COUNCIL COMMITTEE OF THE WHOLE
AGENDA

SEPTEMBER 24, 2019 - 6:00 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

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

COUNCIL COMMITTEE OF THE WHOLE
(ALL MEMBERS OF ALL COMMITTEES)

ADOPTION OF AGENDA

1. **UPDATE ON THE 2019 COMPREHENSIVE PLAN PROJECT**

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

ADOPTION OF AGENDA

1. **REQUEST FOR WAIVER - APPENDIX B - ZONING, ARTICLE 5 - SUPPLEMENTARY REGULATIONS, SECTION 17 - EMERGENCY ACCESS REQUIREMENTS - WAIVER OF EMERGENCY REAR ACCESS REQUIREMENT FOR TOWNHOUSES AT WHITE OAK ROAD PROPERTY: APARTMENTS AND TOWNHOUSES (APPLICATION S-19-15)**
   (THE PLANNING COMMISSION RECOMMENDED APPROVAL OF THE WAIVER FOR THE ELIMINATION OF THE EMERGENCY REAR ACCESS FOR THE TOWNHOUSE UNITS SUBJECT TO CONDITIONS)

2. **HIRING OF A SECURITY FIRM FOR THE DOVER PUBLIC LIBRARY USING STATE CONTRACT GSS19363**
   (STAFF RECOMMENDATION: AUTHORIZING THE CITY MANAGER AND HER DESIGNEES TO INTERVIEW SECURITY GUARD, INC. T/A GETTIER SECURITY AND SUNSTATES SECURITY, LLC AND TO ENTER INTO A CONTRACT FOR SECURITY GUARDS FOR THE LIBRARY IN AN AMOUNT NOT TO EXCEED $56,000.00)

3. **PRIORITIZATION OF CITY OF DOVER STATE CAPITAL TRANSPORTATION PROGRAM (CTP) PROJECTS**
   (STAFF RECOMMENDATION: APPROVAL OF THE RECOMMENDED PRIORITY RANKING FOR THE COMING YEAR)

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

UTILITY COMMITTEE

ADOPTION OF AGENDA

1. **AMENDMENT TO CONTRACT USER AGREEMENT WITH KENT COUNTY**
   (STAFF RECOMMENDATION: AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO THE CONTRACT USER AGREEMENT WITH KENT COUNTY)

2. **EVALUATION OF BIDS - COLUMBIA AVENUE WATER MAIN REPLACEMENT**
   (STAFF RECOMMENDATION: AWARDING THE CONTRACT TO TEAL CONSTRUCTION, INC., FOR THE CITY OF DOVER, COLUMBIA AVENUE WATER MAIN REPLACEMENT PROJECT, BID #20-0001PW, FOR THE AMOUNT OF $521,201)

3. **DEDICATION OF RIGHTS-OF-WAY AND PUBLIC INFRASTRUCTURE - CLEARVIEW MEADOW SUBDIVISION PHASE II**
   (STAFF RECOMMENDATION: ACCEPTANCE OF DEDICATION OF RIGHTS-OF-WAY AND PUBLIC INFRASTRUCTURE IN PHASE II OF THE CLEARVIEW MEADOW SUBDIVISION. DEDICATION IS TO INCLUDE ALL OF THE REFERENCED PUBLIC IMPROVEMENTS)

4. **REQUEST TO LOWER SPEED LIMIT ON STATE ROUTE 8 BETWEEN DOVER HIGH DRIVE AND ARTIS DRIVE**

5. **ADJOURNMENT OF UTILITY COMMITTEE MEETING**

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

ADOPTION OF AGENDA

1. **EVALUATION OF BIDS - STATION 2 ROOF REPLACEMENT**
   (STAFF RECOMMENDATION: AWARD THE WORK TO BAYSIDE ROOFING, INC.)

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

ADJOURNMENT OF COUNCIL COMMITTEE OF THE WHOLE MEETING

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

City of Dover, Delaware
2019 Comprehensive Plan

Project Update September 2019

Overview

The current Comprehensive Plan for the City of Dover is the *2008 Comprehensive Plan* (as amended) as adopted February 9, 2009 and certified.

The development of the *2019 Comprehensive Plan* is a major goal of the Planning Office (Department of Planning, Inspections & Community Development) for 2018-2019. This project is being completed in-house by City Staff consisting of the Planning Staff who began meeting in February 2018 to initiate work on the project. The last formal Update on the Project to City Council was presented in April 2019.

See the **2019 Comprehensive Plan Webpage** for project information and the links under "Additional Resources" for documents issued.

- https://www.cityofdover.com/2019-comprehensive-plan

Project Schedule

The Comprehensive Plan was due to the State for Certification on or before February 9, 2019. In order to achieve Certification, the Comprehensive Plan must complete the PLUS Review process and be adopted by the Planning Commission and City Council. In September 2018, the Planning Staff requested an Extension (of the plan submission deadline). On March 12, 2019, the Cabinet Committee on State Planning Issues approved a comprehensive plan extension; with this action, the City's plan will need to be certified on or before February 2020.

The project schedule consists of five basic phases: Information Gathering, Plan & Map Development, Consideration of Plan Recommendations, Formal Review & Adoption Process, and Plan Implementation. The project is wrapping up the Plan & Map Development phase and is in the Consideration of Plan Recommendations phase. The Plan & Map Development Phase involves Chapter Writing, Review & Preparation of the Map Set, and Development of Goals, Recommendations & Actions. Information Gathering and Consideration of Plan Recommendations are also occurring with various Engagement Events.

As part of the Consideration of Plan Recommendations Phase, reviews of Draft documents and maps are occurring. This also involves the General Endorsement of a DRAFT Plan by the Planning Commission and City Council and PLUS Review. Then the Formal Review & Adoption Process within Public Hearings is anticipated for Fall/Winter 2019.

Tasks to Date

As part of the Information Gathering Phase and Plan & Map Development Phase, the following tasks occurring from April 2019 through September 2019 are noted:

- Biweekly and weekly meetings of the Project Team: Involving review and development of plan text, discussion of Plan elements, review of Maps
- Work on development of Map series by Planning Staff and now by GIS Staff (from Department of Public Works)
- Updates and Discussions on Plan items with Planning Commission and Historic District Commission at monthly meetings. Project Updates have been made to the City Council-Committee of the Whole on a more quarterly basis.
- Intergovernmental meeting held with Town of Wyoming.
- Submission of Historic Preservation Chapter (Chapter 6) to State Historic Preservation Office for review as part of Certified Local Government FFY2018 Grant Project.
- Conducted Historic District Workshop on June 20, 2019.

Engagement Activities

The following specific Events & Activities (2018-2019) have occurred as part of Engagement Activities for the Plan:

- Reporting on Evaluation of Goals & Recommendations from 2008 Plan: Reporting of the results of the evaluation task assignment to members of Planning Commission and Historic District Commission.
- Survey Questionnaire: A Questionnaire was available June-July 2018 in on-line and paper copy formats. There were over 511 respondents.
- Event: "Dover Economic Development Forum: An Economist Vision of Dover" on June 13, 2018, 10:00am-1:00pm at Wilmington University. A panel presentation and discussion on the future of Dover's economy.
- Event: "Understanding Housing Market Trends: Discussion with Realtors and Homebuilders" held on July 11, 2018 at Economic Development Committee Meeting.
- Open House Event on the Comprehensive Plan held on August 23, 2018 from 3:00pm to 7:00pm at the Dover Public Library with presentations at 3:30pm and 5:30pm. Over 65 attendees. Presentations, hands-on activities, maps on display for review.
- Event: Presentation to Wesley College class and guests held on September 27, 2018 upon request of Adjunct Professor Dr. Tony DePrima. Presentation on Comprehensive Plan process and then interactive discussion on Dover as a "College Town."
- Discussion with City's Economic Development Committee at multiple meetings in Winter 2019.
- Intergovernmental Meetings with Cheswold, Little Creek, Camden, Wyoming, and Kent County.
- Event: "Historic District Workshop" held on June 20, 2019 from 4:00pm-6:00pm at City Hall with presentation at 5:00pm. 7 Attendees. Presentation, maps on display for review, and informational handout sheets.
- Presentations and Project Update reporting to the Planning Commission and Historic District Commission at their monthly meetings and to City Council (Committee of the Whole) in June 2018, October 2018, April 2019, and scheduled for September 2019. This included distribution for review of the Preliminary Draft #2A: Goals and Recommendations.

- Project Update to Planning Commission on September 16, 2019. The Planning Commission, as an initial endorsement, acted by motion to support Planning Staff's efforts to make the PLUS Submission of a DRAFT Plan and scheduled an update presentation on DRAFT Plan for their October meeting.

Plan Elements Released

- August 23, 2018: Release of Preliminary Draft of Land Development Plan Maps. Presented at Open House Event and posted on Project Website. Ongoing review and refinement of Maps continues with Planning Staff.
- October 5, 2018: Release of Preliminary Drafts of Annexation Plan Map Series: Annexation Areas Map and Potential Land Use of Annexation Area Maps. Posted on Project Website. On-going review and refinement of Maps continues with Planning Staff as the result of Intergovernmental Coordination Meetings.
- February 2019: Release of Preliminary Draft #2A Goals & Recommendations. Released to Planning Commission, Historic District Commission, City Council and posted on Project Website.
- June 20, 2019: Release of Initial Draft of Chapter 6: Historic Preservation Plan Chapter to Historic District Commission. It was made also available to Workshop attendees.
- August 14, 2019: Release of STAFF DRAFT #1 to Planning Staff and City Department Heads for internal review and comment.

Information Sources:

- City's website includes the *2008 Comprehensive Plan* document (plan text and map series).
- Created page on City's website for the *2019 Comprehensive Plan* Project. Information is posted on survey results, presentations, and Preliminary Draft documents and maps.
    - **Preliminary DRAFT Land Development Plan Map Series** (4 Maps Quadrants A-D: Released 8/23/2018) showing land use classifications for all properties in the City.
    - **Preliminary DRAFT Annexation Plan Map Series** (2 Maps Released 10/5/2018) showing Potential Annexation Areas and Potential Land Uses for Annexation Areas.
    - **Preliminary DRAFT Document #2A: Goals and Recommendations**
- Email Activated to receive comments on Comprehensive Plan
- Ongoing guidance and assistance from the Office of State Planning Coordination
- Various information and assistance received from City Department and State Agencies
- Received *Delaware Population Consortium Annual Projection Series* issued October 2018

To Be Scheduled Activities and Outgoing Tasks:

- Follow-up Contacts/Meetings with City Departments as needed
- Follow-up Contacts/Meetings with relevant State agencies as needed
- Preparation of DRAFT Plan document and Maps
- Continue work tasks on Chapter Editing and Map Development
- Submit DRAFT Plan for PLUS Review meeting October 1, 2019 filing deadline

    - Anticipate being scheduled for the PLUS Meeting on October 23, 2019
- Release of Complete DRAFT Plan to Planning Commission and City Council Committee of the Whole, the Historic District Commission, and other groups and the public for review and comment
    - Presentation on DRAFT Plan to Planning Commission at their October 21, 2019 meeting
- Planning for next Outreach opportunities to public and stakeholders:
    - Open House Event – October 23, 2019 from 3:00pm-7:00pm at Dover Public Library
    - Visitation Event – October 24, 2019 from 8:30am-5:00pm at City Hall
- Gather Review Comments on DRAFT Plan and prepare FINAL DRAFT document and Public Comment/Request Summary
- Formal review processes including Public Hearings with Planning Commission and City Council to be scheduled in December-January

For Review:

Preliminary Draft Chapter 15 – Implementation Plan

The Planning Staff Project Team continues final editing of the DRAFT Plan & Maps for the Comprehensive Plan. Any input and comments from various groups and stakeholders is appreciated. The following Preliminary DRAFT Document has been released for review, discussion and comment. See attached item: Chapter 15.

- **Preliminary DRAFT Chapter 15 – Implementation Plan** (Dated 9/16/2019)

The City Council and Council Committee of the Whole are encouraged to review this Preliminary DRAFT document and be prepared for discussion with any comments and questions. The Planning Staff Project Team is seeking general endorsement of this document in preparation for submission of a DRAFT Plan document for PLUS (Preliminary Land Use Services) Review and public release.

The following items were formally released previously. However, as plan development and evaluation of maps has continued, these items will be amended and edited prior to the release of the DRAFT Plan in early October 2019. Items previously issued for review:

- **Preliminary DRAFT #2A Goals & Recommendations** (Dated 2/28/2018) from the topic chapters.
    - Chapters include: Natural Resources & Environmental Protection; Historic Preservation; Public Utilities & Infrastructure; Community Services & Facilities; Transportation; Economic Development; and Housing & Community Development.
- **Preliminary DRAFT Land Development Plan Map Series** (4 Maps Quadrants A-D: Released 8/23/2018) showing land use classifications for all properties in the City.
- **Preliminary DRAFT Annexation Plan Map Series** (2 Maps Released 10/5/2018) showing Potential Annexation Areas and Potential Land Uses for Annexation Areas.

Preliminary DRAFT #1 – 9.16.2019
CHAPTER 15
IMPLEMENTATION PLAN

Preliminary DRAFT #1

For a Comprehensive Plan to be effective in guiding the growth and improving quality of life within a city, it must identify specific actions and timeframes for implementation. This Chapter identifies the actions and projects necessary for implementation of the *2019 Comprehensive Plan*, as well as the process for amending the Plan.

The City's success in meeting the upcoming challenges will in large part be determined by the actions it takes in the coming years. While each chapter of the Comprehensive Plan includes a series of recommendations for the specific topic area, this Chapter focuses on the projects, studies, and code amendments necessary to implement the Comprehensive Plan. The actions are grouped by timeframe for accomplishment of the specific action item.

The City Manager, City Planner, and other department directors will be responsible for incorporating the various actions and projects into their annual work plans to ensure that projects and tasks are completed in accordance with the Comprehensive Plan. The Planning Office will report annually to City Council and to the Office of State Planning Coordination on the progress of implementation.

The following is a categorized list of the actions required to implement the *2019 Comprehensive Plan* such that its Goals and Recommendations are achieved during the ten-year planning period.

IMMEDIATE ACTIONS - 2019

The two most important and time-sensitive actions that are required by *Delaware Code* are the adoption of the Comprehensive Plan and the Comprehensive Rezoning of all parcels that will now be inconsistent with the Land Development Plan.

Adoption of the Comprehensive Plan

The first step in the implementation process of the Comprehensive Plan is the official adoption. The process for adopting a Comprehensive Plan is spelled out in State law (*Delaware Code*, Title 29, Section 9103). A proposed municipal comprehensive plan is submitted to the Office of State Planning Coordination which shall solicit the comments of state agencies and those of other potentially impacted jurisdictions. This is accomplished through the submission to PLUS. The Office shall follow the process and procedures set forth in the Preliminary Land Use Service (PLUS) and shall provide the municipality with a report:

1. Documenting the degree to which the municipality has incorporated the State's goals, policies and strategies.
2. Listing findings, recommendations and objections, including adverse fiscal impacts
3. Identifying improvements, revisions or other actions desired to address and resolve inconsistencies.
4. Setting forth a timetable and process for negotiations to achieve consistency.

The PLUS review and any revisions to the plan will considered by the City staff prior to release of a Final Draft.

The City must also provide an opportunity for public review and comment and shall provide such review and the proposed Comprehensive Plan to the City Planning Commission and the City Council. The first step in the implementation process of the Comprehensive Plan is the official adoption by the Planning Commission and City Council as required under Delaware law. Both Planning Commission and City Council adopting the Plan affirms their common goal with respect to the future. This occurred on _____DATE and _____DATE respectively.

Upon adoption and satisfaction of the PLUS comments the Plan shall be submitted for certification by the Governor. This occurred on _____DATE.

Comprehensive Rezoning/Zoning Map Revisions

As a part of the Comprehensive Plan implementation process, the City's Official Zoning Map must be evaluated for consistency with the Land Development Plan. Zoning changes necessary to implement the Land Development Plan will be evaluated immediately after the Plan is adopted. The Land Development Plan (Chapter 12 and Map 12-1) is the basis for zoning within the City. Within 18 months of the Comprehensive Plan's adoption, all zoning throughout the City must be consistent with the Land Development Plan. This Comprehensive Rezoning project will involve review by the Planning Commission and City Council with opportunities for public input through public hearings before each body.

ONGOING ACTIVITIES

Many implementation tasks are not tied to a specific study, project or code change, rather they are tasks that are addressed on a routine and continuing basis throughout the planning period. They may result in one or more specific actions as appropriate. These on-going activities are listed by topic area.

Natural Resources and Environment

- Continue to support native tree planting and landscaping programs and tree/natural area maintenance through the Development Advisory Committee and Department of Public Works.
- Share the FEMA floodplain maps and information which pertain to the City to ensure homeowners, businesses and developers have accurate information about flood risks

Preliminary DRAFT #1

- Continue to utilize the knowledge and expertise of the Silver Lake Commission as advocates for the lake, advisors to the City Council on matters regarding the lake, and as liaisons between the City, the public, and DNREC regarding lake management issues.

Historic Preservation

- Conduct Public Outreach and Education opportunities regarding Historic District programs.
- Continue participation as a CLG (Certified Local Government).
- Utilize knowledge and expertise of Historic District Commission focused on preservation and protection of historic resources.

Utilities and Infrastructure

- Educate the public on floodplain topics through outreach to homeowners and residents focusing on helping residents understand their flood risk and what they can do to mitigate flooding in the City.
- Continue enforcement of floodplain regulations and associated construction codes.
- Implement a plan to remove sources of inflow and infiltration in the City's Wastewater Systems.
- Continue to implement Green Energy Goals to help improve the effectiveness and efficiency of our resource management systems, particularly with electricity.
- Proactively maintain and improve the City's utility infrastructure.

Community Services and Operations

- Evaluate the levels of City Services as they pertain to police, fire, and emergency response times. Service levels should be maintained or exceed their current status as Dover grows in population and land size.
- Continue to build a robust online presence for the City focusing on outreach related to City initiatives, education on City ordinances, and promoting Dover as a desirable place to live, work, and play.
- Ensure existing services and facilities at the Dover Public Library building are maintained and expanded to support the number of daily visitors it encounters.
- Improve the City's online customer service functions so that more types of applications, payments, and inquiries can be made through the City's website.
- Support the Police Department's goals and strategies for improving public safety as outlined in the Police Strategic Plan.

Transportation

- Encourage augmentation of new and existing transit stops with bicycle and pedestrian facilities, as well as shelters to protect riders from inclement weather.
- In collaboration with DART, enhance transit connections between neighborhoods and employment centers, institutions, commercial areas, schools and recreational facilities and locations with large transit-dependent populations.
- Continue to play an active role in the Dover/Kent County MPO.
- Maintain the City-owned street and alley systems.

Preliminary DRAFT #1

- Continue to coordinate development activities within the City of Dover with DelDOT through the Development Advisory Committee.
- Continue implementation of the Bicycle Plan and the Pedestrian Plan.

Economic Development

- Ensure that the City has the capability and resources to effectively market and promote itself by identifying points of contact, protocols, processes and marketing strategies.
- Develop a package of promotional materials suitable for a variety of audiences and uses, including print media, social and web presence, and general distribution with a hierarchy of consistent messages and information.
- Routinely review commercial, industrial and related ordinance provisions to ensure that they remain contemporary and support changing concepts of work, shopping and living.
- Reassess Dover's (and Kent County's) economic strengths and opportunities through a comprehensive economic analysis and assessment.
- Support opportunities to expand aviation facilities as well as access to these facilities.

Housing

- Continue to conduct housing inspections on rental housing to ensure the compliance with City Codes.
- Continue to work with other housing agencies to eliminate severe housing conditions that constitute immediate health or safety hazards to the occupants.
- Work with housing providers and developers to construct affordable rental housing options throughout the City including assessable housing for persons with disabilities.
- Continue to work with housing providers to end homelessness and increase the number of permanent supportive housing.
- Support programs to address housing inequities and injustices and promote neighborhood initiatives to address hazards.
- Update and adopt the 2020-2024 Community Development Block Grant Consolidated Plan.

Emergency Operations Planning

- Continue to comply with the National Incident Management System (NIMS) through participating in appropriate staff training and holding drills to prepare for potential disasters.
- Increase the staff training and education available to ensure all essential staff are trained.in NIMS and familiar with the DEOP.

Planning and Use of Lands and Buildings

- Support the adaptive mixed reuse of existing buildings throughout the City.
- Continue to evaluate and adopt the latest versions of the Building Codes and Fire Codes
- Increase coordination with development community and design professionals on City's regulations

Preliminary DRAFT #1

SHORT TERM IMPLEMENTATION (2019-2021)

The following is a listing of projects, studies, and code revisions that will be initiated or focused on during the two years immediately following Comprehensive Plan adoption.

Projects

Projects - Transportation

- Update the "Agreement Regarding Dover US 13/Bay Road Corridor Transportation Improvement District" to set boundaries, horizon year and service standards.
- Work with DelDOT and the Dover/Kent County MPO to develop a Transportation Improvement District for the Route 13/Bay Road Corridor in Dover.

Projects – Economic Development

- Implement a marketing plan for Garrison Oak Business and Technology Center including establishing a web presence, ensuring listing for economic development, improving signage, and site enhancement.

Projects – Downtown Revitalization

- Develop and implement a Downtown parking plan.
- Promote the vitality of the Downtown Development District by developing a shared vision for the Downtown strategically addressing crime, vacancy, and blight.
- Develop revised or new incentives.
- Implement a neighborhood development strategy for adjacent commercial and residential areas.

Projects - Community Services and Operations

- Develop and implement a government/civic complex plan addressing needed City government offices and facilities.
- Implement the City's Enterprise Resource Planning (ERP) Project to support the business processes of the City through improved access and management of City data.

Studies

Studies – Natural Resources and Environment

- Evaluate the City's requirements for providing active recreation areas for new residential developments.

Studies – Historic Preservation

- Evaluate and update the *Design Standards and Guidelines for the Historic District Zone.*

Studies – Community Services and Operations

- Evaluate the design of City-owned buildings to identify opportunities for improving their security and disaster-readiness.

Preliminary DRAFT #1

Studies - Transportation

- Identify current Safe Routes programs and evaluate deficiencies.

Studies – Economic Development

- Evaluate potential access to the Garrison Oak Center from State Route 1.
- Participate in development of a Joint Land Use Study with Dover Air Force Base.

Studies – Housing

- Participate in the development and adoption of the *2019 Fair Housing Plan*.

Code Amendments

Code Amendments – Natural Resources and Environment

- Update and maintain the Source Water Protection Overlay Zone (SWPOZ) on the City's Zoning Map to ensure it covers all lands identified for protection by DNREC's Source Water Map as wells and excellent recharge areas.

Code Amendments - Housing

- Amend provisions in the *Zoning Ordinance* for the definition of "family" to remove undue restrictions for members of protected classes.

Other Activities

Other Activities – Natural Resources and Environment

- Implement a Stormwater Utility with the City to help fund the maintenance of stormwater infrastructure that improves water quality.
- Evaluate the process for referring development projects to the Silver Lake Commission to ensure they review all projects which may have significant impacts on Silver Lake.

Other Activities – Community Services and Operations

- Ensure that the City's contracted Ambulance Service can meet the service demands placed on it.

Other Activities – Transportation

- Evaluate the *2008 Delaware Route 8 Study* and the *2007 US Route 13 Circulation Study* to determine if updated plans are needed.
- Advocate certain projects and studies to be placed in the Dover/Kent County MPO Transportation Improvement Program and the DelDOT Capital Transportation Program (CTP). Each year the Dover City Council develops listing of prioritized projects (See Table 9-6 for the current year's prioritization).

Other Activities – Housing

- Update and adopt the 2020-2024 Community Development Block Grant Consolidated Plan.

Preliminary DRAFT #1

INTERMEDIATE TERM IMPLEMENTATION (2022 – 2025)

The following is a listing of projects, studies and code revisions that will be initiated two to five years following Comprehensive Plan adoption.

Projects

Projects – Natural Resources and Environment

- Develop an Open Space, Parks & Recreation Master Plan.
- Implement the completed Master Plans for Schutte Park and Dover Park.
- Develop a Master Plan for Silver Lake Park.

Projects – Transportation

- Conduct a community-engaged process to designate new Safe Routes and develop their programming.
- Update and Implement the Bicycle Plan & Pedestrian Plan.
- Work with DelDOT, property owners, and the Dover/Kent County MPO to implement the *Dover Capital Gateway Plan* and the *Delaware Route 8 Study*.

Projects – Economic Development

- Facilitate the establishment of the Central Delaware Aviation Center/aviation and aeronautics employment center through completion of the DAFB Joint Use Agreement and a master plan for development of the facility.

Studies

Studies – Natural Resources and Environment

- Work with DNREC to identify potential water quality improvement projects in major City water bodies such as Silver Lake.
- Conduct a "vulnerability assessment" of the City to determine which people and places within Dover are most at-risk from climate change pressures.

Studies – Historic Preservation

- Evaluate appropriate areas for expansion of the Historic District (H) Zone.
- Evaluate areas listed or eligible to be listed on the National Register for Historic Places for inclusion within the City's Historic District (H) Zone.

Studies – Community Services and Operations

- Assess all City buildings to determine if they are adequately able to support City staff and day-to-day operations in the City. Create plans for improving these buildings or moving to new ones if they are found to be inadequate.

Preliminary DRAFT #1

Code Amendments

Code Amendments – Natural Resources and Environment

- Improve water quality and floodwater absorption capacity in the City through code amendments addressing topics such as pervious paved surfaces, stormwater management areas, and hydric soils.
- Reduce air quality impacts and climate change impacts through code amendments which aim to improve access to alternative forms of transportation.

Code Amendments – Historic Preservation

- Identify and study areas for local Historic District designation (H - Historic District Zone).
- Refine procedures for Architectural Review Certification process.

Code Amendments - Housing

- Develop code amendments considering an alternative housing options for group, transitional, and supportive housing.
- Amend provisions in the Safe Communities Initiative that may be a violation to fair housing.

Other Activities

Other Activities - Transportation

- Encourage DART to share the Dover Transit Center with private intercity buses.

LONG TERM IMPLEMENTATION (2025 AND BEYOND)

Long term projects are those tasks, that while important components of the Plan, will be undertaken later in the planning process. This may be a function of timing, resources, research and data requirements, and dependence on completion of preceding tasks. Some identified projects, studies and activities may be multi-phased initiatives or ongoing large projects.

Projects

Projects – Community Services and Operations

- Implement a plan to remove sources of inflow and infiltration in the City's Wastewater Systems.
- Obtain Accreditation with the American Public Works Association in recognition of high standards and professionalism

Studies

Studies – Natural Resources and Environment

Preliminary DRAFT #1

- Proactively plan for the impact new technologies such as alternative fuels, online goods and services delivery, and self-driving cars will have on lifestyles and travel.

Studies – Utilities and Infrastructure

- Ensure that the City's Utility Plans of the Department of Public Works and the Electric Department are kept up to date, noting that they need to be updated every 10-15 years.

Studies – Economic Development

- Address development opportunities for West Center City area including review and implementation of prior planning studies.

Code Amendments

- Regularly review and revise the *Zoning Ordinance, Subdivision Regulations* and *Dover Code of Ordinances* to endure that they reflect current conditions and trends, are efficient to administer and promote sound land use and development in the City.

Other Activities

Other Activities – Natural Resources and Environment

- Improve the City's Bicycle and Pedestrian networks in accordance with the recommendations of the Bicycle Plan and Pedestrian Plan.

Other Activities – Historic Preservation

- Complete Self-Assessment for the Historic District Commission.
- Implement methods of on-going communication with historic property owners.

Other Activities – Transportation

- Support the return of passenger rail service.
- Identify new transportation needs and ensure the City has the infrastructure to accommodate evolving technologies.

Other Activities - Housing

- Collaborate with public health agencies, housing authorities, advocacy groups and others on matters concerning housing and health.

COMPREHENSIVE PLAN 2029

Planning is a process. It is not a product or a report. It is not done when this Comprehensive Plan is adopted and certified. During the 2019-2029 planning period, Staff will regularly track and monitor development activities, study and identify economic and demographic trends, and access the implementation of the Plan's objectives. Through coordination with the Office of State Planning Coordination, the Dover/Kent County MPO, the Kent Economic Partnership, the Downtown Dover Partnership and other stakeholders; regular analysis of contemporary data (including the 2020 Census); and ongoing community input, the Staff will build the basis for the

Preliminary DRAFT #1

next Comprehensive Plan. The process to develop the next comprehensive plan document for 2029 will need to begin at least in the prior year to determine the plan preparer (Staff or Consultant), the format of plan, and the types of outreach activities.

COMPREHENSIVE PLAN AMENDMENTS

The City may, from time to time, amend the Comprehensive Plan as circumstances unforeseen at this time arise that require such amendments. Any amendments to the Comprehensive Plan must be approved by City Council, by recommendation of the Planning Commission, and submitted to the Office of State Planning Commission for review before they become effective. Comprehensive Plan Amendments can fall into two categories: Minor Variations and Comprehensive Plan Amendment Requests.

Requests to amend the Comprehensive Plan may be initiated by Planning Staff, City Council, or applications from the general public. Upon receiving a request to amend the Comprehensive Plan, the City Planner will determine whether the request is considered a Minor Variation or a Comprehensive Plan Amendment Request.

Minor Variations

Any application for Rezoning or Annexation that is inconsistent with the City of Dover's Comprehensive Plan, but where the non-conformity is of a minor, relatively insignificant nature shall be considered a **Minor Variation**. A rezoning shall be considered a Minor Variation from the Comprehensive Plan when the following conditions are met:

a) The rezoning is of a unique circumstance and cannot set precedent for other lands in the vicinity of the rezoning; and
b) The relative size of the rezoning or the variation from the land use recommended by the Comprehensive Plan is so minor that it would have no impact on the goals and objectives of the Comprehensive Plan; and
c) The proposed zoning is adjacent to or in the immediate vicinity of other similarly zoned lands and would not alter the pattern of development in the area.

When the City Planner determines that a request qualifies as a Minor Variation, he/she will submit the requested amendment to the Office of State Planning Coordination in writing, including a map of the area with the Land Development Plan classifications and an explanation of how the proposal qualifies as a Minor Variation. If the Office of State Planning Coordination concurs with the City Planner, the application will be considered consistent with the Comprehensive Plan and processed according to the proper procedure for the Rezoning or Annexation request. If the Office of State Planning Coordination does not concur, then the application will be considered a Comprehensive Plan Amendment Request.

Comprehensive Plan Amendment Requests

For those requests that may not be considered a Minor Variation, the applicant must file a **Comprehensive Plan Amendment Request**. As established in the Memorandum of Understanding for PLUS, the City has agreed to submit an Application (of the Comprehensive Plan Amendment Requests) for comments to the State Office of Planning Coordination's

Preliminary DRAFT #1

Preliminary Land Use Services (PLUS) review process. In these cases, the City is the entity that must submit a request for PLUS review.

When the City Planner determines that a request is considered a Comprehensive Plan Amendment Request (not a Minor Variation), it will be subject to the following process. The City will submit Comprehensive Plan Amendment Requests for consideration through the PLUS Process in **January of each year.** Applications for Amendments to the Comprehensive Plan must be received by the City Planning Office by December 15th. The City will compile any requests received into one submission to the Office of State Planning Coordination, regardless of Planning Staff concurrence with the request. Comprehensive Plan Amendment Requests will be processed annually, in accordance with the schedule in Table 15-1.

Table 15-1: Amendment Submission Schedule

Milestone	Date
Application Deadline	December 15th
Submission to PLUS	1st Working Day of January
PLUS Meeting	Late January
DAC Staff Meeting	Late January/February
DAC Applicant Meeting	February
Planning Commission Hearing	February
City Council Hearing & Action	March

There are specific application forms and checklists for Comprehensive Plan Amendment Requests. Prior to submitting an application for Comprehensive Plan Amendment, an applicant must hold a Pre-Application meeting with Planning Staff. Submission materials for Comprehensive Plan Amendments will require the applicant to provide the following information (prepared by a design professional): a completed Comprehensive Plan Amendment Application, other appropriate application forms based on the request type, property information (drawing), an analysis of the surrounding land uses and zoning classifications, a statement on how the request is consistent with the goals of the Comprehensive Plan and the fee associated with the application. For Rezoning and Annexation applications, all other requirements must be met for the submission.

CONCLUSION

The *2019 Comprehensive Plan* is the culmination of more than a year's effort, led by the Planning Office, in conjunction with other City Departments, the City Council, the Planning Commission, the Historic District Commission, and the citizens of Dover. This project has worked to define the future of Dover. Public input is at the heart of the goals, recommendations, and implementation actions of the Comprehensive Plan. The Comprehensive Plan is intended to be a living document that will guide the actions of City government as it addresses the challenges of a growing City. The public input does not end with the adoption of the Comprehensive Plan; rather, the public is encouraged to stay involved in the implementation of the Plan to ensure that Dover continues to be a place where people want to live, work and play.

Preliminary DRAFT #1

City of Dover

PETITION TO WAIVE ZONING ORDINANCE PROVISION:
ELIMINATION OF EMERGENCY ACCESS REQUIREMENTS
Before the City Council Committee of the Whole: Safety Advisory & Transportation Committee
September 23, 2019

Plan Title:	White Oak Road Property: Apartments and Townhouses on 3 parcels of land on White Oak Road, S-19-15 Revised
Plan Type:	Site Development Plan and Parcel Consolidation Plan
Location:	North side of White Oak Road, west of State Route 1
Addresses:	1317 White Oak Road and other not yet addressed properties on White Oak Road
Tax Parcels:	ED-05-068.11-01-05.00-000 ED-05-068.11-01-03.00-000 ED-05-068.11-01-01.00-000
Owner/Applicant:	Harman Brothers LLC
Site Area:	11.17 acres (three parcels)
Zoning:	C-2A (Limited Central Commercial Zone)
Present Use:	vacant, wooded areas
Proposed Use:	Apartment Building of 24 units and Eight (8) Townhouse Units
Waiver Recommended:	*Zoning Ordinance* Article 5 § 17.3 and 17.5(a) Elimination of the Emergency Rear Access for Townhouse Units
Planning Commission Recommendation:	**Following a Public Hearing on August 19, 2019 where one member of the public spoke, the Planning Commission voted (7-0) part of the action on Site Plan Revised S-19-15 White Oak Road Property: Apartments and Townhouses to recommend approval of the Waiver Request for the Elimination of the Emergency Rear Access Requirement for the Townhouse Units. See the included Excerpt of the Meeting Minutes of the August 19, 2019 Planning Commission Meeting.**

Attachments:

- DAC Comments: Department of Public Works and Electric Department, Office of the Fire Marshal
- Letter of Request for Emergency Access Waiver dated August 8, 2019
- Site Plan Sheet and Landscape Plan Sheet from Revised S-19-15
- Excerpt of Draft Minutes from August 19, 2019 Planning Commission Meeting

The following Report includes excerpts from the Development Advisory Committee (DAC) Report prepared for Application S-19-15. This information was provided to the Planning Commission for their August 19,2019 meeting.

PLAN SUMMARY

This is Site Development Plan proposes construction of a three-story apartment building to contain twenty-four (24) dwelling units as well as eight (8) townhouse units, comprising thirty-two (32) total dwelling units and associated site improvements known as the White Oak Road Property. The subject area of three parcels consists of 11.17 acres +/- and located north side of White Oak Road west of State Route 1. The properties are zoned C-2A (Limited Central Commercial Zone). The owner of record for all three (3) properties is Harman Brothers LLC. Property Addresses: 1317 White Oak Road and other not yet addressed properties on White Oak Road. Tax Parcels: ED-05-068.11-01-05.00-000, ED-05-068.11-01-03.00-000, and ED-05-068.11-01-01.00-000.

Plan and Architecture of Project Site:

The subject properties are located on the north side of White Oak Road between Bay Tree Drive and State Route 1. The three (3) parcels currently consist of wooded areas with some open areas adjacent to White Oak Road. The largest of the three parcels is impacted by the 100-year floodplain and wetland areas. The Apartment building is three-stories in height and topped by gabled roofs. The apartment building includes a masonry watertable then horizontal siding with multiple windows. Access into the building is with two exterior stairway systems from the front elevation (south side) of the building. The building includes a small patio/balcony area for each unit (six on each side of the building). The townhouse units appear to be three-story with a front-loaded garage and multiple building wall segments containing windows. The exterior finishes vary from horizontal siding to stone with a shingled roof.

Site Layout:

The project proposes a new residential development consisting of an apartment building of twenty-four (24) units and a townhouse series of eight (8) units. There is a single entrance point to White Oak Road. To the west, the apartment building is encircled by parking and a drive-aisle for circulation. The townhouse units on the east are accessed from a drive-aisle connection which ends in a cul-de-sac turnaround. The project requires some clearing of the existing woodland for the development activities.

Special Flood Hazard Areas and Wetlands

Portions of the subject site are within the City's Flood Hazard Area (100-year flood plain). These properties are found on the FEMA FIRM Panel of Kent County Delaware Map Number 10001C0167H, dated May 5, 2003. Letter of Map Revision LOMR #18-03-1850P effective January 29, 2019 revised FIRM Map #1001C0167H and shows the site areas within the 100-year floodplain. (It supersedes LOMR #17-03-0901P effective June 4, 2018 that also revised FIRM Map #10001C0167H.) It is also noted that data collection continues in this area which may result in future submissions to FEMA for a Letter of Map Revision that may impact the floodplain on these properties.

The *Zoning Ordinance,* Article 5 §11.21 requires that flood hazard areas (100-year floodplain) remain as open natural areas with no impervious surfaces. There are portions of this project plan that appear very close to encroachment into the flood plain areas or are close enough that construction work would; please ensure no impact is made.

The *Zoning Ordinance,* Article 5 §11.22 prescribes provisions related to wetland areas. There are setback requirements from wetland areas that are over 0.25 acres in size. With a wetland area of 1.14 acres, a 100-foot setback is required; however, this can be reduced to 50 feet with implementation of a riparian buffer. In this instance the existing woodland and limitations of the floodplain maintain a separation (setback) distance of 76 feet to 101 feet for site improvements from the wetland area.

Site Entrance

The site is accessed from White Oak Road with the entrance almost aligned with Acorn Lane. Once on-site, it appears to be a series of drive aisles for circulation.

Waiver Request: Elimination of Emergency Rear Access Requirements

Emergency Rear Access Requirements

Zoning Ordinance, Article 5 §17(5)(a) specifies rear emergency access requirements for various types of residential units. Two and three-story apartments are required to provide 18-foot Secondary Fire Lane. The plans show that the drive aisle that circles the building is planned to be 24 feet in width across the front of the building and across part of the east side then the drive aisle reduces to 18 feet width for the remaining two sides (north and west). It appears to meet the minimum requirements as stated in the *Zoning Ordinance* for rear access requirements; however, it must also be considered with the Fire Code requirements.

Waiver Request: Emergency Rear Access Requirements for Townhouses

For townhouse units, there is also an emergency rear access requirement. For groups of 3-8 townhouse units not meeting the "fire protected townhouse" definition (of the *Zoning Ordinance)* it requires a 16 ft. rear alley. This rear access has not been provided in the design; however, it appears the applicant is taking steps to meet the definition of "fire protected" with the placement of non-combustible siding (stone) shown on the architectural elevation. For "fire-protected Townhouses" in groups of 3-5 units then an open rear yard is required. The Code is unclear as to the Rear Emergency Access Requirement for a grouping of eight (8) "fire protected Townhouse" units. A written waiver request of the Rear Emergency Access requirements was submitted for consideration outlining this project's strategy in regards to fire-protection including a proposal to include a sprinkler system for the townhouse units.

The Ordinance provides for consideration of a waiver of the emergency access requirements; see Code citation as follows:

> **Article 5 Section 17. - Emergency access requirements.**
> (1) *General purpose.* The purpose of this section is to establish standards and requirements for the fire protection of structures and inhabitants by providing emergency vehicle access to structures that enable the City of Dover Bureau of Fire to approach and attack fires in such a way that there is a reduced threat to the lives and safety of citizens.

(2) *Waiver.* Should the planning commission determine, after demonstration by an applicant, that alternative means of fire protection can be provided which are equivalent to or greater than the public safety protection provided by this ordinance, then the planning commission may recommend to [the] city council to waive certain provisions of this ordinance that are not required under other city or state laws.

Summary of Waiver Request:

The Site Plan currently does not provide Rear Emergency Access to the eight Townhouse Units on the site; and the applicant is requesting a waiver for the elimination of this requirement. The proposed Townhouse unit buildings are to have fire protection provisions as outlined in the Applicant's Request Letter. The Fire Marshal's comments related to fire protection measures for the project are also attached to this Report. The requested waiver is further summarized in the following chart:

Zoning Ordinance	Required	Rear Emergency Access Proposed	Waiver Request
Emergency Rear Access for Townhouse: three-eight units no fire protection	16-foot Alley for rear access		
Emergency Rear Access for Townhouse: three-five units fire protected	Open Rear Yard		
Emergency Rear Access for Townhouse: eight fire protected units	***Zoning Ordinance* does not include requirements for this unit type.**	**None. The existing site layout does not have rear emergency access. Fire Protection measures to be implemented with building construction techniques including fire-rated walls, non-combustible exterior finish materials, and 13R sprinkler system.**	**Elimination of the Rear Emergency Access.**

Staff Recommendation on Waiver Request for Elimination of Emergency Rear Access Requirement

Planning Staff recommends approval of the Waiver Request to eliminate the Rear Emergency Access requirement. Staff recommends approval of the alternative means of fire protection proposed by the applicant for the Townhouse units to consist of interior wall fire barrier, alternating exterior finishes (combustible and non-combustible materials), and the residential sprinkler system per unit. This is instead of a rear emergency access element of either an alley or open rear yard for the Townhouse units. These alternatives have also been considered by the Fire Marshal.

Findings and Recommendations of the Dover Planning Commission

A written waiver request for the elimination of the rear access requirement for the Townhouse units was submitted for consideration by the Planning Commission. Planning Commission formulated a recommendation as part of the review of the project. This Report with their recommendation is forwarded to the Council Committee of the Whole: Safety Advisory and Transportation Committee and City Council who has the final authority to grant the request for the elimination of the emergency rear access for the Townhouse units.

The Planning Commission at its meeting on August 19, 2019 reviewed the proposed waiver request as part of its review of the Site Development Plan for the White Oak Road Properties: Apartments and Townhouses.

- The Planning Commission granted conditional approval of the Site Development Plan S-19-15. The approval is subject to the Development Advisory Committee Report (with agency comments) and including adoption of the Staff Recommendations.
- **The Planning Commission recommends approval of the waiver for the Elimination of the Emergency Rear Access for the Townhouse units.** Pursuant to *Zoning Ordinance*, Article 5 §17.5(a), the Planning Commission recommended approval of the waiver for the elimination of the Emergency Rear Access requirement for the Townhouse units subject to the implementation of the fire protection measures noted.
- The motion passed unanimously 7-0 of the members present. See the Excerpt of the Planning Commission Meeting Minutes of August 19, 2019.

**The complete application file S-19-15 White Oak Road Properties: Apartments and Townhouses including complete plan set and full Development Advisory Committee (DAC) Report are available at the Planning Office.*

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JUNE 26, 2019

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **White Oak Property Apartments and Townhouses on 3 Parcels of Land on White Oak Road**

FILE #: **S-19-15**

REVIEWING AGENCY: **City of Dover Electric and Public Works Departments**

CONTACT PERSON: **Paul Waddell - Electric**
Jason A. Lyon, P.E. – Public Works

CONTACT PHONE #: **Electric - 302-736-7070 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

1. The roadway and curbing must be in.
2. The right-of-way must be within 6" of final grade.
3. The property corners must be staked.
4. Owner is responsible for locating all water, sewer, and storm sewer lines.
5. Owner is responsible for installing all conduits and equipment pads per the City of Dover Engineering Department specifications.
6. Owner is responsible for site and/or street lighting.
7. Meter locations will be determined by City of Dover Engineering Department.
8. Load sheets and AutoCAD compatible DXF or DWG diskettes of site plans, including driveways, are required prior to receiving approved electrical construction drawings.
9. Any relocation of existing electrical equipment will be engineered by the City of Dover Electric Department. Developer may be required to perform a quantity of the relocation. Any work performed by the City of Dover will be at the owner's expense.
10. Prior to construction, owner is responsible for granting an easement to the City of Dover Electric Department. Easement forms will be furnished and prepared by the City of Dover Electric Engineering Department.
11. Fees will be assessed upon final site plans. The owner will be responsible for fees assessed prior to construction. Owner is required to sign off plans prepared by the Electric Department.
12. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
13. Prior to the completion of any/all designs and estimates, the owner is responsible for providing the Electric Engineering Department with a physical address of the property.
14. All Engineering and design for Dover Electric will be engineered upon final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
    b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
    c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. A curb stop shall be installed one foot (1') outside the right-of-way line.
5. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed buildings. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
6. Each property shall be served by a single water service line which shall be furnished and installed by the property owner. In the event a property contains multiple principle structures, such as a shopping center or apartment complexes, the property shall be served by a single water main where a water service line may be provided to each principle structure. Each structure, which is capable of being offered for sale, shall have its own separate water services.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
    b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.
3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures, including cleanouts.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.

5. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
6. The minimum size of all sanitary sewer laterals shall be six-inch (6").
7. Each property shall be served by a single sanitary sewer lateral which shall be furnished and installed by the property owner. In the event a property contains multiple principle structures, such as a shopping center or apartment complexes, the property shall be served by a single sanitary sewer main where a sanitary sewer lateral may be provided to each principle structure. Each structure, which is capable of being offered for sale, shall have its own separate water services.

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District is submitted to our office.
2. The size, length, slope, type and flow directions must be shown on all existing and proposed storm sewer lines. Rim and invert elevations must be labeled on all stormwater structures.

STREETS

1. Final site plan approval will not be granted until a copy of the approved entrance plan, signed by DelDOT is submitted to our office.

SANITATION

1. Every apartment complex shall provide such premises with a sufficient number of solid waste containers to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers. The City of Dover shall provide institutional customers with a maximum of two (2), 90-gallon trash containers and two (2) 90-gallon recycling containers.
2. Trash collection site shall be oriented for side-loading pick-up if customer is utilizing City of Dover sanitation services.
3. Any commercial customer requiring more containers, or larger containers, than provided above, must utilize private service.

GENERAL

1. None

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. The final site plan must be submitted in the following compatible digital formats:
   a. AutoCAD 2004 (.dwg format).
   b. Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. Owner must give the City of Dover Electric Department three (3) months notice prior to construction. Owner is responsible for following the requirements outlined in the City of Dover's Electric Service Handbook. The handbook is now available on the website at the following link: http://www.cityofdover.com/departments/electric/documents/.

WATER /WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. City of Dover will need proposed load sheets to validate current electrical equipment is adequate. Load sheets can be found on the at the following location: https://evogov.s3.amazonaws.com/media/27/media/13110.pdf

WATER

1. The City of Dover water system is available to this site. The developer is responsible for all costs associated with extending and providing service to the proposed development.
2. Prior to plan approval, the water system plans must be submitted to the Division of Public Health, Office of Drinking Water for review and approval. The owner/developer will be responsible for providing all completed forms and plan sets to the City of Dover as required for submission to the Office of Drinking Water. Plans will not be submitted to the Office of Drinking Water until review has been completed by our office.
3. Hydrant flow testing is currently only performed during the spring and fall. The applicant must call the Department of Public Works directly to schedule these tests. This applies to both existing hydrants as well as those proposed for the site.
4. Water impact fees will be required for this proposed site plan.

WASTEWATER

1. The City of Dover sanitary sewer system is available to this site. The developer is responsible for all costs associated with extending and providing service and capacity to the proposed development.
2. Prior to plan approval, the sanitary sewer system plans may be required to be submitted to the DNREC, Division of Water Resources, Surface Water Discharges Section for review and approval. The owner/developer is responsible for providing all application fees, completed forms and plan sets directly to DNREC.
3. Wastewater impact fees will be required for this proposed site plan.
4. The methodology and location of the sanitary sewer lateral connection will be required to be coordinated with the City of Dover and DelDOT. Please contact our office to discuss in more detail.

STORMWATER

1. Please be advised that a Letter of Map Revision will be submitted to FEMA that could affect the floodplain line on this property.

GROUNDS / STREETS / SANITATION

1. None.

GENERAL

1. The applicant is advised that depending upon the size of the existing water service and sanitary sewer lateral to be abandoned, flowable fill may be required.
2. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter and with the Water/Wastewater Initial Plan Submission Checklist, which can be obtained from the following website: https://imageserv9.team-logic.com/mediaLibrary/198/WaterWastewaterHandbookFinal_1.pdf, page 88.

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.

S-19-15

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 06/26/19
Updated 8/7/2019

CITY OF DOVER FIRE MARSHAL

APPLICATION: White Oak Property Apartments and Townhouses on 3 parcels of land

FILE #: S-19-15 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Fire Marshal PHONE #: (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:

CITY AND STATE CODE REQUIREMENTS:

1. Proposed occupancy classification is apartments and townhouses (multifamily). The Chief Building Inspector and Fire Marshal have been in communication with Ring Lardner and a proper occupancy classification will be provided. 08/05/19 email: First building will be new apartments and the second will be new single-family townhomes.

2. Building Access shall be no further than 50 feet from a primary entrance

   Where buildings are provided with an automatic sprinkler system installed in accordance with NFPA 13, access shall be no further than 100 feet from the primary entrance.
   (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3)

3. Parking shall be prohibited in front of the primary entrance for a width of not less than 1.5 times the width of the door(s) or for 10 feet, whichever is greater.
   (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.2)

4. Perimeter access shall be 75% for the apartments and clearly shown on the plans.

   Perimeter Access minimum width shall be 15 feet measured from the face of the building at grade with a maximum slope of ten percent (10%). Plantings and utility services (includes condenser units, transformers, etc.) shall be permitted within the perimeter access, and shall not interfere with emergency services fire ground operations.

   If a physical barrier (fence, pond, steep slope, etc) prevents access, that portion of the building perimeter shall not be included in the calculation of Percent of Perimeter Access.
   (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3)

5. Fire lanes shall cover 35% of the apartments.

Fire lanes are required to be 24 feet wide and run along the front of the building as determined by the primary entrance(s). In cases where there is more than one primary entrance(s), each shall be served by a fire lane even if this exceeds the percentage as required.

The closest edge of fire lanes shall not be located closer than ten (10) feet to the exterior wall and the closest edge of fire lanes shall not be located further than 50 feet from the exterior wall if one or two stories in height; 40 feet if three or four stories in height, or 30 feet if over four stories in height.
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5)

6. Where parking is located between the building and the fire lane, parking shall not be located closer than 15 feet to the exterior wall.
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.4.1)

7. All Fire Lanes shall be marked as follows:

   both the inner and outer edges of the fire lane shall be marked, where curbs are present, the top and face of the curb shall be painted yellow, where no curbs are present, a four inch (4") solid yellow demarcation line shall mark the edge(s) of the fire lane.
   (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)

8. The specific color yellow shall be the uniformly accepted yellow as utilized by State of Delaware Department of Transportation (DelDOT). Only vivid and durable paint shall be used and shall be suitable for street surfaces

9. Fire lane signs shall be located as follows:

   see Figure 5-16 – Approved Sign For Marking Fire Lanes, fire lane signs shall be spaced at 150 foot intervals maximum, all fire lane signs shall be located no less than six feet (6') and no higher than eight feet (8') above the pavement, signs shall be placed at each end of the fire lane, and signs shall face all oncoming traffic.

   Where parking is not restricted roadway markings shall utilize the words "FIRE" and "LANE" in lieu of fire lane signs and shall conform to the specifications of 7.6.
   (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)

10. Where overhangs, canopies, balconies, or any other building or site features must project over any fire lane, an unobstructed vertical clearance of not less than 13'-6" above the fire lane shall be provided and the portion of the building perimeter which contains overhangs, canopies, balconies, or any other building features shall not apply towards the fire lane accessibility requirements of Section 4.0, Table 5-1 in this chapter.
    (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.8)

11. Emergency access to rear building areas compliant with City of Dover Code (Appendix B-Zoning, Article 5- Supplementary Regulations, Section 17);

    all four stories and greater buildings require 24ft fire lane at the rear.

    All two to three story apartment structures require an 18ft Secondary Fire Lane at the rear.

    All townhouses (3-8 units with no fire protection) require a 16ft alley or 18ft secondary fire lane at the rear.

12. Multiple Access Roads shall be provided when a fire department access road (fire lane) is determined by the Fire Marshal to be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access such as placement of fire hose from fire equipment.

13. Street width shall be in accordance with City of Dover Code of Ordinances, Appendix A, Article VII, Section A. 13,

    Residential areas
    24 feet wide with no parking,
    30 feet wide with parking on one side, or
    36 feet wide with parking on both sides

    Commercial areas
    26 feet wide with no parking,
    32 feet wide with parking on one side, or
    38 feet wide with parking on both sides

    Alley
    12 feet wide

    Any dead-end road more than 300 feet in length shall be provided with a turnaround or cul-de-sac as outlined in the 2015 Delaware State Fire Prevention Regulations 705, chapter 5, 2.3.

14. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.

15. All fire hydrants shall be marked as prescribed within the appropriate section of this regulation and as illustrated by the appropriate figures of this regulation.

    All fire hydrants shall have minimum of four-inch (4") solid yellow demarcation lines to define specific areas, where fire hydrants are located along a curb line with permitted parking, the area between the fire hydrant and the street or fire lane shall be stenciled with four inch (4") demarcation lines and the words "NO PARKING", demarcation lines shall be measured from the center line of the fire hydrant and extend for a distance 15 feet on both sides.

    Where fire hydrants are located in parking lots or other areas susceptible to blockage by parked vehicles they shall be treated as follows: fire hydrants shall be protected in all directions for a distance of seven feet (7') with barriers or curbing, Minimum four-inch (4") diameter steel bollards filled with concrete and marked yellow shall be installed at the outermost corners of the fire hydrant demarcation area. The minimum height of the bollard shall be 36 inches above the finished grade of the adjacent surface, and the steamer connection of all fire hydrants shall be positioned so as to be facing the edge of the street, or traffic lane.
    (2015 Delaware State Fire Prevention Regulations, 705, Chapter 6, 2)
    The owner is responsible if the hydrant is private.

16. Hydrant barrels shall be provided with reflective material, such as paint, durable for highway/roadway markings or a reflective tape of a minimum of 2” in width around the barrel under the top flange, hydrant bonnets shall be color coded based on the following criteria: class AA 1500 GPM - painted light blue, class A 1,000 GPM -1499 GPM - painted green, class B 500 - 999 GPM - painted orange, class C 250 - 499 GPM - painted red, class D under 250 GPM - painted black.
    (2015 Delaware State Fire Prevention Regulations 703, Chapter 3. 4)
    The owner is responsible if the hydrant is private.

17. Fire Alarm System required per occupancy code requirements.

Fire alarm in place of assembly. *Fire alarm required.* Any new occupancy or new portion of an occupancy determined to be a place of assembly by the fire marshal and is capable of receiving an occupant load of 75 persons or greater, shall be required to install a fire alarm in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Fire alarm system required. Any existing occupancy or portion of an existing occupancy determined to be a place of assembly by the fire marshal, and is undergoing renovations in excess of 50 percent of the assessed value of the building and is capable of receiving an occupant load 75 persons or greater or is being enlarged to receive an occupant load of 75 persons or greater, shall be required to install a complete fire alarm system in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Public mode audible requirements. To ensure that audible public mode signals are clearly heard by occupants of a structure, they shall have a sound level at least 15 decibels (dB) above the average ambient sound level or five decibels (dB) above the maximum sound level having a duration of at least 60 seconds, whichever is greater, measured five feet (1.5m) above the floor in the area required to be served by the system using the A-weighted scale dBA. In the event the stated requirement cannot be met a shunt trip relay/switches shall be the approved method of meeting the intent of this section of the Code.
(City Code of Ordinances 46-171)

18. Sprinkler system required. System is to be monitored by an approved Fire Alarm System.

This chapter shall apply to all buildings, structures, marine vessels, premises, and conditions which are modified by more than 50% after the effective date of these Regulations. The 50% figure shall be calculated utilizing the gross square footage of the building, structure, marine vessel, premises and conditions as to arrive at the correct application.

Any proposal that is presented to the Office of the State Fire Marshal for review and approval for a building rehabilitation as defined in the 101 Life Safety Code, for less than 50% of the gross square footage of a non-sprinklered building, may not have another such project for the same building submitted for review and approval any sooner than three (3) years after the date of the final inspection unless sprinkler projection is provided throughout the entire building.

In all buildings exceeding 10,000 square feet of aggregate, gross floor area.

In all buildings in excess of 40 feet in height or more than four (4) stories in height.

In all buildings or areas thereof used for the storage, fabricating, assembling, manufacturing, processing, display or sale of combustible goods, wares, merchandise, products, or materials when more than two (2) stories or 25 feet in height.

In all basement areas exceeding 2,500 square feet floor area.

In residential occupancies when of: Type V (0,0,0) or Type III (2,0,0) construction and exceeding two (2) stories or 25 feet in height. Type V (1,1,1) and Type III (2,1,1) or

Type IV (2,H,H) construction exceeding three (3) stories or 3In all residential apartment buildings storage areas except individual unit closets that are located within individual residential living units.

In all buildings used as health care occupancies as defined in the Life Safety Code, NFPA 101, as adopted and/or modified by these Regulations. In all buildings or areas classified as "high hazard" under the Life Safety Code, NFPA 101, or "extra hazard" under the Standard for the Installation of Sprinkler Systems, NFPA 13, as adopted and/or modified by these Regulations.

All buildings used as dormitories, in whole or in part, to house students at a public or private school or public or private institution of higher education. (16 **Del.C.** Ch. 88) This applies to all such dormitories regardless if new or existing.

(2015 State of Delaware fire Prevention Regulations, 702, Chapter 4)
Places of assembly shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13 when the following apply:

All new indoor places of assembly with an occupant load of 150 persons or greater.

Any interior renovations of 50 percent or more to an existing place of assembly with an occupant load greater than 150 persons.

Any additions or increase in interior size to an existing place of assembly that would create an occupant load of 150 persons or greater.

Places of assembly where alcohol is served for consumption on the premises shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13 when the following apply:

All new indoor places of assembly with an occupant load of 100 persons or greater and where alcohol will be served for consumption on the premises.

Any interior renovation of 50 percent or more to an existing place of assembly with an occupant load greater than 100 persons and where alcohol will be served for consumption on the premises.

Any additions or increase in interior size to an existing place of assembly which would create an occupant load of 100 persons or greater and where alcohol will be served for consumption on the premises.

New educational occupancies of 5,000 square feet or greater shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13.
(City of Dover Code of Ordinances 46-162)

19. Fire Department Connection is to be a 5-inch stortz connection on a 30-degree elbow located within 50 feet of main entrance. Access to the Fire Department Connection must be clear unobstructed access as defined by the AHJ.

20. Parking and/or obstructions shall be prohibited in front of fire department connections for a distance measuring from the center line and extending four feet on both sides.
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.4)

21. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.

22. All standpipe and sprinkler connections shall be marked as prescribed within the appropriate section of this regulation and as illustrated by the appropriate figures of this regulation. All standpipe and sprinkler connections shall have minimum of four inch (4") solid yellow demarcation lines to define specific areas, Solid yellow demarcation lines shall be measured from the center line of the connection and extend for a distance of four feet (4') on both sides, and where parking is allow between the building and the street or fire lane the solid yellow demarcation lines shall extend from the end of the sidewalk surface to the street or fire lane (Markings shall not be required on the sidewalk surface). All fire department connections (standpipe and sprinkler) shall have a minimum 12" x 18" sign that reads FIRE DEPT. CONNECTION, sign lettering shall be a minimum of 3 inches (3") in height with red scotchlite letters on white scotchlite background. The sign shall be clearly visible from the fire lane or roadway, and signs using NFPA international symbols shall be an acceptable alternative. (2015 Delaware State Fire Prevention Regulations, 705, Chapter 6, 3)

23. Standpipes shall be provided in all areas and buildings as required in the codes and standards listed in Regulation 701 as well as the following areas or buildings:

In all Class A and Class B places of assembly and institutional occupancies two (2) stories or 25 feet in height or over,

In any building over three (3) stories, In any building over 35 feet in height,

In any building that has a floor above the first floor over 10,000 square feet gross floor area,

In all buildings where the 1st floor exceeds 60,000 gross square feet,

a Class I horizontal standpipe system installed in accordance with the applicable codes and standards listed in Regulation 701 of these Regulations shall be provided. All standpipe systems shall be installed in accordance with the applicable codes and standards listed in Regulation 701.

The standpipe system shall be carried up with each floor and shall be installed and ready for use as each floor progresses.

Standpipes shall not be more than one floor below the highest forms of staging,

The 2½-inch of hose connections on Class I systems shall be provided in the following locations, At the highest intermediate landing between floor levels in every required exit stairway,

Where intermediate landing is not provided, hose connections shall be permitted to be located at the main floor landings in exit stairways when approved by the authority having jurisdiction,
Where the local fire department has the capability of providing the required pressure, hydraulically designed standpipe systems in fully sprinklered, non-high-rise buildings shall be designed to provide the required waterflow rate.

A sign shall be provided at each landing, in all interior stairways, designating the floor level. (2015 Delaware State Fire Prevention Regulations 702, Chapter 4, 2)

Fire department connections. Unless otherwise approved by the fire marshal, fire department connections shall be on the street side of the building and shall be located and arranged so that hose lines can be readily and conveniently attached to without interference from any nearby obstructions as defined by the fire marshal's office. Fire department connections shall be a five-inch Storz. Fire department connections shall be within 300 feet of an approved City of Dover Fire Hydrant and within 50 feet of the main entrance of the structure it serves. All fire department connections shall be not less than three feet nor more than five feet in height above finished grade. The fire marshal shall have the authority to require more stringent requirements when deemed necessary. (City of Dover Code of Ordinances 46-162)

24. 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)

25. 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, t*he number shall measure a minimum of four inches in height, *location, t*he number shall be placed on the house above or to the left or right of the front entrance, *color, t*he number shall be contrasting to the background color, A*rabic numerals, a*ll numbers shall be Arabic numerals.

*Multiple-family dwellings, measurements, t*he 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, n*umbers 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, n*umbers shall be contrasting to the background color, *Arabic numerals, a*ll numbers used shall be Arabic numerals.

*Commercial, industrial and office buildings, height, t*he numbers shall measure a minimum of 12 inches in height, *location generally, n*umbers 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, s*hould 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, n*umbers shall be contrasting to the background color and shall be placed on each building in the complex,

*Arabic numerals, a*ll 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)

26. A lock box (Knox) containing any and all means necessary for fire department access shall be provided at the following occupancies: any occupancy that contains a fire alarm signaling system that is monitored off-site, or any occupancy that contains an automatic sprinkler system.
(2015 Delaware State Fire Prevention Regulations 705, Chapter 5, 2.4)

Secured key systems. When required; exemption. A secured key system shall be required for any new or existing building where a fire alarm or sprinkler system is being installed. It shall be the responsibility of the owner or occupant to keep a set of keys in the secured key box that are current to the locks of the protected occupancy. Buildings with 24-hour staffing or guard service shall be exempt from this subsection.

Location. The secured key system shall be located as close to the main entrance as possible. Should the building design not allow the secured key system to be located by the main entrance, the fire marshal and fire chief shall come to an agreement as to an alternate location for the key box. A secured key system, once installed, shall not be obstructed from view or obstructed by any means that would delay the fire department access to the box.

Required keys. Keys to be secured in the key box shall include keys to all points of ingress or egress, whether on the interior or exterior of the building, and keys to locked mechanical rooms, electrical rooms, elevator rooms, fire alarm and sprinkler controls and any area protected by automatic fire detection. Keys to individual residential apartment units are not required.

Ordering responsibility. It shall be the responsibility of the general contractor to order the key box for new buildings. It shall be the responsibility of the owner or tenant to order the key box for existing buildings.

Installation before testing. No acceptance test for sprinklers or fire alarms shall be conducted before the installation of a key box.
(City Code of Ordinances 46-127)

Knox Box to be mounted 6 feet above ground level

27. All required means of egress shall have an exit discharge consisting of a non-slip surface and leading to and terminating at a public way.

28. All new passenger elevators in a building shall be provided with a car sized to accommodate an ambulance cot 24 inches (609 mm) by 84 inches (2133 mm) in its horizontal open position. Where two or more new passenger elevators are located in a single hoist way and serve all or the same portion of the building, only one elevator car that provides a car sized to accommodate an ambulance cot 24 inches by 84 inches in its horizontal position for each hoist way shall be required. Elevator cars required to comply with 15.1 or 15.2 shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoist way door frame. Firefighter recall keys shall be provided in a manner acceptable to the local fire department. (2015 Delaware State Fire Prevention Regulations 705, Chapter 1, 15)

29. Buildings over 25,000 Sq. Ft are to have radio performance testing done by Delaware State Communications prior to Final CO. This must be scheduled in advance with Delaware State Communications.

30. Project to be completed per approved Site Plan.

31. Full building and fire plan review is required.

32. Separate building permits/plans submission will be required for each building and/or tenant fit out. If the permit submission is for a "shell" a Certificate of Occupancy will not be issued. Separate plans and permits submissions will be required for each "tenant fit out" at which time a Certificate of Occupancy will be issued upon compliance/completion of each "tenant fit out".

    Each "shell" will require a fire permit for sprinkler and fire alarm if applicable. Those systems (for the "shell") must be accepted into service prior to any "tenant fit out" fire permits being issued.

33. Construction or renovations cannot be started until building plans are approved.

34. Fire alarm systems, fire suppression systems, hoods, exhaust ducts, and hood suppression systems require a fire permit from the Fire Marshal's Office. This work cannot be started until the permit is approved.

35. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Occupancy classification per the building and fire code needs to be confirmed for the townhouses (multifamily). Additional comments may apply. The Chief Building Inspector and Fire Marshal have been in communication with Ring Lardner and a proper occupancy classification will be provided. 08/05/19 email: This classification will be new single-family townhouses.
2. Proper address will be needed as outlined in item # 25 listed above
3. A 16ft alley or 18ft secondary fire lane is required at the rear of the townhouses as outlined in item # 11 listed above. (Proposal is to follow City Code on "fire protected townhouse" which is when the individual units are separated by an NFPA approved fire barrier and alternating pattern of noncombustible exterior siding separating combustible exterior siding.) This has been discussed and the Fire Marshals' Office agrees with deleting the rear access as long as the townhouses are sprinkled per NFPA (DAC 08/07/19 meeting).
4. There will be no on street parking as outlined in item # 13 listed above
5. Ensure that the cul-de-sac is in compliance with the Delaware State Fire Prevention Regulations as outlined in item # 13 listed above. (The revision is not compliant with this item). 38' radius will be provided (DAC 08/07/19 meeting).
6. No fire hydrants are shown, at least two fire hydrants would need to be installed (possibly shown in the revision, need to clarify). Two fire hydrants have been identified (DAC 08/07/19 meeting).

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.**

DAVIS BOWEN & FRIEDEL, INC.

ARCHITECTS ENGINEERS SURVEYORS

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.

August 8, 2019

City of Dover
Planning Department
P.O. Box 475
Dover, DE 19903-0475

Attn: Dawn Melson-Williams, AICP

RE: **White Oak Road Property**
Preliminary Site Plan – Emergency Access Waiver
Tax Map No.: ED-05-068.11-01-01.00, 03.00 and 05.00
DBF #: 1649A002

Dear Mrs. Melson-Williams:

On behalf of our client, Harman Brothers, LLC, we are respectfully requesting a waiver from Appendix B, Article 5 Section 17 regarding emergency access requirements. The project is designed to meet the "fire protected townhouse" as defined in Appendix B, Article 5, Section 17, (5) (a) 1. The table found in this same section is silent on the requirement for a "fire protected" townhouse unit with 3 – 8 units. We are asking a waiver per Appendix B, Article 5, Section 17, (2) based on the following alternative means of fire protection that are greater than provided by the Ordinance:

1. All interior walls will include a 2-hour fire rated UL listed wall.

2. The exterior building material will alternate between a combustible material and non-combustible.

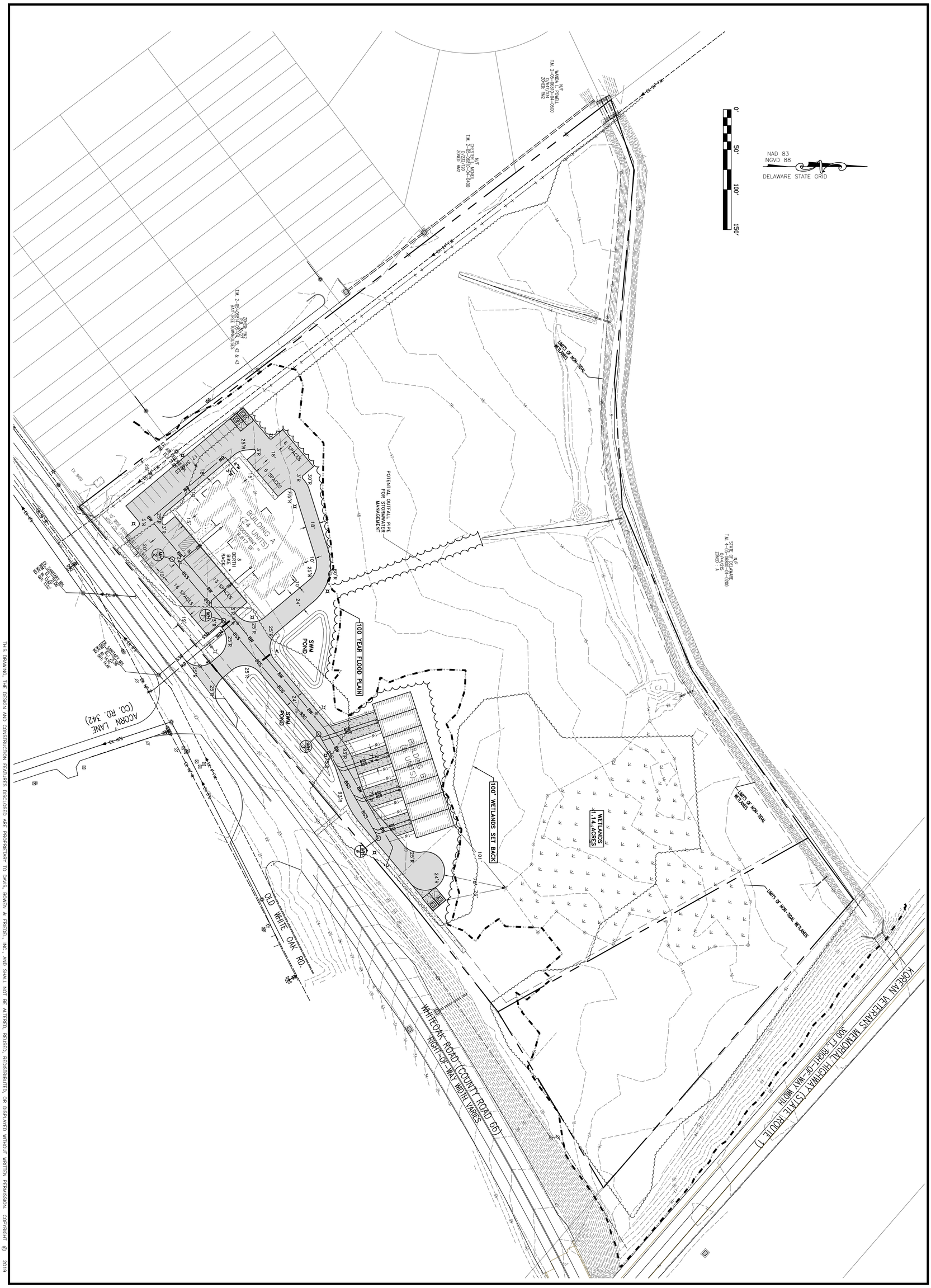
3. The applicant will provide a NFPA 13R sprinkler system for each individual unit.

If you have any questions or require additional information, please do not hesitate to contact me at (302) 424-1441 or via email at rwl@dbfinc.com.

Respectfully Submitted,
Davis, Bowen & Friedel, Inc.

Ring W. Lardner, P.E.
Principal

P:\Harman\White Oak Property\Documents\2019-08-08 Emergency Access Waiver\2019-08-08 Emergency Access Waiver Cover Letter.doc



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PL-03

Date: JUNE 2019
Scale: 1"=50'
Dwn-By: RJL
Proj.No.: 1649A002
Dwg.No.:

Revisions:
7/17/2019
DAC COMMENTS

WHITE OAK ROAD PROPERTY

CITY OF DOVER

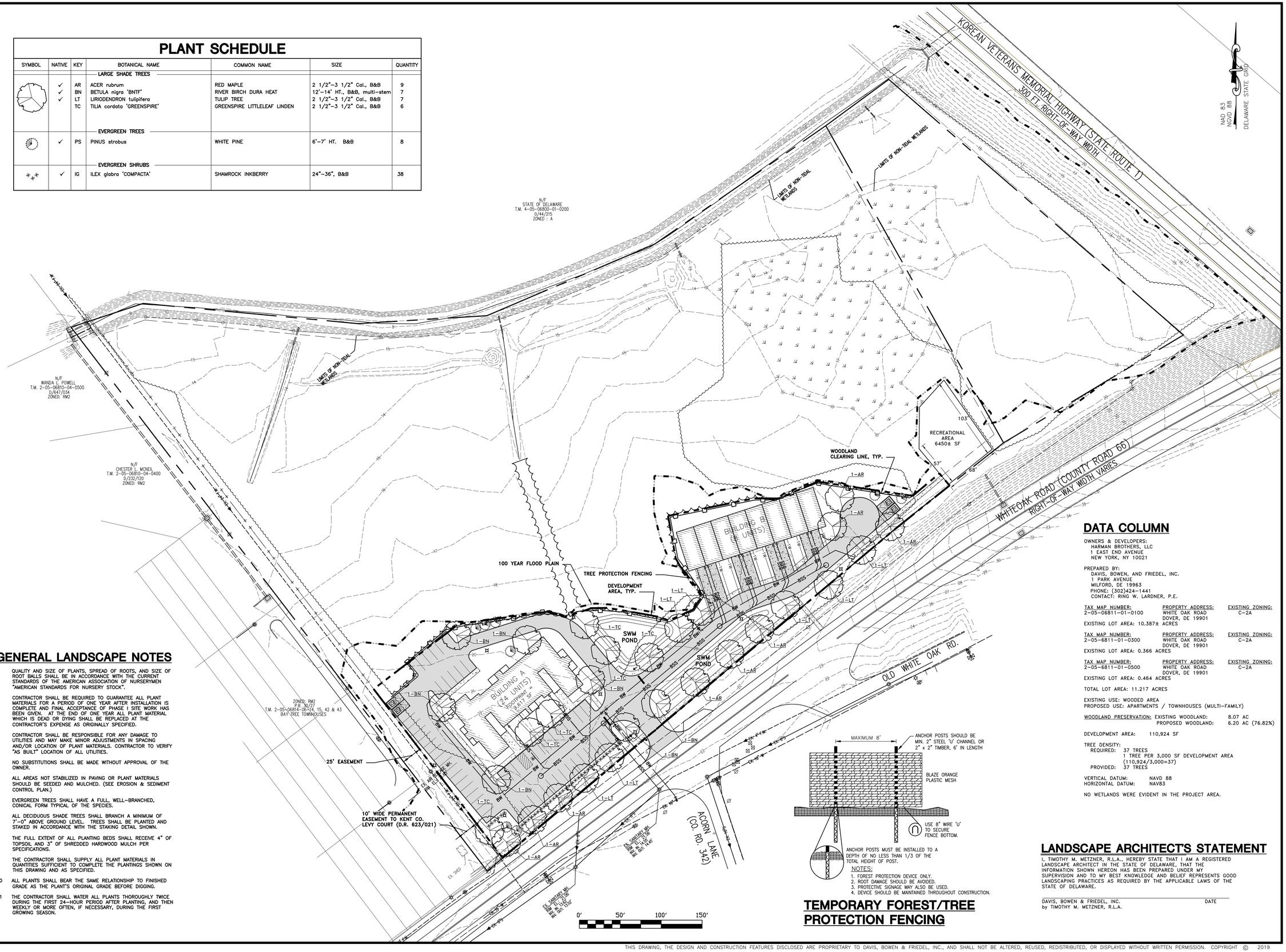
KENT COUNTY, DELAWARE

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

PRELIMINARY SITE PLAN

PLANT SCHEDULE

SYMBOL	NATIVE	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
			LARGE SHADE TREES			
	✓	AR	ACER rubrum	RED MAPLE	2 1/2"–3 1/2" Cal., B&B	9
	✓	BN	BETULA nigra 'BNTF'	RIVER BIRCH DURA HEAT	12'–14' HT., B&B, multi–stem	7
	✓	LT	LIRIODENDRON tulipifera	TULIP TREE	2 1/2"–3 1/2" Cal., B&B	7
		TC	TILIA cordata 'GREENSPIRE'	GREENSPIRE LITTLELEAF LINDEN	2 1/2"–3 1/2" Cal., B&B	6
			EVERGREEN TREES			
	✓	PS	PINUS strobus	WHITE PINE	6'–7' HT. B&B	8
			EVERGREEN SHRUBS			
	✓	IG	ILEX glabra 'COMPACTA'	SHAMROCK INKBERRY	24"–36", B&B	38



GENERAL LANDSCAPE NOTES

1. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF ROOT BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".
2. CONTRACTOR SHALL BE REQUIRED TO GUARANTEE ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR AFTER INSTALLATION IS COMPLETE AND FINAL ACCEPTANCE OF PHASE I SITE WORK HAS BEEN GIVEN. AT THE END OF ONE YEAR ALL PLANT MATERIAL WHICH IS DEAD OR DYING SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE AS ORIGINALLY SPECIFIED.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
4. NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER.
5. ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN.)
6. EVERGREEN TREES SHALL HAVE A FULL, WELL–BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.
7. ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 7'–0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL SHOWN.
8. THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 3" OF SHREDDED HARDWOOD MULCH PER SPECIFICATIONS.
9. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.
10. ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING.
11. THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24–HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.

DATA COLUMN

OWNERS & DEVELOPERS:
HARMAN BROTHERS, LLC
1 EAST END AVENUE
NEW YORK, NY 10021

PREPARED BY:
DAVIS, BOWEN, AND FRIEDEL, INC.
1 PARK AVENUE
MILFORD, DE 19963
PHONE: (302)424–1441
CONTACT: RING W. LARDNER, P.E.

TAX MAP NUMBER:	PROPERTY ADDRESS:	EXISTING ZONING:
2–05–06811–01–0100	WHITE OAK ROAD DOVER, DE 19901	C–2A

EXISTING LOT AREA: 10.387± ACRES

TAX MAP NUMBER:	PROPERTY ADDRESS:	EXISTING ZONING:
2–05–6811–01–0300	WHITE OAK ROAD DOVER, DE 19901	C–2A

EXISTING LOT AREA: 0.366 ACRES

TAX MAP NUMBER:	PROPERTY ADDRESS:	EXISTING ZONING:
2–05–6811–01–0500	WHITE OAK ROAD DOVER, DE 19901	C–2A

EXISTING LOT AREA: 0.464 ACRES

TOTAL LOT AREA: 11.217 ACRES

EXISTING USE: WOODED AREA
PROPOSED USE: APARTMENTS / TOWNHOUSES (MULTI–FAMILY)

WOODLAND PRESERVATION: EXISTING WOODLAND: 8.07 AC
PROPOSED WOODLAND: 6.20 AC (76.82%)

DEVELOPMENT AREA: 110,924 SF

TREE DENSITY:
REQUIRED: 37 TREES
1 TREE PER 3,000 SF DEVELOPMENT AREA
(110,924/3,000=37)
PROVIDED: 37 TREES

VERTICAL DATUM: NAVD 88
HORIZONTAL DATUM: NAV83

NO WETLANDS WERE EVIDENT IN THE PROJECT AREA.

NOTES:
1. FOREST PROTECTION DEVICE ONLY.
2. ROOT DAMAGE SHOULD BE AVOIDED.
3. PROTECTIVE SIGNAGE MAY ALSO BE USED.
4. DEVICE SHOULD BE MAINTAINED THROUGHOUT CONSTRUCTION.

TEMPORARY FOREST/TREE PROTECTION FENCING

LANDSCAPE ARCHITECT'S STATEMENT

I, TIMOTHY M. METZNER, R.L.A., HEREBY STATE THAT I AM A REGISTERED LANDSCAPE ARCHITECT IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD LANDSCAPING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DAVIS, BOWEN & FRIEDEL, INC. by TIMOTHY M. METZNER, R.L.A. — DATE

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543–9091
MILFORD, DELAWARE (302) 424–1441

PRELIMINARY LANDSCAPE PLAN

WHITE OAK ROAD PROPERTY
CITY OF DOVER
KENT COUNTY, DELAWARE

Revisions:
7/17/2019
DAC COMMENTS

Date:	MAY 2019
Scale:	1"=50'
Dwn.By:	RJL
Proj.No.:	1649A002
Dwg.No.:	PL-04

P:\Harman\White Oak Property\Design\1649A002 Preliminary Landscape Plan.dwg Jul 26 , 2019 - 8:20am

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CITY OF DOVER PLANNING COMMISSION
August 19, 2019
Excerpt from Meeting Minutes

The Regular Meeting of the City of Dover Planning Commission was held on Monday, August 19, 2019 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Roach (*arrived at 7:01pm)*, Ms. Edwards, Mr. Hartman, Mr. Baldwin, Mrs. Welsh, Ms. Maucher and Mr. Tolbert. Mr. Adams and Dr. Jones were absent.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Julian Swierczek, Mr. Jason Lyon and Mrs. Kristen Mullaney. Also present were Mr. William Harman and Mr. Ring Lardner. Speaking from the public was Kathy Potter.

NEW APPLICATIONS

Revised S-19-15 White Oak Road Property: Apartments and Townhouses on 3 parcels of land on White Oak Road – Public Hearing and Review of a Site Development Plan Application to construct a three-story apartment building to contain twenty-four (24) dwelling units as well as eight (8) townhouse units, comprising thirty-two (32) total dwelling units and associated site improvements. The subject area of three parcels consists of 11.17 acres +/- and located north side of White Oak Road west of State Route 1. The properties are zoned C-2A (Limited Central Commercial Zone). The owner of record for all three (3) properties is Harman Brothers LLC. Property Addresses: 1317 White Oak Road and other not yet addressed properties on White Oak Road. Tax Parcels: ED-05-068.11-01-05.00-000, Tax Parcels: ED-05-068.11-01-03.00-000, and Tax Parcels: ED-05-068.11-01-01.00-000. Council District 3. *Waiver Requests: Reduction of Parking Requirement, Partial Elimination of Sidewalk, Rear Emergency Access Requirements, Consideration of Cash-in-lieu of Partial Recreation Area Construction.*

Representatives: Mr. William Harman, Harman Brothers; Mr. Ring Lardner, Davis, Bowen & Friedel

Mrs. Melson-Williams stated that this is the first appearance of this application at the Planning Commission. It previously was submitted for an earlier Planning Commission date, but the applicants chose to postpone and do a little more work on their plan. This is the project called White Oak Road Property. It is a project for proposed apartments and townhouse units. It's located on the north side of White Oak Road just to the east of Baytree. On the screen, White Oak Road is the diagonal road that you see at the bottom right hand corner of the map. The property actually consists of three parcels of land that are zoned C-2A (Limited Central Commercial Zone). This zoning classification does allow for apartments and also for townhouse units. They are proposing an apartment building of twenty-four units. The proposal for the townhouse units consist of eight units. There is one access point onto White Oak Road. A turn to the left once you are on the site brings you to the parking lot which surrounds the apartment building. A turn to the right and you travel down an internal drive aisle to where the townhouse units are located, each with their own shared driveway and garage for parking purposes.

There are a series of waivers that the application is seeking this evening. The first is related to parking. For the apartment building, the C-2A (Limited Central Commercial Zone) typically requires that parking be based on a floor area calculation; however, there are other provisions in our Code that base the parking of apartment buildings on a per unit basis. They are seeking to

utilize the per unit parking requirement which would be parking for twenty-four apartment units at a rate of 2.25 spaces per unit which would result in a requirement for fifty-four parking spaces for the apartment building. Their plan is showing us fifty-eight parking spaces. The townhouses do satisfy the parking requirement which is only one space in this zone. That is accomplished by both the single garage unit for each unit and the driveway area. The next waiver that they are requesting is for the partial elimination of sidewalk. Our Code requires that sidewalk be extended along the entire property frontage. In the case of this project, a portion of it once we get past the Old White Oak Road segment that goes off to the south, they are seeking to stop the sidewalk in that location because of the grade differences between White Oak Road as it begins to elevate to cross over Route 1 and the project site. The grade difference there is substantial and not quite feasible for installation of a sidewalk. There is a sidewalk that is more internal to the site in this area and this occurs right in front of the townhouse units. The sidewalk that is internal to the site does continue east to what is the recreation area for the project. The third waiver that they are seeking is in regards to emergency access. For an apartment building such as this, it is required to provide that rear emergency access with an eighteen-foot secondary fire lane. There is a fire lane of adequate dimension that totally circles the apartment building. For the townhouse units, it depends on their type of construction. Our Code requires that if it is not what is deemed a "fire protected" townhouse, then a rear alley is required. For townhouse units that are in groups of three to five that are "fire protected" and that means a separation between units as well as exterior combustible and noncombustible materials, then a rear open yard is required. Technically, the Code is silent when it comes to what you do with eight units that are "fire protected". They suggested that the easiest way to deal with this is through the waiver process. The applicant is in their design of the townhouses, focusing on making them "fire protected" which would include the separation between units which is required by Fire Code anyway as well as the alternating combustible and noncombustible exterior. They are also including in their proposal to include a residential sprinkler system in each of the townhome units to go above and beyond what the Code would require. The project, because it is residential, is required to have a recreation area. There is a specific recreation plan review document. For this project, to summarize their active recreation, they are providing an open field area which is in the far eastern portion of their property that would consist of 6,450 SF of an open area where multi-purpose activities could be easily done. In order to achieve the requirement for active recreation area, they are requesting to utilize Cash-in-lieu of Recreation Area Construction to satisfy the remaining area. With the Code requirements, that would require a cash-in-lieu payment amount of just over $3,490.00. The Parks Recreation and Community Enhancement Committee last week did consider these components of the Active Recreation Area and the Cash-in-lieu; and they recommended approval subject to the Staff Recommendations which can be found in the Active Recreation Area Plan Report. Staff, in its recommendations, had supported both the approval of the open field and the Cash-in-lieu amount. They did make some comments as to ensuring that the open field area is ready and continues to be ready as a play surface during the life of the project. They also indicated that the applicant should explore options to create a clear pedestrian pathway or bicycle pathway that would lead to Dover Park which is located within a half mile to the west of this project site. There are some sidewalk networks in the area that can help satisfy that already. With this project, they do have other Code requirements which do include the tree planting. Planning Staff did make recommendations on each of the waiver requests and that is found on Page 9 of the DAC Report. They are supporting the parking rate of the per unit versus the floor area calculation. They are supporting the partial elimination of

sidewalk in that eastern portion of the site due to the grade differences. They also support the rear emergency access waiver for the townhouses recognizing the enhanced efforts by the applicant to also include the residential sprinkler system per unit in that area. They also recommended approval of the Cash-in-lieu payments as well. The DAC Report was provided to the Planning Commission and also includes the comments from the other agencies including the City's Public Works and Electric Departments, the Office of the Fire Marshal, DelDOT and the Kent Conservation District. This evening, the Commission is dealing with a Site Plan application. There are three waiver requests: the reduction of parking requirement, the partial elimination of sidewalk, and the rear emergency access requirement for townhouses. There is also needs to be consideration on the Cash-in-lieu of Active Recreation Area Construction.

Mr. Hartman stated that he would like to understand more about the cash-in-lieu waiver. He doesn't understand why we have suggested that it be approved when there is another alternative which is to reduce the size of the footprint of the area. Responding to Mr. Hartman, Mrs. Melson-Williams stated that the City's *Zoning Ordinance* does allow in cases where the required amount of Active Recreation Area may not be practical or desirable to implement, there is the opportunity to seek a Cash-in-lieu of building recreation area. In this case, the overall property is somewhat limited because of the impacts of floodplain and wetlands to what can be the development area for the project site. Planning Staff thought it was reasonable that the open field provided at least some on-site opportunity for the active recreation to fit a variety of ages and that the balance of it could certainly make use of the Cash-in-lieu of Recreation Area Construction. The unit count for this site would require them to provide a half acre of land for Active Recreation Area which would be a substantial impact to the project site. Even if they were to reduce the number of units, they are still going to have that half acre requirement because it is the greater of the two when you do the Active Recreation Area calculation which is based on a per unit calculation to start. They are required to have 275 SF of Active Recreation Area per unit or a half acre, whichever is greater. "Whichever is greater" is going to govern for a substantial part of this project no matter what the unit count is. It does not qualify for some of our small development exemptions because of the size of the overall property to start with. That is part of the reasons collectively that Staff felt comfortable recommending the Cash-in-lieu of Active Recreation Area Construction.

Mr. Hartman stated that when he looks at the plans for Unit B, the townhomes, it doesn't appear that they have access to a rear yard. Is that correct? Responding to Mr. Hartman, Mrs. Melson-Williams stated that is true. They are not individual lots for the townhouses; they are collectively on the same parcel. There is limited area to the rear of the townhouse units because of what are limitations due to proximity of wetlands and floodplain areas where development would be prohibited.

Mr. Hartman questioned if those were artificial limitations? Those were limitations that were designed in and you have three units where people will be stepping out of their back-door right into the floodplain. They won't be able to have a patio or anything back there and then to cut down the Active Recreation Area to the little area up in the corner. Did Staff consider that? Responding to Mr. Hartman, Mrs. Melson-Williams stated that there is some limited tree clearing that is occurring, but she thinks that the area where the active recreation is proposed is somewhat of a clear area. It does not have major tree growth that you see to the northern part of

the property. You may also wish to hear from the applicant and their presentation about the project and some of their design thinking. Certainly, this site is limited in where development activity can happen because of the floodplain and the wetland areas, both of which are limited by the *Zoning Ordinance* to remain as a natural area with no development impacts.

Mr. Lardner stated that it is a very unique project in that these parcels have been in the LLC's name for decades. Over time it has seen the Route 1 construction occur on the adjacent property. In doing so, it has also seen the environmental challenges that have occurred regarding the floodplain and how the floodplain has increased with some of that construction. It is in the City Code to protect the floodplain and wetlands and that has severely limited the developable area of this project. This project is a little over eleven acres of which only three acres is outside of the floodplain, so it has a lot of natural features that are being protected. People can walk through the wetlands; they just can't physically put anything pervious on that area. So, walking trails and things of the like which would be a great asset cannot be constructed with the limitations. In doing so and looking at the surrounding areas, they thought that this type of project, a mixed housing type project, would be appropriate with apartments and townhouses. Given the adjacent communities and other residential areas, they thought this would be a good fit for that surrounding area. They submitted some of their waivers due to these limitations such as the sidewalk cannot go beyond Route 1 anyway. The only way to bring in that sidewalk would be at grade on White Oak Road. The parking makes sense from a residential standpoint versus a commercial standpoint. They talked about the Active Recreation Area. He is getting ready to drop his youngest daughter off to college this Saturday. Just to be able to enjoy time with his kids and throw around a ball, that is why they thought having a small little pocket for that ability there and then being able to use the Dover Park that it made sense. That is why they brought this application before this body tonight.

Mr. Tolbert questioned if the applicant would be able to continue working with Staff having heard Mrs. Melson-Williams' comments? Responding to Mr. Tolbert, Mr. Lardner stated yes, and they have read the DAC Report and they will comply and continue to work with Staff.

Ms. Edwards stated that when you are looking at the right three townhomes being very close to the wetlands, do you know what the distance is between the construction area and where that begins and what plans are in place to make sure that it is not disturbed? Responding to Ms. Edwards, Mr. Lardner stated that he does not know the distance off of the top of his head. As far as protections, the homeowners will be notified of the limitations of that area. There is probably a way that they can mark it so they can understand where those limits are whether they do it by signage or some other means.

Ms. Edwards further questioned how they plan to no disturb that area during the construction phase of the project? Responding to Ms. Edwards, Mr. Lardner stated that it is going to be a challenge during the construction phase knowing that they cannot disturb those wetlands. It is something that they will have to work with the home builder on how to do that. It is not the first project to have severe limitations on traffic ability so they will work with the construction company to build these houses in a safe way and to not disturb the environment that they are trying to protect.

Ms. Edwards stated not that it matters, but do they know who the construction company is yet? Responding to Ms. Edwards, Mr. Gardner stated no, not at this time.

Mr. Roach stated that as far as he noticed the recreational areas are all of the way to the side by the townhome units. He sees a little area where a pond is going to be. He doesn't know anything about why but is it possible to split that area so there could be some recreational space between the apartments and townhomes versus having to pass the townhomes to get to that area? Responding to Mr. Roach, Mr. Lardner stated that they could take a look at it. Stormwater management is going to be its own challenge with the current regulations. They chose the stormwater where it is because it's central to both projects. Depending on how infiltration rates turn out, they could look at tweaking it. If it makes sense for the project, they could look at moving that active recreation area closer. But right now, based on what they know today, he thinks that the stormwater is going to have to stay where it is.

Mr. Hartman questioned if the applicant thinks that Staff's recommendation to enhance the pedestrian/bike access to Dover Park is feasible? Responding to Mr. Hartman, Mr. Lardner stated that on the surface right now, they do think it's feasible. They will have to work with DelDOT. They first looked at coming across Baytree. He just doesn't know if there is enough room between the edge of paving and the wall. Two foot of sidewalk would make DelDOT satisfied from a safety standpoint. We could then look at crossing White Oak Road. The question would be where would that crossing be as there is no signalized intersection. They would have to work with DelDOT on the appropriate location. On the surface, they are saying yes, it is feasible, they just haven't gotten the true details yet on where that path needs to go and all of the different requirements of DelDOT to get that path to connect to the existing sidewalk towards Dover Park.

Mrs. Maucher stated that for the overflow parking, the parking is limited for the number of apartment dwellings and townhomes. Is there parking along the access road going in? Responding to Mrs. Maucher, Mr. Lardner stated that there will be no parking on the access road. It is parked at 2.25 spaces per unit so the 0.25 spaces allows for the overflow parking. Parking has been interesting, and they have had a lot of questions. What that means is that some of the other apartment companies that they have represented in the past, tell them that their numbers are about 1.6 to 1.75 per unit. The Code does allow for overflow parking of 0.25 spaces per unit so on a twenty-four unit building they are at ten extra spaces above and beyond the two spaces per residence which he thinks is more than enough. Plus, the townhomes have an extra parking space per unit for overflow as well but per the Fire Marshal regulations, they would not be able to park in the alleys or the fire lanes.

Mr. Roach questioned if they knew the sizes of each apartment unit? Responding to Mr. Roach, Mr. Lardner stated that they are about 900 square feet and there are eight units per floor with a common stairwell on the left side or right side. So, its four units per stairwell.

Mr. Tolbert opened a public hearing.

Mrs. Kathy Potter

Mrs. Potter stated that she is a homeowner in Dover; not within the 200 feet of this project but she travels Acorn Lane a lot because she lives just off of Acorn Lane. When she saw the sign,

she took a picture and started researching information. She has several questions and she doesn't know if she will get answers tonight or if it is just her presenting her questions for the Commission to discuss later. For the parking, she doesn't know why they need a waiver. There are engineering standards for these numbers and she thinks that most of us have been to an apartment complex and have not found a parking spot. She doesn't see why we would even consider a parking waiver. She thinks personally that it is probably just cost or space but again, we have engineering standards for a reason, and they are based on empirical data. She had looked at some documents that were online and she thought that she read where there was a 40% difference in parking between if you use Method A or Method B. That is a pretty big difference so please keep it in mind. Based on this drawing she would anticipate a lot more people than 2.5, but that is because she has lived in apartments in her lifetime. For the townhomes, will the parking in the driveway block the cross walks? If you look at any other townhome development in Dover, there are generally people parked two up because they can't fit in front of the townhomes because the driveways are too close. We can't block the crosswalks because that would certainly be a violation for people walking by with strollers or wheelchairs. For the sidewalk, she is not quite sure if it will connect from Baytree to this development? She doesn't expect it to go beyond over to Route 1 but connect it up to Baytree because there is no sidewalk on the opposite side of the road. If you are going to have children walking to Dover Park because there is no park on the property, they are going to have to walk down towards Baytree and cross over either before Manchester Square or after. There is no sidewalk on the other side of the road; it is heavily vegetated, and no one is going to walk over there. When she was reading the documents before she came, it stated a wetland determination and it noted in the Report that there is construction very close. Potentially deed restrictions can be done but as Mr. Hartman pointed out; people aren't going to be able to use their yard. You can put a deed restriction in or put signs up, but people are going to do what they want to do. You are going to have someone who wants to put a shed in the back yard of that townhome, and they are going to put in right on a wetland. She would personally never suggest putting a pathway through a wetland. That is regulated and you can't just arbitrally cut through or put down wood planks to make your own path through a wetland. That is not possible, and it is not approved by the EPA since they are in charge of wetlands or maybe its DNREC. She is just kind of surprised by some of the waivers and she just wanted to get more information as to why the waivers were requested. She had no problem with the fire one because she read where they wanted to construct the buildings with a little more fire retardant and alter the materials from house to house.

Responding to Mrs. Potter, Mrs. Melson-Williams stated that she can address several of the questions. The first question was about the parking waiver. You are correct; there are two methods of calculating parking for this property based on its zoning. The zoning district of C-2A (Limited Central Commercial Zone) is typically developed in a commercial fashion meaning you have retail stores, offices and those types of things where doing a parking calculation based on floor area is the typical means. In allowing the apartments and the residential components to occur in the C-2A (Limited Central Commercial Zone), there was not additional guidance or provisions specifically given as to how to calculate parking. For the townhouses, the Code is actually clear about what that rate should be but the apartments are rather silent about what you do with apartments in C-2A. Apartments as a use in general have a parking requirement which is referred to as Method B which is a per unit calculation of two regular parking spaces plus 0.25 spaces to accommodate for a visitor rate for the overall complex. That is the differences in the

Code. It's perhaps where the Code should be clarified about what you should do when you have multi-family, meaning apartments, in the C-2A (Limited Central Commercial Zone). Probably some better Code writing could or should have happened there, but they do have as part of our Code provisions, the ability for them to seek a waiver to reduce the parking. In this case, it would be a reduction if you consider Method B versus Method A in the two ways of calculating it. The second waiver that you had a concern about was the sidewalk. There are two different sidewalk issues with this project. One is the Code requirement of the property involved; the frontage of it is required to have sidewalk along it. That is where they are seeking a waiver. The discussion of sidewalk connection leading to Dover Park is a recommendation for them to evaluate that. It is not a Code requirement; it's something that Staff realized due to the proximity of this location to what is an existing City Park that there should be an opportunity to traverse to that. You are correct. There are portions on the White Oak Road frontage between this location and the park which are perfectly fine and have sidewalks that actually occur on both sides of the road; however, there are areas where there is no sidewalk. There is somewhat of a shoulder that is striped on White Oak Road in this area. She thinks the applicant has heard the concern about making that potential connection for their residents to Dover Park and is going to at least make some attempt with DelDOT which would be the governing agency in dealing with White Oak Road about where and perhaps improvements can be made to make that pathway connection. On the question of wetlands construction and how close that is to the townhouses, that is noted in our Report and she thinks that they will have to be cognizant of that. As their design gets refined, there may be the opportunity to tweak the placement of that building to push it a little bit further away from that wetland area and to make that distinction much better.

Mr. Tolbert questioned if Mrs. Potter had talked to her neighbors about her concerns? Responding to Mr. Tolbert, Mrs. Potter stated just a few of them but she has neighbors who are not sometimes using that road because she can go either way on Acorn Lane. She knows her first thought when she was speaking to Mrs. Melson-Williams was that she already knows that it is a State road. She already knows that DelDOT is going to have to determine if there is a traffic light that is going to have to be put in place. She personally thinks that there will be down the line but it's not the City's decision and she understands that. She has not found a person at DelDOT to ask the question to yet, but she knows that it is very early into the project. Other than seeing the yellow sign, they (her neighbors) didn't know.

Mr. Tolbert stated that her neighbors aren't here to support what she is saying. Responding to Mr. Tolbert, Mrs. Potter stated that she just came with questions. She wants to know why the parking waiver is even requested. On the other hand, why is it approved because she can see where maybe there can be additional parking done with impervious surface done but again with the wetlands it is interesting. When she sees the topography which you don't see at all on that, it's much closer than what she first thought.

Mr. Tolbert questioned if Mrs. Potter has had any conversations with the developer about her concerns? Responding to Mr. Tolbert, Mrs. Potter stated that she didn't know anything that was going on other than what she read online several weeks ago.

Mr. Tolbert stated that he would suggest that she sit down and have a talk with the developer and her neighbors for any concerns that you may have regarding what they are doing.

Mr. Tolbert closed the public hearing.

Mr. Hartman questioned if it is possible to vote on the project and defer the waiver concerning the Cash-in-lieu until the applicant can provide us with a better plan on the pedestrian bicycle access to Dover Park? Responding to Mr. Hartman, Mrs. Melson-Williams stated that the Cash-in-lieu is what they have proposed for meeting part of their Active Recreation Area Construction. Having a pathway leading to Dover Park isn't necessarily going to count directly towards them having constructed Active Recreation Area. The Cash-in-lieu of Active Recreation Area Construction is to help satisfy the deficit that this property has in what it is constructing. The other is more of a recommendation about the larger circulation in the area. It is related to Active Recreation amenities perhaps for the applicant's proposal but if they get a sidewalk, the area of that sidewalk is not going to be able to count towards their Active Recreation Area Construction. They either have to build area on their property or the Cash-in-lieu of Active Recreation Area Construction has to be the makeup piece of it.

Mr. Hartman stated that he thinks he understands that but wasn't it Staff's recommendation to approve that waiver partially based upon access to Dover Park? Responding to Mr. Hartman, Mrs. Melson-Williams stated that their recommendation in the Recreation Area Report on Page 6, in their statement for recommending approval of the open lawn, they do note that it is within proximity of the City Park. She doesn't know that it specifically says that they have to provide the way to get there and that is the only reason why they are granting approval. She thinks that in this case, this project site has the impacts of the floodplain and wetlands area are perhaps in this case, more significant than dealing with the fact of the proximity to Dover Park. It is related but not as significant as the limitations that the natural areas of the floodplain impact on this property.

Mr. Roach stated that he had a similar concern about the amount of parking. Obviously from a logical standpoint, and he is not an architect, if there are twenty-four apartment units and there are two adults in all units, that is forty-eight spaces right off the back. Therefore, that doesn't allow for a lot of parking spaces in regards to visitors and because of the fact that there is no off-street parking in that area. Is that all access behind the building to the right of those six and eight spaces at the top of the rendering? Is there any way possible to be able to add more parking spaces? Responding to Mr. Roach, Mr. Lardner stated that there are no other locations to add parking spaces. If you look on the north side of the access road, they are adjacent to the floodplain which is one of the concerns that Mrs. Melson-Williams had about the proximity of that. They can't do parking closer to the building because then they don't meet the separation distance for the Fire Marshal Regulations. So, they have provided as much parking as they can fit within the constraints of the site. He does hear what you say about parking and it is a common thing. It is common for there to be two adults living in the apartment units, but they don't always have two cars, sometimes it's only one car. There is also the mixture of bedroom counts. He doesn't know what that mixture is going to be yet between one bedroom, two bedroom or three-bedroom apartment units. Industry wide, two parking spaces has always been the magic number. He did a project recently where they counted three apartment complexes and they only need 1.67 spaces. They counted those four times during the day: at midnight, 8 in the morning, middle of the day to see what the parking count was. Typically, you have a 90% occupancy rate because

there are some unit turnovers that are there. You have some people that work night-time versus daytime. So, to have all of that perfectly happen, it could happen, but it is highly unlikely.

Ms. Maucher questioned what happens to the project if they don't get that parking waiver? Responding to Ms. Maucher, Mr. Lardner stated that if the parking waiver isn't approved, the only thing that could be built there is commercial. An apartment building based on square footage would require ninety-seven parking spaces. That would be the entire building footprint to put ninety-seven spaces there. The project is dead if the residential parking would not be allowed. He doesn't know if a commercial use makes sense even though it is zoned to be that way.

Ms. Maucher further questioned if there has been a consideration in reducing the number of apartment units? Responding to Ms. Maucher, Mr. Lardner stated that it is based on the building square footage is how that calculation comes out; it doesn't matter about the residential units anymore. The Code is written based on the square footage of the building; it doesn't care what the use is. Even if he knocked out eight units, it would still require seventy parking spaces. They would never get down to that number and if they did, there would be twelve apartments at that time. It doesn't make sense to do an apartment complex for twelve units. This Code is written towards a commercial ideology and for whatever reason the Code is silent for a residential use although it is permitted. The thing that makes the most sense would be to apply a residential parking requirement which for apartments is 2.25 spaces per unit. The waiver is to apply the residential parking count versus a commercial parking rationale. That is why they requested a waiver to allow the residential to be calculated versus a commercial square footage process.

Ms. Maucher stated that she still has concerns because there is no parking on the side of the access road going in for the townhomes. Responding to Ms. Maucher, Mr. Lardner stated that it will be signed and striped that there will be no parking allowed on it and the Fire Marshal would have jurisdiction to enforce that requirement.

Ms. Edwards moved to recommend approval for Revised S-19-15 White Oak Road Property: Apartments and Townhouses on 3 parcels of land on White Oak Road to include the waiver requests for the reduction in parking, the partial elimination of sidewalk and the rear access for townhouses, with the DAC Comments and the consideration of Cash-in-lieu, seconded by Mr. Baldwin and the motion was carried by roll call vote with Mr. Adams and Dr. Jones absent. Ms. Edwards voting yes; based on the applicant's willingness to adhere to all of the recommendations that have been set forth and based on Staff approval of the waiver requests. Mr. Hartman voting yes; based on the applicant's assurances particularly regarding the cash-in-lieu of the Active Recreation Area and providing the access to Dover Park. Mr. Baldwin voting yes; based on the applicant's willingness to work with Staff and also Staff's comments. Mrs. Welsh voting yes; based on previous comments. Ms. Maucher voting yes; based on Staff comments. Mr. Roach voting yes; he thinks that it is going to be a great addition to the City. There is always a need for more housing, and they appreciate the applicant's willingness to work with Staff and the community in regards to their concerns as it pertains to the project. Mr. Tolbert voting yes; for all of the reasons stated and the applicant is willing to continue to work collaboratively and cooperatively with Staff regarding this matter because a lot of issues have been raised.

COMMITTEE ACTION FORM

PROCEEDING: Council Committee of the Whole – Safety Advisory and Transportation Committee
DEPARTMENT OF ORIGIN: City Manager's Office **DATE SUBMITTED**: September 13, 2019
PREPARED BY: Matt Harline, Assistant City Manager and Margery Cyr, Library Director
SUBJECT: Hiring of a Security Firm for the Dover Public Library Using State Contract GSS19363
REFERENCE: N/A
RELATED PROJECT: N/A
REVIEWED BY: Donna Mitchell, City Manager
EXHIBITS: Exhibit A – Dover Public Library Duties for Security Service
EXPENDITURE REQUIRED: 2,101 hours (left in FY 2020) = $49,898.75 for Gettier and $54,226.82 for Sunstates. **AMOUNT BUDGETED**: Funds were budgeted in the amount of $162,900 in the Police Budget for "Temporary Help" of which $58,620 was to be dedicated for police cadets to serve at the Library. **FUNDING SOURCE (Dept./Page in CIP & Budget)**: Police. page 353. 110-1700-542-10-13 and other lines items
TIME TIMETABLE: There is no specific timetable, but as the DPD Cadet program need to focus current resources elsewhere, time is of the essence.
RECOMMENDED ACTION: Staff has reviewed options and request that the Council authorize the City Manager and her designees to interview Security Guard, Inc. T/A Gettier Security and Sunstates Security, LLC and enter into a contract for security guards for the Library in an amount not to exceed $56,000.00

BACKGROUND AND ANALYSIS

The City of Dover has provided a security service at the Public Library for many years. In 2015 the Dover Police Department initiated a Police Cadet program to augment the presence of fully commissioned police officers, particularly in the downtown area. Three additional cadets were trained with the express purpose of replacing the commercial security guard service under contract to the library at the time. The cadet wages and expenses were funded primarily through the offset in the contract with the security service, and partially by policing grant funds.

Originally the cadets provided the necessary coverage at a slightly lower cost than the contracted security firm and this provided a larger pool of cadets to make schedules more flexible. Over the subsequent four years, the demands for more cadet presence in the downtown area, the full-day schedule of the library, and turnover with the cadets seem to make the cadet service a bad fit for this particular security detail. The City Manager's Office has consulted with the Mayor and Acting Police Chief, Tim Stump and all parties agree that proceeding with a hired security firm by agreement is the best way to have a dedicated, full-time security presence in the Library.

Several unpleasant events at the local library have heightened awareness of actual and perceived security problems at the Dover Public Library. Among the most well know were the following: 1. March 19, 2019 approximately 3:30 PM a man went into the women's restroom and took a photo of a 65-year-old woman who was seated in a stall; 2. June 22, 2019 approximately 1:00 PM A young man exposed himself to a female teen in the teen loft at the Library. This man later went to a separate library, did essentially the same thing, and from footage at both libraries he was identified and is part of an ongoing

investigation. 3. August 20, 2019 approximately 10:30 AM a man had exposed himself to one of the homeless women who frequent the Library; 4. September 4, 2019 approximately 3:30 PM an altercation began on the Library grounds in which one man struck another man in the head. Police cadets and Dover Police responded and after a brief pursuit apprehended the offender behind City Hall. Library staff have no incident report and cannot corroborate the news report that the fight started in the Library. The victim in this incident has indicated that he will not assist prosecution of the case.

Recently, in an effort to prevent people for resting in or otherwise misusing the bathrooms, the City has initiated a policy locking the bathrooms which means that patrons have to get a key to use the bathroom. While this has had a positive effect, it has not been well-received by a few members of the community and was initially resisted by some members of the library staff. Printing additional keys has improved the availability of the bathroom and has the added benefit or alerting the staff if someone has spent an extended time in the bathroom.

Library staff is favorable to a committed security presence during all hours of operations. The Library Staff is committed to making the space available to public who want to use the facility for its intended purpose. Those Dover residents who can use the facility for its intended purpose in a non-disruptive way, which includes providing access to the internet for legitimate information searches and access to email, are welcome regardless of income level or housing status. The Library staff is committed to providing service to those individuals.

The State of Delaware issued RFP #GSS19363 in December of 2018 for security officer services. In April of 2019 the State selected two of the four applicants to enter into contracts for security services and subsequently entered into agreements with Gettier Security and Sunstates Security, LLC. The agreements with both firms with the State commenced on July 1, 2019. Through a cooperative purchasing agreement, the City of Dover is eligible to "piggyback" off of this contract. Kent County Levy Court (KCLC) has already engaged Gettier for security service at their Administrative Complex and at the Recreation Center at 1683 New Burton Rd. Because the state conducted an open, advertised, competitive, public bidding process, the City can use the bid prices without going through an additional selection process. However, the City will conduct informal interviews of the two approved contractors to determine which is a better fit for the City.

The negotiated rates in the State contract for guards on a regular schedule are as follows: Gettier Security$23.75 and Sunstates Security, LLC $25.81. The City would be able to negotiate its own rates, but the actual rate is likely to be very close to those rates. If the company is given 30 days' notice to hire the necessary staff the City would be eligible for the standard rate. Assuming it takes us three weeks to sign a contract and there are 33 weeks and remaining in FY x 66 hours per week – 77 vacation hours = 2,101 contract hours. If the City secured the rates stated in the State contract our cost would be $49,898.75 for Gettier and $54,226.82 for Sunstates.

Based on the availability of two licensed and approved security firms, City Staff recommends that the Council authorize the City Manager to interview both firms approved under State Contract No. GSS19363 and negotiate an agreement with the preferred firm for security officer services for the Dover Public Library, and possibly other sites; and furthermore authorizes funds up to $56,000

Exhibit A

Dover Public Library

Duties for Security Service

Standard Operations

1. Foot patrols on the exterior property of the Library hourly.
2. Walk through on each level of the Library approximately spending 5-10 minutes on each floor or more as necessary. This includes the bathrooms on the first and second floors. This should be done every thirty minutes or more as needed.
3. Be present in the lobby/circulation area when not walking through the floors.
4. Perform health checks in bathrooms as needed if a customer has not returned a key in a timely manner. Staff will advise of this need.
5. Disorderly conduct and unacceptable language will result in removal from the grounds
6. Enforce "No Smoking" ordinance on the grounds.
7. Cursing/disorderly conduct is grounds for immediate removal from the Library for the remainder of the day.
8. Food may not be served on the grounds. Assist with enforcing the no eating in the Library. Inform the customer that eating is not allowed. Ask them to remove the food from the Library rule. If they are observed with food again on the same day, ask them to leave the Library for the day.
9. Enforce the City's "No Panhandling" rule inside and outside of the Library building.
10. If a customer is observed sleeping, assess whether it is a customer who is reading and has nodded off for a short time. If the customer appears to be fully asleep, wake and remind him that they need to stay awake. Give one warning…the second time they will be asked to leave the property for the day.
11. Customers may not leave bags or personal items unattended. Bags left in the Library at close of day are removed to Library work room and will be disposed of by Library staff and custodians.
12. When doing interior floor checks, make sure there is only one person in each piece of furniture. Furniture may not be shared.
13. If any inappropriate material is being viewed on a public computer, alert the Adult Services librarian and they will evaluate the situation and end the user's session and present the Computer Acceptable Behavior policy to the patron as necessary.
14. Electronic equipment/telephones may not be on speakerphone on any floor of the Library.
15. Closing procedures:
    a. At twenty (20) minutes prior to closing time (7:40pm or 4:40pm), library staff makes a building-wide announcement that closing has begun. Announcements re-occur at fifteen (15) minutes, at ten (10), at five (5) minutes and at closing.
    b. At 7:45pm or 4:45pm, the Teen Loft is closed by library staff, Library staff advises any customers that the building is closing.

c. At 7:50pm or 4:50pm, the second floor is closed by library staff. Security staff will check the second-floor restrooms and make sure they are empty and closed. Library staff advises any customers that the building is closing.
d. At five (5) minutes prior to closing time, the fireplace, the TV and any AV equipment is turned off by library staff.
e. At five (5) minutes prior to closing, security staff checks the bathrooms and meeting rooms for occupants and to ensure that lights and equipment have been turned off.
f. At five (5) minutes before closing the Security Gate is lowered.
g. At the closing time (8:00 PM or 5:00 PM) circulation computers are shut down. Circulation staff depart for the time clock. If there are customers still present at the circulation desk at this time, librarians provide assistance and shut down the computers after the customer service transactions are completed.
h. During these closing processes, security staff ensures that all floors have been cleared of customers.
i. Any customers remaining in the building are cleared from the building by security staff.
j. Once the public exterior doors have locked and the last customer has departed, the doors are checked to ensure they are securely closed and locked.
k. Staff and security clock out using the designated time clocks.
l. At closing time, staff members depart the building as a group. Individual staff members may not depart before the group unless prior arrangements have been made. Any staff remaining in the building after closing must have informed the group that they will remain in the building.
m. The Librarian in charge and the security guard remain in the building until all other staff have cleared the door. The Librarian in charge sets the alarm; and exits the building with the security guard.

Operations for Removing Unruly Visitors

1. When a visitor to the library is unruly, commits any criminal act or refuses to leave voluntarily, the Dover Department shall be called to the scene.
2. Until Dover PD arrives the Contractor will attempt to identify and detain the visitor on site.
3. Once Dover PD arrives on the scene, they assume command of the situation.
4. Removal from the grounds includes the exterior grounds of the Library.
5. Security staff will document the removals and share with Library Director or Librarian in Charge for action to be taken.
6. Two removals from the Library shall result in being banned from the Library (given a trespass warning). The Director will write a letter to Dover PD which will result in a legally enforceable trespass warning being issued for a certain amount of time as requested by the Director, but no less than one month. The Director may issue a letter for trespass warning for a single incident if it is deemed serious enough. Contractor will be made aware of all persons with a trespass warning.

Exhibit A

Hours for Security Detail

Security detail will be on duty 66 hours per week (all standard library hours):

Monday – Friday 9:00 a.m. – 8:00 p.m.

Saturday 10:00 a.m. – 5:00 p.m.

Sunday 1:00 p.m. – 5:00 p.m.

Additional events may be scheduled, but no less than 30-days' notice will be given. Any outside group wishing to use the library to host an event will be responsible for reimbursing the City of Dover for any expenses incurred above the 66-hour limit.

CITY OF DOVER
2019 TRANSPORTATION PROJECT PRIORITIZATION

1. Garrison Oak Connector Road

Garrison Oak Business and Technology Center (GOBTC) is a 385-acre tract zoned IPM-2 (Industrial Park Manufacturing Zone-Technology Center) and is the only site in the City to be zoned as such. It has been identified by the City as an ideal location for large technology/green industry firms.

Dover City Council desires that DelDOT provide a direct access to State Route 1 via a connector road to White Oak Road. While the State discourages growth east of State Route 1, this tract is acknowledged by both the City of Dover and the State of Delaware as the only large-scale developable land east of State Route 1 in the City of Dover.

A June 2017 study of the project (the *Garrison Oak Traffic Study*), determined that constructing a connector road was not justified as of 2018, based on the current uses and development in the park. However, an Alignment Study to determine the feasibility and location of a future road connection is justified given current and potential development interests. The Park is an important economic development asset for the City and the County. Utilization of GOBTC is restricted by the lack of good access to SR1. As additional development occurs in the business park its priority for construction will be revised as appropriate.

2. Kenton Road Corridor Upgrades/ Route 8 East/West Corridor Plan Improvements

The Kenton Road Corridor project includes road improvements and sidewalks to improve traffic flow and bicycle/pedestrian safety. It is critical to improving the approach to the City from the northwest where new residential areas within and outside the City are being built. This segment also lacks sidewalks. The Route 8 Corridor Study identified several improvements along the Route 8 corridor that would improve safety, better manage access, reduce congestion and provide improved traffic flow. While improvements complementary to this corridor (POW-MIA Parkway and Senator Bikeway, for example) address north/south movements, continued development on the west side of the City impacts the capacity and operation of this roadway.

3. College Road Corridor Upgrades (Kenton Road to McKee Road)

This project includes road improvements and sidewalks in the heavily traveled College Road corridor. It is a key east-west linkage from northwest residential areas to commercial corridors and Delaware State University. Recent development in this area includes apartments and a rehabilitation hospital near the College Road/McKee Road Intersection. Potential improvements in this project include new pavement sections, sidewalks, shoulders, a closed drainage system, bicycle lanes, lighting and other improvements.

4. Loockerman Street/Forest Street Intersection

This project is prioritized by the City to help spur redevelopment activities in the Downtown Development District while also improving traffic circulation and safety. It was identified as a needed improvement through the *Restoring Central Dover Study* and the *Westside Redevelopment Study* conducted in 2001. It is also complementary to the recommendations of the Capital Gateway Study addressing the Forest Street/Route 8 corridor. It would result in improved traffic circulation, a more pedestrian-friendly zone at the railroad crossings and create a new "gateway" into the Downtown.

5. Sidewalks within the walk zone of the new Dover High School

Critical gaps in the sidewalk system near Dover High School remain, including along Mifflin Road and along Route 8 on the south side from Mifflin Road west. This project also addresses the continuation of the Senator Bikeway and the recommendations from the Capital Gateway Study. The City is very concerned about public safety in this area and believes it deserves to be included in the CTP and funded at the earliest opportunity.

6. Crawford Carroll Avenue Extension

This project reflects the continuing growth of Delaware State University, commercial development in the area, and future development possibilities involving the Dover Mall and adjoining properties. The project was proposed to continue the improved right-of-way of Crawford Carroll Avenue from West Rustic Lane in a southerly direction to the site where HomeGoods and PetSmart are located and then connect to US Route 13 via a signalized intersection. It would provide access between the DSU Learning and Living Commons facility and the main campus as an alternate to using US 13. DelDOT has expressed concern about the feasibility of the original proposal, however, the City requests that service road connections on the west side of US 13 continue to be addressed even if the original design should not be achievable.

7. West Street Improvements from North Street to the Transit Center

This project is along the western edge of the Downtown Development District and would improve traffic flow, safety and access to the transit system serving the Downtown and the City. It would also provide an opportunity for multi-modal linkages to be improved. West Street has become an important connection for the DART transit service in the City but has not been improved to reflect the standards necessary to meet this use. Part of these improvements were achieved in 2018 with the completion of a multi-use path along the east side of West Street.

8. US 13 Service Roads/Scarborough Road

This project would create a service road parallel to US 13 from Leipsic Road to Scarborough Road, and a set of local access roads providing economic benefits to the Dover Mall and a proposed adjacent commercial complex. This project is part of the US Route 13 Circulation Study. In adherence to the State's Corridor Capacity Preservation Program, the addition of

service roads would decrease traffic on US 13/DuPont Highway by having more local traffic use the service roads instead. The project also reflects the corridor's continued growing role as a destination for commerce, employment, and community activities, and its lessened importance as a high-speed through travel route compared to State Route 1.

9. US 13 Sidewalk Construction

Construction of multi-use paths along US 13 continues to be a priority. Construction of sidewalks is required when properties are developed or redeveloped, but significant sections of the sidewalk system are either in deteriorated condition or missing. Examples include Public Safety Boulevard to the Puncheon Run Connector and White Oak Road to College Road. A 2019 sidewalk project being built by DelDOT will complete a sidewalk/path from Townsend Boulevard to Leipsic Road on the east side of US 13.

10. Route 8/Hazletteville Road Connector

This is a north/south access road that was identified in the *Route 8 Concept Plan and Operations Study*. This connection will encourage economic development and provide transportation alternatives in this heavily traveled corridor. The connector road would incorporate the existing Dover High Drive and extend south on the west side of the Village of Cannon Mills.

11. Kings Highway/Route 13 Intersection Improvements

The intersection of Kings Highway/White Oak Road and US Route 13 needs improvements to meet an acceptable level of service. Extensive new commercial development (Capital Station Shopping Center, Lidl grocery store, and other commercial facilities) are being constructed or are planned south of the intersection which will add traffic and access burdens on these roads. Because of the multi-use paths to be constructed along with this commercial development, pedestrian and bicyclist safety improvements will be needed as part of the intersection upgrade as well.

ACTION FORM

PROCEEDING: Council Committee of the Whole (Utility)	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works	**DATE SUBMITTED**: 9/13/19
PREPARED BY: Sharon J. Duca, P.E., Public Works Director	
SUBJECT: Amendment to Contract User Agreement with Kent County	
REFERENCE: N/A	
RELATED PROJECT: N/A	
REVIEWED BY: Donna Mitchell, City Manager	
EXHIBITS: Proposed Agreement (Unsigned)	
EXPENDITURE REQUIRED: n/a	**BUDGET REMAINING**: n/a
FUNDING SOURCE (Dept./Page in CIP & Budget): n/a	
TIME TABLE: City Manager will execute agreement within ten (10) days of Council approval.	
STAFF RECOMMENDATION: Staff recommends City Council to authorize the City Manager to execute the amendment to the contract user agreement with Kent County.	

BACKGROUND AND ANALYSIS

The City of Dover (City) is currently a contract user of the Kent County Levy Court for transmission and treatment of sewage discharge. Kent County treats the sewage that is transmitted from the City transmission system prior to re-entry into the environment. Due to future expansion, and existing conditions being altered since the last agreement was executed, multiple changes to the agreement are necessary. Key points of the amendment are listed below:

- Article V, Paragraph B.4; the addition of Rojan Meadows development will require a credit to be provided to the City of Dover at a rate of 250 gallons per day per Equivalent Dwelling Unit. As approved by Council on April 9, 2018, Rojan Meadows will be a Kent County Sewer customer.
- Article V, Paragraph B.7; this paragraph now includes language that allows Kent County to connect to the City through the existing Forty-Nine Pines development pump station. The flow from this pump station will be deducted from the City of Dover's bill at a rate of 250 gallons per day per Equivalent Dwelling Unit.
- Article V, Paragraph B.8; this paragraph provides a methodology for the City of Dover to recoup costs associated with electrical charges incurred when Kent County diverts flow through the City's Pump Station #7.

The aforementioned changes will accurately portray how the City's sewer flow is being transmitted to Kent County, which will provide for accurate billings to the City. Staff agrees with all changes and recommends executing the proposed amended agreement.

Kent  County

AGREEMENT FOR SERVICES

Between

CITY OF DOVER

and

KENT COUNTY LEVY COURT

for and on behalf of

KENT COUNTY SEWAGE DISPOSAL DISTRICT NO. 1

In Connection with

the Transmission and Treatment of Sewage Discharge from the City of Dover, Delaware

This Agreement for Services is made and entered into this ____ day of _____, 2019, by and between Kent County Levy Court, the governing body of Kent County, Delaware (hereinafter referred to as "Owner"), on behalf of Kent County Sewage Disposal District No. 1, and City of Dover (hereinafter referred to as "Contract User").

WITNESSETH:

For and in consideration of the mutual promises and covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto do hereby agree as follows:

ARTICLE I - TERM OF AGREEMENT

A. The term of this Agreement shall be ten (10) years, commencing upon the date of this agreement, and terminating ten (10) years thereafter. If, at the expiration of the term of this Agreement, Contract User shall not be in default upon any of the terms or conditions of this Agreement, then Contract User shall have an option to renew this Agreement for an additional term of ten (10) years.

B. The Contract User must notify the Owner in writing, via certified mail, no later than ninety (90) days prior to this Agreement's expiration, in order to indicate the Contract User's intentions to either renew or terminate this Agreement. If the Contract User does

not indicate their intentions in writing to the Owner, as described above, then this Agreement will be automatically renewed on a year to year basis.

ARTICLE II - DEFINITION OF TERMS

The following terms, as used herein, shall have the following meanings:

A. "Collection System" shall mean gravity or pressurized local transmission lines used to convey Contract User's sewer discharge to a main line pumping station connected directly to a Transmission Line.

B. "Biological Treatment" shall mean the handling of constituents in Sewage by means of biological processes performed within the Kent County Wastewater Treatment Facility.

C. "Sewage" shall mean a combination of the water-carried waste from residences, businesses, institutions, industrial establishments, or other structures, buildings, or improvements, together with such ground, surface, and storm water as may be present.

D. "Sewer" shall mean a pipe or conduit which carries Sewage.

E. "Transmission System" shall mean main transmission pipelines and pump stations used to convey Sewage to the Kent County Wastewater Treatment Facility.

F. "Treatment Capacity" shall mean average monthly capacity as defined in the Kent Count Wastewater Treatment Facility National Pollutant Discharge Elimination System (NPDES) Permit.

ARTICLE III - SERVICES TO BE RENDERED

The services to be rendered to Contract User by Owner shall be sufficient to carry out and perform the functions contemplated by terms of this Agreement, including but not limited to the following:

A. Transmission of Sewage

1. The transmission of all sewage will include pumping and piping necessary to transmit sewage through Owner's Transmission System to the Kent County Wastewater Treatment Facility. This obligation extends only to construction and operation of Owner's Transmission System and does not include the construction and operation of the Contract User's Collection System and local Transmission Lines which feed sewage into the Owner's Transmission System. Contract User is to construct, maintain and operate their Collection System and local Transmission Lines. This obligation is further limited to the Contract User's quantity as defined under Article IV (B).

B. Treatment of Sewage

1. Upon transmission of Contract User's sewage through Owner's main conveyance system and pumping stations to the Kent County Wastewater Treatment Facility, Owner agrees to treat Contract User's sewage to a degree sufficient to enable the

final effluent to comply with the Kent County Wastewater Treatment Facility National Pollutant Discharge Elimination System (NPDES) Permit.

2. In the event that Owner cannot for any reason transmit and/or treat any sewage produced and/or delivered by Contract User, and provided that Owner's inability to transmit and/or treat such sewage is (a) not due to any cause or fault directly attributable to Contract User or (b) any significant change in the characteristics of the sewage of any existing or new contributor, or (c) in the event such sewage is not amendable to Biological Treatment due to any cause or fault which is not directly attributable to Contract User, the Owner agrees to construct and provide such additional facilities as may be necessary, in the sole discretion of Owner, to accomplish treatment of such sewage, with the expense of such additional facilities to be allocated and paid in accordance with Article V of this Agreement.

3. In the event that Owner's inability to transmit and/or treat such sewage is due to a cause or fault directly attributable to a significant change in the characteristics of sewage produced and/or delivered by Contract User, rendering it no longer amendable to Biological Treatment, then Contract User shall assume full responsibility for any and all costs or expenditures required to transmit and/or treat such sewage, including but not limited to any and all operation, maintenance, engineering and legal expenses, or other financial liability.

4. Within thirty (30) days of Contract User's receipt of written notice from Owner that Owner is unable to transmit and/or treat such sewage, Contract User's shall take all appropriate remedial action to render such sewage capable of transmission and/or treatment by Owner or, alternatively, Contract User shall submit to Owner a written plan for appropriate remedial action to render such sewage capable of transmission and/or treatment by Owner in manner and upon such other terms as may be acceptable to Owner.

5. Upon Contract User's failure to take appropriate remedial action or failure to submit to Owner a written plan for appropriate remedial action, as aforesaid, Owner may, at its option, (1) advance all costs and expenditures required to transmit and/or treat such sewage and invoice Contract User for same, in which event Contract User shall reimburse Owner for all such costs and expenditures within sixty (60) days of the receipt of any invoice for same, or (2) terminate this Agreement upon (30) days written notice.

ARTICLE IV - CHARACTERISTICS & QUANTITY OF CONTRACT USERS SEWAGE

Owner's obligation to transmit and treat Contract User's Sewage, as required hereunder, is and shall be subject to the following conditions:

A. Quality of Sewage

1. Contract User's Sewage may be either raw or pretreated sewage but will not be acceptable (1) if it does not comply with the Kent County Code, Chapter 180, originally adopted in April of 1976, as amended, or (2) if, upon the addition of

said sewage to the sewage flow entering the Kent County Wastewater Treatment Facility, the resulting combined sewage flow is not amendable to Biological Treatment or (3) the resulting combined sewage flow contributes to a violation of standards set in the Kent County Wastewater Treatment Facility's (NPDES) Permit.

B. Quantity of Flow

1. On or before the first (1st) day of July in each even numbered year during the term of this Agreement, Contract User shall submit to Owner a projection of Contract User's sewage flow for each of the next succeeding five (5) year period. All submissions shall clearly identify Contract User's current and projected sewage flows.

2. Based upon the aforesaid projections submitted by Contract User and the projected flows of other contributors to Owner's main conveyance system Owner shall initiate preplanning for the expansion of Transmission System capacity and/or treatment capacity, as Owner deems necessary or appropriate, if and when the projected capacity of a particular Transmission System component and/or the projected treatment capacity of the Kent County Wastewater Treatment Facility reaches eighty-five percent (85%), respectively. Owner shall subsequently contract to expand Transmission System capacity if and when the actual capacity of any particular Transmission System component has reached ninety percent (90%) of its available transmission capacity, as determined by Owner. Similarly, Owner shall subsequently contract to expand treatment capacity if and when the actual monthly average influent flow of the Kent County Wastewater Treatment Facility reaches ninety percent (90%) of its permitted capacity, as stated in the NPDES permit. Owner agrees to make good faith effort to fund and construct aforementioned improvements, however, as circumstances dictate, execution of this Agreement does not constitute a guaranty by Owner of transmission system and/or treatment capacity at the time when Contract User's projected flows require it.

3. In the event that Owner's inability to transmit and/or treat Contract User's sewage flow request is due to a cause directly attributable to Contract User's significant change in the projected flow of sewage, not comparable in percentage to requests of other contributors or previous updates of the Contract User, then Contract User shall assume full responsibility for any and all costs or expenditures required to transmit and/or treat such sewage flow increase, as contemplated by Article III , including but not limited to any and all operation, maintenance, engineering, and legal expenses, or other financial liability. Within thirty (30) days of Contract User's receipt of written notice from Owner that Owner is unable to transmit and/or treat such sewage flow increase requests, Contract User shall submit to Owner a written plan for appropriate action to render such sewage flow increases capable of transmission and/or treatment by Owner in manner and upon such other terms as may be acceptable to Owner. Upon Contract User's failure to submit to Owner a written plan for appropriate remedial action, the User's request for sewage flow increase shall be considered withdrawn.

ARTICLE V - PAYMENT FOR SERVICES

A. Manner of Payment

1. Payment for any and all transmission and/or treatment services rendered by Owner hereunder shall be made in monthly installments, unless stated differently below, and delivered to the Kent County Treasurer, based upon invoices generated on or before the 15th day of the following month. Payment upon any invoice so generated shall be due within twenty (20) days of the date of the invoice. Upon Contract User's failure to pay any invoice so generated, the outstanding balance due upon such invoice shall accrue a financing charge in the amount of one and one-half percent (1.5%) per month.

2. All monies received from the Contract User by the Kent County Treasurer shall be deposited into Owner's Sewer Fund. It shall be deemed a violation of this Agreement for Owner to cause or permit any such monies received from Contract User pursuant to this Agreement to be mingled with any of the Owner's general revenue sources (including but not limited to real property tax revenues) or withdrawn from Owner Sewer Fund and expended for any purpose not a necessary and integral function of the operation of Kent County Sewage Disposal District No. 1.

B. Uniform Rates

1. Contract User agrees to pay Owner for all of Contract User's sewage transmitted and treated by Owner at a rate known as "the Uniform Rate". The Uniform Rate shall be based upon the Annual Sewer Fund Budget adopted by Owner, which shall assume and identify the annual projected flow of Contract User's sewage to be transmitted and treated by Owner. From the annual projected flow of Contract User's sewage, Owner shall calculate the Uniform Rate on a basis of 1,000 gallons of sewage. Owner shall then adopt the Uniform Rate in the form of a Resolution at the same time as Owner's Annual Sewer Fund Budget. Capital expenses associated with Owner's operation and maintenance of the Owner's Transmission System and treatment facilities shall be a part of the annual Sewer Fund Capital Budget adopted by Owner, and shall be incorporated into the Uniform Rate.

2. Throughout the term of this Agreement, Owner shall invoice Contract User for flows transmitted through Kent County Pump Station No. 3 (Legislative Hall) and the City of Dover Pump Stations No. 2 (Laffertys Corner), No. 5 (White Oak Farm), No. 7 (Route 13 East), No. 28 (Wilmington College), No. 32 (Kings Cliffe), No. 33 (Puncheon Run), and the private pump stations for the Bay Road Shopping Center at the corner of Lafferty Lane and Route 13 and the gravity flow from Rodney Village.

3. The Contract User's flow transmitted through Kent County Pump Station No. 3 shall be determined by deducting all applicable upstream contributing flows from the Owner's effluent meter at this location. The difference shall be the amount the Contract User's invoice shall be based upon.

4. The improved Pump Station former City of Dover No. 12 (Dover East) now Kent County Pump Station No. 35 and associated forcemain shall now be owned, operated and maintained by the Owner. The Owner's Sanitary Sewer District Area flows shall be deducted from the total metered flow at the Kent County Pump Station No. 3 at a rate of 175 gallons per day (gpd) for mobile home units and 250 gpd per Equivalent Dwelling Unit for other types of residential or commercial uses as determined by Chapter 128 Fees, Article VI Section 128-18. The difference shall be the amount the Contract User's invoice shall be based upon.

   In the event that the flows from Kent County PS No. 35 are directed away from Kent County Pumping Station No. 3 and into the Central Transmission Bypass (CTB), the Owner's Sanitary Sewer District Area flow shall be deducted from the metered flow and the difference added to the City of Dover's Pump Station No. 2 (Laffertys Corner) billing period flow. The sum shall be the amount the Contract User's invoice shall be based upon.

5. The flows from Owner's Pump Station No. 29 (Little Creek) shall be deducted from the total metered flow at the City of Dover's Pump Station No. 2 (Laffertys Corner). The difference shall be the amount the Contract User's invoice shall be based upon.

6. The flows from Owner's Pump Station 19 (Carlisle Village) shall be directed to the Contract User's collection system in the service area of the City of Dover's Pump Station No. 35 (McKee). Since this station is not a billed location, the metered flows from Owner's Pump Station No. 19 (Carlisle Village) shall be deducted from the total metered flow at the City of Dover's Pump Station No. 7 (Route 13). The difference shall be the amount the Contract User's invoice shall be based upon.

7. The metered flows from the Owner's Pump Station No. 19B (Forty-Nine Pines Subdivision) shall be directed to the Contract User's collection system in the service area of the City of Dover's Pump Station No. 35 (McKee). Since this station is not a billed location, the metered flows shall be deducted from the total metered flow at the City of Dover's Pump Station No. 7 (Route 13). The difference shall be the amount the Contract User's invoice shall be based upon.

   a. For septic remediation of existing failing septic systems **only** the County may connect to the PS 19B force main properties not serviceable by the City of Dover.
   b. The Owner's flows from these connections shall also be deducted from the total metered flow at the City of Dover's Pump Station No. 7 (Route 13). The flows will be deducted at a 250 gpd per Equivalent Dwelling Unit for other types of residential or commercial uses as determined by Chapter 128 Fees, Article VI Section 128-18.

8. In the event the Owner's flows are diverted through the Contract User's Pump Station No. 7 (Route 13), Owner agrees to pay for additional electrical utility charges incurred by the Contract User. The Contract User shall invoice the Owner for additional electrical utility charges incurred as a result of pumping the Owner's

sewage. Charges shall be based on the difference in electrical consumption (kwH) between the previous month when diversion did not occur and the month when diversion did occur with the Owner's flows. This difference shall then be multiplied by the average daily electrical charges per kwH for the month the diversion occurs. The Owner shall notify the Contract User prior to diverting any flows. The Owner shall pay the invoice from the Contract User within thirty (30) days of the date of the invoice. The Contract User shall provide with said invoice both electric utility bills (with diversion and without) for reference showing the total power consumption, billing period and charges.

9. Contract User shall pay Owner for all Contract User's sewage transmitted and treated by Owner on a monthly basis as provided herein above, in an amount determined by multiplying Contract User's actually measured sewage flow for each month times the Uniform Rate.

C. District User Rates

1. Payment for collection, transmission and treatment services rendered by Owner for Contract User in the areas serviced by Owners collection system in the Webbs Lane, Rudnick Lane and South State Street extended areas shall be made quarterly on the basis of the number of EDU's connected to the system at established uniform district maintenance rates for Kent County Sewage Disposal District No. 1, Isaacs Area.

2. Contract User shall report on March 1st, June 1st, September 1st and December 1st of each year of this Contract User Agreement the number of EDU's which were newly connected to the Owner's collection system at any time during the three (3) months immediately preceding each respective date.

ARTICLE VI - MEASUREMENT OF CONTRACT USER'S SEWAGE FLOW

A. Any and all measurements of Contract User's Sewage flow, as required by Article V above, shall be performed under a monitoring program conducted and supervised by Owner. The results of all flow measurements shall be evaluated monthly, and shall serve as the basis for Owner's charges to Contract User.

B. The metering device(s) utilized to measure Contract User's sewage flow shall be calibrated semi-annually by an independent testing agency for average daily flow rates over 0.10 mgd. Metering devices with average daily flow rates less than 0.10 mgd shall be calibrated on a bi-annual basis. The results of calibrations shall be made available to Contract User.

C. If the calibration reveals a discrepancy greater than 10% the monthly sewer billing to the Contract User shall be adjusted (up or down) for a three (3) month period immediately preceding the calibration. No action shall be taken for metering devices within 10% accuracy.

D. The costs of calibrations for metering devices in Owner's facilities shall be included in the operation and maintenance costs of Owner's main conveyance system and shall be incorporated into Owner's annual Sewer Fund Operating Budget. The costs of calibrations maintenance, repair and replacement for metering devices located in Contract

User's facilities shall be borne by the Contract User and the prorated share of the calibration cost shall be added to Contract User's monthly bill.

E. Owner shall secure and retain services for the repair and maintenance of the aforesaid metering devices, including provision for the immediate replacement of any faulty or inoperable metering device(s). The costs associated with maintenance, repair and replacement of metering devices located in Contract User's facilities shall be borne by the Contract User and shall be added to Contract User's monthly bill.

F. In the event that it becomes impossible to accurately measure Contract User's sewage flow for a portion of a billing period, due to the failure or malfunction of any particular metering device, then Contract User's sewage flow for said portion shall be deemed to occur at the weekly average rate as Contract User's sewage flow for the three (3) months immediately preceding the billing period or occurrence of the inaccuracy.

G. Calibration, maintenance, repair and replacement of potable water metering device(s) used in the Contract User's flow determinations shall be the sole responsibility of the Contract User.

H. During an emergency, temporary or other operational conditions where metered flows are unavailable or not representative of the true flow quantity; Owner and Contract User shall handle the determination of the flow quantity administratively.

1. The Contract User's sewage flow during said condition shall be deemed to occur at the weekly average rate as Contract User's sewage flow for the three (3) months immediately preceding the billing period not effected by the operational condition.

2. In the event said operational condition is planned or forecasted to continue for an extended period the Owner and Contract User may discuss alternative calculation methods or estimates that are fair and reasonable to both parties. A mutual agreement shall be documented in writing.

ARTICLE VII - AUDIT

A. Financial information concerning Contract User revenue and expenses and District revenue and expenses shall be tracked separately within the Sewer Fund. An audit of the financial position of the Sewer Fund shall be conducted annually, and shall be performed in conjunction with and according to the same procedures as the annual audit of the financial records of Kent County.

ARTICLE VIII - TERMINATION OF SERVICES

A. Except as otherwise provided herein, either party may terminate this Agreement upon thirty-six (36) months written notice to the other party; provided that notwithstanding any such notice of termination, Contract User agrees to pay Owner for any and all transmissions and/or treatment services rendered by Owner hereunder; and further provided that, notwithstanding any such notice of termination, Contract User shall reimburse Owner for Contract User's prorate share of capital debt charges incurred by Owner (less depreciation) for any capital project which, during the term of this Agreement, was undertaken by Owner for the specific benefit of Contract User. In the latter event, Contract User shall reimburse Owner by making prorate payments in

accordance with the debt service schedule originally contemplated by the parties at the time such capital debt charges were incurred by Owner.

ARTICLE IX - RIGHT-OF-WAYS

A. Contract User agrees to make reasonable efforts to secure, obtain, and transfer to Owner any and all right-of ways, easements, or other covenants concerning real property within its control or jurisdiction which may be necessary or required by Owner for the construction, operation, maintenance, or repair of Transmission System.

ARTICLE X - ARBITRATION

A. Any controversy or claim arising out of or related to this Agreement, or any breach thereof, shall be settled by binding arbitration in accordance with the Rules of the American Arbitration Association, and judgment, upon the award rendered by the arbitrator(s), may be entered in any court having jurisdiction thereof. In any such controversy or claim, each party shall bear its own costs and neither party shall be responsible for payment of the other's legal, technical, or other costs of arbitration or litigation.

ARTICLE XI - SANITARY CODE OF KENT COUNTY

A. In the event of direct conflict between the terms of the Agreement and the provisions of the Kent County Code, Chapter 180, originally adopted in April of 1976, as amended, the terms of this Agreement shall control and be determinative. In all other events and respects, including but not limited to any ambiguity in terms of this Agreement or any failure of this Agreement to make provision for any fact or circumstance, the provision of the Kent County Code, Chapter 180, originally adopted in April of 1976, as amended, shall control. To this end, the provisions of the Kent County Code, Chapter 180, originally adopted in April of 1976, as amended, are hereby incorporated herein by this reference.

ARTICLE XI - INTENDED LEGAL EFFECT

A. Owner and Contract User agree it is the intent of both parties, and a condition to the formation of this Agreement, that any future owners of the Contract User's Collection System serviced in the accord with this Agreement be legally bound in accord with the terms hereof. For that reason, Contract User understands that recordation of this Agreement may be deemed necessary by Owner, and consents thereto, for the purpose of providing notice to future owners of the Collection System of the conditions and obligations set forth in this Agreement.

B. Contract User agrees it will not sell the aforesaid property without giving thirty (30) days written notice to Owner of the sale of any or all of the Collection System. Contract User also agrees it will give any purchaser of some or all of the Collection System thirty (30) days written notice of the terms and conditions of this Agreement. Failure of Contract User to give such notices may be viewed by Owner as a material breach of this contract, permitting Owner to refuse to provide the services or other value provided in the Agreement. Owner may require the execution by any party assuming the ownership of some or all of the Contract User's Collection System or sewer service territory covered

by this Agreement to enter into a new written Agreement, under the same terms and conditions, to the extent permitted by law.

ARTICLE XIII - MAIN SYSTEM CAPITAL IMPROVEMENT FEES & SANITARY SEWER DISTRICT EXPANSION FEES

A. Contract User shall be subject to payment of Main System Capital Improvement Fees (County Impact Fee) in accordance with Kent County Code Chapter 128, Fees, Article IV for all properties. In addition, Contract Users shall be subject to payment of District Expansion Fees (District Impact Fee) for EDU's connected through county district infrastructure.

This applies to the Isaacs area of the Kent County Sewage District No. 1 in and around Webbs and Rudnick Lanes and South State extended.

ARTICLE XIV - MISCELLANEOUS

A. This Agreement supersedes any and all previous agreements and understandings, written or oral, between the parties hereto concerning the subject matter hereof.

B. This Agreement constitutes the entire understanding of the parties with regard to the subject matter hereof, and the parties acknowledge and agree that there is no other agreement or understanding, written or oral, between the parties hereto concerning the subject matter hereof.

C. No change, modification, revision, or amendment to this Agreement shall be made or enforceable unless such change, modification, revision, or amendment is reduced to writing and duly executed by both parties hereto.

D. If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.

E. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, heirs, and assigns.

F. Any notice required to be delivered to or by either party under this Agreement shall be sent via certified mail, return receipt requested. For purposes of this provision, Owner's address shall be 555 Bay Road, Kent County Administrative Complex, Dover, Delaware 19901, and Contract User's address shall be as set forth herein below.

IN WITNESS WHEREOF, intending to be legally bound hereby, the parties to this Agreement have hereunto set their respective hands and seals the day and year first above written.

KENT COUNTY LEVY COURT
("Owner")

BY: _____ (Seal)
P. Brooks Banta, President

Date: _____

Attest: _____

Address For Notices:
Kent County Department of Public Works
555 Bay Road, Dover, DE 19901
Attention: Mr. Andrew Jakubowitch, P.E., Director
Phone (302) 744-2430

CITY OF DOVER
("Contract User")

BY: _____ (Seal)
Donna S. Mitchell, City Manager

Date: _____

Attest: _____

Address For Notices:
_____
Department

_____
Address, City, State, Zip

_____
Attention

_____
Phone

Attachment: Kent County Code, Chapter 180

ACTION FORM

PROCEEDING: Council Committee of the Whole (Utility) **AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works **DATE SUBMITTED**: 9/13/19
PREPARED BY: Sharon J. Duca, P.E., Public Works Director
SUBJECT: Evaluation of Bids – Columbia Avenue Water Main Replacement
REFERENCE: CIP- Water Quality Improvement
RELATED PROJECT: N/A
REVIEWED BY: Donna Mitchell, City Manager; Lori Peddicord, Controller
EXHIBITS: Exhibit A – Aerial Map
EXPENDITURE REQUIRED: $521,201 **BUDGET**: $773,000
FUNDING SOURCE (Dept./Page in CIP & Budget): Department of Public Works - Water Management, CIP Projects #WQ2001 Columbia Avenue Water Main Replacement, CIP Project Name: Water Quality Improvements Account No.: 401-40-68-99-000-54031.
TIME TABLE: Notice to proceed to be issued within thirty (30) days of Council approval. Project anticipated to be completed in one hundred and twenty (120) calendar days.
STAFF RECOMMENDATION: Award the contract to Teal Construction, Inc., for the City of Dover, Columbia Avenue Water Main Replacement Project, Bid #20-0001PW, for the amount of $521,201

BACKGROUND AND ANALYSIS

The Fiscal Year 2020 Capital Improvement Plan includes a project called Water Quality Improvements. Staff identified the need for upgrading the existing six-inch (6") water main in Columbia Avenue from Pear Street to State Street. The existing undersized main was installed prior to 1960. This project will replace this main with new eight-inch (8") cement lined ductile iron pipe water line. The new water main will provide City of Dover customers with improved water quality, increased system reliability and improved fire protection.

The bid was advertised to the public as an Invitation to Bid in accordance with the City's purchasing policy by the City's Purchasing Agent under ITB #20-0001PW. Bids were opened on September 3, 2019. The City of Dover received four (4) bids shown in the table below:

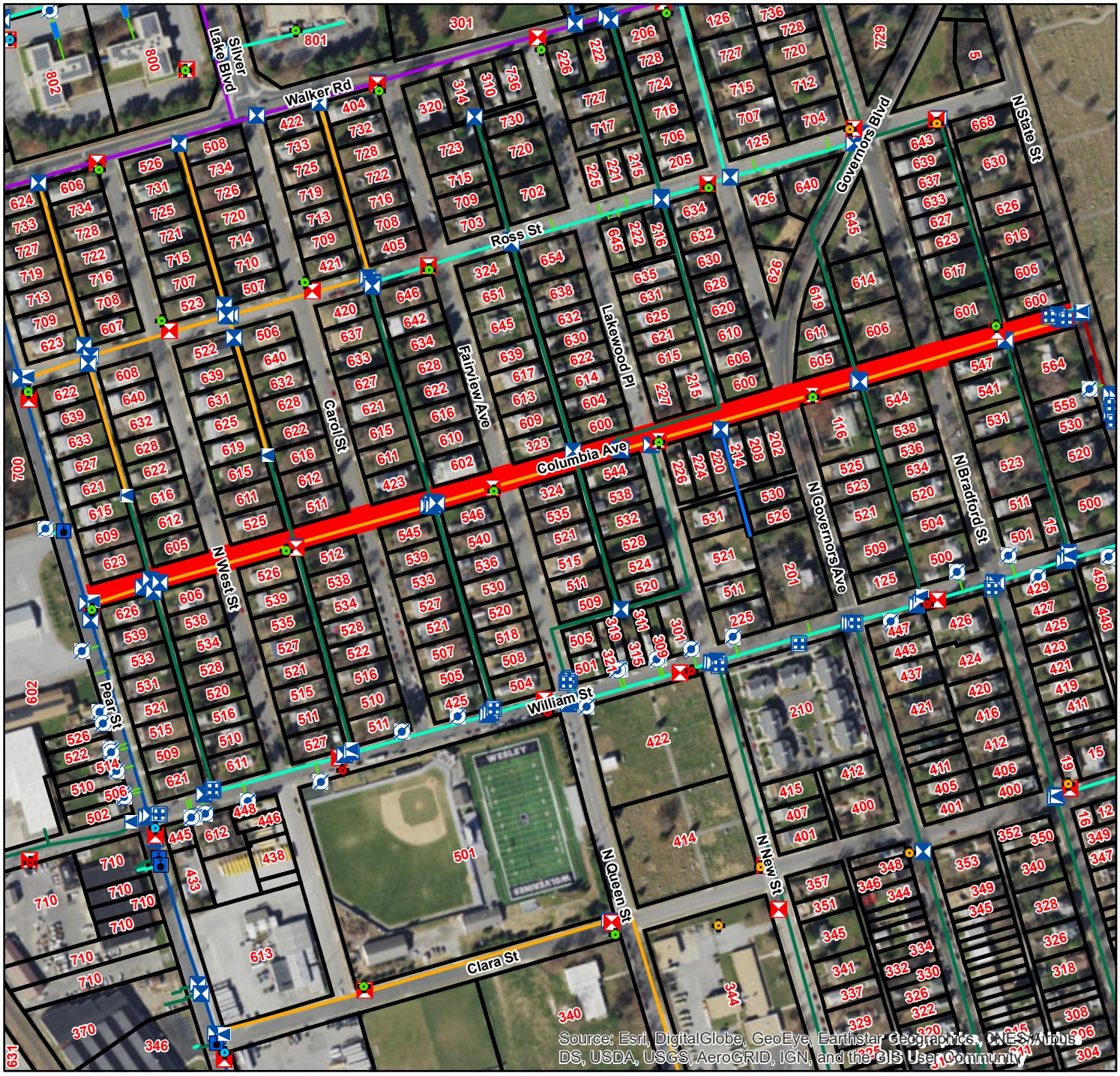
CONTRACTOR	LOCATION	BASE BID	EVALUATED PRICE
TEAL CONSTRUCTION CO.	**DOVER, DE**	**$521,201**	**$505,564.97***
GATEWAY CONSTRUCTION, INC.	CLAYTON, DE	$696,820	$696,820
REYBOLD CONSTRUCTION GROUP, LLC	BEAR, DE	$641,000	$641,000
ADEL CONSTRUCTION	NEWARK, DE	$1,181,900	$1,181,900

**- Teal Construction Co., was awarded a 3% reduction, due to local vendor preference, Rule 1.*

City staff reviewed the submissions and found that Teal Construction, Inc.'s bid met all requirements for the qualifications of the project. Staff recommends awarding the contract to Teal Construction, Inc. in the amount of $521,201 for the Columbia Avenue Water Main Replacement Project.

Exhibit A

Columbia Avenue
Water Main Replacement



0 150 300 Feet

N

Legend

Location
- Columbia Ave
- Dover Parcels
- Dead End
- Reducer

Fire Hydrants
- 1500 GPM
- 1000 - 1499 GPM
- 500 - 999 GPM
- Below 500 GPM
- Service Line

Valve
- Service Connection
- Meter Pit
- Hydrant Valve
- Division Valve

- Curb Stop/Meter Pit
- Curb Stop/House
- Curb Stop
- Blow Off

Main
- 1" 2" 3" 4" 6"
- 8" 10" 12" 14" 16" 20"

Date Printed: September 12, 2019
File: m:\gis_data\projects\tech_mxds
\jason_lyon_maps\caf_maps
\caf_columbia_ave_water_replacement
Department: Public Works GIS
City of Dover, Delaware

ACTION FORM

PROCEEDING: Council Committee of the Whole (Utility)	**AGENDA ITEM**:
DEPARTMENT OF ORIGIN: Public Works	**DATE SUBMITTED**: 9/13/19
PREPARED BY: Sharon J. Duca, P.E., Public Works Director	
SUBJECT: Dedication of Rights-of-Way and Public Infrastructure – Clearview Meadow Subdivision Phase II	
REFERENCE: N/A	
RELATED PROJECT: N/A	
REVIEWED BY: Donna Mitchell, City Manager	
EXHIBITS: Attachment A – List of Public Improvements to be accepted by the City of Dover Attachment B – Map	
EXPENDITURE REQUIRED: $ N/A	**AMOUNT BUDGETED**: $ N/A
FUNDING SOURCE (Dept./Page in CIP & Budget): N/A	
TIMETABLE: All infrastructure improvements noted in Attachment A will become the responsibility of the City of Dover upon action by City Council.	
STAFF RECOMMENDATION: Acceptance of dedication of rights-of-way and public infrastructure in Phase II of the Clearview Meadow Subdivision. Dedication is to include all of the referenced public improvements noted in Attachment A.	

BACKGROUND AND ANALYSIS

The Knollwood Development Corporation, responsible party for completing the public infrastructure within Phase II of the Clearview Meadow Subdivision, has requested that all public infrastructure improvements related to this phase be dedicated to the City of Dover for permanent ownership and maintenance. Phase 1 of the Clearview Meadow Subdivision was accepted by Council on August 27, 2012. Attachment A outlines all of the public improvements associated with Phase II. The total construction value of the public improvements is $3,727,881. Attachment B shows the general location and configuration of the subject rights-of-way. The Knollwood Development Corporation completed construction of the improvements within Phase II in accordance with City standards and specifications. After construction was completed, City staff inspected the public improvements and developed a list of repairs to be made to meet the City of Dover Standards and Specifications for Public Works Construction and Water / Wastewater Handbook. As of this date, all work required by the Public Works Director has been completed. A Release of Liabilities has been submitted as part of the dedication process. Required as-built drawings of the infrastructure as well as videos of the sanitary sewer mains have been provided to staff.

ATTACHMENT A

DEDICATION OF RIGHTS-OF-WAY AND PUBLIC INFRASTURCTURE
CLEARVIEW MEADOW SUBDIVISION PHASE II

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

Sewer Utility Infrastructure (Construction Value = $597,401):

8" SDR-35 PVC Sanitary Sewer Main	-	8,768 L.F.
6" SDR-35 PVC Sanitary Sewer Laterals	-	15,000 L.F. (218 laterals)
4' Diameter Sanitary Sewer Manholes	-	42 ea. (302.16 V.F.)

Water Utility Infrastructure (Construction Value = $811,744):

10" Ductile Iron (Class 52 cement lined) Water Main	-	2,450 L.F.
8" Ductile Iron (Class 52 Cement Lined) Water Main	-	7,214 L.F.
6" Ductile Iron (Class 52 Cement Lined) Water Main	-	272 L.F.
1" Copper Water Service Lines	-	11,470 L.F. (218 Laterals)
10" Gate Valves	-	4 Ea.
8" Gate Valves	-	22 Ea.
6" Hydrant Valves	-	18 Ea.
Fire Hydrants	-	18 Ea.

Storm Water Infrastructure (Construction Value = $1,099,844):

Catch Basins (Street)	-	89 Ea.
Catch Basins (Yard Inlets)	-	16 Ea.
15" Class IV Reinforced Concrete Pipe	-	3,478 L.F.
18" Class IV Reinforced Concrete Pipe	-	1,112 L.F.
21" Class IV Reinforced Concrete Pipe	-	811 L.F.
24" Class IV Reinforced Concrete Pipe	-	915 L.F.
27" Class IV Reinforced Concrete Pipe	-	207 L.F.
30" Class IV Reinforced Concrete Pipe	-	1306 L.F.
36" Class IV Reinforced Concrete Pipe	-	658 L.F.
14"x23" Class IV Reinforced Concrete Pipe	-	150 L.F.
19"x30" Class IV Reinforced Concrete Pipe	-	117 L.F.
22"x34" Class IV Reinforced Concrete Pipe	-	32 L.F.
24"x38" Class IV Reinforced Concrete Pipe	-	36 L.F.
29"x34" Class IV Reinforced Concrete Pipe	-	356 L.F.
34"x53" Class IV Reinforced Concrete Pipe	-	258 L.F.
38"x 60" Class IV Reinforced Concrete Pipe	-	182 L.F.

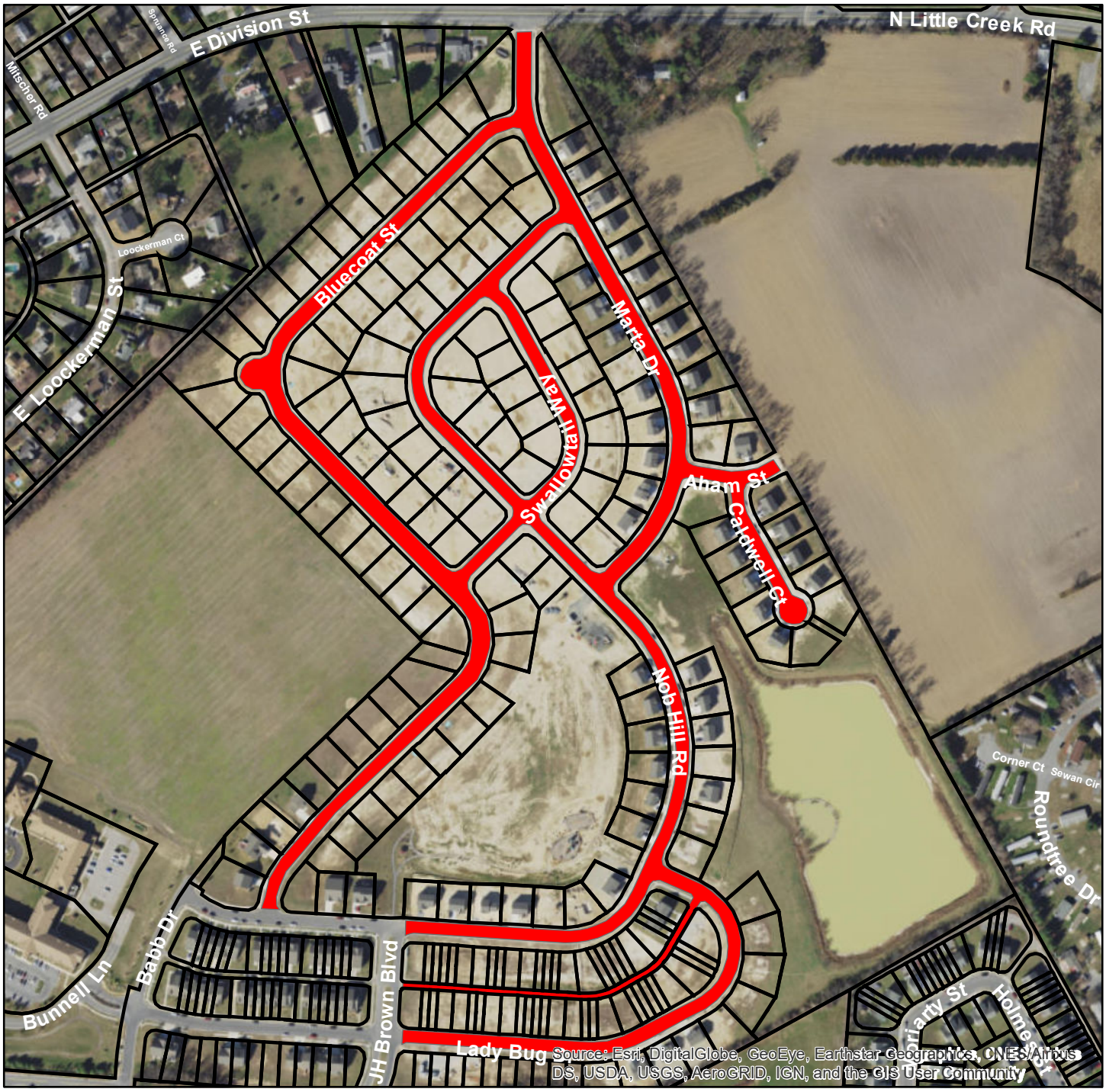
Street Infrastructure (1.83 miles) (Construction Value = $1,218,892):

Marta Drive	Station 0+00 to station 15+75	1,575 L.F.
Aham Street	Station 0+00 to station 2+71	271 L.F.
Nob Hill Road	Station 0+00 to station 28+00	2,800 L.F.
Swallow Tail Way	Station 0+00 to station 9+00	900 L.F.
Caldwell Court	Station 0+00 to station 3+73	373 L.F.
Lady Bug Drive	Station 6+50 to station 19+45	1,295 L.F.
Bluecoat Street	Station 0+00 to Station 24+50	2,450 L.F.

ATTACHMENT B

Clearview Meadow Phase II

Rights-of-Way to be Dedicated to the City of Dover



0 140 280 560 Feet

Date Printed: September 12, 2019
File: m:\gis_data\projects\tech_mxds
\street_dedication_clearview_meadowII
Department: Public Works GIS
City of Dover, Delaware

N

Legend

Dover Parcels

Clearview Phase II

CALVARY
BAPTIST CHURCH
The Place Where Life Begins

Bishop W. James Thomas, II, D. Min.
Senior Pastor

City of Dover
RECEIVED
SEP 16 2019
CITY MANAGER/MAYOR

September 15, 2019

City of Dover
Attn: The Honorable Mayor Robin Christiansen
15 Loockerman Plaza
Dover, DE 19901

Dear Mayor Christiansen,

Thank you and Mr. David Hugg, City Planning Director, for meeting with us on September 5, 2019, at DelDOT to further discuss the entrance requirements for our new edifice, to be located at 2285 Forrest Avenue (State Route 8).

As we endeavor to be good stewards of this project, we are concerned with safety, especially vehicular speed, which is the purpose of this letter.

The building project consists of 37,000 square feet, with a total seating capacity of 940. Access to the property will be from Forrest Avenue, approximately 540 feet east of the intersection of Forrest Avenue and Artis Drive. Forrest Avenue (State Route 8 – KCR 051) is classified as a minor arterial and has an AADT (Annual Average Daily Traffic) of 12,100 vehicles. The Traffic Group conducted a Traffic Impact Study (TIS) that determined that the entrance for the proposed church requires separate right and left-turn lanes based on DelDOT standards. The study predicts a total of 1,022 vehicle trips on a given Sunday morning. A total of 370 vehicle trips would occur during the Sunday morning peak hour.

The current speed limit on Forrest Avenue is 50 mph in both directions from the City limits to the entrance to Destiny Christian Church at which point the speed limit becomes 40 mph. Traveling eastbound, the City of Dover municipal limits begins at Artis Drive along a horizontal curve to the left. The distance from the City limits to the Destiny Christian church entrance is approximately 1,000 feet and another 830 feet to the signalized entrance at Forrest Avenue and Dover High Drive for a total of 1,830 feet.

Within this distance, there are several residential driveways and a couple of commercial entrances on the north side of Forrest Avenue. On the south side is the proposed entrance to Calvary and an entrance to Destiny Christian Church. The signalized intersection serves Dover High School, Dover Christian Church, Leander Lakes Apartments, and the communities of Cannon Mills and Village of Westover. UNITED Church has two services on Sunday mornings in the Dover High School auditorium. The Sunday morning traffic on Forrest Avenue will be significant due to the number of churches that will be having services starting/ending at the same time.

www.calvaryforward.org
Mail: Post Office Box 1859 | Dover, DE 19903 † Campus: 410 Fulton Street | Dover, DE 19904
Office (302) 736-6554 | Fax (302) 734-7790

CALVARY
BAPTIST CHURCH
The Place Where Life Begins

Bishop W. James Thomas, II, D. Min.
Senior Pastor

The service time for each church is as follows:

United	9:15 AM & 11 AM
Dover Christian Church	8:00 AM
Destiny Christian Church	10:00 AM
Calvary Baptist Church	9:30 AM (tentative)

I, along with Dr. Charles Fletcher, Higher Ground Project Committee Chairman, are respectfully requesting that the speed limit be reduced to 35 mph in both directions from the City limits to S. Saulsbury Road. Forrest Avenue is a high capacity roadway and is the major east-west route in and out of the City. Reduction in the speed limit promotes the health and safety of traveling residents and other members of the general public by providing a reasonable and safe speed limit for Forrest Avenue west of S. Saulsbury Road.

We appreciate your consideration of our request, and seek an expeditious response so that we may proceed with this project in a timely manner.

Sincerely,

Dr. Charles D. Fletcher, Jr., Chairman
Calvary Baptist Church Higher Ground Project Committee

Bishop W. James Thomas, II, Senior Pastor
Calvary Baptist Church

www.calvaryforward.org
Mail: Post Office Box 1859 | Dover, DE 19903 † Campus: 410 Fulton Street | Dover, DE 19904
Office (302) 736-6554 | Fax (302) 734-7790

ACTION FORM

PROCEEDING: Council Committee of the Whole – Legislative, Finance and Administration
DEPARTMENT OF ORIGIN: Dover Fire Department **DATE SUBMITTED**: 09-13-19
PREPARED BY: Chief Ron Rhodes
SUBJECT: Evaluation of Bids - Station 2 Roof Replacement
REFERENCE: 2019-2020 CIP
RELATED PROJECT: None
REVIEWED BY: Donna Mitchell, City Manager
EXHIBITS: N/A
EXPENDITURE REQUIRED: $30,500.00 **AMOUNT BUDGETED**: $31,000.00 **FUNDING SOURCE (Dept./Page in CIP & Budget)**: CIP and budget
TIMETABLE: As soon as approved
STAFF RECOMMENDATION: Fire Chief's recommendation is to award the work to Bayside Roofing, Inc.

BACKGROUND AND ANALYSIS

Station 2 is located on Kenton Road and College Road. The station opened in May of 1994. Station 2 was built at the City's request to address concerns with our residents that live on the west side of the railroad tracks. In doing so, the City agreed to cover all future capital maintenance items. Station 2 still has the original roof and it has developed leaks and ventilation issues. These issues are causing damage to the HVAC system and interior of the building.

A total of 4 bids were submitted for the repair and replacement of the roof. These bids range from $24,800 to $32,725.00. I am requesting to use Bayside Roofing, Inc. who has over 35 years of experience and the original contractor to bid the roof replacement job. The submitted budget request was based on his original quote. Bayside also has a lifetime workmanship warranty.

1) KDove Contracting $24,800.00
2) Fadely Co. Roofing & Sheet Metal L.L.C. $26,530.00
3) Bayside Roofing, Inc. $30,500.00
4) John E. Steele, Jr. Inc. $32,725.00