Council Committee of the Whole Meeting Agenda

February 25, 2020 - 6:00 p.m.

City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

Revised by removing the Senator Bikeway item and canceling the Safety Advisory and Transportation Committee meeting

Public comments are welcomed on any item and will be permitted at appropriate time. When possible, please notify the City Clerk (736-7008 or email at cityclerk@dover.de.us) should you wish to be recognized.

Utility Committee

Adoption of the Agenda

1. **Request for Additional Well Locations - Dover International Speedway: Firefly Music Festival – Lot 18 Shower Building at 1229 Persimmon Tree Lane/Adoption of Resolution No. 2020-02**
   (Tax Parcel: LC05-058.00-02-17.00-000)
   (Staff recommendation: Approval of up to three (3) new wells on Lot 18, property of Dover International Speedway. Should the request for additional wells be approved by Council, it is recommended that the depth of the wells not exceed 150 feet to avoid any potential interference with the City's existing water supply wells associated with greater depths.)

2. **Annexation Requests**
   - **A. 1448 North Little Creek Road, Owned by Holly L. Mayer**
   - **B. 1385-1389 McKee Road, Owned by MEB Properties, LLC and Christopher Custis. The equitable Owner is Louis J. Capano, III.**

3. **Adjournment of Utility Committee meeting**

Legislative, Finance, and Administration Committee

Adoption of the Agenda

1. **Temporary Employee Assistance with Special Enterprise Resource Planning (ERP) System Projects, As Assigned**
   (Staff recommendation: Authorize the Controller/Treasurer to maintain temporary staffing to assist with special projects and assist with the ERP implementation project)

Legislative, Finance, and Administration Committee (Continued)

2. Evaluation of Requests for Proposals - A Study of Classification, Compensation, and Benefit System and Pay for Performance Option

(Staff recommendation: 1. Authorize the City Manager to negotiate and sign an agreement with Segal Waters Consulting of Washington D.C. for Part 1 of the study - Classification, Compensation, and Benefit System; and 2. Authorize the City Manager to negotiate language to add Part 2 of the study – Pay for Performance; and contingent upon the approval of the Proposed FY 2020-2021 Annual Budget, complete the optional study in FY21.)

3. Proposed Ordinance #2020-05 Amending Chapter 22 - Buildings and Building Regulations, Article IX - Lodginghouses and Article X - Rental Dwellings

(Staff recommendation: Adoption of Ordinance #2020-05)

4. Adjournment of Legislative, Finance, and Administration Committee meeting

Adjournment of Council Committee of the Whole meeting

S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Committee-Agendas\2020\02-25-2020 CCW AGENDA REVISED 02-24-2020.wpd

The agenda items as listed may not be considered in sequence. Pursuant to 29 Del.C. §1004(e)(2), this agenda is subject to change to include the addition or deletion of items, including executive sessions, which arise at the time of the meeting.

ACTION FORM

PROCEEDING: Council Committee of the Whole (Utility)
DEPARTMENT OF ORIGIN: Public Works **DATE SUBMITTED**: 2/19/2020
PREPARED BY: Sharon J. Duca, P.E., Public Works Director
SUBJECT: Dover International Speedway Additional Wells Request Recommendation
REFERENCE: N/A
RELATED PROJECT: N/A
REVIEWED BY: Donna Mitchell, City Manager
EXHIBITS: Additional Wells Request Letter from Dover International Speedway dated September 4, 2019
EXPENDITURE REQUIRED: n/a **BUDGET REMAINING**: n/a **FUNDING SOURCE (Dept./Page in CIP & Budget)**: n/a
TIME TABLE: City Manager will respond to Dover International Speedway within ten (10) days of City Council's decision.
STAFF RECOMMENDATION: The City Manager recommends the approval of up to three (3) new wells on Lot 18, property of Dover International Speedway. Should the request for additional wells be approved by Council, it is recommended that the depth of the wells not exceed 150 feet to avoid any potential interference with the City's existing water supply wells associated with greater depths.

BACKGROUND AND ANALYSIS

On January 14, 2019, the City of Dover City Council adopted Council Resolution No. 2019-01 authorizing the construction of a private well on the grounds of Dover International Speedway for the sole purpose of a shower facility on Lot 18. In addition to permitting the installation of a private well, the resolution also included specific requirements for the construction and operation of the well. The well was installed as planned in time for the 2019 Firefly event held on Dover International Speedway property.

On September 4, 2019, the City Manager received a letter from Dover International Speedway requesting the installation of up to three (3) additional wells for use by the shower facility on Lot 18 (see attached exhibit). This is due to the fact that the recently constructed well was unable to produce adequate water to supply the shower facility without providing additional potable water via trucking. The Speedway has been informed by their drilling company that additional wells constructed fifty feet (50') to one hundred feet (100') apart would not impact the capacity of adjacent wells.

Section 110-67 of the City of Dover Code of Ordinances state that "It shall be unlawful and a nuisance for any person to dig, drill or otherwise excavate any well more than 150 feet below the surface of the ground within the city, or one mile thereof, without the permission of the city council given by resolution. No permission shall be given for a well on any property where a potable water supply is available." In the past, Department of Public Works staff have approved private wells for irrigation use or for purposes meeting the State's agricultural definition. The well approved through Council Resolution No. 2019-01, is the only well that has been approved for potable water supply.

The approval of additional wells will allow for the continued precedent of approving private wells for potable use. It also reduces the level of water revenue to the City. Should additional private wells be permitted it is critical that their use be restricted as occurred through Council Resolution No. 2019-01.

As noted above, the Code states that "No permission shall be given for a well on any property where a potable water supply is available." Typically, public water is considered "available" by the State when it is within 200 feet of a site. Lot 18 is located approximately one (1) mile from the City of Dover water main in Persimmon Tree Lane. It is estimated that extending public water service to Lot 18 with associated appurtenances could cost in excess of $225,000 while the construction of private well would cost less than $20,000. An additional concern of extending a water line one (1) mile to Lot 18 is the limited use that it would receive and extensive flushing that would be required to avoid stagnation.

Regardless of the actual source, water is provided to the facilities at the Firefly event through the installation of temporary piping. This piping was installed quickly in the weeks prior to the event and sampled and tested by the Office of Drinking Water. With the tight schedule associated with installing the temporary piping, the risk exists of receiving initial positive test results that must be addressed. From a water utility standpoint, it is preferred such potential results not be inaccurately associated with the City's water system.

City of Dover

MAYOR AND COUNCIL

PROPOSED COUNCIL RESOLUTION NO. 2020-02

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF UP TO AN ADDITONAL THREE (3) A PRIVATE WELLS ON THE GROUNDS OF DOVER INTERNATIONAL SPEEDWAY, INC. FOR THE SOLE PURPOSE SUPPLYING ADDITIONAL VOLUME FOR THE SHOWER FACILITY ON LOT 18

WHEREAS, pursuant to Chapter 110 - Utilities, Article III – Water, Section 67 – Private Wells of the City of Dover Municipal Code, a Request to construct up to 3 (three) additional private wells for the area known as Lot 18 belonging to Dover International Speedway, Inc. was submitted by the real property owners; and

WHEREAS, in order to ensure the public health and safety, the well requirements contained in Resolution 2019-01 and Resolution 2020-02 shall apply to all wells located on property belonging to Dover International Speedway, Inc. or any version thereof and/or private wells utilized to provide potable water to any related events; and

WHEREAS, the property owners of Lot 18 will be required to complete the construction and all operations and maintenance in accordance with the requirements of the City of Dover Municipal Code, State of Delaware Code, and any related policies of the State of Delaware Department of Natural Resources and Environmental Control and the State of Delaware Division of Public Health prior to supplying water to the public and receiving a Certificate of Approval to Operate per event; and

WHEREAS, the provisions of the Zoning Ordinance do not require additional Site Development Plan review for this type of improvement as installation of additional wells are not a structure/building and does not establish new use of the property, however is subject to other State regulatory reviews and subject to authorizations by the City's Public Works Department and City Manager's Office; and

WHEREAS, Chapter 110 - Utilities, Article III – Water, Section 67 – Private Wells requires that it shall be unlawful and a nuisance for any person to dig, drill or otherwise excavate any well more than 150 feet below the surface of the ground within the city, or one mile thereof, without the permission of the city council given by resolution.

NOW THEREFORE BE IT RESOLVED:

1. That the proposed wells are considered in accordance with the zoning classification and any change in zoning will negate this Resolution; and

2. That all the property owners within the district are benefitted directly or indirectly by the

DRAFT

proper and responsible construction, operation and maintenance of the well; and

3. That it is in the public interest that the additional 3 wells be constructed in accordance with the State of Delaware Code and any related policies of the State of Delaware Department of Natural Resources and Environmental Control; and

4. That in the interest of public health and safety that the infrastructure within Lot 18, exclusive of that within Delaware Department of Transportation/City of Dover right-of-way, shall be maintained in accordance with the Operation and Maintenance Plan developed by the owner which shall include, but not be limited to, providing a secure facility/well house to protect the wellheads and allow for potential treatment, providing a contingency plan for the provision of potable water, performing private testing to ensure adherence to federal/state drinking water standards, at the owner's expense, starting a minimum of two (2) weeks prior to utilization of the well and that maintenance shall include regular minor and major maintenance as well as emergency repairs as needed; and

5. Construction of additional wells on Lot 18, property of Dover International Speedway, Inc. shall not exempt the property owner or developer from participation in a water utility should one be extended by the City of Dover, and permanent signage will be installed to inform the public that the water is not City of Dover supplied water and

6. Any transfer of property, negates this resolution.

ADOPTED: *

ROBIN R. CHRISTIANSEN
MAYOR

WILLAM F. HARE
COUNCIL PRESIDENT

Actions History
02/25/2020 – Introduction – Council Committee of the Whole/Utility Committee

DRAFT

DOVER INTERNATIONAL SPEEDWAY

A DoverMotorsports, Incorporated Company

September 4, 2019

Ms. Donna Mitchell
City Manager
City of Dover
15 Loockerman Plaza
Dover, DE 19903

RE: Additional Wells – Lot 18

Dear Ms. Mitchell:

As you know, on behalf of AEG and for the benefit of improving the customer experience at Firefly Music Festival, Dover International Speedway requested a resolution from City Council early this year to construct a private well on our Lot 18 for the purpose of providing water to a new shower facility. That resolution (No. 2019-01, copy attached) was adopted by the City on January 14, 2019.

This well was constructed and utilized during the 2019 Firefly event. Unfortunately, the volume capability of this new well was limited by the groundwater aquifer and potable water had to be trucked in to provide the additional volume necessary for the event. This certainly was not the desired intent or outcome. The most appropriate and practical solution is to construct additional wells to meet these shortcomings. Multiple wells are necessary because the groundwater aquifer is limited in the amount of flow that can be obtained from a single well. Our well drilling company has informed us that if additional wells are constructed 50'-100' apart there will be no impact on the capacity of any adjacent well.

Due to these circumstances we are requesting an additional resolution from the City to construct up to three (3) additional wells in the immediate vicinity of the shower facility in Lot 18 for the sole purpose of providing sufficient potable water to this structure. All of the same conditions outlined in the current resolution would be applicable to all new construction.

PO BOX 843
DOVER DE 19903

Should you have any questions or comments please contact Terry Harmeson at 302-363-7320 or by e-mail @ tharmeson@dovermotorsports.com. Thank you in advance for your consideration.

Sincerely,

Mike Tatoian
President & CEO
Dover International Speedway

Cc: Sharon Duca
Jason Lyon

January 27, 2020

Terry Harmeson
Dover International Speedway, Inc.
1131 North DuPont Highway
Dover, DE 19901
Via Email: tharmeson@dovermotorsports.com

Gregg Moore
Becker Morgan Group
309 South Governors Avenue
Dover DE 19904
Via Email: gmoore@beckermorgan.com

Re: **Request for Additional Well Locations**
Addendum to Administrative Site Plan
S-19-08 Dover International Speedway: Firefly Music Festival – Lot 18 Shower Building at 1229 Persimmon Tree Lane, Dover, DE
Tax Parcel: LC05-058.00-02-17.00-000

Dear Mr. Harmeson and Mr. Moore,

The Planning Office has reviewed the Lot 18 Shower Building Site Plan: 3 Additional Wells (Sheet dated 12/3/2019). With this letter, the Planning Office notes that this information will be an Addendum to Administrative Site Plan S-19-08 application file. This proposal for the installation of three (3) additional wells to serve the Lot 18 – Shower Building is viewed as an information update to the utility services for the now existing Shower Building.

The provisions of the *Zoning Ordinance* do not require Site Development Plan review for this type of site improvement as the well installation project is not a structure/building and it does not establish a new use on the property. However, the installation of new private wells is likely subject to other State regulatory reviews and subject to authorizations by the City's Department of Public Works/Public Utilities and perhaps the Dover City Council. Please coordinate these approvals for the additional wells through the Department of Public Works/Department of Public Utilities and the City Manager's Office. It is noted that certain plumbing related improvements may also be subject to the City's Plumbing Permit process.

The property continues to be zoned RC (Recreational and Commercial Zone). It is the subject of Site Development Master Plan S-17-03 Dover International Speedway Parking & Event Area Master Plan and the Administrative Site Plan S-19-08 Dover International Speedway: Firefly Music Festival – Lot 18 Shower Building as described below.

Previously on April 12, 2019 the Planning Office granted Final Approval to Administrative Site Plan S-19-08 Dover International Speedway: Firefly Music Festival – Lot 18 Shower Building (Plan Sheet dated 4/2/2019). The plan proposed construction of a permanent 8,460 SF Shower Building on Lot 18 of lands owned by Dover International Speedway utilized as part of the Firefly Music Festival area lands. The project location is internal to Lot 18. Lot 18 was depicted on the Master Plan to be utilized for parking and camping activities. It is accessed from a driveway off Persimmon Tree Lane. The Shower Building construction was completed in Spring 2019 under Building Permit #19-327. At that time, one (1) well was installed subject to other permitting processes and under the conditions of the Dover City Council Resolution #2019-01.

Overall, the property was the subject of Site Development Master Plan S-17-03 Dover International Speedway Parking & Event Area Master Plan which outlined the temporary and proposed permanent structures on the main festival grounds and parking and camping areas. The Planning Commission approved the Master Plan S-17-03 on February 21, 2017 and March 20, 2017. Any structures from the Master Plan proposed for permanent construction as buildings are subject to the Administrative Site Plan review process. This Administrative Site Plan review process was required for the construction of the Shower Building.

Regarding the current proposal for three (3) additional wells to be located to the east of the Lot 18-Shower Building, the following are noted from the Planning Office review of the plan submission:

1) The addition of the Wells (Wells #2, #3, and #4) does not require a Site Development Plan or review by the Planning Commission under the provisions of *Zoning Ordinance*, Article 10 Section 2. This submission will be added to the existing file for S-19-08 as information.
    a. Upon finalization of well project, please submit a signed copy of the plan sheet in paper format and as a pdf for the Planning Office records.

2) The location of the existing Shower Building and the proposed Wells (#2-#4) comply with the setbacks from property lines in the RC zone which range from 30 feet to 100 feet. This project area is located 1,240 feet from the nearest property line.

3) There is a portion of the parcel for Lot 18 that is located within the SWPOZ (Source Water Protection Overlay Zone): Tier 2 Primary Wellhead Protection area. However, this project area is not in the SWPOZ.

4) This property includes areas within the Special Flood Hazard Area (100 year-floodplain). The Shower Building and the proposed Well locations are not in the floodplain.

5) This property includes areas of wetlands which are subject to the provisions of *Zoning Ordinance,* Article 5 §11. It is noted that the Shower Building and the proposed Well locations are not located within a wetland area and are located more than the required 100 ft. setback from an existing wetland area.

As noted above, please continue any necessary coordination for the well project with the Department of Public Works/Department of Public Utilities and the City Manager's Office. If there are any further questions regarding the planning and zoning provisions, please do not hesitate to contact the Planning Office during normal business hours at (302) 736-7196 or dmelson@dover.de.us .

Sincerely,
Department of Planning & Inspections

Dawn E. Melson-Williams, AICP
Principal Planner

CC: David S. Hugg III, Planning Director via email
Jason Lyon, PE, Department of Public Works/Public Utilities via email
Donna Mitchell, Dover City Manager via email
S-19-08

City of Dover

MAYOR AND COUNCIL

COUNCIL RESOLUTION NO. 2019-01

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A PRIVATE WELL ON THE GROUNDS OF DOVER INTERNATIONAL SPEEDWAY, INC. FOR THE SOLE PURPOSE OF A SHOWER FACILITY ON LOT 18

WHEREAS, pursuant to Chapter 110 - Utilities, Article III – Water, Section 67 – Private Wells of the City of Dover Municipal Code, a Request to construct a private well for the area known as Lot 18 belonging to Dover International Speedway, Inc. was submitted by the real property owners; and

WHEREAS, in order to ensure the public health and safety, the well requirements contained in this Resolution shall apply to all wells located on property belonging to Dover International Speedway, Inc. or any version thereof and/or private wells utilized to provide potable water to any related events; and

WHEREAS, pursuant to Chapter 110 - Utilities, Article III – Water, Section 67 – Private Wells, the City of Dover and the State of Delaware Department of Natural Resources and Environmental Control evaluated the request for a private well on Lot 18, zoned Recreational Commercial (RC), and identified required construction criteria and necessary development of an operation and maintenance plan; and

WHEREAS, the property owners of Lot 18 will be required to complete the construction and all operations and maintenance in accordance with the requirements of the City of Dover Municipal Code, State of Delaware Code, and any related policies of the State of Delaware Department of Natural Resources and Environmental Control and the State of Delaware Division of Public Health prior to supplying water to the public and receiving a Certificate of Approval to Operate per event; and

WHEREAS, Chapter 110 - Utilities, Article III – Water, Section 67 – Private Wells requires that it shall be unlawful and a nuisance for any person to dig, drill or otherwise excavate any well more than 150 feet below the surface of the ground within the city, or one mile thereof, without the permission of the city council given by resolution.

NOW THEREFORE BE IT RESOLVED:

1. That the proposed well is considered in accordance with the zoning classification and any change in zoning will negate this Resolution; and

2. That all the property owners within the district are benefitted directly or indirectly by the proper and responsible construction, operation and maintenance of the well; and

3. That it is in the public interest that the well be constructed in accordance with the State of Delaware Code and any related policies of the State of Delaware Department of Natural Resources and Environmental Control; and

4. That in the interest of public health and safety that the infrastructure within Lot 18, exclusive of that within Delaware Department of Transportation/City of Dover right-of-way, shall be maintained in accordance with the Operation and Maintenance Plan developed by the owner which shall include, but not be limited to, providing a secure facility/well house to protect the wellhead and allow for potential treatment, providing a contingency plan for the provision of potable water, performing private testing to ensure adherence to federal/state drinking water standards, at the owner's expense, starting a minimum of two (2) weeks prior to utilization of the well and that maintenance shall include regular minor and major maintenance as well as emergency repairs as needed; and

5. Construction of a well on Lot 18, property of Dover International Speedway, Inc. shall not exempt the property owner or developer from participation in a water utility should one be extended by the City of Dover, and signage will be installed to inform the public that the water is not City of Dover supplied water and

6. Any transfer of property, negates this resolution; and

7. That the City of Dover Council concurs with the installation of a well on Lot 18 – Dover International Speedway, Inc.

ADOPTED: JANUARY 14, 2019

ROBIN R. CHRISTIANSEN
MAYOR

TIMOTHY A. SLAVIN
COUNCIL PRESIDENT

Actions History
01/14/2019 - Introduction - City Council

PETITION TO ANNEX AND REZONE PROPERTY
Before the Dover City Council Committee of the Whole – Utility Committee

February 25, 2020

File Number:	AX-20-01
Ordinance Number:	2020-02
Applicants:	Holly L. Mayer
Owner of Record:	Holly L. Mayer
Property Address:	1448 N. Little Creek Road, Dover DE
Tax Parcel ID #:	ED-00-077.00-01-02.00-000
Lot Size:	0.22 acres (9,453 SF)
Present Zoning:	RMH (Residential Manufactured Home Zone)
Proposed Zoning:	R-8 (One Family Residence Zone)
Comprehensive Plan Designation:	Category 1: High Priority Annexation Areas
Comprehensive Plan Land Use Designation:	Residential Medium Density
Present Use:	Single Family Dwelling
Proposed Use:	Single Family Dwelling
Utility Availability:	Electric: 1448 N. Little Creek Road is currently served by City of Dover Electric. Water and Sanitary Sewer: 1448 N. Little Creek Road is not currently served by the City of Dover Water or Sanitary Sewer. Water service is available on the adjacent side of N. Little Creek Road. Sanitary Sewer is available; however, it is approximately 310 feet away from the property, on Acacia Place. The developer would be responsible for extending the

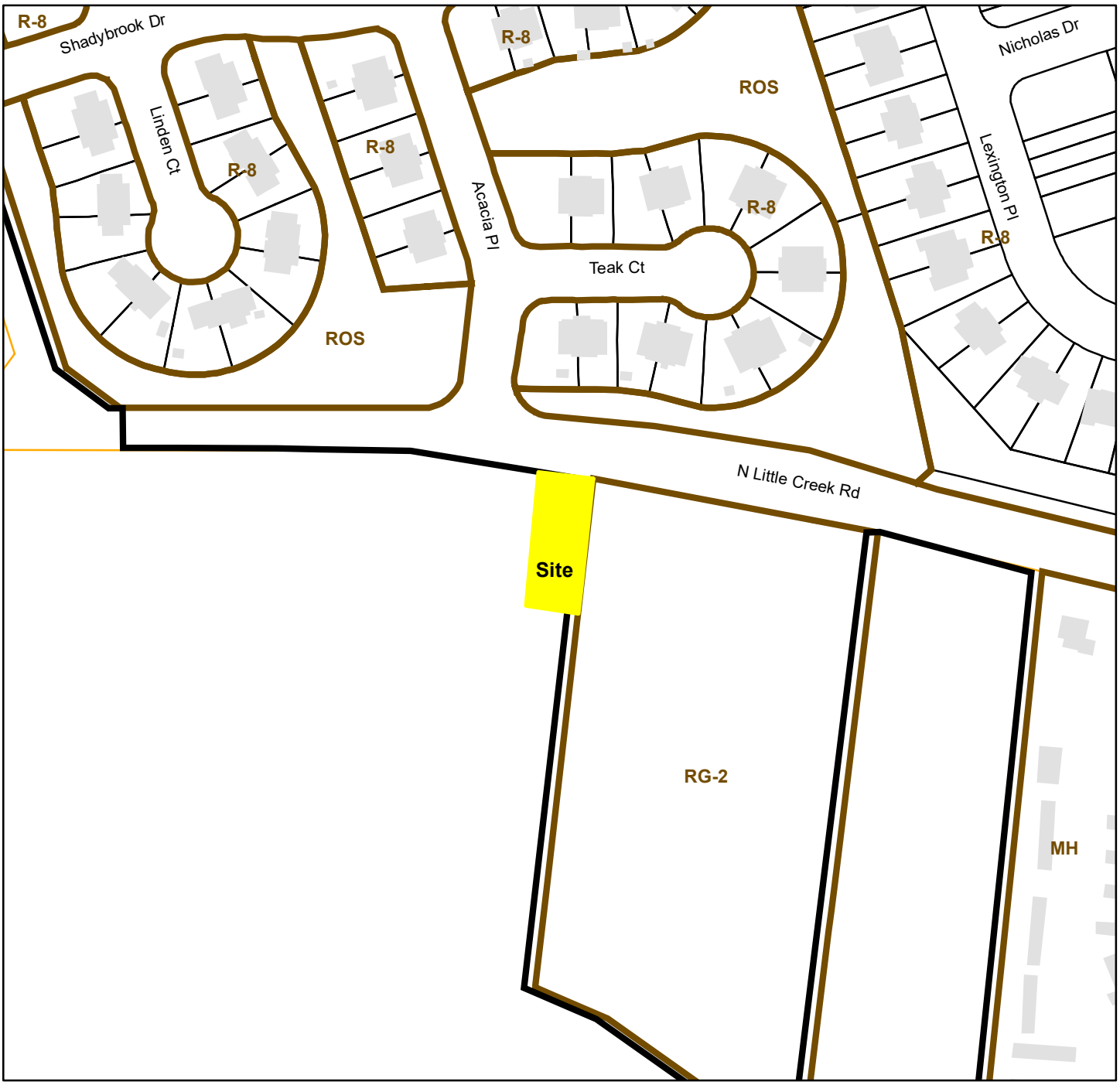
sanitary sewer main from Acacia Place to the property. This property is situated on the south side of the road. Installation of utilities will require DelDOT approval. The property owner is responsible for any and all costs associated with extending and providing service to the proposed development including tapping the water main, extending and tapping the sewer main, paying impact fees and obtaining permits.

Staff Recommendation: The Electric Department has no objection to the annexation. The Department of Public Works has no objection to the annexation.

City of Dover

Department of Planning & Inspections

Application No.: AX-20-01



Tile: Lands of Holly L. Mayer
Ordinance #: 2020-02
Addresses: 1448 N. Little Creek Rd
Parcel ID: ED-00-077.00-01-02.00-000
Existing Zoning: RMH Residential Manufactured Home Zone
Proposed Zoning: R-8 One Family Residence Zone
Owner: Holly L. Mayer
Date: 1/29/2020

Legend

- Subject Property
- Dover Boundary
- 2012 Buildings
- Zoning
- Dover Parcels
- Kent County Parcels

0 100 200 400 Feet

N W E S

PETITION TO ANNEX AND REZONE PROPERTY
Before the Dover City Council of the Whole – Utility Committee

February 25, 2020

File Number:	AX-20-02
Ordinance Number:	2020-03
Applicants:	MEB Properties, LLC c/o Martha E. Baynard Christopher Custis Louis J. Capano, III
Owner of Record:	MEB Properties, LLC c/o Martha E. Baynard Christopher Custis
Equitable Owner:	Louis J. Capano, III
Property Address:	1385-1389 McKee Road, Dover DE
Tax Parcel ID #:	ED-00-067.00-01-01.00-000
Lot Size:	78.60 acres
Present Zoning:	RS1 (Single Family Residential Zone)
Proposed Zoning:	RG-2 (General Residence Zone) 73.34 acres C-2A (Limited Central Commercial Zone) 5.26 acres COZ-1 (Corridor Overlay Zone 1)
Comprehensive Plan Designation:	Category 1: High Priority Annexation Areas
Comprehensive Plan Land Use Designation:	Mixed Use
Present Use:	Residential/Agriculture
Proposed Use:	Residential/Commercial

Utility Availability:

Electric: 1385-1389 McKee Road is not currently served by the City of Dover. Electric Service can be provided from a connection on the opposite side of McKee Road.

Water and Sanitary Sewer: 1385-1389 McKee Road is not currently served by City of Dover Water or Sanitary Sewer. Water and Sanitary Sewer are available on the opposite side of McKee Road. This property is situated on the northeast side of the road. Installation of utilities will require DelDOT approval. The property owner is responsible for any and all costs associated with extending and providing service to the proposed development including tapping the sanitary sewer and water mains, upgrading capacity at downstream pump stations, paying impact fees and obtaining permits.

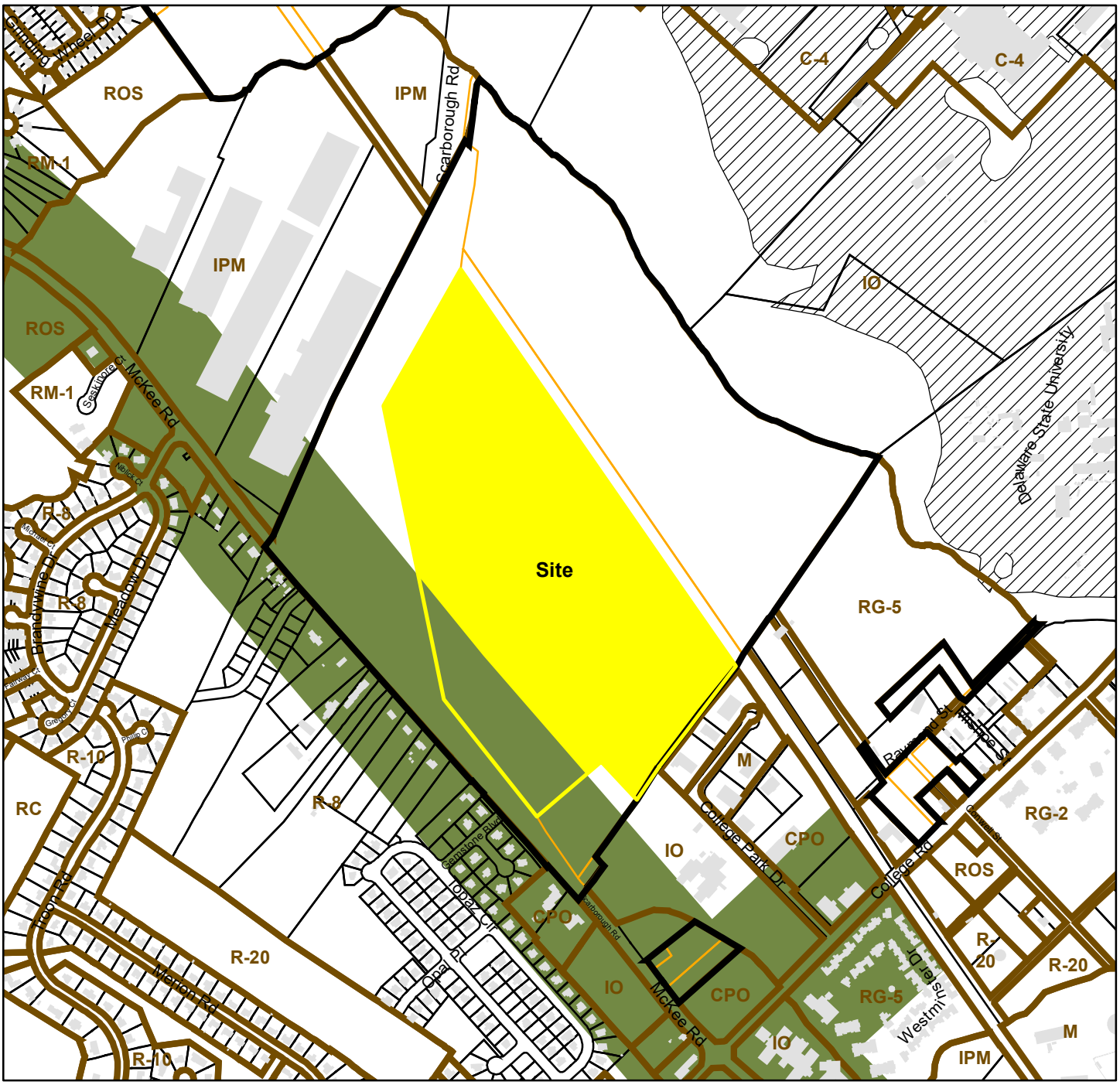
Staff Recommendation:

The Electric Department has no objection to the annexation. The Department of Public Works has no objection to the annexation.

City of Dover

Department of Planning & Inspections

Application No.: AX-20-02



Title:	Lands of MEB Properties, LLC
Ordinance #:	2020-03
Addresses:	1385-1389 McKee Rd
Parcel ID:	ED-00-067.00-01-01.00-000
Existing Zoning:	RS1 Single Family Residence Zone
Proposed Zoning:	RG-2 General Residence Zone C-2A Limited Commercial Zone
Owner:	MEB Properties, LLC, c/o Martha E. Baynard Christopher Custis
Date:	1/29/2020

0 495 990 1,980 Feet

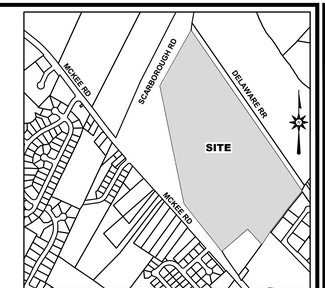
N W E S

Legend

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

SITE DATA

1.	OWNER OF RECORD:	MEB PROPERTIES, LLC C/O MARTHA E. BAYNARD P.O. BOX 237 CHESWOLD, DE 19936
2.	EQUITABLE OWNER:	LOUIS J. CAPANO, III 105 FOULK ROAD WILMINGTON, DE 19802
3.	ENGINEER / SURVEYOR :	BECKER MORGAN GROUP INC. 309 SOUTH GOVERNORS AVE. DOVER, DE 19904
4.	PROPERTY ADDRESS:	1385 MCKEE ROAD DOVER, DE 19904
5.	PROPERTY MAP NUMBER:	2-00-06700-01-0100-00001
6.	DEED SUMMARY:	D.R. 5366/292, D.R. 463/180
7.	TOTAL SITE AREA :	78.60 ACRES ±
8.	EXISTING ZONING:	AC - AGRICULTURE CONSERVATION (KENT COUNTY)
9.	PROPOSED ZONING:	RG-2 RESIDENTIAL & C-2A COMMERCIAL (CITY OF DOVER)
10.	DELDOT FUNCTIONAL CLASSIFICATION:	MCKEE RD. / SCARBOROUGH RD. - MINOR ARTERIAL
11.	PRESENT USE:	AGRICULTURE
12.	PROPOSED USE:	RESIDENTIAL / COMMERCIAL
13.	SURVEY DATUM:	NGS MONUMENTS VERTICAL: NAVD 88 - NGS U34 HORIZONTAL: NAD 83 (2011)
14.	MONUMENTATION:	4 FOUND 3 SET



2012 KENT COUNTY TAX ASSESSMENT MAP

LOCATION MAP SCALE : 1" = 1000'

CITY OF DOVER
KENT COUNTY

FCM
FIRC
FIP
SIRC
OE
FO
G
W.V.
F.H.

LANDS N/F
DEL. R.R. REAL ESTATE AGENT
ED-00-057.00-02-08.00-00001

S 34° 52' 34" E
548.97'
N 28° 17' 52" E
388.16'
N 29° 06' 00" E
2723.47'
12.73'
S 37° 16' 51" W
719.57'
S 36° 06' 15" W
192.53'
N 40° 42' 45" W
293.51'
S 48° 16' 18" W
527.51'
825.31'
S 38° 37' 45" E
275.40'
N 51° 22' 15" E
275.00'
N 38° 37' 45" W
840.20'

SCARBOROUGH ROAD (RD. NO. 294)
R.O.W. WIDTH VARIES

MCKEE ROAD (RD. NO. 156)
R.O.W. WIDTH VARIES

RG-2 ZONE
73.34 ACRES

C-2A ZONE
5.26 ACRES

LANDS N/F
MEB PROPERTIES, LLC
T. M. PARCEL 2-00-06700-01-0100-00001
DEED REF. 5366/292
ZONING: RS1 (K.C.)

78.60 ACRES±

LANDS N/F
STOLZFUS-MAST PART.
T. M. 2-05-06700-02-1202-00001
DEED REF. 6511/192
ZONE: M (C.O.D.)

LANDS N/F
COLLEGE PARK MGMT.
T. M. 2-05-06700-02-1201-00001
DEED REF. 495/081
ZONE: M (C.O.D.)

LANDS N/F
DARTSWIFT PROPERTY
T. M. 2-05-06700-02-1203-00001
DEED REF. 237/298
ZONE: M (C.O.D.)

LANDS N/F
CAPITAL SCHOOL DISTRICT
T. M. 2-05-06700-02-4800-00001
DEED REF. 107/313
ZONE: IO (C.O.D.)

LANDS N/F
MARTHA E. BAYNARD
T. M. 2-00-06700-01-0200-00001
DEED REF. X20/078
ZONE: RS1 (K.C.)

CULTIVATED FIELD
WETLAND DELINEATION LINE
WOODED AREA
CENTERLINE DITCH (typ.)
EXISTING DISTRESSED ACCESSORY BUILDINGS (typ.)
PERMANENT STORMWATER EASEMENT TO BENEFIT THE STATE OF DELAWARE SEE DEED REF. 463-180
2 STORY DWELLING
HOUSE TRAILER
DELDOT UNDERGROUND FIBER OPTIC LINE
WETLAND DELINEATION LINE
RADIUS: 1849.86'
ARC LENGTH: 1709.26'
CHD. BRG: N 12° 09' 31" W
CHD. LENGTH: 1649.10'
EXISTING GRAVEL DRIVE
UTILITY POLE (typ.)
PROPOSED ACCESS TO MCKEE ROAD
CULTIVATED FIELD
DELDOT UNDERGROUND FIBER OPTIC LINE
EX. 10" F.M.
EX. 4"W
EX.8"S

LEGEND

ITEM	EXISTING	ITEM	EXISTING
CONCRETE CURB & GUTTER		SANITARY GRAVITY SEWER LINE, SIZE & FLOW DIRECTION	EX. 10"S
CONCRETE SIDEWALK, SLAB / PAVING		SANITARY SEWER FORCE MAIN, SIZE & FLOW DIRECTION	EX. 10" F.M.
IMPERVIOUS SURFACED ROAD, DRIVE OR LOT		SANITARY SEWER MANHOLE (S.M.H.)	
INDIVIDUAL TREE OR BUSH	EVERGREEN DECIDUOUS	SANITARY SEWER CLEANOUT	
WIRE FENCE		WATER MAIN & SIZE	EX. 10" W
CHAINLINK FENCE		FIRE HYDRANT	F.H.
STOCKADE FENCE		WATER VALVE (W.V.) OR METER (W.M.)	W.M. W.V.
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)		STORM DRAIN MANHOLE (S.D.M.H.)	
DRAINAGE DITCH OR SWALE		STORM DRAIN LINE (CMP OR RCP)	
EMBANKMENT SIDESLOPES (DOWN)		CATCH BASIN	
CONTOUR	49	UTILITY POLE W/ OVERHEAD SERVICE (TELEPHONE OR ELECTRIC OR BOTH)	
ELEVATION SPOT SHOT	43.55	UNDERGROUND ELECTRIC	U.E.
BENCH MARK		UNDERGROUND TELEPHONE	U.T.
PROPERTY OR RIGHT-OF-WAY LINE		UNDERGROUND GAS MAIN	EX. 2" G
CENTERLINE			
LIGHT POLE			

GENERAL NOTES :

1. BOUNDARY AND TOPOGRAPHIC SURVEY INFORMATION SHOWN HEREON WAS COMPLETED BY BECKER MORGAN GROUP, DOVER, DE., IN JANUARY 2019 BASED ON A FIELD RUN SURVEY THAT WAS COMPLETED IN JANUARY 2019.
2. THE BOUNDARY LINES PORTRAYED HEREON HAVE BEEN ESTABLISHED BASED SOLELY ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD IN CONJUNCTION WITH DETERMINATIONS DERIVED FROM SOURCE OF TITLE AND ADJACENT DEED RECORD INFORMATION.
3. PROPERTY SHOWN HEREON IS SUBJECT TO ANY RIGHT-OF-WAY, EASEMENTS, RESTRICTIONS, ETC. AS MAY BE SHOWN OR NOTED IN ANY RECORD, PUBLIC OR OTHERWISE, OR ANY REQUIREMENT OR REGULATION OF ANY PUBLIC AGENCY.
4. ALL UNDERGROUND UTILITIES SHOWN HEREON ARE DEPICTED BASED ON EVIDENCE COLLECTED FROM TOPOGRAPHIC SURVEY INFORMATION, AVAILABLE UTILITY MAPS AND PREVIOUS SITE IMPROVEMENT PLANS. THIS PLAN REPRESENTS AN AS-BUILT SURVEY TO ONLY VERIFY EXISTING FIELD MEASURED INFORMATION AS SHOWN AND DOES NOT ATTEST TO ADEQUACY, NOR THE QUALITY AND OR COMPLETENESS OF CONSTRUCTION.
5. THIS PROPERTY IS LOCATED IN ZONE X, WHICH IS OUTSIDE OF THE ONE HUNDRED YEAR FLOOD PLAIN ZONE, BASED ON KENT COUNTY, DELAWARE FIRM MAP NO. 10001C0166H, EFFECTIVE DATE MAY 5, 2013.
6. WETLANDS SHOWN HEREON WERE FIELD LOCATED BY BECKER MORGAN GROUP, AS DELINEATED BY WATERSHED ECO, LLC IN OCTOBER 2018.

BECKER MORGAN GROUP

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NAD 83/DSP

PROJECT TITLE

LANDS OF
MEB PROPERTIES, LLC

1385 MCKEE ROAD
EAST DOVER HUNDRED
KENT COUNTY, DELAWARE

SHEET TITLE

ANNEXATION PLAN

0 60 120 240

SCALE : 1" = 120'

ISSUE BLOCK

MARK	DATE	DESCRIPTION

LAYER/STATE: Annex-Plan-120

PROJECT NO.: 2018217.00
DATE: 01/21/20
SCALE: 1" = 120'
DRAWN BY: J.H.K. | PROJ. MGR.: J.C.D.

SHEET
1 OF 1

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ACTION FORM

PROCEEDING: Legislative, Finance & Administrative Committee
DEPARTMENT OF ORIGIN: Finance **DATE SUBMITTED**: 1/23/20
PREPARED BY: Lori Peddicord, Controller/Treasurer
SUBJECT: Temporary Employee Assistance with Special ERP System Projects, As Assigned
APPROVALS: City Council
REVIEW: City Manager
EXHIBITS: N/A
EXPENDITURE REQUIRED: FY20 $51,100 **AMOUNT BUDGETED**: $ -0- **FUNDING SOURCE (Dept./Page in CIP & Budget)**: 100-16-23-99-000-51013
TIMETABLE: Upon Council approval
RECOMMENDED ACTION: To authorize the Controller/Treasurer to maintain temporary staffing to assist with special projects and assist with the ERP implementation project.

BACKGROUND

In November 2017, The City undertook an aggressive multi-year, multi-phase ERP implementation. Since that time Phase 1 Financials of the Tyler/Munis software solution went live in December 2018. The Phase 1 module encompasses various processes and provides the framework for the remainder of the Tyler/Munis installation. Included in Phase 1 were General Ledger, Budget, Capital Assets, Accounts Payable, Bid & Contract Management, & Project & Grant Accounting. Since then Phase 3 General Billing, Cashiering & Citizen Self Service went live in September 2019 with subsequent modules/processes scheduled to Go Live as system build and testing allow.

The City staff will continue to work in the legacy software as well as the new Tyler/Munis solution as we transition additional processes. The Tyler/Munis solution will allow ease of communication and transmission of financial data in a more timely and efficient manner once all modules are online. A revised estimated timeline for the remaining Phases will be implemented as listed below:

Phase 2: Human Capital Management, Kronos Time & Attendance, & Payroll – February 2020 with estimated Go Live January 2021
Phase 3 (remaining portion): Property Taxes – scheduled Go Live July 2020
Phase 4: Utility Billing, Munis UB Meter Interface, Maplink GIS Integration and Central Property File - April 2020 through October 2021
Phase 5: Inventory, Work Orders & Asset Maintenance – November 2021 through August 2022
Phase 6: EnerGov Permitting, Inspections & Business Licenses – September 2022 through December 2023

The dates contained above are estimates that could vary based on a variety of factors such as technical (testing, system performance), project management (change management, communication), organizational (resource availability) and contractual.

A significant number of City resource hours are needed to analyze and plan the implementation taking into consideration the Tyler/Munis software configuration and processing options to include

best practices, internal controls and suitability. Staff time is also needed to gather conversion data, review and test the accuracy for the converted data for historical and comparative purposes. The conversion involves mapping the legacy data to the respective codes within the Tyler/Munis system. Numerous staff hours go into the build and/or configuration of the system in order to then prepare and test the systems configuration once codes and calculations are built in order to guarantee the software is functioning as expected. Once these tasks have been completed the City and Tyler implement an End User Training to include the Power Users educating the City employees on the processing procedures and capabilities to allow them to use the new system without issue, but process work efficient and effectively.

City Staff recommends the Council authorize the Controller/Treasurer the ability to hire/maintain temporary staffing to assist with special projects as needed to keep with new and upcoming change management, data conversion and system configuration as we move through the implementation of the new ERP system. The City Manager and Controller/Treasurer will work together to find the funding necessary to cover the temporary staffing.

COMMITTEE ACTION FORM

PROCEEDING: Council Committee of the Whole - Legislative, Finance & Administration Committee
DEPARTMENT OF ORIGIN: City Manager's Office **DATE SUBMITTED**: February 14, 2020
PREPARED BY: Matt Harline, Assistant City Manager, Kim Hawkins, Human Resources Director
SUBJECT: Evaluation of Requests for Proposals – A Study of Classification, Compensation, and Benefit System and Pay for Performance Option
REFERENCE: N/A
RELATED PROJECT: N/A
REVIEWED BY: Donna Mitchell, City Manager & Lori Peddicord, Controller
EXHIBITS: None.
EXPENDITURE REQUIRED: $73,000 – part 1. $20,000 – part 2. **AMOUNT BUDGETED**: $75,000 **FUNDING SOURCE (Dept./Page in CIP & Budget)**: 100-10-21-99-000-53029
TIME TIMETABLE: Part 1 of the study will take five to six months. If Part 2 (Pay for Performance Recommendation) is included, it will add an additional 4 – 6 weeks. Time is dependent on City Staff availability.
RECOMMENDED ACTION: Staff has review three responses to the RFP and has identified of Segal Waters Consulting with offices in Washington D.C. as the best proposal. Therefore, Staff recommends that the ***Committee make a motion to accepting the Staff recommendation do the following:*** ***Authorize the City Manager to negotiate and sign an agreement with Segal Waters Consulting of Washington D.C. for Part 1 of the study - Classification, Compensation, and Benefit System; and Authorize the City Manager negotiate language to add Part 2 of the study – Pay for Performance; and contingent upon the approval of the Proposed FY 2020-2021 Annual Budget, complete the optional study in FY21.***

BACKGROUND AND ANALYSIS

INTRODUCTION: In the 2019-2020 Annual Budget $75,000 was set aside for a study of classification, compensation, and benefits for non-bargaining employees. Because we have had trouble recruiting and retaining some specific professional positions (e.g. accountants, planners, and librarians) we added a few additional positions in the Request for Proposals (RFP) issued November 21, 2019. Moreover, the RFP required each submittal to contain an optional proposal to develop a Pay-for-Performance evaluation system for non-bargaining employees.

BACKGROUND: Periodic reviews of the City's compensation rates are necessary to stay competitive with other employers with whom we are vying for talent. In the current economy with high levels of employment, it is especially difficult to compete. In addition to maintaining a combination of wages and benefits that allows the City to offer an attractive compensation package compared to the local market, it is important for the City to maintain equity within the City, especially between different employees in roughly the same job.

Based on data collected by the Human Resources Department, non-bargaining employees have realized a slower increase in wages than employees in three of the four collective bargaining units. Based on the difficulty in recruiting and retaining these positions, senior management felt that it was worthwhile to commission a study. Moreover, there was a desire to re-explore the concept of a pay-for-performance evaluation system that had been started after the MAG study and abandoned several years later.

2019 REQUEST FOR PROPOSALS: An RFP was developed and issued with proper advertisement in the Delaware State News on November 21 and 28, 2019 and on the City website. The RFP package was emailed out to eight (8) vendors and made available to anyone on the City's web site. The RFP specifically mentioned that a bonus was available for properly documented diversity businesses. Three (3) proposals were submitted. A committee consisting of City Manager, Donna Mitchell, Human Resources Director, Kim Hawkins, and Assistant City Manager Matt Harline met on Wednesday, February 5th to review the proposals and score the proposals based on the criteria. The results and costs are summarized in the charts below. A composite score was developed based on discussion, and the recommendation from the Staff is unanimous.

RECOMMENDATION: Based on the Staff evaluation, Segal Waters Consulting has been selected as the preferred vendor. Staff believes that their proposal was clearly better than Evergreen's although Evergreen made a strong proposal. Evergreen was not awarded the bonus for being a woman-owned business because no proof was provided as specifically required in the RFP. Even with the bonus they would not have been chosen over Segal Waters. The option proposed by Segal-Waters was to include the addition of one-day on-site employee presentations.

Staff Evaluation Matrix

Firm Name	Cost (0-35)	Quality of Proposal (0-40)	References (0 -25)	Preference	Total Score
Segal Waters	**30**	**38**	**23**	**None**	**91**
Evergreen	31	34	22	None	87
Gallagher	5	25	0*	None	30*

**Because the cost proposed by Gallagher was so much higher, and the proposal was not preferred by any of the ad-hoc committee members, a full vetting of references was not conducted.*

Firm Name	Base	Their option	Subtotal W/option	PFP Option	Everything	w/ PFP but w/o their option	Describe their option
Segal Waters	$ 69,500	$ 3,500	$ 73,000	$ 20,000	$ 93,000	$ 89,500	Employee Presentations
Evergreen	$ 74,100	$ -	$ 74,100	$ 12,000	$ 86,100	$ 86,100	No option
Gallagher	$ 94,500	$ 6,000	$ 100,500	$ 18,000	$ 118,500	$ 112,500	The "Option" is their "Option 1" w/ PDQs.

Segal Waters Consulting (SWC) included an option in their base proposal for an employee presentation to "introduce the project and the explain the JDQ [Job Description Questionnaires] process directly to City employees. The SWC option added $3,500 to their base price but was still less than the base cost for Evergreen.

None of the proposals were below the budgeted amount with the Pay-For-Performance option. Since only $75,000 was budgeted, staff contacted SWC to see if they would perform the study and include the pay for performance option and contingent upon the FY21 Budget to include that part of the study in the FY 2020-2021 Fiscal Year. The study is estimated by SWC to take 5 to 7-1/2 months to complete.

Staff recommends:

1. **Entering into an agreement with Segal Waters Consulting to conduct the study of our Classification, Compensation, and Benefit System.**
2. **Contingent upon Council approval of the FY21 Proposed Budget, staff engage Segal Waters Consulting to complete the Pay For Performance option.**

CITY OF DOVER PROPOSED ORDINANCE #2020-05

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

That Chapter 22 - Buildings and Building Regulations, Article IX - Lodginghouses, Division 2 - Permit, Section 22-303 - Suspension be amended by inserting the text indicated in bold, blue and deleting the text indicated in red strikeout as follows:

Sec. 22-303. - Suspension.

(a) Grounds; duration. The building inspector shall suspend the permit issued or withhold the permit paid for, pursuant to this division, when he determines that the lodginghouse or the premises surrounding the lodginghouse fails to meet the requirements of this chapter or any rule or regulation issued pursuant thereto. Suspension shall last until the violations have been corrected to the satisfaction of the building inspector, or the suspension shall have been reversed on appeal.

(b) Notice to owner. Upon suspending any permit under this section or withholding the permit paid for, the building inspector shall notify the owner of the violations of the applicable code and shall prescribe a period in which the violation shall be corrected.

(c) Appeal. Any owner or operator of any lodginghouse, whose permit to operate the structure is suspended by the building inspector pursuant to the procedures of this section, shall have the right to appeal and notice as provided in section ~~22-225~~**22-1**.

(d) Effect of appeal. Upon suspension of a permit, or withholding of a permit ordered by the building inspector and upon the permittee serving the city clerk with a notice of appeal pursuant to section ~~22-225~~**22-1**, the permit suspension shall be stayed and an existing permit shall remain in force until the appeal is decided.

(Code 1981, § 10-78; Ord. of 4-10-2000)

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings, be amended by inserting the text indicated in bold, blue and deleting the text indicated in red strikeout as follows:

CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE X. - RENTAL DWELLINGS

DIVISION 1. - GENERALLY

Sec. 22-331. - Purpose; applicability; definitions; compliance.

(a) Purpose. The purpose and intent of this article is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of dwellings operated for lease to the public. The health, safety and welfare of the occupants of the dwellings are of the utmost importance to the city, as is the general community character

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in which these dwelling units are located. **The purpose of this article shall also be to minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals; to ensure that traditional neighborhoods are not turned into tourist areas to the detriment of long-term residents; and to ensure that residential dwellings are not turned into pseudo hotels or party houses.**

(b) Applicability. The provisions of this article shall apply to all matters affecting or relating to rental dwellings. Where, in this article, different sections of this Code may specify different requirements, the most restrictive shall govern.

(c) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

~~(1) Criminal activity is defined as any crime classified by applicable law as a (a) felony, (b) Class A misdemeanor, or (c) any of the following offenses: any drug offense defined by Title 16 of the Delaware Code, and the following misdemeanors in addition to any Class A misdemeanor, as defined by Title 11 of the Delaware Code: § 601-Offensive touching, § 602-Menacing, § 628-Vehicular assault 3, § 763-Sexual harassment, § 764-Indecent exposure, § 811-Criminal mischief, § 812-Graffiti, § 820-Trespassing, § 821/2/3-Criminal trespassing, § 1105-Crime against a vulnerable adult, § 1106-Unlawfully dealing with a child, § 1301-Disorderly conduct, § 1313-Malicious interference with emergency communications, § 1315-Public intoxication, § 1321-Loitering, § 1322-Criminal nuisance, § 1323-Obstructing of public passage, § 1341-Lewdness, § 1342-Prostitution, § 1343-Patronizing a prostitute, § 1445-Unlawfully dealing with a dangerous weapon, § 1446-Unlawfully dealing with a switchblade knife.~~

(~~2~~**1**) Dwelling unit means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(~~3~~**2**) Multiple-family dwellings means dwelling units operated as a group, and located in the same building. This shall include apartments, roominghouses, condominium dwelling units, and accessory apartments located within structures principally used for owner occupancy.

(~~4~~**3**) Rental dwelling means a dwelling unit that is leased for occupancy to a person or persons in exchange for monetary payment or provision of goods or services to the owner of the dwelling unit.

(~~5~~**4**) Single-family dwellings means dwelling units operated singly, and separated from other units. In general, this definition shall apply to single-family detached dwellings; mobile homes and manufactured homes; and attached units, including duplexes and townhouses.

(5) Short-term rental means rental of all or part of a residential dwelling unit for a duration of occupancy of less than 30 days.

(d) Compliance required. No person shall operate, occupy or let to another for occupancy any dwelling which is not in compliance with the International Property Maintenance Code

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adopted in section 22-221 and all other applicable codes.

(e) Short-term rentals as defined herein are prohibited in any residential zoning district, except "Bed and Breakfasts" as conditionally permitted in Appendix B - Zoning, Article 3 - District Regulations of the Dover Code.

(f) Fines. Fines for violation of this Section shall be as imposed in Appendix F - Fees and Fines, Chapter 1 - General Provisions.

(Code 1981, § 10-86; Ord. of 4-10-2000; Ord. No. 2013-04, 4-8-2013; Ord. No. 2016-16 , 8-8-2016)

Sec. 22-332. - Inspection required.

(a) The code enforcement office, in accordance with the procedures set forth in the International Property Maintenance Code adopted in section 22-221, shall inspect rental dwellings for compliance with the property maintenance code and all other applicable codes to ensure compliance.

(b) Following an inspection, the code enforcement office shall issue a letter and/or report of any code violations and provide a timeline for compliance. There shall be no fee for the first followup inspection. Each subsequent reinspection shall be subject to a fee as provided for in Appendix F-Fees and Fines.

(Code 1981, § 10-87; Ord. of 4-10-2000; Ord. of 4-14-2008; Ord. No. 2009-26, 12-14-2009; Ord. No. 2013-04, 4-8-2013)

Sec. 22-333. - Agent required.

(a) Property manager. Any owner of a rental dwelling, residing outside of the county, shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other rental real estate for a fee and who resides in the county acting as a property manager. The property manager, including family members and designated individuals, shall have charge, care and control of the rental dwelling, and shall provide access to the rental dwelling for inspection, upon request by the building inspector or city planner, within a reasonable time.

(b) Corporate or partnership owners. Any corporation or partnership owning a rental dwelling shall have a designated member, partner, or employee having charge, care, and control of the rental dwelling. The designated member, partner or employee shall reside in or have an office located in the county, or shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other rental real estate for a fee, and who resides in the county, acting as a property manager. The property manager, family members or other designated individuals shall have charge, care and control of the rental dwelling, and shall provide access to the rental dwelling for inspection, upon request by the building inspector or city planner, within a reasonable time.

(Code 1981, § 10-88; Ord. of 4-10-2000; Ord. of 12-11-2000; Ord. of 4-14-2008; Ord. No. 2013-04, 4-8-2013)

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Secs. 22-334-22-350. - Reserved.

DIVISION 2. - PERMIT

Sec. 22-351. - Generally.

(a) Single-family dwellings. It shall be unlawful for any person to operate any single-family rental dwelling without obtaining a permit from the licensing division of the department of planning and inspections in order to determine compliance with the appropriate provisions of this article. The permit shall expire annually on January 31. The fee for the annual permit shall be as provided for in Appendix F-Fees and Fines. The permit fee for rental dwelling permits issued after January 31st will be prorated from the date the permit is issued until the next January 31st.

(b) Multiple-family dwellings. It shall be unlawful for any person to operate any multiple dwelling without first obtaining an annual permit therefor from the licensing division of the department of planning and inspections in order to determine compliance with the appropriate provisions of this article. The permit shall expire annually on January 31, and the fee for the annual permit shall be as provided for in Appendix F-Fees and Fines. The permit fee for rental dwelling permits issued after January 31st will be prorated from the date the permit is issued until the next January 31st.

(c) Late payment penalty. In the event that the permit fee set forth herein is not paid on the date due, then the permittee shall incur a penalty fee as provided for in Appendix F-Fees and Fines until the same is paid.

(d) Reinstatement fee. An owner whose permit has been suspended in accordance with section 22-352 shall pay a reinstatement fee as provided for in Appendix F-Fees and Fines.

(e) Lien. In the event that the property owner fails to pay said fees within 30 days from the date a notice thereof is mailed to the owner, then such fees shall be entered in the municipal lien docket as a lien owing the city; and the same may be turned over to the city solicitor for collection.

(f) Utilities. The owner or occupant of any rental unit shall not be entitled to receive city utilities until the permit fee required in this section is paid in full and city personnel shall refuse to provide sewage, water and electricity to the property until satisfactory proof is furnished that such permit fee has been paid.

(Code 1981, § 10-96; Ord. of 4-10-2000; Ord. No. 2009-09, 6-22-2009; Ord. No. 2013-04, 4-8-2013)

Sec. 22-352. - Suspension.

(a) Grounds; duration. The building inspector shall suspend the permit issued or withhold the permit paid for, pursuant to this division, when:

(1) The building inspector determines that any dwelling or the premises surrounding the dwelling fails to meet the requirements of this chapter or any rule or regulation issued pursuant thereto;

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~~(2) The failure of the property owner or property manager to initiate and prosecute in good faith eviction proceedings following notification by the city that the terms of the safe communities lease addendum have been violated; or~~

~~(3) The failure of the property owner or property manager to attend a safe communities seminar when required by section 22-371(b).~~

Suspension shall last until the violations have been corrected to the satisfaction of the building inspector, or the suspension shall have been reversed.

(b) Notice of violations. Upon suspending any permit under this section or withholding the permit paid for, the building inspector shall notify the owner of the violations of the applicable code and shall prescribe a period in which the violation shall be corrected.

(c) Appeal. Any owner or operator of any dwelling, whose permit to operate the structure is suspended by the building inspector pursuant to the procedures of this section, shall have the right to appeal and notice as provided in section ~~22-225~~**22-1**.

(d) Effect of appeal. Upon suspension of a permit, or withholding of a permit ordered by the building inspector and upon the permittee serving the city clerk with a notice of appeal pursuant to section ~~22-225~~**22-1**, the permit suspension shall be stayed and an existing permit shall remain in force until the appeal is decided.

(Code 1981, § 10-97; Ord. of 4-10-2000; Ord. No. 2009-26, 12-14-2009; Ord. No. 2013-04, 4-8-2013)

Secs. 22-353-22-~~369~~380. - Reserved.

~~**DIVISION 3. - SAFE COMMUNITIES**~~

~~**Sec. 22-370. - Criminal activity.**~~

~~Tenants of rental dwellings, any member of the tenant's household, any guest or other person under the tenant's control shall not engage in criminal activity on or within 500 feet of the lot on which the rental dwelling resides.~~

(Ord. No. 2013-04, 4-8-2013)

~~**Sec. 22-371. - Safe communities seminar.**~~

~~(a) The City of Dover police department shall offer a safe communities seminar a minimum of two times each calendar year. The seminar shall be voluntary, except in the following circumstances:~~

~~(1) When a rental dwelling permit has been suspended in accordance with section 22-352, the property owner or manager shall attend the seminar prior to reinstatement of the suspended rental dwelling permit; or~~

~~(2) When a rental dwelling has been the subject of response by the police department on three or more occasions within a six month period, due to occasions where the tenant,~~

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any member of the tenant's family, or any guest or other person under the tenant's control have engaged in criminal activity, the property owner or managers shall attend the seminar.

(b) Upon notification by the chief of police that the safe communities seminar is required in accordance with subsection (2) above, the department of planning and inspections shall notify the property owner and/or property manager that he is required to attend the next scheduled safe communities seminar. Such notice shall be sent by U.S. Mail, evidenced by Certificate of Mailing to the property owner and property manager if a property manager is on record with the department of planning and inspections.

(Ord. No. 2013-04, 4-8-2013)

Sec. 22-372. - Safe communities lease addendum.

(a) All residential leases shall include a safe communities lease addendum, signed by the property owner and tenant, in the following form:

In addition to all other terms of the lease, landlord and tenant agree as follows:

(1) The tenant, any member of the tenant's household, any guest or any other person under the tenant's control on or within 500 feet of the leased premises:

i. Shall not engage in criminal activity, including drug-related criminal activity, on or within 500 feet of the leased premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession of any illegal or controlled substance defined by 16 Del. C. Ch. 47.

ii. Shall not engage in any act intended to facilitate criminal activity.

iii. Shall not permit the dwelling unit to be used for or to facilitate any criminal activity.

(2) Any activity prohibited by the safe communities lease addendum shall constitute a substantial violation of the lease, material noncompliance with the lease, and grounds for termination of tenancy and eviction.

(b) The department of planning and inspections shall provide the safe communities lease addendum.

(c) An executed copy of the safe communities lease addendum shall be required for all rental dwellings in the City of Dover prior to establishment of a utility account for the premises.

(Ord. No. 2013-04, 4-8-2013)

Sec. 22-373. - Eviction required.

(a) If the tenant, any member of the tenant's household, any guest or other person under tenant's control engages in criminal activity as defined by section 22-331(c)(1) and Chapter 22, Buildings and Building Regulations, of the Dover Code on three or more occasions within a 12-month period, the chief of police shall notify the department of planning and

~~inspections to initiate the safe communities lease termination notice procedure directing the property owner or property manager to terminate the tenancy in accordance with subsection (b).~~

~~(b) Upon notification by the chief of police that termination of tenancy is required in accordance with subsection (a), the department of planning and inspections shall notify the property owner and property manager that they have 30 days to initiate the eviction or otherwise terminate the tenancy. Such notice shall be sent by U.S. Mail, evidenced by Certificate of Mailing, to the property owner and property manager if a property manager is on record with the department of planning and inspections.~~

(Ord. No. 2013-04, 4-8-2013)

~~**Secs. 22-374-22-380. - Reserved.**~~

ADOPTED: *

S:\ORDINANCES\2020\DRAFT\ORDINANCE #2020-05 - CH 22-BUILDINGS, ART IX-LODGINHOUSES AND ART X-RENTAL DWELLINGS\ORDINANCE #2020-05 - CH 22 BUILDINGS, ART IX-LODGINHOUSES AND ART X-RENTAL DWELLINGS 1ST READING.wpd

SYNOPSIS

This ordinance amends Chapter 22, Buildings and Building Regulations, by adding a statement of purpose relating to rental dwellings, adding provisions defining "short-term rentals", and prohibiting short-term rentals of less than 30 days duration in residential districts, unless conditionally approved under Appendix B-Zoning, Article 3, and imposing fines for violation thereof.

This ordinance further amends Chapter 22, Division 3 by deleting Division 3, Safe Communities, in its entirety, including the definition of Criminal Activity as used therein, as these provisions have been determined to be unenforceable as written.

The ordinance makes necessary technical corrections Technical corrections as necessary.

(SPONSORS: HARE AND HUGG)

Actions History

02/25/2020 - Scheduled for Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee

Draft