

COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole met on December 12, 2017 at 6:04 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Polce, and Mr. Lindell. Mr. Hare was absent. Mayor Christiansen was also present (departed at 6:22 p.m.). Civilian members present for their Committee meetings were Mr. Shevock (*Legislative, Finance, and Administration*), and Mr. Caldwell and Dr. Warfield (*Parks, Recreation, and Community Enhancement*). Dr. Stewart (*Legislative, Finance, and Administration*) was absent.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee met with Council President Slavin presiding in the absence of Mr. Hare.

AGENDA ADDITIONS/DELETIONS

By unanimous consent, the agenda was approved as presented.

Proposed Food Truck Pilot Program

Mr. Kirby Hudson, Assistant City Manager, advised that the City Manager's Office was seeking the support of Council to establish a 30 business day Pilot Mobile Food Truck Program for the City of Dover. He explained that after the trial, if the Food Truck Program is successful, the objective would be to make this program permanent.

Mr. Hudson stated that, over the past two (2) years, the City of Dover has seen the development of food truck services operating out of various locations on Route 13 and during special events within the downtown central business district. He indicated that, currently, there is no City Code or operational oversight allowing a permanent framework by which food trucks can park on City streets and sell to Dover's population and, consequently, food trucks are not permitted to operate on the public right-of-way on a regular basis. Mr. Hudson noted that, given the large density of employees and citizens visiting City Hall, the Dover Public Library, the Post Office, and the various State office buildings in the general area of Loockerman Street, these food truck vendors would like to be able to gain access to these potential customers.

Mr. Hudson explained that the Pilot Mobile Food Truck Program would commence on Monday, January 15, 2018 and end on Friday, February 23, 2018, noting that the plan is to have (10) ten food trucks located on Loockerman Street, fronting the Dover Public Library and City Hall area. He indicated that the City would allow food trucks to provide temporary Food Truck Service Monday through Friday, between the hours of 8:00 a.m. and 3:00 p.m. Mr. Hudson advised members that these food vendors will provide food service from pre-designated parking spaces only. Mr. Hudson stated that the City of Dover Police Department will ensure that signage and cones will be installed on a daily basis to inform drivers and the general public of reserved parking spot locations.

Mr. Hudson advised that this pilot program would hopefully give rise to a future comprehensive Mobile Food Truck Program which would address the issues of safety, fees, revenue impact,

program management and oversight, licensing, site locations, and enforcement. He noted that the Mobile Food Truck Program is the culmination of research and conversations centered upon the current “Best Practices” of the City of Wilmington, with the sole goal of creating a positive Mobile Food Truck Program in the City of Dover.

Staff recommended approval of a 30 business day Food Truck Pilot Program.

Mr. Hudson introduced Mr. David Sophrin, Policy Analyst, Mayor’s Office, City of Wilmington. He informed members that he had multiple meetings with Mr. Sophrin because the food truck program in Wilmington had been a huge success that got people out of the office and engaged them. Mr. Hudson stated that he thought food trucks might be a perfect way to stimulate the area in Dover and would also be perfect for the public.

Mr. Sophrin stated that, about two-and-a-half years ago, Delaware’s growing food truck community approached the City of Wilmington with a very well-researched idea to bring food trucks onto the public right-of-way in Wilmington. He advised that, prior to this, the law did not really outlaw food trucks but, as a practical matter, never even considered them since laws sometimes take a while to catch up to changes in business. Mr. Sophrin stated that Wilmington spent seven (7) or eight (8) months working with food truck operators and their representatives; business people and eateries on Market Street, especially downtown; City Council; and the Mayor to research the best practices in other cities and come up with a concept that would work for Wilmington. He indicated that the first thing that they realized was that there was no single best practice. Mr. Sophrin explained that some cities have an absolute laissez-faire approach, allowing trucks to park wherever they want if they do not break any traffic laws, and some cities are very restrictive. He noted that some have outright bans on food trucks or restrict them to very specific parking spots.

Mr. Sophrin advised that Wilmington eventually came up with a compromise that worked for City Council and the representatives. He stated that the food trucks wanted access to the downtown, lunchtime, pedestrian trade. Mr. Sophrin indicated that, in his opinion, it is a waste of time to try to bring food trucks to an area where they have no interest. He stated that the food truck vendors were interested in being in the downtown area; therefore, Wilmington took that general position and identified four (4) or five (5) spots in the immediate downtown area to give them access to what they were looking for. Mr. Sophrin advised that the vendors would pay a set fee, equivalent to the amount that would be paid by putting quarters into a parking meter all day, and would be given access to the public right-of-way. He stated that they started with four (4) or five (5) locations and told City Council that they were creating a pilot program and would keep track of what worked and what did not. He stated that the Food Truck Association was very helpful, flexible, and practical throughout the process. Mr. Sophrin indicated that the Association understood that, while the City of Wilmington wanted food trucks there and was very excited about it, putting trucks right in front of a restaurant would be unnecessary and maybe antagonistic, so wonderful middle ground was found that worked out well.

Mr. Sophrin stated that Wilmington created a licensing system. He noted that there was no charge for a license, but applicants had to provide documents that they were already supposed to have, such as a State business license, a health inspection, a fire inspection, and insurance. Mr. Sophrin

explained that if everything was in working order, the license would be issued and the applicant would be free to sign up. He advised that Wilmington uses the website of a nationwide company that allows applicants to sign up and reserve spots online. Mr. Sophrin stated that the food truck vendors would not be calling City staff and there would be no playing phone tag; they would receive their licenses for one (1) year, reserve the spots, and pay the daily fee.

Mr. Sophrin stated that a fair amount of interaction was required with the departments that were involved, but there was a good deal of enthusiasm. He noted that a handful of Council members and some restaurateurs were reasonably concerned about the impact on existing restaurants; however, it was believed that they had not maxed out the number of people who could come outside in downtown Wilmington. He advised that plenty of people do not come outside for lunch and there was a desire to increase that population. Mr. Sophrin indicated that for the last year and a half there had been a very successful show of people, not just on Market Street but also in Rodney Square, and the food trucks, smells, sounds, and music had provided an atmosphere of positivity. He stated that this had been a place-making undertaking which had been very effective.

Mr. Sudler asked what the concerns were from existing restaurants downtown and the pros and cons. In response, Mr. Sophrin stated that the majority of those who came out were in favor of food trucks, although two (2) or three (3) were concerned that the trucks could take business away. He explained that a fair amount of research had been done on this topic and the City of Wilmington gently pushed back on the idea that this was a zero sum game and that any additional eatery that appears would mean less consumers for existing restaurants. Mr. Sophrin reiterated that there are a large number of people in Wilmington who do not come out of their buildings for lunch, and it was believed that getting them outside, especially those who had worked there for 10 or 20 years, would allow them to see other existing restaurants and the increased exposure would be good for all. He noted that, after two (2) years, the restaurants that raised these reasonable concerns were still in business. Mr. Sophrin indicated that, to his knowledge, the food trucks had not shut any other businesses down but had brought very large numbers of people out of the buildings. He explained that it is more than just an eating experience as there is music, and a very positive atmosphere is created out of what can be neutral or even negative space in a city.

Responding to Mr. Polce, Mr. Sophrin stated that the legislation for Wilmington's food truck program was from the fall of 2015 and there was a one-year pilot program with a sunset provision. He advised that the sponsor of the legislation revisited it at the end of the year and removed the sunset provision, making it effectively permanent. Mr. Sophrin informed members that the same sponsor has some interest in exploring whether food trucks can go to other parts of Wilmington as well; however, the physical spots where they had put signs were currently just downtown.

In response to Mr. Polce, Mr. Sophrin indicated that Wilmington has quantitative metrics regarding the program, noting that they use a for-profit vendor that created a business model. He stated that the food trucks had suggested a vendor called LotMom and parties can sign up once and then reserve spots. Mr. Sophrin noted that more cities are looking to bring food trucks in but do not want to get involved in the day-to-day scheduling or field dozens of phone calls with food trucks that may be vying over one spot or another. Mr. Sophrin advised that the City, district, or vendor can put forth any restrictions they want, such as only allowing trucks to pick a spot once per week, not allowing

them to pick two (2) days in a row, or not allowing them to reserve more than three (3) days. He indicated that the vendor can easily pump out metrics that will indicate which spots have worked and those in which there is no interest, noting that Wilmington had pulled spots off the street in reaction to those metrics.

Mr. Anderson asked if locations close to the industrial areas may be opened to food trucks after the pilot program. He noted that factory shift workers, such as those at Edgewell or General Foods, have a greater challenge in getting lunch. Responding, Mr. Hudson advised that the pilot program was designed to see how things would work. He stated his understanding that there are currently food trucks at the Silver Lake complex and by the courthouse. Mr. Hudson stated the desire to concentrate on the proposed area but anticipated that the program could end up being much larger.

Mr. Cole asked if there is a concerted effort to get the information out to specific buildings, noting that there are 300 or 400 people in some of the buildings who never leave. He stated that he was supportive of the proposal but asked if January 15, 2018 to February 15, 2018 was the best time for the 30-day trial. In response, Mr. Hudson stated that he had not felt comfortable advertising the program until he knew that Council would allow it to happen. He explained that he lives in Wilmington and their program is very successful. Mr. Hudson indicated that he sees people daily at food trucks, even outside Wilmington city limits going toward New Castle, regardless of snow or rain, noting that people have to eat regardless of the weather. Mr. Hudson advised that, in talking with food truck operators, business may taper off a bit but many have large followings, and he did not anticipate weather being a problem.

Responding to Mr. Slavin, Mr. Hudson stated that he had not communicated the City's interest in the food truck pilot program to the owners of existing restaurants in the downtown area that may be impacted. Mr. Slavin advised that it would be very important to do this because there will likely be a negative reaction when they hear about it for the first time when reading the newspaper. He also noted that Mr. Hudson was proposing to start the program on Martin Luther King Day, which is a State holiday, and suggested adjusting that date. Mr. Slavin asked that Mr. Hudson reach out to the Downtown Dover Partnership (DDP) to see if they are doing a First Friday event in February and suggested extending the time to include the hours around that First Friday event. He noted that food truck vendors are typically brought in for First Friday and suggested that Mr. Hudson work with the DDP.

Mr. Sudler stated, in view of the concerns regarding Martin Luther King Day as well as getting information out to existing restaurants and receiving feedback from them, that he would like to see the program approved for 90 days, rather than 30 days.

Mr. Sudler moved to recommend approval of the Food Truck Pilot Program for 90 business days. The motion was seconded by Mr. Anderson and unanimously carried.

Mr. Lindell asked if the effective start date could be delayed and set once the downtown restaurants are notified. Responding, Mr. Slavin stated that members could ask Mr. Hudson to advise members of the start date once everyone is notified, and Mr. Hudson stated that he would do so. He indicated that he had not pulled the dates out of a hat but was waiting for the program to be approved at the

next Regular Council Meeting in January. Mr. Hudson explained that he had wanted to talk to restaurateurs; however, he had felt that it would be putting the cart before the horse to do so before obtaining approval.

Proposed Ordinance #2017-16 - Amending Appendix B - Zoning, Article 3 - District Regulations, Section 28 - Traditional Neighborhood Design Zone (TND), Subsection 28.52 - Neighborhood Commercial District (Fuel Pumps)

Mr. David Hugg, Director of Planning and Community Development, reminded members that there are at least two (2) ways that text amendments to the zoning ordinance come before Council. He explained that typically staff works with the Planning Commission and others to draft an ordinance and requests to bring it forward for introduction and referral; however, he noted that the Code also provides a mechanism whereby three (3) or more Council members can request that a matter be brought forward through sponsorship. Mr. Hugg advised members that Proposed Ordinance #2017-16 would change the text of the Code as it relates to neighborhood commercial districts within the Traditional Neighborhood Design Zone (TND). He stated that the TND was essentially the Eden Hill Farm and the properties that are south of North Street and east of the new connector road.

Mr. Hugg noted that Proposed Ordinance #2017-16 was not a Planning staff recommendation but advised that there were representatives present from Pettinaro Company, the developer of this Neighborhood Commercial District. He asked if these representatives wanted to make any comments before he deferred to the members of Council who had asked for the Proposed Ordinance to be introduced. Mr. Hugg advised that if the Committee is agreeable tonight, the Proposed Ordinance would be presented to Council during their meeting of January 8, 2018, for a First Reading and referral to the Planning Commission. He noted that the rest of the process would follow as normally set forth.

Mr. John Paradee, speaking on behalf of Pettinaro Company, advised that the actual name of the developer of the Eden Hill property was Eden Hill, LLC. He stated that it was his belief that this was the only property in Dover that is a TND District. Mr. Paradee reminded members that the ordinance was written for this property and was a novel concept at the time. He advised that he had been involved in helping to draft that ordinance and, as is typically the case as development occurs, things happen that are not necessarily contemplated at the time an ordinance is drafted. Mr. Paradee noted that this was such a case. He explained that the ordinance allows convenience retail stores as a use in the Neighborhood Commercial District and does not specifically prohibit gas pumps for convenience retail, but it does appear to prohibit gasoline filling stations for service establishments. Mr. Paradee stated that as his client has proceeded to develop this property, both with residential and commercial uses, they have been approached by a number of potential tenants who have questions about whether or not uses would be possible. Noting that one of the potential tenants was Wawa, he indicated that if the Proposed Ordinance is successful, the developer would be coming to the City with a site plan for a proposed Wawa.

Mr. Paradee explained that Wawa approached them because they believed, and the developer agrees, that this would be an ideal location for a Wawa. He stated that the problem is, as members may know, that most of the convenience stores in the country simply will not build a new location

without gas pumps because their business model is gasoline, coffee, milk, bread, and cigarettes. Mr. Paradee noted that those are the things that people are looking for when they pull into a convenience store and without the gas pumps, it simply does not work. He reminded members that there is already a Royal Farms directly across the street from the site where they would propose to place the Wawa in this district. Mr. Paradee stated that they believe that the use would not be in conflict with the spirit of the TND but that it would be consistent and very much supported and appreciated by the other occupants in the District, both commercial and residential. He stated that they thought it would be very successful.

Mr. Paradee advised members that when he had initially approached Mr. Hugg about this idea, Mr. Hugg had suggested that if the Code was amended to allow fuel pumps in the TND, it be made a conditional use. He explained that this would allow the Planning Commission and the Council to impose conditions designed to tailor the use for the particular circumstances of the property around it and ensure that, in fact, the spirit of the TND is observed. Mr. Paradee stated that he thought that this suggestion made a great deal of sense in this context because obviously, he and his clients want to make sure that the TND is something that everyone can be proud of and that nothing is placed in the district that would be inappropriate for any reason. He explained that the Proposed Ordinance would allow fuel pumps as a conditional use in the Neighborhood Commercial District.

Mr. Polce stated that he was in support of the Proposed Ordinance since it is a straightforward matter of fact and something that is good. He noted that this would be an economic and job developer. Mr. Polce noted that although these would be jobs earning minimum wage, they would still be jobs. He advised that there was a safeguard with the conditional use language within the Ordinance and asked his colleagues to support it as written.

Mr. Sudler moved to recommend adoption of Proposed Ordinance #2017-16, seconded by Mr. Cole and unanimously carried.

Recommended Procedure for Requesting a Legal Opinion

During their Regular Meeting of November 13, 2017, members of City Council approved the Council Committee of the Whole/Legislative, Finance, and Administration Committee's recommendation that the City Clerk's Office develop a recommended procedure for requesting legal opinions.

Mrs. Traci McDowell, City Clerk, informed members that the recommended Procedure for Requesting a Legal Opinion sets out how appointees would go about obtaining a legal opinion or legal advice and is, for the most part, what is currently followed. She noted that she had reviewed the policy with Mrs. Donna Mitchell, City Manager. Mrs. McDowell explained that requests from the department heads who report to Mrs. Mitchell would go through Mrs. Mitchell and then through Mrs. McDowell to make sure that there is not an existing opinion, and the legal information that Mrs. Mitchell receives back would come to the City Clerk's Office for their permanent records.

Mrs. McDowell advised that Mr. Lindell had suggested that Council members obtain the concurrence of three (3) members to request a legal opinion or the item would be placed on an agenda. She noted that this is similar to the current procedure used for agenda items that will take

a lot of staff time. Mrs. McDowell advised that Mr. William Pepper, Deputy City Solicitor, had advised that he had not worked with any municipalities that have a good policy in place.

Staff recommended adoption of the Procedure for Requesting a Legal Opinion.

Mr. Sudler moved to recommend adoption of the Procedure for Requesting a Legal Opinion, as recommended by staff. The motion was seconded by Mr. Neil and unanimously carried.

Recommended Procedure for Requesting an Excused Absence

During their Regular Meeting of November 13, 2017, members of City Council approved the Council Committee of the Whole/Legislative, Finance, and Administration Committee's recommendation that the City Clerk's Office develop a procedure for Council members to request being excused for absences, with the level of specificity to be determined by the person requesting it, and that members' requests be placed on the consent agenda for the next meeting so that an action of Council grants the excuse.

Mr. Slavin explained that, although the Charter has provisions for unexcused absences, there is no procedure for notification of an excused absence.

Mrs. Traci McDowell, City Clerk, stated that she had researched codes across the country and found that many places have provisions for prior notification of excused absences. She indicated that there had previously been discussion regarding placing every absence on a consent agenda to be voted on; however, she thought that the recommended procedure would be a good time saver and cover the absences that typically occur. Mrs. McDowell explained that absences that do not fall within the seven (7) excused absences listed in the recommended procedure would be placed on a Council agenda. She advised that the procedure references the section of the Charter that states that a member's seat is declared forfeited if they fail to attend three (3) meetings and are unexcused.

Staff recommended adoption of the Procedure for Requesting an Excused Absence.

Mr. Neil moved to recommend adoption of the Procedure for Requesting an Excused Absence, seconded by Mr. Shevock.

Responding to Mr. Anderson, Mrs. McDowell stated that the proposed procedure related to excused absences for those meetings that are recognized in the Charter as Regular Council Meetings. Mr. Slavin noted that those are the only meetings that members have to be concerned about.

In response to Mr. Lewis, Mr. Slavin stated that absences for military personnel were spelled out in the procedure under item #6.

The motion to recommend adoption of the Procedure for Requesting an Excused Absence was unanimously carried.

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

Meeting adjourned at 6:40 p.m.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

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

AGENDA ADDITIONS/DELETIONS

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

Community Development Block Grant (CDBG) Program Administration Funding for Assessment of Fair Housing (AFH) Plan

Mrs. Tracey Harvey, Planner I, informed members that, in accordance with the applicable statutes and the regulations governing the Consolidated Plan regulations, the City is required to affirmatively further fair housing and required to submit an Assessment of Fair Housing (AFH) under the requirements of 24 CFR §5.150 through 5.180. She stated that the Department of Housing and Urban Development (HUD) has adopted an assessment tool that encourages jurisdictions and public housing authorities to collaborate regionally and enables collaborators to select a lead entity and submit the AFH according to the entity's schedule.

Mrs. Harvey advised that an AFH is due to be submitted to HUD on or before October 5, 2019 and Delaware State Housing Authority (DSHA) has agreed to be the lead entity of the Consortium. She noted that, once the Memorandum of Understanding (MOU) has been executed by all parties, a Request for Proposals (RFP) to obtain a consultant to develop a regional AFH and develop a coordinated regional response to affirmatively further fair housing in each individual jurisdiction and across the region will be implemented.

Mrs. Harvey advised that the estimated cost of the AFH is approximately \$150,000 and DSHA has requested the City to provide financial support in the amount of \$5,000 since the City is a small entitlement community. She noted that the funds for this project will come from CDBG program income received in October 2017 for \$4,000 from the sales proceeds of a property that received settlement assistance from the First-time Homebuyers Program, and \$1,000 will come from the remaining balance of the FY 16 Program Administration line item of \$13,861. Mrs. Harvey stated that no funds will be needed from the FY 17 Program Administration line item.

Staff recommended approval of the funding set-aside for Assessment of Fair Housing (AFH).

Responding to Mr. Sudler, Mrs. Harvey stated that the DSHA was requesting the City to provide financial support in the amount of \$5,000 for an AFH plan. She explained that in 2011 the City was required to do an analysis of impediments, and HUD had now mandated that the City do an AFH as part of the City's requirement to affirmatively further fair housing. Mrs. Harvey advised that part of the AFH would be for the City of Dover but there would be a State-wide assessment as well.

Mr. Sudler asked if DSHA, as a federal and State program, had funding to cover the \$5,000 cost. In response, Mrs. Harvey stated that the total cost of the plan would be \$150,000 and DSHA would be picking up the bulk of the cost. Mr. Sudler asked if they had justified why they needed the City to pay \$5,000. Responding, Mrs. Harvey explained that the City is required to implement this plan and if the City did so itself, it would have to pay \$150,000. She noted that \$5,000 would be cheap compared to \$150,000.

Mr. Anderson moved to recommend approval of the funding set-aside for Assessment of Fair Housing (AFH), as recommended by staff. The motion was seconded by Mr. Neil and unanimously carried.

Community Development Block Grant (CDBG) Program Semi-Annual Report

Mrs. Tracey Harvey, Planner I, reviewed the Community Development Block Grant (CDBG) Program Semi-Annual Report.

Mr. Anderson indicated that approximately \$30,000 was allocated for CDBG last year and that \$5,000 had just been allowed. He asked if the rest of the unspent funds were obligated or would be rolled over into the new year. Responding, Mrs. Harvey explained that these funds would roll over into the new year. Mr. Anderson asked if there were issues that prevented the funds from being spent as originally allocated. Responding, Mrs. Harvey stated that the Homeowner Rehabilitation Program was the only thing that rolled over from the previous year due to a lack of people in the City of Dover trying to find eligible properties to rehabilitate. She noted that these properties must be owner occupied and insurance requirements must also be met.

Mr. Anderson asked if staff, in planning the new items, was taking into account the Mayor's Blue Ribbon Panel on Homelessness and how the Panel may affect how CDBG funds are allocated. In response, Mrs. Harvey explained that the City had used 15% of its funding to satisfy the needs of the homeless for the past 10 years. She noted that shelters are a public service activity, and only 15% of the City's allocation can be provided to public service activities. Mr. Anderson stated that some of the Panel's recommendations fall into other categories and asked if Mrs. Harvey had reviewed their recommendations. In response, Mrs. Harvey stated that, at this point, all CDBG funds had been obligated into 2019 because the grants are multi-year. She indicated that she would not be able to reallocate funding to any activities in addition to what the City currently has.

Mr. Polce asked if Mrs. Harvey, as the administrator of the grants, provides technical assistance to any of the organizations with seeking out further grant opportunities. Responding, Mrs. Harvey explained that most of the grantees receive other grant funds and federal assistance from other entities. She stated that she does not provide technical assistance in providing other grants but just monitors sub-recipients.

Mr. Polce asked if, looking forward into 2019, Mrs. Harvey, as the administrator, was working in conjunction with the Housing Alliance of Delaware or other State-wide integrated systems to look at some of the strategic points that the City was hoping to move the needle on. Responding, Mrs. Harvey stated that she is a member of the Homeless Planning Council and other activities are being sought for future funding.

Mr. Polce asked if there is public comment regarding Mrs. Harvey's engagement efforts regarding where dollars are being allocated. In response, Mrs. Harvey explained that there is a public hearing every five (5) years when the application process is opened up. She noted that the public is engaged and welcomed to comment and decide on the activities that they want to be funded. Mr. Anderson advised that the funds are vetted through the Parks, Recreation, and Community Engagement Committee, which sets the priorities in conjunction with Mrs. Harvey. He indicated that there is an entire process that is voted upon and approved by City Council.

Mr. Anderson stated that the City has a new opportunity in regard to a grant finder program through its National League of Cities (NLC) membership. He explained that this relatively new complete software database of around 8,000 grants is free for current members. Mr. Anderson advised that he wanted Mrs. Harvey to be aware that this database exists and is available to the City.

Mr. Sudler thanked Mrs. Harvey for her rigorous overview.

Review of Active Recreation Area Plan (Request for Cash-in-Lieu) - Multiplex at 299 College Road (Planning Reference: S-17-28)

Mr. David Hugg, Director of Planning and Community Development, advised that Article V, Section 10 of the Zoning Ordinance sets forth a number of requirements for the dedication of open space recreation area and other public facilities for new developments. He noted that it also recognizes that there are situations where either the configuration of the land, some other restriction, or just the size of the property makes it difficult or impossible for actual land area to be set aside. Mr. Hugg indicated that this typically relates to properties of less than five (5) acres or less than 10 dwelling units, although there are some cases where that number may be slightly higher.

Mr. Hugg stated that the property at 299 College Road, which is approximately 0.4 acres, is being developed as a multiplex with three (3) dwelling units, and there is no room available to provide any usable or active recreation. He noted that Article V, Section 10 allows for a payment in lieu of park land in that context and sets forth the procedure. Mr. Hugg stated that the applicant has to have a certified appraiser do an appraisal of the property and the fee is assessed at 10% of the appraised amount. He indicated that the property had been appraised by Masten Realty LLC for \$40,000.

Staff recommended acceptance of the \$4,000 cash-in-lieu of recreation area construction donation, as the amount complies with the requirements of the Zoning Ordinance.

Mr. Hugg stated that the Planning Commission concurred with staff's recommendation.

Responding to Mr. Anderson, Mr. Hugg stated that the money would go into the Parkland Reserve Fund and would be available for park development, park maintenance, or other park-related activities throughout the City.

In response to Mr. Neil, Mr. Hugg stated that there were nearby recreational activities for the occupants of the homes which would be convenient for them to access.

Mr. Neil moved to recommend acceptance of the \$4,000 cash-in-lieu of recreation area construction donation, as the amount complies with the requirements of the Zoning Ordinance, as recommended by staff. The motion was seconded by Mr. Lindell.

Mr. Slavin asked Mr. Hugg to keep an eye on this issue. He stated the desire to be flexible and use cash-in-lieu as a tool but not for people to be able to buy their way out of commitments that the City had worked very hard to plan for the community. Mr. Hugg stated that he agreed and reiterated that the provisions of Section 10 require an open space commitment above five (5) acres or a certain number of housing units. He noted that anything beyond that would be a significant deviance from the requirements and there would have to be an unusual hardship. Mr. Slavin noted that this could be a slippery slope and Mr. Sudler echoed this concern.

The motion to recommend acceptance of the \$4,000 cash-in-lieu of recreation area construction donation, as the amount complies with the requirements of the Zoning Ordinance, as recommended by staff, was unanimously carried.

Proposed Land Swap - City of Dover and Capitol Baptist Church/Mayfair Park - Application for Approval from National Parks Service

During their Regular Meeting of January 9, 2017, members of City Council approved the Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee's recommendation to move ahead with the process using Option 1, that staff come back to the Committee with details at a later meeting, and that any expenses shall be incurred by the church.

Mr. David Hugg, Director of Planning and Community Development, advised members that, because federal funds were used to acquire the property, approval from the National Park Service (NPS) is required, and the Department of Natural Resources and Environmental Control (DNREC)/Division of Parks and Recreation will file the application on behalf of the City. Federal regulations require that the City of Dover, as the applicant, provide an opportunity for public comment prior to submission of the application to the NPS. No action is required other than providing for public comment. The actual land swap and an associated matter relating to reconstruction of the playground will be brought back to Council for final approval once the NPS approval is received.

Mr. Hugg, referring to the Action Form dated December 1, 2017, noted that the reference to the Parks, Recreation, and Community Enhancement Committee meeting of December 13, 2017 was incorrect and that the correct date was December 13, 2016.

Mr. Hugg stated that the land swap process had been outlined through a number of discussions with the Capitol Baptist Church and DNREC. He reminded members that the land was acquired in

approximately 1988 with the Federal Land and Water Conservation Fund but the playground was subsequently developed with State open space funds. Mr. Hugg advised that, before the City can complete the land swap, the federal government must be satisfied that the land being exchanged is of equal value and that the recreation needs will be equally met, if not enhanced.

Mr. Hugg indicated that there had been a meeting with DNREC two (2) weeks ago and staff had gone through the NPS application process to get them to agree to the land swap. He stated that he believed that the City's actions in December 2016 and January 2017 had probably satisfied the requirement for public comment; however, it was suggested that the Parks, Recreation, and Community Enhancement Committee be asked to open this matter to the public, not in the form of a hearing but just for public comment, to go along with the application. Mr. Hugg asked that public comment be invited on this matter and stated that staff would then move the application forward.

Reverend Terry Moore, 637 Carol Street, Pastor, Capitol Baptist Church, explained that they had gone through the surrounding community and gotten a petition of many names of those who were okay with the land swap and the petition would be submitted with the application. He stated that, in talking to the people in the surrounding area, they were aware of no resistance to the land swap, other than perhaps one (1) person who had been at a previous meeting at City Hall.

Responding to Mr. Sudler, Reverend Moore stated that they had not counted the number of petitioners; however, there were several pages of signatures from Dover residents and many in outlying areas.

Mr. Anderson stated that he was glad the process was moving forward and thought the swap would be beneficial. He requested a copy of the petition for the record, stating that it would help the public comment process, and Reverend Moore indicated that he would provide it. *(City Clerk's Office Note: Subsequent to the meeting, Reverend Moore provided the City Clerk's Office with a copy of the petition in support of the proposed Mayfair Park land swap between the City of Dover and Capitol Baptist Church (Attachment #1).)*

Mr. Neil stated his belief that there had been an open hearing at the time this matter was proposed and that some people had objected; however, the majority approved of the land swap. He indicated that he was very comfortable with approval of the swap.

Mr. Lewis attested to Mr. Neil's comment and noted that he and Mr. Hare had been present at a community meeting where many of the concerns of the Mayfair community were addressed. He indicated that this issue was nothing new and he supported the swap.

Mr. Hugg advised that the next step would be to submit the application to the NPS through DNREC before the end of the month. He explained that the current discussion was out of abundance of caution to avoid someone coming back and saying that there had not been a public meeting. Mr. Hugg indicated that the City had provided more than adequate opportunity and this would initiate the review, and hopefully the approval, of the land swap. He stated that in January there would be a need to approach Senator Bushweller, Representative Lynn, or someone else to introduce this matter into the General Assembly on behalf of the City to allow the exchange of the

playgrounds, because they were funded by State funds. He advised that when that is complete, the matter can be brought to a close. Mr. Hugg noted that the process was complicated because of the federal funds involved.

Responding to Mr. Anderson, Mr. Hugg indicated that the park is in Representative Bennett's district and that this may be the right way to go. He reiterated that, on behalf of the City, there must be legislative action that states, "We concur with the exchange of property and the swapping of playgrounds." He advised that this is a fairly simple legislative action that is required under State law.

Status Report - Request for Dog Park and Passive Playground - Acorn Farms

During their Regular Meeting of September 25, 2017, members of City Council approved the Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee's recommendation to accept the petition and letter submitted by Ms. Mahala Duffy requesting a dog park and passive playground in Acorn Farms, and referred the matter to Mr. David Hugg.

Mr. David Hugg, Director of Planning and Community Development, advised that when this item was previously considered, he was also serving as the Parks and Recreation Director. Referring to his memorandum dated November 16, 2017, he provided an analysis of the proposal relating to a dog park at Acorn Farms. Mr. Hugg noted that dog parks had become of some interest in a variety of communities and there are only a couple that have fully developed dog parks, which typically have fencing to separate large and small dogs, facilities for water, benches, shade, etc., and are not just open grass areas where dogs can run. He advised that a little over an acre was set aside when Acorn Farms was developed in 1992 and noted that this property is a wedge-shaped parcel. Mr. Hugg stated that, after talking to a number of people in places like Milford and Newark and doing web research, the concern that became readily apparent was that parcels that are immediately surrounded by residential homes in close proximity tend not to be favorable to the long-term operation of a dog park. He indicated that the Acorn Farms property is on Acadia Street, has only one (1) access, and there are 14 homes that have immediate contact with the park.

Mr. Hugg stated that he was not saying that dog parks are not a desirable activity to be looked at as part of recreation planning in the City, but the staff recommendation was that this is probably not the appropriate place to develop this kind of facility. He advised that there was a recent article in the *Delaware State News* about a dog park on city-owned land in Little Creek that is bigger than the Acorn Farms property and has a separate fenced area. Mr. Hugg informed members that it cost about \$35,000 and a lot of free labor to develop the facility in Little Creek. He explained that the key difference is that it is not immediately adjacent to residential districts where the activities could constitute a nuisance.

Staff recommended not proceeding with the dog park at Acorn Farms.

Ms. Mahala Duffy, 104 Teak Court, stated that she is one of the residents that would be affected. She reminded members that people from at least 12 of the 14 properties around this area signed a petition that they agreed with having the dog park. Ms. Duffy advised that the idea for the dog park came from the community and the whole point was to bring the community together. She stated that

Acorn Farms is a small community, Lexington Glen had just been built behind them, and there are other communities adjacent to them.

Ms. Duffy explained that the dog park was not to be like Tidbury Park but something for the people in surrounding communities to establish morale. She advised that this is an established community, they had swapped out the land in 1992, and she had been living there for 15 plus years. Ms. Duffy indicated that there are other opportunities to recoup some of the costs even if they utilize people in the surrounding areas as members to help create it. She stated that this would be a members-only type park where people would have to register and a fee would be assessed for having a dog registered to this area.

Ms. Duffy advised that there had been mention of going to other places as far as Schutte Park and Dover Park, but those are large areas and this is a smaller, intimate area. She stated that she agreed with having a fenced-in area so that both smaller and larger dogs in the area would be able to play. Ms. Duffy explained that this community has a bunch of dogs and everybody was stating that they were tired of going to Tidbury or just walking around the neighborhood. She indicated that the community came together and agreed on the dog park, noting that there were 84 houses in the area, if she was not mistaken, and she had over 50 signatures from those in the community who agreed to have this park. Ms. Duffy noted that all dog parks are man-made, so of course everything is not already set and adjustments would have to be made in order to make this dog park successful. She advised that, in their community alone, they have medical personnel, City and State employees, retirees, veterans, teachers, and other respected members of the community. Ms. Duffy indicated that everybody who comes to the dog park and owners would be responsible for their dogs, just like anywhere else. She stated that this matter should be readdressed because she thought it was being looked at as if it were the Dover City Dog Park and noted that it is more or less a branching of the communities in the area. Ms. Duffy advised that Mapleton Square has a dog park that is only about 50 square feet. She explained that they were not looking to fill up the entire space with a dog park and it would be good for the community.

Responding to Mr. Lewis, Ms. Duffy indicated that the community has a homeowners' association. Mr. Lewis asked if the association would be looking to fund this dog park. In response, Ms. Duffy stated that she would have to discuss this with them, noting that she did not see that they could not work together to make something happen.

Mr. Lewis stated that he thought dog parks are good ideas in communities. He noted that there are sanitation issues and asked what kind of liabilities would come with a dog park. Responding, Mr. Hugg advised that all dogs under the control of their owners are currently allowed in almost all City park areas. He noted that he could walk his dog at Schutte Park, except on the softball fields and a couple of other restricted areas, as long as the dog is either under his control or on a leash. Mr. Hugg indicated that whatever liability extends beyond that is the same as what exists in a dog park. He explained that someone currently could and may walk their dog on this particular property as long as it is properly controlled or leashed. Mr. Hugg stated that the liability from the City's standpoint is really no different from what the City already permits. He advised that there would potentially be personal liability if his dog bit another dog, but this does not involve the City directly.

Mr. Anderson stated that he liked the idea and that the County currently has some money in their park funds. Responding to Mr. Anderson, Ms. Duffy stated that she had not approached Kent County Levy Court Commissioner Allen Angel, who is in that area, or any other commissioners; however, she could look into this or get her HOA to do so.

In response to Mr. Anderson, Ms. Duffy stated that she would be open to members tabling this matter until she can do background checks and bring back more information.

Mr. Lindell stated that he applauded the effort of the community in trying to create a park and some positivity and to unify the general area. Referring to Mr. Sudler's review of all the parks and their condition, Mr. Lindell expressed concern that members would be adding an additional responsibility when they had not addressed the core issues in the City's current parks.

Mr. Neil stated that he would like to see what Ms. Duffy is bringing to the table. He noted that there had been discussion about fencing, care within the park, and opening up the park for the use of other areas. Mr. Neil indicated that the community should be taking responsibility in this and relieving the pressure from the City. He noted that, as Mr. Lindell had stated, members are looking at everything that is going on and he was unsure if the City was ready for the dog park yet. Mr. Neil advised that he was not saying no but was saying not now.

Mr. Slavin expressed his understanding that this piece of land is owned by the City primarily for open space and it would not be programmed into active recreation, noting that it has egress issues related to parking and other things. He advised that if a City dog park is created on the parcel, anyone from the City could park in this neighborhood, which would create problems. Mr. Slavin asked if the City could lease the land to the HOA for the purposes of their establishing a dog park and help them with the one-time fit-out costs. He suggested that they could operate it as an HOA function, and if they cease to do that it would just become open space again for the City.

Mr. Hugg stated that he did not know of any limitation or restriction to Mr. Slavin's suggestion. He advised that from time to time parcels or parts of parcels, at Schutte Park for example, had been leased to recreation organizations to run programs and did not think there was any reason that this could not happen. Mr. Hugg noted that he had not been able to find any restrictions in the subdivision or site plan accompanying this property, explaining that the documents only stated that this piece of property would be set aside for City park and recreation, and the other small wedges of property in the community would be the responsibility of the homeowners' association.

Mr. Slavin noted that the City would not be vacating its obligation regarding the property but would simply be partnering with the HOA. Mr. Hugg advised that appropriate safeguards regarding hours of operation and other potential concerns could be added if the City chose to do this. Mr. Slavin stated that if the property was leased as an HOA function, the HOA could limit who uses it without snagging City issues, and Mr. Hugg concurred.

Mr. Anderson stated that he thought there had been some great suggestions and wanted everyone to have a chance to consider them.

Mr. Anderson moved to lay this issue on the table, seconded by Mr. Neil.

Mr. Sudler stated that he thought that membership and seeing if the HOA would be willing to proceed as Mr. Slavin suggested were good ideas. He indicated that he thought membership would address issues of parking and people coming from other areas and make the area more private.

The motion to lay this issue on the table was unanimously carried.

Discussion of the Definition and Permissibility of Rooming Houses/Boarding Houses in the Zoning Ordinance

Mr. David Hugg, Director of Planning and Community Development, advised members that Mr. Sudler had requested a discussion on the issues of rooming houses and storage of personal items related to the homeless. He noted that he chairs one of the working committees of the Mayor's Blue Ribbon Panel on Homelessness and was looking at these issues from the standpoint of how to provide things that could be done quickly and would make the lives of the homeless much more pleasant.

Mr. Hugg indicated that, a number of years ago, the Zoning Ordinance in the City Code had provisions for rooming houses within the definition of all of the residential zoning districts. He stated that he was informed that most of those provisions were deleted or extracted from the Zoning Ordinance as a result of issues that the City was having with student housing. Mr. Hugg explained that the current language allows rooming houses in the RM-1 and RM-2 zoning districts. He advised that there is not a specific definition of a rooming house and the language suggests that it is a place where up to five (5) people have a room. Mr. Hugg stated that this is interesting because the definition of family in the Zoning Ordinance is five (5) unrelated people living together in a single-family dwelling and he was unsure of the distinction between this and the definition of rooming house. He indicated that if they did not want to call a situation a rooming house, a group of people living in an RM-1 or RM-2 district could call themselves a family of five (5) and essentially operate as if they were a rooming house. Mr. Hugg stated that the Zoning Ordinance states that in the RM-1 zone "no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purposes, except the following: (a) Any use permitted in one-family residence zones; (b) One-family lot-line dwellings, not to exceed one such dwelling per lot; (c) Duplex dwellings; (d) Multiplex dwellings; (e) Townhouses; (f) Roominghouses accommodating not more than five roomers." He indicated that the uses for the RM-2 zone are the same but include garden apartments.

Mr. Hugg stated that he had looked at a couple of other zoning ordinances in other communities and did not find anything that was on point. He indicated that Newark is very complicated because of all of the student and fraternity housing, etc., that make it much more cumbersome. Mr. Hugg advised that the National Fire Prevention Code states that a rooming house "is a building or portion thereof that does not qualify as a one- or two-family dwelling but that provides sleeping accommodations for a total of 16 or fewer people on a transient or permanent basis without personal care services, with or without meals, but without separate cooking facilities for individual occupants." He noted that the term "rooming house" is often used interchangeably with the term "boarding house" and with the term "SRO" or "single room occupancy." Mr. Hugg advised that

SRO's are very common in larger urban areas and are typically old hotels, apartment buildings, or things of that nature where a large number of people rent a room often on a weekly basis. He explained that they share common bathrooms and typically do not have any kind of cooking facilities available to them. Mr. Hugg indicated that the only distinction that he was able to find is that, where the term boarding house appears in zoning ordinances as compared to rooming house, a boarding house typically provides some kind of meals or communal kitchen. He stated that rent for rooming houses is paid either daily or weekly and they are very much transient housing. Mr. Hugg noted that the only distinction he found for boarding houses is that they typically have some kind of management, such as a resident manager, or one of the residents serving as the "house mother" or "house father," which was not typically the case in the rooming houses he had looked at.

Mr. Hugg stated that 100 years ago the rooming house was where young singles, people with limited incomes, and immigrants lived. He advised that a century ago a housing type called a rooming house or boarding house was a sustainable, ordinary part of most communities, particularly larger communities. Mr. Hugg noted that his grandmother lived in a rooming house when she went to what became Goldey-Beacom College 100 years ago, and this was not an unusual kind of housing but is just not prevalent today. He stated that he suspected that the question had arisen in regard to whether the rooming house or boarding house notion is an option for addressing the current homeless situation.

Mr. Hugg explained that the current ordinance does not help a lot because it has the same "five (5) or less" provision in it, and he had not found a good example anywhere. He stated that he read one (1) ordinance where rooming houses were required to have a resident manager and they had to have a fairly specific set of rules; however, he did not get into the logistics of how to accomplish this.

Mr. Sudler stated that, as a co-sponsor of placing this discussion on the agenda, he thought that rooming or boarding houses would be a good way to offset the cost of at least \$750 to \$850 for a one-bedroom unit, which the homeless cannot afford. He noted that most individuals who are homeless, or disabled and homeless, receive checks for \$750 if they are partially disabled or \$900 if they are fully disabled. Mr. Sudler explained that he is a rental sales professional for seniors, the handicapped, and veterans, and had been in this position for over 16 years. He indicated that he thought this would be a good component to try to offset the cost and provide immediate housing relief for the homeless as it could be doable and would not cost the taxpayers an excessive amount of financial hardship. Mr. Sudler stated that members had recently been discussing land banks; however, rooming or boarding houses could provide immediate relief rather than relying on implementing a program that may cost money and this was a good opportunity to explore.

Mr. Slavin advised that he had some concerns, some of which dated back to two (2) other times during his tenure when this subject was brought before Council, as long as 13 years ago. He explained that the first time there was an effort to open up the Code to allow for boarding houses around Wesley College's campus. Mr. Slavin advised that this met with widespread opposition because people were worried that it was something that could not be contained to a certain area of the City and that the numbers could not be contained well enough. He stated that the second time related to the longstanding issues that took 10 years to resolve on New Street with the House of

Pride. Mr. Slavin informed members that the House of Pride ran rooming houses and rented them out on a room-by-room basis to individuals, which led to a series of problems there, and noted that he would not want the City to go back down that path. He asked that any discussion of this matter be aligned with the thinking in the community about the rapid rehousing of homeless. Mr. Slavin advised that he did not believe that warehousing the homeless is solving the problem of homelessness. He noted that giving them a place to sleep is a noble effort, but a room without one's own bathroom or kitchen is not the kind of home the City is trying to get people into.

Mr. Hugg stated that a discussion had come up in the Mayor's Blue Ribbon Panel on Homelessness which was not aimed so much at those who are thought of as homeless but at the relatively large population of people who cannot afford housing. He noted that Mr. Sudler had mentioned that many of the people who find themselves in limiting circumstances could afford \$200 or \$300 a month as part of a collective housing solution but cannot afford an apartment or housing of their own.

Mr. Hugg stated that he agreed with Mr. Slavin that this was probably a slippery slope. He noted that the Oxford House is the epitome of how a group home is run for up to 10 people; however, this was not really the model. He indicated that, unless there is strong management, even in rooming houses with five (5) and fewer people, there are problems. Mr. Hugg stated that if he owned a single-family house in Mayfair, he could put five (5) people in it, call it a family, and it would in essence be a rooming house. He noted that these residents would potentially have individual rooms, a shared bathroom, and some kitchen facilities. Mr. Hugg advised that this concern is there, even if the rooming house issue is not addressed. He stated that, fortunately, there had not been many problems; however, there are Code violations on a regular basis in rooming houses where four (4) or five (5) people are living together. Mr. Hugg indicated that he did not have a recommendation, explaining that staff had just started discussing this matter and trying to find an answer, and he was unsure whether there is one.

Mr. Anderson stated that he shared the concerns of Mr. Slavin, but also those of Mr. Sudler because the City had essentially interfered with the free market. He stated that this interference was costing people their lives, noting that people were dying on the streets, and it was not a theoretical issue. Mr. Anderson advised that he knows of people who are disabled and on three- or four-year waiting lists for subsidized housing. He indicated that it is essential to explore housing and, whether by reclaiming certain brownfield areas and looking at a planned neighborhood development of tiny houses or something like rooming or boarding houses, members must use a market-based solution because there are not enough taxpayer funds to solve the problem. Mr. Anderson stated the need for solutions where people can use their own money to take care of themselves.

Mr. Anderson stated that this topic should be explored; however, he wanted to see insistence on safety and fire codes, etc. He noted that if there are too many people and it is not managed, a problem could be created which could be damaging and affect the quality of neighborhood life, which he had seen up close where he lives and all around. Mr. Anderson indicated that he thought a balance could be reached and members must explore this because they cannot afford not to. He advised that there are many people who should not be struggling the way they are, many of whom are the hidden homeless who are currently overcrowded because they do not have this opportunity, and are living in tents in the City's woods and elsewhere. Mr. Anderson stated that he thought this

issue should be pursued in depth, taking into account safety, some of the other issues, and quality of life. He indicated that he thought that, with the public, members could reach a consensus.

Mr. Neil advised that members were discussing the total picture of housing in the state of Delaware, not just in Dover. He stated that the Housing Alliance produces figures each year about how much it costs to live in an apartment, etc. Mr. Neil indicated that people who own their own homes and live on leased land are now being purchased out by out-of-state companies because they are commodities and have low income, seniors in particular because they are a source of money and self-filling ATM machines. He stated that the headlines in the *News-Journal* the other day stated that the leased land community in Sussex is \$100 per month. Mr. Neil explained that Wild Meadows was purchased for \$16M, they want \$45 per month to live, and the seniors there own their own homes but are going to lose them and will not be able to pay. He advised that the same company that bought Wild Meadows purchased 786 homes in New Castle County in Murray Manor, which are old fashioned, trailer park type homes, yet they want \$35 per month. Mr. Neil noted that the total amount of money going out of the local economy from just these three (3) communities is nearly \$3M per year. He asked where these people would be put and noted that this is affecting everybody in the State, including those who have nice homes along State Street and are concerned about what is going to happen in their community when the City has rooming houses. Mr. Neil advised that the City has problems with people in apartment houses who are not controlled or taken out. He stated that he would like individual ownership which is why he supports Habitat for Humanity. Mr. Neil indicated that this affects the affordability of housing. He noted that when someone has to pay \$100 more just to keep their house and will be paying close to \$1,000 a month, this is a problem, because even people who are not being subsidized by the taxpayers are being affected by the cost of housing, which is going up.

Mr. Neil stated the need to be careful not to destroy neighborhoods, the value of homes, and the quality of life of the people by having rooming houses. He asked how the City was going to have fair housing, noting that members had discussed the \$5,000 funding for the Assessment of Fair Housing Plan earlier in the meeting. Mr. Neil advised that this is not an easy thing and would not be solved this evening, explaining that it would take serious thought and members would need to ensure that they do what they believe has to be done socially if they are going to put out places where rooming houses will be allowed. Mr. Neil noted that humanity says that this has to be done; however, there is a need to be careful regarding what is done and how it is done.

Mr. Sudler stated that he thought that the main concern was providing affordable housing for those who can only afford a certain amount rather than housing all the homeless. He noted that some residents own homes that have acres of woods behind them and his family, for example, had dealt with people walking in their woods the previous day looking to set up tents, gather metal, or go “junking” to get income. Mr. Sudler advised that this was becoming a very alarming concern, noting that there are tents and homeless people in the woods on State College Road past the bridge. He advised that if it is said “not here” and “not there,” eventually the homeless will be everywhere, noting that they are already in his backyard and will be in the backyards of others. Mr. Sudler indicated that, as local officials, members should do what is in their power and have the advantage of being able to set guidelines and put forth restrictions to help monitor and maintain order. He stated that this is the power that members had been given through the people that he thought they

sometimes fail to exercise, noting that he was not pointing the finger at anyone or saying they are right or wrong. Mr. Sudler asked that members take some time, as Mr. Neil suggested, to think about this, stating that it would not be resolved tonight but would eventually have to be resolved by current or future members who are elected. He noted that today helps to plan for tomorrow.

Mr. Sudler stated that he would like to place further discussion on the agenda in the near future. He advised that he and Mr. Hugg would be working together on this matter and invited Council members to join them. Mr. Sudler noted that Mr. Polce, Mr. Lewis, and Dr. Warfield had indicated that they would like to work with them as well.

Mr. Hugg stated that his subcommittee of the Mayor's Blue Ribbon Panel on Homelessness had been meeting approximately every two (2) weeks and planned to meet on Thursday, December 14, 2017 at 3:00 p.m. in the library and he would send out a notice. Mr. Hugg indicated that so far the subcommittee's discussion had been very much like the current discussion. He advised that there is a problem with no real, obvious solution; however, they are trying to get some understanding, and the more people that participate, the better.

Discussion of the Availability of Storage Lockers for Homeless Individuals

Mr. David Hugg, Director of Planning and Community Development, advised that some homeless individuals had come to a meeting and, following the meeting, a homeless gentleman came up to him stating that he had a job and was making some money but not a lot, can get back and forth, is comfortable in his tent, and knows where he can sleep most nights. Mr. Hugg advised that this gentleman indicated that his problem is that everything he owns is on his back, so he goes to work with a backpack, a tent, a sleeping bag, etc., strapped to himself because he cannot leave them anywhere. He indicated that if he goes to the drugstore to get a prescription, he is fearful of being mugged because he has no safe place for his items.

Mr. Hugg advised that he had never thought about this issue and that the common perception of a homeless person is someone pushing a cart or walking down the street with everything strapped on them. He noted that this is a serious issue, and the gentleman had made the point that if there was a way to solve this problem, he would not be looking to anybody else to take care of his needs.

Mr. Hugg informed members that the YMCA is remodeling their locker rooms and offered the old lockers to Dover Interfaith Mission for Housing (DIMH). He stated that the question was where to put the lockers and that perhaps something could be done to address the problem of storage for the homeless. Mr. Hugg advised that he had reached out to the Police Chief, who stated that it was a great idea; however, he questioned where the lockers would be put and who would make sure that they are secure. Mr. Hugg stated that, as he had gotten involved in the issues of homelessness, some of the solutions to addressing the problems were as simple as giving somebody a place to store their goods, rather than things like building rooming houses.

Mr. Slavin stated that it was his understanding that this matter related to the need to provide storage lockers for people who want to remain homeless, noting that there is a certain population of homeless who do not want to come in. He indicated that he was struggling with why this would be a government function. Mr. Slavin advised that the issue would not be just whether the lockers are

secure but also whether the contents are legal or subject to search. He noted that the phrase “slippery slope” had been used and expressed his hope that the availability of free, old lockers would not have the City government backing into an issue that is rife with civil liberty and public safety issues. Mr. Slavin stated that certain people who may not be homeless would have the ability to use the lockers and asked how someone would prove that they are homeless since there is no identification that they would carry. He indicated that someone could use a locker if they saw it as a hole in the security system that could provide a safe place to hide stolen merchandise, drugs, guns, and perhaps explosive things. Mr. Slavin advised that he did not understand why members would want to go down the path of creating a solution that does not help to reduce homelessness. He expressed the desire not to increase homelessness or make it easier to be homeless. Mr. Slavin indicated that he did not want to make things harder on people who are homeless but did not think that some of the services provided are an incentive to getting out of homelessness. He cautioned against creating more infrastructure for people to stay homeless.

Mr. Polce thanked Mr. Hugg for bringing up this issue and stated that he thought there was a lot of merit to the conversation. He indicated that he planned to attend Mr. Hugg’s subcommittee of the Mayor’s Blue Ribbon Panel on Homelessness meeting on December 14, 2017. Mr. Polce advised that he thought these conversations are very important and that Dover could look at what other cities around the nation are doing. He noted that Denver has a comprehensive locker exchange program and there are critical components, such as being geographically located in a central hub. Mr. Polce explained that they look at the Centers for Disease Control and Prevention (CDC) track level data, identify a hot spot where the homeless typically gather, and implement lockers there. He noted that this is a data set and information that the City does not have right now and would have to collect. Mr. Polce explained that it would be important for Dover to capture the process, noting that in Denver, before an individual receives a lock to secure their belongings, they must sit down with what they have established as a community resource center and go through an inventory of the belongings during a one-hour consultation. He noted that DIMH currently has a resource center. Mr. Polce explained that the individuals secure a locker and, more importantly, are getting many resources, such as the Department of Labor, local business owners who have partnered with the local resource center to employ homeless individuals, literacy on financial management, and tangible things that would hopefully guide them on a path from homelessness to home ownership or some form in between. Mr. Polce indicated that in Delaware about 83% of the homeless population are comorbid, meaning that they have both a mental health and a behavioral health issue. He stated that the inventory of the belongings ultimately ensures that no bad things are going in. Mr. Polce noted that this would still open up massive legal implications, as Mr. Slavin had alluded to, from sources like the ACLU. He explained that technically what is in their locker is the property of the homeless, but the locker is not their property.

Mr. Polce stated that this was a great conversation that was just getting started and is something that needs to be discussed further. He noted that he has contacts in Denver and Seattle with people who have led initiatives from the grassroots level to this conversation, and it would be easy to contact them and ask what worked, what did not, and what the strengths, weaknesses, and legal ramifications are. Mr. Polce noted that there are significant legal ramifications to the initiative but he thought it was great to have the conversation and see if it is the right fit for Dover.

Mr. Anderson stated that the government had created part of the problem because if it did not treat the property of the homeless with less respect than it treats the property of anyone else, there would not be as much stress in this area. He asked how many times the government had come across areas and just thrown away the property of homeless people, including their paperwork and identification, when these things would normally be placed in a lost and found so they could be reclaimed. Mr. Anderson indicated that if the government is one of the biggest offenders, then the government should create a solution to the problem that it helped to cause. He noted that he was referring to the State of Delaware, the Delaware Department of Transportation (DelDOT), and others. Mr. Anderson indicated that he knows of people who have been set back greatly because when they came back from work the government had thrown all their things away. Mr. Anderson suggested that members could look at implementing something that would state that the property of the homeless should be held the same way that anyone else's is held, if it is known whose property it is, and this would help relieve some of the stress.

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

Meeting adjourned at 8:00 p.m.

Mr. Slavin cautioned members, in regard to subcommittees and meetings, to make sure that they are not violating any provisions of the Freedom of Information Act (FOIA) by having too many members of any one (1) committee in place at one time.

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

Meeting adjourned at 8:01 p.m.

Timothy A. Slavin
Council President

TAS/TM/js/dd

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Attachments

Attachment #1 - Petition in support of the proposed Mayfair Park land swap between the City of Dover and Capitol Baptist Church, provided by Reverend Terry Moore

PETITION

Council Committee of the Whole Meeting of 12/12/2017

My signature below indicates my support of the proposed Mayfair Park land swap between the City of Dover and Capitol Baptist Church as indicated in the attached drawing

	<i>Name</i>	<i>Address</i>	<i>Phone</i>	<i>email</i>
1	Alejah Boehme	130 HAWAN DR. apt. 201	302-670-1162	
2	La'Quetta Ricks	400 Kesselring Ave.	302-241-7556	
3	Hanley Hardy	402 Kesselring Ave.	908-247-6620	
4	Lois A. Glading	362 Alder Rd.	302-734-8137	
5	Amber Wiley	354 Alder Rd	302-747-4640	
6	Ralph G. Lee Jr	143 Blue Beach Rd.	302-674-1418	
7	Maureen R. Lee	135 BLUE BEACH DR	302-734-1353	
8	Lumpkin	202 ALDER RD DOVER	302 676-9327	
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PETITION

My signature below indicates my support of the proposed Mayfair Park land swap between the City of Dover and Capitol Baptist Church as indicated in the attached drawing

	<i>Name</i>	<i>Address</i>	<i>Phone</i>	<i>email</i>
1	Jannette Jones	37 Acker Road Dover, DE 19904	484-485-1108	jjones1975@gmail.com
2	Carol A. Kell	152 Blue Beach Dr.		
3	James W. Kern	136 BLUE BEACH RD	302-734-2755	devecore5@comcast.net
4	Fredrick L. Kern	128 BLUE BEACH RD		N/A
5	Rosemond, Appich	112 Blue Beach Rd.		
6	David Lane	108 Blue Beach RD	302-357-6615	precastdave2@yahoo.com
7	Elaine L. Kesselring	1315 New Burton Rd	302 734-1375	eKessel70@gmail.com
8	Larry Kesselring	1315 New Burton Rd	302 734-1375	eKessel70@gmail.com
9	Wayne Levy	369 Kesselring Ave	302-734-5113	
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PETITION

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	Name	Address	Phone	email
1	Sam Mukoyama	270 N. Planters Ln	302-538-5606	gmukoyama@gmail.com
2	Harnett Mukoyama	"	"	"
3	Dorothy Megonigal	2206 Hagerthill Rd. Dover	302-674-4688	—
4	Raymond B. Megonigal	" " "	" "	
5	Jeanne Buble	519 West Denny's Rd Dover, DE 19904	302-883-2548	Jeannebuble3@gmail.com
6	Bobby Bibb	519 West Denny's Road Dover, Delaware 19904	302-883-2548	—
7	Kira Carrow	27 E. Darby Cir. Dover, DE 19904	302-233-3369	kcarrow@hotmail.com
8	Will Carrow	27 E. Darby Circle Dover, DE 19904	302-222-6612	bill.carrow@outlook.com
9	Sharon Schmittinger	1947 Nault Rd Dover DE 19904	302-736-1153	Sharon51947@comcast.net
10	Lisa Thomson	167 Massy Drive, Dover DE 19904	302-242-2440	chucklisa tho@comcast.net
11	Debbie Edwards	206 Middessa Xing Dover, DE 19904	302-674-3866	Briane97@Verizon.net
12	Brian Edwards	206 Middessa Xing Dover DE 19904	302-674-3866	Brian97@Verizon.net
13	Joan Edwards	6112 W. Denny's Rd Dover DE 19901	302-678-3499	—
14	Justin Carrow	27 East Darby Circle Dover DE	302-233-3369	jc24fan@hotmail.com
15	Margaret Buckley	96 Lynnebroom Lane Dover DE 19904	302-677-1957	WBuckley99@GMAIL.com
16	Noel Buckley	96 LYNNEBROOM LANE DOVER DE 19904	302-677-1957	WBuckley99@GMAIL.com

PETITION

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Name	Address	Phone	email
1 Mary Lou Olsen	430 Kings Hwy. APT 208 Dover, DE	730-3089	
2 Frances Godlove	430 Kings Hwy. APT 204 Dover, DE	538-4947	
3 Nehemiah Dixon	252 Stone Ridge Dr. Dover, DE 19901	302-697-6510	
4 Myra Dixon	252 Stone Ridge Dr. Dover DE 19901	302-697-6510	
5 Chirmine Avril	51 Webb's A-Pg 7	302 423 8235	
6 Joyce August	5676 Pearson's Gm Bldg Dover 19904	302 298 1278	
7 Caroline Church	140 Omni Rd. Dover 19904	302 678-0414	
8 Smith Roberts	110 Haman Drive Apt 101 Dover DE 19904	302-525-4265	
9 Gloria Johnson-Williams	838 Paul St Dover, DE 19904	302-359-9465	
10	Keenan Johnson		
11 Perry George	32 Scioto Ct	302-540-4176	
12 Ray Poggemann	255 Webb's Lane Apt G14	302 535-7235	Ray.Poggemann@gmail.com
13 Mary Poggemann	255 Webb's Ln - G14	302-535-7848	Mary.poggemann@gmail.com
14 Linda Nix	1098 Garfield Dr Dover 19901	302-531-8697	Nixfamily23@aol.com
15 Josh Beet	1211 Voskelis mill rd	302-465-7025	Josh.Beet@gmail.com
16 Alex Ramos	598 Roberta Ave. Dover DE	302-423-7763	

19901

PETITION

My signature below indicates my support of the proposed Mayfair Park land swap between the City of Dover and Capitol Baptist Church as indicated in the attached drawing

Name	Address	Phone	email
1 Etta Meyer	268 Fiddlers Green, Dover	(302) 678-9572	—
2 Judy Bungri	277 Winesap Lane	302-535-8861	jersey415@gmail.com
3 Jonathan Geoffrion	14 Heritage Dr, Dover DE	940-273-2826	
4 WILLIAM HARPER WALKER	430 KINGS HIGHWAY N.E. LT BLDG 1 ART 711 DOVER DE 19901-0711	302-528-3942	NONE
5 Miguel Rivera	75 Quail Hollow Dr Dover DE 19904	302 423 5768	m.rivera25@yahoo.com
6 Karen Sewell-Rivera	75 Quail Hollow Dr Dover DE 19904	423-5109	Karenlws2dec@yahoo.com
7 Bill Shirey	119 Lake Front Dr Dover DE 19901	302-270-1840	Wm Shirey @ AOL.com
8 Amy Messick	344 Fear Dr. Dover DE 19901	302-632-7185	amess66607@gmail.com
9 Christopher Messick	344 Fear Dr Dover DE 19901	302-632-9047	Chrismessick@yahoo.com
10 James Brogdon	21 Evergreen Cir Dover DE 19901	302 538 4164	c5jim@comcast.net
11 Donna Brogdon	21 Evergreen Cir, Dover, DE 19901	302-744-4948	donna.brogdon@state.de.us
12 John Hauer Jr	215 Winterberry Dr, Dover 19904	302-943-8206	jahauer@gmail.com
13 Jessica Hauer	215 Winterberry Dr, Dover 19904	302-943-8205	jnhauerjr@gmail.com
14 Lakisa Perry	1389 Rosevalley School Rd Dover DE 19904	(302) 450-8057	perry.lakisa@yahoo.com
15 Susan Randall	910 Schoolhouse Ln Dover, DE 19901	772-475-1072	suseran@hotmail.com
16 Cynthia Prange	225 Beechwood Ave Dover DE 19901	302-241-6774	2nanabanana2@gmail.com

PETITION

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Name	Address	Phone	email
1 Dawn Vanderpool	26 Poplar Ln, Dover, DE 19901	302-678-2734	
2 Cecelia Johnson	100 Lakeview Dr. APT 206 Dover DE 19901	302-241-1640	
3 Mary Obioffiong	100 Lakeview Dr. APT 206 Dover DE 19901	302-465-0484	
4 Agnes Toussaint	20 Westover Dover DE 19904	(302) 741-0250	
5 Jonathan R Carmona	14 Heritage Dr. Dover DE 19904	302-272-3318	jcarmon185@yahoo.com
6 Delois M. Shirey	119 LAKE FRONT DR. DOVER DE 19904	302-270-0918	
7 Theodore Bryant	344 United way APT B-13	302-393-2022	
8 Martha Tucker	4110-A Connecticut Ln Dover DE	302-632-0486	
9 DONALD NIX	1098 GARFIELD DR Dover DE	302-241-4474	Nix Family 23 @ AOL.COM
10 Darlene Siewer	45 Acacia Pl. Dover DE	302-233-6061	
11 Sandra DeLong	62 Pierage Dr Dover DE	302-270-3533	cakeprints@yahoo.com
12 Kenneth Avery	1131 S Bay Rd. lot 76 Dover DE	302 734-5451	
13 Debra A. Moore	637 Carol St., Dover, DE	302-535-1901	
14 Terri H. Moore	637 Carol St. Dover DE	302-272-8326	
15 John Randall	910 Schoolhouse lane, Dover	302-399-2277	
16 Marshall Humphreys	382 Mimosa AVE, Dover DE	228-383-6086	Marshall.Humphreys 360@ yahoo.com

PETITION

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	Name	Address	Phone	email
1	Ralph Frange	225 Beechwood Ave Dover	302 678 1526	risingson42@aol.com
2	Ryan Combs	958 Buck Drive Dover DE	410-708-8676	ryan.cfa1@yahoo.com
3	Jessica Combs	958 Buck Drive Dover DE	302-943-8512	ryan-jessica.combs@yahoo.com
4	John Moseman	260 Richard Bassett Rd. <small>Dover, DE 19904</small>	302 684 5537	
5	Carol Moseman	260 Richard Bassett Road <small>Dover Delaware</small>	302 674 5537	
6	Chris Murphy	116 Blue Beach Rd <small>Dover, DE 19904</small>	302 677 1991	emmasuechris@comcast.net
7	Susan Murphy	116 Blue Beach Rd <small>Dover, DE 19904</small>	302-677-1991	emma.suechris@comcast.net
8	Emma Murphy	116 BLUE BEACH RD <small>DOVER, DE 19904</small>	302-677-1991	
9	Leanne Tecson	220 Trafalgar Drive <small>DOVER, DE 19904</small>	585 455 6219	leabugs@aol.com
10	Rich Tecson	220 Trafalgar Drive <small>DOVER, DE 19904</small>	302 423 4533	richters25@yahoo.com
11	Bill & Sylvia Miley	966 W. 1st St <small>Magnolia DE 19962</small>	674-3974	
12	Martez Satchell	861 Autumn Moon Ln <small>Magnolia DE 19962</small>	538-3321	
13	Marco Piro	14 Heritage Dr. Dover DE 19904	609-408-8703	marco5186@gmail.com
14	Denise Roy	1131 S. Bay Rd lot 186 <small>Dover DE 19901</small>	302-242-4047	deniseandgirls@yahoo.com
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Mayfair Park

Potential Land Swap: Option 1





0 75 150 300 Feet



Date Printed: August 31, 2016
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\planning_maps\mayfair_park_land_swap
\option_1
Department: Public Works GIS
City of Dover, Delaware



Legend

-  Dover Parcels
- Lands to be Exchanged**
-  Option 1