory comments should re-development in the future be anticipated by the property owner. Tonight, the Planning Commission is making a recommendation in regards to the rezoning of the property. The Planning Commission's recommendation after the public hearing will be forwarded to City Council. City Council will conduct their own public hearing and take all of the items and information under consideration before they take final action on the rezoning.

Mr. Holt questioned if there have been any problems or difficulties with the liquor store in that neighborhood or from the neighbors? Responding to Mr. Holt, Mrs. Melson-Williams stated that Planning Staff did have several people that did come in to inquire about the application that was filed because they received notice but they did not seem to indicate any issues with the property itself. There is public here this evening that you may hear from. The types of code violations that the property has had over the years have been related to licensing requirements for being slightly late on their Business License for the year and things of that nature.

Mr. Tolbert stated that the review process cannot be completed as long as taxes are delinquent. Will any action that the Planning Commission takes be impacted by the outstanding taxes that are due? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that the indication from the Planning Staff is that they are continuing to move it through the process in hopes that the applicant will take care of that before they get to the final step in the process which is action by City Council. When this application initially started the review process, taxes were not yet due and they were due by July 31, 2017 which was mid-way through the process. The portion of the Ordinance that they are referring to is the Clean Hands Provisions of the *Dover Code of Ordinances* which require applications, permits, licenses and the like to be current with all obligations to the City and that would include paying taxes.

Ms. Jocelyn Jones stated that she was here on behalf of E&J West Dover Liquors and she is in agreement with the review that was just heard.

Mr. Tolbert opened a public hearing.

Ms. Amelia Howard – 814 Forest Street Dover DE 19904

Ms. Howard stated that she has no problem with them rezoning the liquor store which is 828 Forest Street but 826 Forest Street used to have a house there and is residential. Why can't that property remain residential and 828 Forest Street go to commercial? If they rezone it and the property is sold, then you don't know what's going to be put there.

Responding to Ms. Howard, Mrs. Melson-Williams stated that the information that they have indicates that the property is one large property. It is not two separate lots meaning that the store on one lot and where the house was is on another lot. The City's records indicate that it is one large tract of land and they typically rezone the entire parcel. The C-1A (Limited Commercial Zone) that they are seeking does allow for a single family residence or for an apartment or multi-family building as a use on the property. So that vacant area could still be used as residential under the proposed zoning if that is successful.

Ms. Howard stated that she doesn't have a problem with that being a residential area. She just doesn't want them to expand out with a bigger liquor store or something like that because they have a lot of traffic on that street. Most of the time she has to go east to a back street to go west from her house and so do her neighbors. If they put something bigger there it's going to be even more congested.

Responding to Ms. Howard, Mr. Tolbert stated that if they want to put something bigger there at some point, they are going to have to come before this Commission and everyone will have an opportunity to address that issue at that time.

Mr. Victor Giangrant – Westside Car Wash, 805 Forest Street Dover DE 19904

Mr. Giangrant stated that he owns Westside Car Wash. They are adjacent to the liquor store. It is quite interesting working next to a liquor store. He picks up beer cans and whiskey glass every day. His customers get panhandled every day. There are people hanging out along side of the liquor store in a drunken stupor yelling and screaming obscenities. It's a tough place to do business when you have that type of environment so he is against it. Although he is pro-business, he doesn't think that a liquor store is the proper place in a residential area in his opinion.

Mr. Tolbert closed the public hearing.

Dr. Jones questioned if the applicant understands and accepts the concern about the taxes, that it will not go further in all probability? Responding to Dr. Jones, Ms. Jones stated yes.

Mr. Tolbert stated that he would like to hear the applicant's response to Mr. Giangrant's concerns. Responding to Mr. Tolbert, Mr. Jones stated that she has not had any complaints and

there hasn't been any beer cans or bottles around the area of the liquor store. His employees drink there very much so the empty cans and bottles are on his side. She hasn't had anyone yelling in a stupor or drunk on the side of the store so she hasn't had any complaints. Also, this store has been here for over twenty years. Even before her family became the owners, the store was there for fifteen years prior. There were two owners before them.

Mr. Tolbert stated that the only reason that he brought it up was that he wanted her to be aware of a complaint that's being made. He also wants to state that if the complaint is valid then it should be brought to the attention of the police so that they can look into that matter. The Planning Commission can't come out and police that area so you have an obligation to bring it to the attention of the police or also talk to the owner of the establishment to come to an agreement as to what is going to be done about it.

Dr. Jones moved to recommend approval to City Council for Z-17-04 - Lands of Sarah Jones 826-828 Forest St for the rezoning request from RG-1 (General Residence Zone) to C-1A (Limited Commercial Zone) and to retain the zoning of the COZ-1 (Corridor Overlay Zone), seconded by Ms. Maucher and the motion was carried 8-0 by roll call vote with Ms. Edwards absent. Mr. Holden voting yes, due to Staff comments and the long standing history of the property utilized as currently. Mr. Roach voting yes. Mr. Holt voting yes; due to the last standing history of the property and hopefully something can be worked out with the car wash next door to resolve the problem. Mr. Baldwin voting yes; it fits within the zoning of that area. Dr. Jones voting yes; for previous reasons stated. Mrs. Welsh voting yes; as the rezoning brings the property in compliance with City Council's request for sunseting of non-conforming uses. Ms. Maucher voting yes; as it eliminates a non-conforming use property. Mr. Tolbert voting yes; the application brings the applicant into compliance with the City Code.

Mrs. Melson-Williams stated that this application will next be heard at the City Council meeting on September 11, 2017. It is also subject to public hearing at that meeting as well.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: AUGUST 2, 2017

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: LANDS OF SARAH JONES AT 826 FOREST STREET
FILE #: Z-17-04
REVIEWING AGENCY: City of Dover
CONTACT PERSON: Paul Waddell - Electric
Jason A. Lyon, P.E. – Public Works
CONTACT PHONE #: ELECTRIC - 302-736-7072 PUBLIC WORKS – 302-736-7025

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

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

CITY AND STATE CODE REQUIREMENTS

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

Our office has no objection to the rezoning of:

ED-05-076.12-01-16.00-000

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. Should this site be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing the appropriate meter / service / main to this site based upon the use including any necessary system upgrades or extensions. The appropriateness and adequacy of electric, water and sewer services and meters will be assessed at that time. (Please note that each water meter registered with the City of Dover must have a separate service line.) Should the existing water and sanitary sewer services no longer be required based upon the proposed use, they must be properly abandoned at the mains in accordance with all City of Dover Department of Public Works standards and specifications.
2. Any redevelopment shall adhere to the City of Dover Water/Wastewater Handbook, the Specifications, Standards & Procedures for City of Dover Public Works requirements, and the City of Dover's Electric Service Handbook.
3. Please note that renovations and or change of use projects must ensure that the water and wastewater service is brought up to current requirements. This may include relocating the water meter outside or changing service line sizes. Please ensure you schedule a meeting with the Department of Public Works during the planning phase for this site. Additional impact fees may apply for future development.

ADVISORY COMMENTS TO THE APPLICANT

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

1. None.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 08/09/17

APPLICATION: Lands of Sarah Jones at 826 Forest St

FILE #: Z-17-04

REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire MarshalPHONE #: (302) 736-4457

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

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

Routine Comments:

1. The installation of natural gas and LP gas meters, regulators, valves, and LP gas bottles shall be protected from impact damage by impact protection. Natural gas and LP gas meters, regulators, and valves located inside structures shall have impact protection, except when located in separate protected utility rooms. *Dimensions of bollards.* Bollards shall be a minimum of six-inch diameter filled with concrete. The bollard shall be set into the ground at a depth of at least 36 inches (three ft.) embedded in concrete at a minimum of 18 inches surrounding the bollard. The bollards must be a least 48 inches (four ft.) in height above the finish grade elevation. Any deviation of the stated requirements must be approved by the fire marshal and/or chief building inspector. The above dimensions shall serve as the requirement for installation; however the fire marshal and/or chief building inspector shall have the authority to require more stringent dimensions to fit the needs of devices warranting impact protection. *Color of bollards.* Bollards should be of the following colors; yellow, amber or orange. All colors shall be of fluorescent or have a reflective coating. Any deviation of the stated requirements must be approved by the fire marshal and/chief building inspector. (City of Dover Code of Ordinances, 46-4)
2. Every house, building or structure used or intended for use as living quarters or as a place for conducting business, and having any wall facing or abutting any public or private street or alley, shall have displayed on that wall, in legible, easily read characters which are of contrasting color to the background, the proper street number for such house, building, or structure in accordance with the following: *One-family and two-family residential structures, height,* the number shall measure a minimum of four inches in height, *location,* the number shall be placed on the house above or to the left or right of the front entrance, *color,* the number shall be contrasting to the background color, *Arabic numerals,* all numbers shall be Arabic numerals. *Multiple-family dwellings, measurements,* the number shall measure a minimum of six inches when identifying individual apartments with exterior doors, and 12 inches when identifying buildings with apartment complexes where there

are two or more buildings not assigned street addresses. Individual buildings with street addresses shall have numbers measuring six inches, *location*, numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot, *color*, numbers shall be contrasting to the background color, *Arabic numerals*, all numbers used shall be Arabic numerals. *Commercial, industrial and office buildings*, *height*, the numbers shall measure a minimum of 12 inches in height, *location generally*, numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot, *property line or driveway*, should the building be located far enough from a public or private road so that the numbers are not clearly visible from the street, then the street address shall also be posted on the property at or near the property line or driveway to said building, *color*; *each building*, numbers shall be contrasting to the background color and shall be placed on each building in the complex, *Arabic numerals*, all numbers used shall be Arabic numerals, *Shopping centers*. Shopping centers consisting of two or more stores shall have a tenant or suite number affixed to the front of the tenant space and on the outside of the rear door which corresponds with that tenant space. Numbers shall measure six inches in height. (City of Dover Code of Ordinances, 98-344)

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2015 NFPA 1 Fire Code (NFPA; National Fire Protection Association)

2015 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)

2013 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)

2013 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)

2009 IBC (International Building Code)

Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations

2015 Delaware State Fire Prevention Regulations

City of Dover Code of Ordinances

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: August 2, 2017



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APPLICATION: Lands of Sarah Jones at 826 Forest Street

FILE#: Z-17-04

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Jonathan T. Moore

PHONE#: 760-2145

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT has no advisory comments at this time.

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



**CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
August 2017**

APPLICATION: Lands of Sarah Jones at 826 Forest Street

FILE #: Z-17-04

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jessica Verchick* **PHONE #:** 741-2600 ext.3

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source: Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to the re-zoning plan for the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

1. If at any time expansion or earth disturbing activity (clearing, grubbing tree clearing etc.) takes place and exceeds 5000 square feet; a detailed Sediment and Stormwater Management Plan must be submitted and approved to the Kent Conversation District.



Title: Lands of Sarah E. Jones
Address: 826 Forest Street
Parcel ID: ED-05-076.12-01-16.00-000
Current Zoning: RG-1, COZ-1 (partial)
Proposed Zoning: C-1A, COZ-1 (partial)
Owner: Sarah E. Jones
Date: 7/13/2017

Legend

- Subject Property
- Dover Parcels
- Zoning
- Corridor Overlay Zone
- 2012 Buildings
- Kent County Parcels
- Dover Boundary



0 75 150 300 Feet



PROPOSED ORDINANCE #2017-10

1 **AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY**
2 **OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT**
3 **826 FOREST STREET**

4 **WHEREAS**, the City of Dover has enacted a zoning ordinance regulating the use of property within the
5 limits of the City of Dover; and

6 **WHEREAS**, it is deemed in the best interest of zoning and planning to change the permitted use of property
7 described below from RG-1 (General Residence Zone) and subject to the COZ-1 (Corridor Overlay Zone)
8 to C-1A (Limited Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone).

9 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF**
10 **DOVER, IN COUNCIL MET:**

- 11 1) That from and after the passage and approval of this ordinance the Zoning Map and Zoning
12 Ordinance of the City of Dover have been amended by changing the zoning designation from RG-1
13 (General Residence Zone) and subject to the COZ-1 (Corridor Overlay Zone) to C-1A (Limited
14 Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone) on that property located on
15 the south side of Forest Street between Gibbs Drive and Lincoln Street at 826 Forest Street,
16 consisting of 0.5^{+/-} acres, owned by Sarah E. Jones.
17 (Tax Parcel: ED-05-076.12-01-16.00-000; Planning Reference: Z-17-04; Council District: 4)
18

19 **ADOPTED: ***

20 S:\ORDINANCES\2017\DRAFT\ORDINANCE #2017-10 REZONING - 826 FOREST STREET\ORDINANCE #2017-10 - REZONING-826 FOREST STREET-FINAL READING (revised 09-15-2017).wpd
21

22 Actions History

- 23 09/25/2017 - Rescheduled Public Hearing/Final Reading - City Council
24 09/11/2017 - Public Hearing/Final Reading Deferred - City Council
25 08/21/2017 - Public Hearing - Planning Commission
26 07/24/2017 - First Reading - City Council

DOVER HUMAN RELATIONS COMMISSION

The Dover Human Relations Commission (DHRC) meeting was held on August 24, 2017 at 6:00 p.m. with Chairman Henderson presiding. Members present were Mr. Fleming, Mr. Gaddis, Mrs. Herbert, and Mr. Offredo. Ms. Mullen and Ms. Paige were absent.

AGENDA ADDITIONS/DELETIONS

Mr. Offredo moved for approval of the agenda, seconded by Mr. Gaddis and unanimously carried.

DHRC Committee Updates

Government Policy, Programs, and Practices Committee (Gaddis)

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

Community Engagement Committee (Mullen)

No report was provided.

Education Committee (Fleming)

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

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

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

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

Communications Committee (Paige)

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

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

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

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

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

State Human Relations Commission Liaison Report (Herbert)

Mrs. Herbert advised members that the State Human Relations Commission (SHRC) meets at 5:30 p.m., upstairs in the Cannon Building, 861 Silver Lake Boulevard and, on the day of their meetings, individuals must look to see whether or not a meeting is canceled or ongoing. She explained that she and Mr. Henderson attended the SHRC meeting on August 10, 2017 and asked, during the open period at the beginning of the meeting, if the DHRC would be able to liaise with the SHRC. Mrs. Herbert informed members that during the SHRC meeting she read Long-Term Objective C.2 of the City of Dover Human Relations Commission Strategic Plan 2015 - 2018, which states, “Develop an understanding with the State Human Relations Commission that will delineate the roles and procedures of the two Commissions in the solution of alleged discrimination complaints which fall within the jurisdiction of the State Human Relations Commission, and identify

and maintain specific ways the two Commissions will work together.” Mrs. Herbert advised that Mr. Calvin Christopher, Chair, SHRC, stated that he would include the DHRC’s request on the September 14, 2017 SHRC meeting agenda.

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

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

DHRC Vacancies

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

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

Future Meeting Dates

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

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

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

quarter and one to be determined by the commission. Special meetings may be called by the chairperson or three members of the commission. . . .”)

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

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

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

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

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

Chapter 58 - Article 2 - Meetings:

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

Mrs. Herbert stated that she was concerned that the DHRC does not announce in the paper when they are going to meet, noting that it was necessary for her to go through a lot to find out whether or not the State Human Relations Commission (SHRC) was meeting. She advised that she was concerned

that if the DHRC states that they will meet and then they do not have a quorum of members present, or if a meeting is canceled, the public may come to an empty room. Mrs. Herbert stated that there is not an easy way to find a statement on the website that something is canceled or it is going to continue. She advised that there are a lot of people who do not have computers, and the DHRC's business may happen to include people who are not able to easily figure out when the Commission is meeting and when it is not.

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

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

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

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

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

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

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

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

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

Responding to Ms. Devine, Mr. Henderson stated that he typically works with Mrs. Jody Stein, Administrative Assistant, City Clerk's Office, to schedule meetings and then provides the information to members. He advised that, whether or not this matter was tabled, he was sure that it was members' wish to meet next month.

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

Mr. Gaddis moved for adjournment, seconded by Mr. Offredo and unanimously carried.

Meeting adjourned at 6:31 p.m.

Theodore A. Henderson
Chair

TAH/DD/js

S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Misc-Minutes\HUMAN RELATIONS COMMISSION\2017\08-24-2017 - DHRC.wpd

Attachment

Attachment #1 - Draft Dover Human Relations Commission brochure, provided by Mr. Offredo

OUR MEETINGS



Meetings are the fourth Thursday of each month from 6:00 p.m. – 7:00 p.m. Open to the public, these meetings are held in the Council Chambers at City Hall.

The Commission begins each regular meeting by inviting anyone present to address the Commission. Comments must be limited to three minutes.

Meeting information and agendas are posted on the bulletin board at City Hall and on the City of Dover's website at www.cityofdover.com

COMMITTEE ASSIGNMENTS

Alan Gaddis
Government Policy
Programs and Practices

Wanda Mullen and Sara Herbert
Community Engagement

Paul Fleming
Education

Rita Mishoe Paige and Jon Offredo
Communications

Sara Herbert
State Human Relations Commission Liaison



CITY HALL

Dover Human Relations Commission
c/o City of Dover
15 Loockerman Plaza
PO Box 475
Dover, DE 19903-0475
(Between the Dover Public Library and PNC Bank)
www.cityofdover.com/dhrc

ATTACHMENT #1
DHRC Meeting of 08/15/2017

DOVER HUMAN RELATIONS COMMISSION



*Working together toward understanding,
Fairness, diversity and mutual respect.*

WHO WE ARE

DHR Commission Members

At-Large DHRC Member

Sara J. Herbert

Phone: (302) 674-3670

E-mail: [Sara Herbert](#)

First District

Paul J. Fleming

Phone: (302) 734-1585

E-mail: [Paul Fleming](#)

Vacant

Second District

Theodore Henderson

Phone: (302) 242-7888

E-mail: [Theodore Henderson](#)

Vacant

Third District

Alan Gaddis

Phone: (732) 996-4343

E-mail: [Alan Gaddis](#)

Wanda Mullen

Phone: (302) 399-5267

E-mail: [Wanda Mullen](#)

Fourth District

Rita Mishoe Paige

Phone: (302) 242-1267

E-mail: [Rita Mishoe Paige](#)

Jon Offredo

Phone: (267) 648-0971

E-mail: [Jon Offredo](#)

Mailing address:

P.O. Box 475

Dover, DE 19903-0475

Fax: (302) 736-5068

OUR MISSION

Committed to a philosophy of inclusion, intergroup cooperation and fair treatment, the City of Dover Human Relations Commission works to ensure that the City of Dover has and utilizes policies, programs, ordinances, organizational practices, specialized resources and appropriately trained employees to support diversity, inclusion and cultural competency in its organization and services.

Additionally, by involving all segments of the community, the Commission promotes an understanding and appreciation of the benefits of diversity, inclusion, and positive intergroup relations among residents of varying backgrounds in the city; and, advocates for an environment of fairness and respect.

The Commission works with the City Council and the City Administration and other community organizations to strengthen inter-group relationships and to eliminate discrimination; and, to anticipate, prepare for and resolve incidents of intergroup conflicts and disputes within the city.



OUR VISION

The Commission's vision is a city whose government, organizations, groups and individual citizens value diversity, inclusion, respect and trust.



COUNCIL COMMITTEE OF THE WHOLE

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

AGENDA ADDITIONS/DELETIONS

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

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

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

Mr. Hudson advised that proposals were solicited for an ERP solution that would best meet the City's requirements in March 2017, and two (2) entities responded to the Request for Proposal - ERP System Selection Project: Edmunds and Associates, and Tyler Technologies. He stated that, after staff's due diligence and with the technical assistance of BerryDunn, it was staff's recommendation that the Cities enter into an Enterprise Resource Planning Technology Implementation Contract with Tyler Technologies. Mr. Hudson noted that the Tyler proposal provided the best in class functionality and would provide the City with a long-term solution.

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

Mr. Hudson stated that staff was also requesting authorization to retain the services of BerryDunn to assist with the implementation phase of this project. He advised that their proposal for that service

was \$186,665, which was within \$5,000 of two (2) proposals submitted in the original consulting RFP.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Sudler asked if staff had compared success rates for neighboring cities in regard to this system. Responding, Mr. Hudson stated that he had a list of municipalities throughout the country which were very close to Dover in size, with some a little larger; however, none of them were in Delaware. He explained that staff used a scoring method to compare the companies that presented, noting that BerryDunn helped with this process. Mr. Hudson stated that both systems were scored twice and the results were clearly on the side of Tyler, rather than Edmunds and Associates.

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

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

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

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

Mrs. Mitchell reminded members that this project started in September of 2016 when vendors were brought in with demos, and they showed staff what new systems would look like and piqued their interest. She explained that staff set up a process and an RFP was completed to select a vendor to

help staff select an ERP system. Mrs. Mitchell stated that she had sent a milestone chart to Council a couple of times letting them know where staff was on the project. She noted that staff had been following the project plan all along and the ERP had been in the Capital Improvement Plan (CIP) for the last two (2) years. Mrs. Mitchell advised that the total funds for this project had been included in the CIP over three (3) years and noted that the timing for paying the fees may be different. She stated that the process took into account the demos that Mr. Hudson had discussed, and staff went through scoring sheets. Mrs. Mitchell estimated that BerryDunn had been to Dover probably three (3) times having seminars with staff, writing seminars, scoring the products, and doing a needs assessment. Mrs. Mitchell explained that staff went through a very long needs assessment and all departments had to fill out forms regarding their needs to make sure that the system would meet the needs.

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

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

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

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

Mrs. Mitchell stated that, after reviewing the scope of work from Tyler, she was thinking about relocating a staff member to the former office space of Mr. William Neaton, with the sole responsibility of making sure that everybody stays on track. She noted that she had not yet talked to this staff member. Mrs. Mitchell advised that staying on track would affect the City's pricing, and she stated her belief that an allowance of approximately 250 hours of leeway would be given and the City would have to pay more for anything over that. She stated that staff understood that this project was a big step for the City; however, the City has had the current system for 20 years and there was a need to move into the future.

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

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

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

Proposed City of Dover Ethics Initiative

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

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

1. Councilmembers shall file financial disclosures annually with the Public Integrity Commission. Councilmembers shall submit proper and necessary documentation by August 1st of each calendar year.
2. Committee and Commission appointees shall sign an acknowledgment decree of the ethics policies of the City of Dover. The document shall be read, reviewed, and signed by all appointees by the time of their appointment or re-appointment.
3. Councilmembers, Council-appointments, Mayoral-appointments, the Mayor and all city employees shall undergo and receive annual training on the City of Dover's ethics policies and procedures.

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

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

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

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

Mr. Polce expressed appreciation for Mr. Anderson's support for points #2 and #3. He stated that, in regard to point #1, he had filed a PIC disclosure form directly after he was elected, and he knew that other current and past members of Council had filed as well. Mr. Polce noted that this is an easy process, explaining that the form asks where your sources of income are coming in from and at what amounts. He indicated that this document keeps you true to know where your financial interests lie. Mr. Polce stated that this is a level of transparency for the general public and a way to hold members and their constituency accountable for actions of potential impropriety.

Mr. Anderson asked if a conflict of interest was not governed already under the ethics code. Responding, Mr. Polce stated that the major concern was that a conflict would not be disclosed,

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

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

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

Mr. Slavin stated that Mr. Sudler had offered a valid concern and, for clarification, Mr. Slavin explained that the PIC filing does not ask for level of income but asks where the individual is receiving income from over a certain amount and who the individual is in debt to over a certain amount so that they know what entanglements the individual may have.

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

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

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

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

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

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

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

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

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

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

Mr. Lewis asked how technical members would get and if they would reveal 401(k)s and pensions. In response, Mr. Polce advised that, anecdotally, the PIC form is very easy to submit. He noted that it asks where the individual's income is coming from and if they have any vested interests in stocks/bonds, over a certain threshold. Mr. Polce stated that it did not ask how an individual is vested, such as if the majority share of a rolling Roth is in real estate or not, but does ask very direct, simple questions about financial interests, records them, and holds the individual accountable. Mr. Slavin stated, for clarification, that if holdings were in a mutual or retirement fund, the individual is only required to name the fund. For example, he advised that the State has a Voya retirement fund, and if you are in that, you just state Voya retirement.

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

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

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

Mr. David Hugg, Acting Director of Planning and Community Development, informed members that, in 2004, the State adopted the Preliminary Land Use Service (PLUS), which is a process at the

State level where large projects that have the potential to have impacts beyond the local jurisdiction or of a somewhat regional nature go through a review and comment period separate from local government. He explained that the law that enacted PLUS requires that those projects be submitted by a local government to the PLUS process.

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

Mr. Hugg advised that the City has a certified and adopted Comprehensive Plan from 2009, which is one (1) of the requirements for allowing a jurisdiction to exempt itself from PLUS. Additionally, he advised that the City has its own review process in the Development Advisory Committee, explaining that if a City has a review process that is equal to or more stringent than the State, it can seek a waiver. Mr. Hugg noted that the provisions of the PLUS process can be avoided for situations such as a very incidental or minor rezoning that requires a de minimis Comprehensive Plan amendment. He explained that the new MOU, developed by the City's Planning Staff and OSPC Staff, clarifies these understandings. Mr. Hugg reviewed the MOU, noting, in particular, that it clarified that projects at Garrison Technical Park do not require PLUS review except in very limited circumstances, raised the threshold limit on residential projects to 125 or more dwelling units, and added in the minor projects waiver provisions. Mr. Hugg advised members that the City's Planning Commission reviewed the MOU at its Quarterly Workshop on August 23, 2017.

Mr. Neil moved to recommend approval of the Memorandum of Understanding (MOU) for Preliminary Land Use Services (PLUS), as recommended by staff. The motion was seconded by Mr. Sudler and unanimously carried.

Proposed Code Enforcement Policy and Vacant Building Ordinance Changes

Mr. David Hugg, Acting Director of Planning and Community Development, stated that, as a result of increasing concerns about the time associated with resolution of code enforcement actions, the difficulty in collecting on fines or alternatively causing buildings to be brought into compliance, and the implications of the various exemptions to the vacant building ordinance (VBO), staff had reviewed their authority and proposed changes to procedure and code provisions. He reviewed the proposed changes to Code Enforcement Policy and the VBO, noting that this was the first part of a two-part process that related to policy. Mr. Hugg stated that he had been given the advice that even though he, as Acting Director, can impose policy as long as it is consistent with the underlying code, which this policy was, it should come before the Legislative, Finance, and Administration Committee to be discussed or endorsed. He noted that he had not included in the document that there is a provision in the fee structure in the Dover Code that the City can double fines if corrective action is not taken; therefore, an even greater penalty is available. Mr. Hugg advised that the second piece of the policy would be a rewrite of the VBO to eliminate some of the waivers and loopholes, which would probably come before members in October. He noted that it did not make any sense

to him to exempt all the vacant storefronts downtown if they have somebody living upstairs above them, stating that there was no disincentive for the property owner to make improvements. Mr. Hugg indicated that he wanted to make members aware of these policy changes and ensure that they did not have any major concerns.

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

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

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

Mr. Anderson stated his belief that, in accordance with the ordinance, people are first notified. He noted that the proposed change would associate the warning with a fine and questioned if it would really be a warning if it comes with a fine. Responding, Mr. Hugg stated that this would be like the fine he would probably receive if he ran a red light. He advised that the code officer has discretion and, for example, if there was an issue with debris in the front yard of Mr. Anderson's house, the code officer could say, "Hey, how about picking this up? I don't really want to give you a citation." Mr. Hugg stated that this would be the end of the discussion, a new case would not be opened, and

nothing would really happen. He advised that part of the reason he wanted to reduce the penalty to \$25 was that the City was expending some cost in sending a person out and writing a citation, and he did not want to just say, "Oh sorry, don't do it again." Mr. Hugg indicated that a little pain should be associated with the violation, which was why it was structured this way.

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

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

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

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

Meeting adjourned at 7:12 p.m.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

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

AGENDA ADDITIONS/DELETIONS

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

Request for Dog Park and Passive Playground - Acorn Farms

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

Mr. Sudler acknowledged that members had received correspondence from Ms. Mary E. Bradley, dated September 11, 2017, expressing her strong opposition to the request for a dog park and passive playground in Acorn Farms (**Attachment #1**).

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

Ms. Sandra Taylor, 36 Acacia Place, indicated that the Acorn Farms community had talked about a dog park and a playground approximately ten years ago; however, it did not go forward because they thought that they would be liable for any accidents. She noted that they had been told that it would be at the person's discretion, and if they fell, it would not come on the homeowners; therefore, they brought the matter up again and came up with the dog park and playground. Mr. Sudler asked if Ms. Taylor was in support of a dog park or not, and she stated that she was in support.

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

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

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

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

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

Mr. Slavin expressed his thanks that the request was brought forward to members. He explained that this is how parks are born in the City, when people come forward saying that there is a need for recreation, etc. Mr. Slavin noted that he had no idea what it takes to put a dog park in; however, Mr. Hugg's office would be able to identify that. He indicated that there are key questions about who owns the land and how much land, and there would be issues about parking, etc. Mr. Slavin stated that they should understand that a unique park, like a dog park, would likely attract more vehicular traffic from people outside the neighborhood and this would be a consideration.

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

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

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

Mr. Anderson thanked everyone for their opinions and engagement.

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

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

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

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

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

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

The motion to recommend acceptance of the petition and letter, and referral of the matter to Mr. Hugg was unanimously carried.

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

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

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

Staff recommended adoption of Resolution No. 2017-11.

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

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

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

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

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

Mrs. Mitchell stated that approximately \$190,000 was budgeted for Schutte Park improvements based on pre-conceptuals from the master plan designed by Mr. Diaz. She noted that the preliminary set of numbers was based on the conceptual opinion of the engineer and not fine tuned. Mrs. Mitchell explained that the total master plan engineering costs were \$9M, which the City does not have; however, Mr. Hugg was trying to get in pieces of the plan as he could. She indicated that the plan includes laying everything over with sod, and has a lot of components, and there was a need to make determinations regarding what would be done and what the City can afford to do at the park. Mrs. Mitchell noted that there were still other parks to be done. She advised that the \$190,000 would come from the reserve. Mrs. Mitchell noted that the reserve balance was approximately \$300,000 last year and she would have to get a new balance; however, it was being depleted and would not have a lot of money in it next year.

Mr. Neil moved to recommend adoption of Resolution No. 2017-11 (Attachment #2), as recommended by staff. The motion was seconded by Mr. Anderson and unanimously carried.

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

Update - Continental Park

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

Mr. David Hugg, Acting Director of Planning and Community Development, provided members with a proposal and quote from Cunningham Recreation for a play area in Continental Park for children aged two (2) to five (5) (**Attachment #3**), and advised members that they were able to get the original price of \$17,000 reduced to slightly more than \$15,000 for the project. Referring to the drawing for the Continental Park Proposed Playground for Ages 2-5, Mr. Hugg indicated that the play area would be placed in Bicentennial Village around the corner from the existing park. He noted that it would start to meet some of the recreational needs in the community and send the community a signal that the City heard and listened to them and would respond with an area for young children to play.

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

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

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

NCALL was hoping to hold one (1) more pop-up park before the end of the warm weather and that he would make sure that Council and Committee members are made aware of it as soon as he knows when it will occur.

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

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

Meeting adjourned at 7:43 p.m.

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

Meeting adjourned at 7:43 p.m.

Timothy A. Slavin
Council President

TAS/TM//js/dd

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Attachments

- Attachment #1 - Correspondence from Ms. Mary E. Bradley, dated September 11, 2017, regarding Acorn Farms
- Attachment #2 - Proposed Resolution No. 2017-11
- Attachment #3 - Quote #125942 from Cunningham Recreation - City of Dover Continental Park - Ages 2-5 Play Area, provided by Mr. David Hugg, Acting Director of Planning and Community Development

From: [Bradley, Mary E. \(Student\)](#)
To: [City Clerks Office](#)
Cc: mary.e.bradley@state.de.us
Subject: September 12 - Acorn Farms
Date: Monday, September 11, 2017 9:36:41 AM
Attachments: [City of Dover Council 9.12.17.pdf](#)

Dear City of Dover Council Committee,

I am writing to express my concern with the agenda item for the *Request for Dog Park and Passive Playground in Acorn Farms*. I am strongly opposed to this request for the following reasons.

- When I purchased my home in Acorn Farms 14 years ago, the Homeowner Association fee had just increased to \$100 annually. Since then, it has increased in \$20 increments about every 3 years. (\$120; \$140; to \$160 and due to the state budget crunch, it is on the table for yet another increase). The residents of Acorn Farms get absolutely nothing for this annual cost except for very poor quality grass cutting service in the common areas. If a dog park and passive playground are established, this will increase the Homeowners Association fee substantially. The majority of the homeowners in this duplex development are single women, retirees, and young couples just starting out. The turnover of these young couples with children is very frequent. **The substantial increase due to the cost to build the dog park and playground, the cost to maintain the area and playground equipment, and increase in liability insurance will cause a substantial burden on the single, mature, and permanent residents of the community.**
- There is a new dog park and playground area exactly 3 miles east of Acorn Farms behind the Little Creek Post Office.
- **Who will maintain the dog park and playground?** Many of the residents don't even maintain their own homes and lawns. There are more important issues that need to be addressed and improved upon within the neighborhood without the addition of a dog park and playground.
 - People do not cut their grass, trim, or weed on a regular basis. They do not keep their porches and walkways neat and clean. They do not keep their (shared) rain gutters clear of debris causing potential damage and injury. Those whose houses face north do not pressure wash their houses often enough to prevent mold from developing.
 - There is a problem of random trees reseeding behind the properties, in the common areas, and in the drainage system. These trees are a nuisance.
 - People do not cut and clear reseeded trees, weeds, and brush from behind their properties which is not only unsightly, but breeds mosquitos, unwelcome habitat, and have blocked the drainage system. (Should there be a storm causing major flooding, the water will back-up into their property if not in their homes and cause damage. Of course these residents will not accept responsibility and will more

likely blame the Homeowners Association for not maintaining the drain - possibly bringing suit against the Association for cost recovery of damages.) (Homeowners Association rules clearly state that the residents are responsible for maintaining property located behind their homes, for keeping the drainage system clear, and maintaining the right of way in front of their homes to include sidewalks and mailboxes).

- **Many residents do not contain their dogs and cats. Cats have been a nuisance and dogs have often run loose throughout the development. Even when being walked by the owner, often the dogs are not leashed. Stray dogs running loose has been a common and ongoing problem along North Little Creek Road and Acorn Lane for many years. A dog park will add to this problem. A play ground will be unsafe from dog bites/attacks for children unsupervised.**
- **Unsupervised children have been a problem in the past.**
- **There are registered sex offenders in the neighborhood.** I accidentally discovered this information when searching ownership of a home I thought was a rental when actually the sex offenders are the owners and occupy the house **(205 Mahogany Place). Residents were not made aware of this. How many other sex offenders live in the community that we are not aware of?**
- There is often **suspicious activity in the neighborhood** such as cars parked at the entrance and circling around certain houses that have had suspected drug activity.
- Careless driving and speeding is another issue within the development causing an unsafe environment for dogs and children playing.

In summary, I understand that there was a petition circulated through the neighborhood and those who initiated the possibility of a dog park and playground may have had good intentions. However, having lived in Acorn Farms for as many years as I have, having experienced and witnessed what I have, this is not a safe neighborhood and has too many issues that need attention. Without proper supervision, funding, and maintenance care, the dog park and playground will not be safe and will eventually become nothing more than an eye sore and an attraction for undesirable activity.

Sincerely,

Mary E. Bradley
209 Mahogany Place
Dover, DE 19901
(302) 672-9481

City of



Dover

MAYOR AND COUNCIL

PROPOSED COUNCIL RESOLUTION NO. 2017-11

A RESOLUTION IN SUPPORT OF DELAWARE OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) GRANT APPLICATION - DOVER PARK MASTER PLAN AND SCHUTTE PARK PHASE I IMPROVEMENTS

WHEREAS, the City of Dover has worked with residents in the Dover Park neighborhood to begin a process to restore Dover Park to its Anchor Park status and has approved and adopted a master plan for the future development of Schutte Park; and

WHEREAS, the City of Dover has filed ORPT Grant pre-applications with the Delaware Division of Parks and Recreation for both purposes and has been authorized to submit formal ORPT applications in the amount of \$30,000 for the development of a Master Plan for Dover Park, and \$70,000 for Phase I improvements at Schutte Park and the City has set aside funds in the Parkland Reserve and General Fund to support these efforts; and

WHEREAS, the City of Dover designates David S. Hugg III, interim Director of Planning and Community Development and Parks and Recreation to manage the project and coordinate ORPT Program requirements for reporting and reimbursement; and

WHEREAS, the City understands that these improvements funded through the ORPT Grant Program will remain in outdoor recreation uses in perpetuity.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Dover that the application for ORPT Grant funding for Dover Park and Schutte Park is authorized and the City of Dover shall abide by all the requirements of the ORPT Grant Program for reimbursements and stewardship responsibilities.

ADOPTED: *

S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2017\DRAFT\RESOLUTION NO. 2017-11 DELAWARE OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) GRANT APPLICATION\Resolution No. 2017-11 IN SUPPORT OF DELAWARE OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) GRANT APPLICATION.wpd

ROBIN R. CHRISTIANSEN
MAYOR

TIMOTHY A. SLAVIN
COUNCIL PRESIDENT

Actions History

09/12/2017 - Scheduled for Introduction - Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee



Cunningham Recreation
PO Box 487
Queenstown, MD 21658
800-233-0529 FAX 410-827-8855

QUOTE
#125942

09/07/2017

City of Dover - Continental Park - Ages 2-5 Play Area

City of Dover Dept. of Parks and Recreation
Attn: Wayne Voshell
P.O. Box 475
Dover, DE 19903
Phone: 302-674-7541
Fax: 302-678-2674
WVoshell@dover.de.us

Project #: P89529
Ship To Zip: 19701

| Quantity | Part # | Description | Unit Price | Amount |
|----------|----------|---|------------|------------|
| 1 | GSS16641 | Cunningham Recreation - State of Delaware Playground and Recreation Equipment and Accessories Contract - <ul style="list-style-type: none"> Contract Number: GSS16641 - Playground Contract Term: August 1, 2016 thru July 31, 2018. | | |
| 1 | RDU | GameTime - Custom PrimeTime Modular Play Structure for Ages 2-5 [Basic: _____] [Deck:Pvc: _____] [Roof: _____] [Accent: _____] [Arch: _____] [Roto Plastic: _____] (4) 12027 -- 3 1/2" Uprrt Ass'Y Alum 12' (1) 18200 -- 36" Sq Punched Deck P/T 1.3125 (1) 18671 -- Shingle Roof (1) 19013 -- Transfer Platform W/ Barrier (3') (1) 19035 -- Optional Access Step (3' & 5') (1) 19047 -- Tree (3; & 3'6") (1) 19122 -- Wave Zip Slide (2'-6" & 3') (1) 19158 -- Zoo Panel (1) 19247 -- How Tall Am I | \$8,253.00 | \$8,253.00 |
| 1 | 5032 | GameTime - 2-5 Age Appropriate Fiberglass Sign [Basic: _____] | \$1,101.00 | \$1,101.00 |
| 2 | 28009 | GameTime - 6' P/S Bench W/Back Inground [Basic: _____] [Coated Site: _____] | \$540.00 | \$1,080.00 |
| 19 | 4862 | GameTime - Playground Border | \$48.00 | \$912.00 |
| 1 | 4858 | GameTime - Access Playcurb-W/Adap | \$495.00 | \$495.00 |
| 1 | 178749 | GameTime - Owner'S Kit | \$50.00 | \$50.00 |
| 1 | MISC | GameTime - Owner's Kit (No Charge) | (\$50.00) | (\$50.00) |
| 88 | INSTALL | PSP - Receive, Inspect, Deliver and Install Playground Equipment, Sign and Benches | \$42.00 | \$3,696.00 |



Cunningham Recreation
PO Box 487
Queenstown, MD 21658
800-233-0529 FAX 410-827-8855

QUOTE
#125942

09/07/2017

City of Dover - Continental Park - Ages 2-5 Play Area

| Quantity | Part # | Description | Unit Price | Amount |
|----------|---------|---|------------|----------|
| 6 | INSTALL | PSP - Receive, Inspect, Deliver and Install Border System | \$42.00 | \$252.00 |
| 3 | INSTALL | PSP - Supply and Install Fabric under Safety Surfacing | \$42.00 | \$126.00 |
| 15 | INSTALL | PSP - Receive, Inspect, Deliver and Install (2) 4' Benches for the Community (not shown on plans) | \$42.00 | \$630.00 |

Safety Surfacing to be quoted seaparetly under Delaware State Contract GSSI6583-MULCH.

SubTotal: \$16,545.00
Discount: (\$754.02)
Total Amount: \$15,790.98

Site must be clear, level, free of obstruction and accessible. Site work is not included in the proposal, unless stated otherwise, and will be the responsibility of the owner.

Pricing: Prices are firm for 30 days unless otherwise noted. Above costs assume one shipment and one installation unless otherwise noted. Taxes will be shown as a separate line item if included. Any applicable taxes not shown will be applied to final invoice.

Lead Time/Shipment: Standard orders shipped 4 weeks after receipt of order and acceptance of your purchase order, color selections, approved submittals,(if required)unless otherwise noted. Custom equipment and shades may require a longer lead time. Surfacing lead time is approximately 2 weeks after scheduling request. It is the responsibility of the owner to offload and inventory equipment, unless other arrangements have been made. Missing or damaged equipment must be reported within 60 days of acceptance of delivery. Equipment may be sent in multiple shipments based on point of origin.

Payment Terms: Net 30 days subject to approval by Credit Manager. A signed P.O. made out to Cunningham Recreation or this signed quotation is required for all orders unless otherwise noted. A 1.5% per month finance charge will be imposed on all past due accounts. Equipment shall be invoiced separately from other services and shall be payable in advance of those services and project completion. Checks should be made payable to Cunningham Recreation unless otherwise directed.

Acceptance of this proposal indicates your agreement to the terms and condition stated herein.

Site should be clear, level and allow for unrestricted access of trucks and machinery. Customer is responsible for providing a secure location to off-load and store the equipment during the installation process. The customer is responsible for theft or damage of the equipment from the time the equipment is off-loaded until the installation of the equipment is complete, unless other arrangements are made and noted on the quotation. Price includes ONLY what is stated in this quotation. If additional site work or equipment is needed then the price is subject to change. Customer shall be responsible for unknown conditions such as buried utilities (public & private), tree stumps, rock, or any concealed materials or conditions that may result in additional labor or materials cost. Customer will be billed hourly or per job for any additional costs.

Acceptance of quotation:

Accepted By (printed): _____ Date: _____

Title: _____ P.O. No: _____

Telephone: _____ Fax: _____

Purchase Amount: **\$15,790.98**

SALES TAX EXEMPTION CERTIFICATE #: _____

(PLEASE PROVIDE A COPY OF CERTIFICATE)

Salesman Signature

Customer Signature



Cunningham Recreation
PO Box 487
Queenstown, MD 21658
800-233-0529 FAX 410-827-8855

QUOTE
#125942

09/07/2017

City of Dover - Continental Park - Ages 2-5 Play Area

ORDER INFORMATION:

Bill to: _____ Ship to: _____
Contact: _____ Contact: _____
Address: _____ Address: _____
Address: _____ Address: _____
City, State, Zip: _____ City, State, Zip: _____
Tel: _____ Fax: _____ Tel: _____ Fax: _____