

**CITY OF DOVER PLANNING COMMISSION  
AUGUST 20, 2018**

The Regular Meeting of the City of Dover Planning Commission was held on Monday, August 20, 2018 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Roach, Ms. Edwards, Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Maucher and Mr. Tolbert. Mrs. Welsh was absent.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Julian Swierczek, Mr. Jason Lyon and Mrs. Kristen Mullaney.

**APPROVAL OF AGENDA**

Mrs. Melson-Williams stated that there are two applications that will not be heard by the Planning Commission tonight. The first one is the Site Development Master Plan application S-18-07 Dover Mall Power Center Master Plan at 1365 North DuPont Highway. It will not be heard by the Planning Commission this evening. The applicant requested that the application be placed on hold and the Letter of Request is included in the packet. When the application is ready to be moved forward, its Public Hearing will be scheduled for a future Planning Commission meeting and it will be subject to all of the public notice requirements for that new meeting date. The second item is Minor Subdivision Plan SB-18-03 Lands of Larham Construction LLC at 35 and 39 North New Street. It will not be heard tonight due to some incomplete public notice requirements on their part. Likewise, this application and its Public Hearing will be rescheduled for a future Planning Commission meeting date and will be subject to public notice requirements for that new meeting date. For that project, they anticipate that it returns to the Planning Commission in September.

*Dr. Jones moved to approve the agenda excepting S-18-07 and SB-18-03 as they have been removed from consideration, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mrs. Welsh absent.*

**APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JULY 16, 2018**

*Mr. Holden moved to approve the Planning Commission Meeting minutes of July 16, 2018, seconded by Ms. Edwards and the motion was unanimously carried 8-0 with Mrs. Welsh absent.*

**COMMUNICATIONS & REPORTS**

Mr. Hugg stated that the next Planning Commission regular meeting is scheduled for Monday, September 17, 2018 at 7:00pm in the City Council Chambers.

Mr. Hugg provided an update on the regular City Council and various Committee meetings held on July 23 & 24, 2018.

Mr. Hugg stated that unfortunately one of our Code Enforcement Inspectors decided to undertake a different career. Ms. Betty Sanchez left us about one week ago. She is going back in a military service related capacity as an Airfield Manager in New Jersey. We will be recruiting for a Code Enforcement Inspector.

**OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS**

Mrs. Melson-Williams presented the audience information on policies and procedures for the meeting.

**OLD BUSINESS**

1) Requests for Extensions of Planning Commission Approval:

- a. S-16-17 Parking Lot at 623 Fulton Street – Request for one-year extension of the Planning Commission approval granted on September 19, 2016 of a Site Development Plan to replace an existing 11,600 S.F. +/- gravel parking lot with a thirty-four (34) space asphalt parking lot of the same area, with striping, parking bumpers, and lighting. The purpose of the parking lot is to provide parking for adjacent properties. The property consists of 0.33 acres and is located on the north side of Fulton Street east of Ridgely Street. The property is zoned IPM (Industrial Park Manufacturing Zone). The owner of record is Harrington Commercial, LLC. Property Address: 623 Fulton Street. Tax Parcel: ED-05-076.08-01-13.00-000. Council District 4. *Waiver Request Denied: Elimination of Sidewalk Requirement, Waiver Requests Approved: Partial Elimination of Curbing Requirement, Elimination of Bicycle Parking, and Elimination of Opaque Barrier (Fence Component). This application is associated with approved variance V-15-06 (granted March 18, 2015) to allow the property to use gravel surfacing for a specific time period.*

**Representative:** None

Mrs. Melson-Williams stated that this is a request for an extension of Planning Commission approval. The project S-16-17 for a parking lot development at 623 Fulton Street was reviewed by the Planning Commission in September 2016. The Site Plan was granted conditional approval for a period of two years. They have by letter of August 10, 2018 requested an extension of one year of the Planning Commission approval. This is a project that would take an existing gravel parking lot and make it an asphalt paved parking lot. They are still working on the stormwater management plans for that activity with the Kent Conservation District and therefore are seeking an extension of the Planning Commission approval process. It would be a request for a one-year extension during which time they must finalize the Site Plan and commence construction under the appropriate permits.

Mr. Holt questioned what the delay was on the parking lot? Responding to Mr. Holt, Mrs. Melson-Williams stated that she believes that they just haven't been working through the plan approval process. It is an active parking lot with gravel. They went the Board of Adjustment to allow the gravel to be there for a period of five years. They are still within that five-year time frame but parking on gravel is not something that is looked upon fondly in the Code which is why they need to be a paved parking lot. She thinks that working out the details for stormwater management has been a little tricky.

Mr. Holden questioned when their five-year Board of Adjustment waiver runs out? Responding to Mr. Holden, Mrs. Melson-Williams stated that their five years with the Board of Adjustment would expire in March 2020.

*Ms. Edwards moved to approve S-16-17 Parking Lot at 623 Fulton Street for a one-year extension, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mrs. Welsh absent.*

- 2) MI-18-03 Text Amendments: Manufactured Housing and Land Lease Communities (Dover Code of Ordinances, Chapter 66 and Zoning Ordinance, Article 3, Section 8 and Article 12) – Continuation of the Review of Proposed Ordinance #2018-01 of Text Amendments to the *Dover Code of Ordinances*, Chapter 66 - Manufactured Homes, Mobile Homes, and Land Lease Communities; to *Zoning Ordinance*, Article 3, Section 8- Manufactured Housing (MH) Zone; and to *Zoning Ordinance*, Article 12- Definitions. *The Public Hearing was held on March 19, 2018 and the Planning Commission tabled action. Then on April 16, 2018 the Planning Commission deferred action until June 2018 seeking additional information. At the June 18, 2018 Meeting, Staff provided an update report on the Ordinance work and the Planning Commission deferred action until their August meeting. Planning Staff is proposing Staff Substitute #1 for Proposed Ordinance #2018-01.*

*Mr. Tolbert recused himself from discussion on this application.*

Mrs. Melson-Williams stated that Vice-Chairman Mr. Holden will take over the Chairman duties for this application.

Mr. Diaz stated that this update to the Manufactured Housing Ordinance. It first came before the Commission in March 2018 and at that time, the Commission chose to defer action due to concerns that they had at the time as well as the public testimony that was heard. It was deferred in April and then also in June. Since March, Staff has been working diligently to address the different concerns. They have been doing a detailed review of the verbal and written testimony that was given at March meeting and they have a large number of proposed changes to the original Ordinance which are given in the report on what they are calling Staff Substitution Number #1. They are continuing through with the goal of ensuring that State Law is met, second that the section is better organized and third that processes for enforcement are clearer in the update than they are in the current version. Some of the changes include that they are clarifying that installation of manufactured homes have to be by installers and inspectors that are licensed by the State. They are rewriting the provisions on landscaping and utilities so that they are based on State requirements. To specifically address the Commissioner’s concerns about how homeowners and homeowners’ associations might handle their side of the maintenance contracts that can potentially be introduced by land lease communities, Staff looked at that and clarified it. They clarified that the manufactured home communities cannot impose any requirements that are already forbidden under State Law. They took a second look at the provisions for offices and loosened that requirement a bit when it comes to communities that are small enough that they might not necessarily be able to support an on-site office. They clarified the specific information that is being asked for with the “homeowner record” rather than the “lease record”. The intent there is to identify owners of manufactured homes within land lease communities rather than gather detailed information about their leases. They are also clarifying the process for suspending a license for a manufactured home community or a land lease community, if such a step would prove necessary it would follow the existing procedures that are in the *Dover Code of Ordinances* for all businesses within the City. Finally, they are updating several definitions to

better match the State definitions and they will be repeating those in both the *Dover Code of Ordinances* and the *Zoning Ordinance*. Because of the very extensive changes between the version that the Commission saw in March and the version that they are introducing today, what they are doing instead of introducing a Staff Amendment like they usually do when making changes to a proposed ordinance, is introducing a Staff Substitution. It's basically a whole alternative text to the proposed ordinance.

Dr. Jones stated that the idea of where there was a revision of language concerning the office, she still has a concern. She understands the revision, but she is still concerned about the statement that "there must be an office of some kind accessible to residents." What does "accessible" mean in this instance? Responding to Dr. Jones, Mrs. Melson-Williams stated that those of you who are following along in the Staff Substitute #1, the discussion that talks about the office and office hours begins on Page 5, Line 182 in Section 66-4 that talks about land lease communities. Item B is regulations regarding reporting, record keeping and license requirements of land lease communities.

Mr. Diaz stated that what would be required in this case is what's required for all rental properties in the State of Delaware. The State regulation is Title 25 Chapter 55 that deals with the Landlord Tenant Code; the specific requirement is that there must be an office somewhere within the County; a place where the residents can go to deposit their rent checks and to communicate with the property owner.

Dr. Jones stated that in the section that was just pointed out, under office hours was that qualifier put into the new language that it should be within the County? The reason that she is asking this question again is because there is a likelihood that many of the people who may be renters may not really have access to reliable transportation. So the language that Mr. Diaz just read, since it looks like we are trying to align ourselves with State Code, why are we not using the County language specifically? Responding to Dr. Jones, Mr. Diaz stated that he supposes that it wouldn't hurt but they don't necessarily need to replicate the County language in every single case.

Dr. Jones stated that she understands that, but she is really concerned about the residents; people who may be owners of record. Maybe she is just getting a little bit worked up about that.

Ms. Maucher questioned the source of the 20 hours or is that State Code or is that something that the City selected? If the City selected it, what was the basis for 20 hours? Responding to Ms. Maucher, Mr. Diaz that the City did select that and the basis for that was simply that 24 hours a day, 7 days a week was not acceptable to the manufactured home community owners that they communicated with, so they had to pick something less than that. They thought that 20 hours a week would be something that might work.

Ms. Maucher questioned if they have heard feedback from those representatives about the 20-hour requirement? Responding to Ms. Maucher, Mr. Diaz stated that they said while they would prefer to not be required to have any hours but that would be acceptable to them.

Ms. Maucher questioned if there was a similar requirement for other rental properties? There seems to be a consistency issue that she is concerned about. Responding to Ms. Maucher, Mr.

Diaz stated that there is not a requirement for office hours for rental properties in general but then again there isn't a requirement for offices in general on-site for rental properties because they come in all shapes and sizes.

Mr. Hugg stated that in terms of the typical apartment complex, it's customary that they do have a rental office with regular hours. He questioned if Dr. Jones had some language that would make her more comfortable with the notion of "accessible". The compromise that they are trying to reach here is that for smaller parks and parks that are pretty much developed the need to have a physical office right in that facility might be a burden but on the other hand he would hate to see a facility in Dover where the "accessible" office was located in Milford. He thinks that Dr. Jones does raise a point that there is at least the recognition that it has to be "accessible" in the sense that the people who need to use them can reasonably expect to get there and transact their business. What they are trying to avoid here is having an office that is open for 20 hours a week but it's in New Castle, but it's in Maryland, or some place. They don't have a definition of accessible, but they might be able to come up with something. Responding to Mr. Hugg, Dr. Jones stated that she is thinking that they could use a mile radius or within 25 miles. She does not want to suggest that the owners of record are not capable of taking care of business, but she thinks that the fact of the matter is that there are people who may live in manufactured housing who are doing all that they can do to make ends meet and may be late making a payment thus incurring an additional fee. She would like to see something that would give the owner of record 20 miles or in Kent County or something that they can sink some teeth in.

Mr. Hugg stated that the examples given by Dr. Jones would pretty much be handled by saying Kent County.

Mrs. Melson-Williams stated that this evening there are a variety of options. The Commission is making a recommendation to City Council with the motion. If you think that the items are better addressed by Staff Substitution #1 then the motion could be to recommend that for approval noting that Staff had worked to respond to the Commission inquiries and the public testimony that was received in regards to the original Ordinance that was proposed as Ordinance #2018-01. If the Commission has any additional changes, they can certainly include them as part of a recommendation to either Ordinance. If the Commission thinks that there are still outstanding items, they do have the ability to defer giving specific tasks for Staff to take action on. At this point, it's been waiting a good bit of time and Staff has done significant work on it so hopefully there is certainly enough information for the Commission to make a decision this evening.

Mr. Holden stated that there was some discretion over the office hours and specifically whether some of those hours were going to be outside of the typically 8-5 hours. Was there a review or discussion on whether some of those hours should be before 8AM or after 5PM? Responding to Mr. Holden, Mr. Diaz stated that what they have settled on for now is that the 20 hours cannot be between the hours of midnight and 7AM. Between 7-8AM and between 5PM-midnight would work but not in the middle of the night.

Mr. Holden stated that it doesn't necessarily require the office hours to be outside of the 8AM-5PM which he thinks was the intent of a lot of the discussion. Responding to Mr. Holden, Mr. Diaz stated no it does not.

Mr. Holden stated that the other item that he wanted to bring up was related to the concern over the ability of the Homeowner's Association or owners to maintain roads, the rights-of-way of community area landscaping and this version seems to allow the ability of the City to fine those homeowners for what typically is the community owner's responsibility. The community owner has the resources and knowledge and how to maintain roadways specifically. He thinks back to the times where he was renting different places he certainly didn't have the knowledge to understand what he was getting into in terms of signing an agreement much less how to take care of a paved community road. He thinks that there was some desire to ensure that the community owners were charging rent sufficient to keep that responsibility within their footprint or even if they had side agreements to place the fining and responsibility to ensure that got done within the community owner. Responding to Mr. Holden, Mr. Diaz stated that is another place where they are again relying on the State law while trying not to repeat every word. They allow maintenance responsibilities to be delegated through an appropriate legal contract such as a lease agreement or an agreement with the Homeowner's Association, but the State actually regulates what the content of lease agreements can be and it does not allow land owners to delegate maintenance of the private roadways. It's very limited in what maintenance of landscaping can be delegated and so forth.

Mr. Holden stated that Section 66-4 to say that 1-4 (items i-iv) which includes the private roads within the community, that responsibility can be delegated to the homeowner via a rental agreement. It sounds like Mr. Diaz said that State law doesn't allow that. Responding to Mr. Holden, Mr. Diaz stated that our Ordinance is broad in saying that the responsibilities in general can be delegated but the State would still not allow specific things to be delegated.

Mr. Holden stated that the two sound to be in direct conflict with each other. Is Item i private road access not the community roads? Responding to Mr. Holden, Mr. Diaz stated that it is.

Mr. Holden stated that it seems like we are saying that you can delegate the responsibility of private roads through a rental agreement, but you are saying that State Law doesn't allow us to do that. Responding to Mr. Holden, Mr. Diaz stated that if you think that is an area where more clarification is needed then Staff can look at that. It says maintenance responsibilities detailed in Sections i through iv may be delegated. That is an area where State Code would trump City Code but perhaps it would be better if City Code didn't say it in the first place.

Mr. Holden stated that his concern is that some rental homeowners don't necessarily have the thought to do that research. We need to be cognizant of both the property owners and their ability to run businesses and communities but also be clear. If a homeowner was to go back to City Code, it seems like they can get fined for the maintenance requirement of a road for a community that they just moved into six months ago. That is a big burden and a fair amount of work to go through. Personally, he has concerns over that. He thinks their goal was to have a balanced Text Amendment that reflected the rights of both sides but didn't unfairly burden the homeowners or Homeowner's Associations with tasks that they really aren't very good at.

Ms. Maucher stated that under the landscaping portion, it seems to be pretty descriptive with trees over 25 feet and a diameter of 6 inches. What is the source of that? Responding to Ms.

Maucher, Mr. Diaz stated that was from the State Code. They originally had trees planted by the land lease community owner which seems to make more sense, but the State requirement is actually based on size rather than who originally planted it.

Ms. Maucher questioned if the State would ask a property owner to remove a tree over twenty-five feet tall? Responding to Ms. Maucher, Mr. Diaz stated that the State would require the land lease community owner to take care of any trees over twenty-five feet tall. The Code states shall maintain, care for and if necessary remove.

Mr. Holden questioned if there is language in the State Code or has there been push back from any of the communities? It seems reasonable that a lease holder should be responsible for the footprint in which they lease. That is that they need to maintain it in the state that they leased it originally and that the community owner should be responsible for community spaces and streets and such. Does that contravene State Code or does that contravene any of the guidance that you have gotten from some of the groups that you surveyed? Responding to Mr. Holden, Mr. Diaz stated no, there is no language in the State Code that deals with the necessity on the homeowner's part to maintain a specific delineated area of land around their home. Because it is not restricted, it is something that the land lease community owner could introduce if they wanted but ultimately the homeowner owns the home and is just renting the site. It is also possible for the land lease community owner to maintain everything expect the homes themselves.

Mr. Holden questioned if Staff was looking for a motion from the Commission towards Council or a motion from the Commission for specific changes? Responding to Mr. Holden, Mrs. Melson-Williams stated that the Commission could do both. If you feel that there are particular changes, you could certainly identify those in a motion. If you think they are minor enough that Staff can work that language and move that forward along with a full recommendation on the Ordinance itself, you can do that. Basically, they become Planning Commission amendments to the Ordinance. If you feel comfortable enough with Staff putting those in language format, they can certainly do that if you clearly identify the items of concern. Two items have been noted at this point; the office location requirement of being in Kent County and making the language about the maintenance a little clearer and perhaps not including the reference to the above items which causes confusion about the road issue and who can care for that.

Mr. Holden stated that the other piece that they talked about was some of those 20 hours being outside of typical Monday to Friday work day. It seems that they could look to differentiate the items or footprint that a homeowner could be made responsible for. If you rent a car you are responsible for the care of the car and you are expected to be able to drive a car and adequately care for it. For a homeowner to maintain the road or common areas is not the footprint in which they lease.

Mr. Roach stated that at the March 2018 meeting, Mr. Michael Morton had a lot of concerns in regard to what we were trying to do. Did Staff have any further communication with him? Is there anything that he had to say? Did Staff work collaboratively with him to make sure that the concerns and issues that he had about this actual Code being a contradiction to the State Housing Authority Law? Responding to Mr. Roach, Mr. Diaz stated that they did have contact with Mr.

Morton and his feedback was very valuable to Staff. A number of the changes that they made with this Staff Substitution were based on his comments. They showed the comments to him at a meeting afterwards and he went through the proposed changes with Staff and gave them some further feedback. The biggest outstanding issue for him was the issue of under what circumstances it's possible to revoke a land lease community owner's Business License and I think the changes that they made there by making it clear that it's the same process that would be used for other businesses in the City, should satisfy that concern.

Ms. Maucher questioned if you revoke a Business License what happens? Responding to Ms. Maucher, Mr. Diaz stated that if you revoke a License then the business owner has a period of time in which they will need to fix all of the Code Enforcement issues that led to the shut down before they can open up and do business again.

Ms. Maucher questioned if there had to be a notice provision to residents of the property? She is still not understanding if you do a revocation process how that impacts the people who own the homes and how they can address that. Responding to Ms. Maucher, Mr. Diaz stated the revocation of the Business License only means that the land lease community cannot conduct business. The homeowner's ownership of the home is not affected. While the business is not operating, they can't collect rent and they are not required to perform maintenance, but it would be in their interest to fix the problems as soon as possible so they can get back in business.

Dr. Jones stated that the owner must have a license; is it an annual license? Responding to Dr. Jones, Mr. Diaz stated yes, the Business License to run the manufactured home park or the land lease community is an annual license similar to the business licenses for other businesses in the City.

Dr. Jones questioned if the \$45.00 annual fee was consistent with like businesses? Responding to Dr. Jones, Mr. Diaz stated she is looking at the license fee for the manufactured home owners. That is not a Business License that is a separate kind of license specific to manufactured homes and it is there as a substitute for the taxes that they are not paying.

Ms. Maucher questioned if manufactured homeowners pay that fee currently? Responding to Ms. Maucher, Mr. Diaz stated yes.

Ms. Maucher questioned if it is paid to the community owner as part of the land rent? Responding to Ms. Maucher, Mr. Diaz stated no, it is not part of that.

Ms. Maucher questioned what happens if someone does not pay that fee? Responding to Ms. Maucher, Mr. Diaz stated if a manufactured home owner isn't paying their annual license fees then they are not entitled to City utilities.

Ms. Maucher questioned if the City Solicitor has reviewed this thoroughly and is confident that if it was appealed it would withstand appeal? Responding to Ms. Maucher, Mr. Diaz stated yes.

Mr. Holden stated that it seems like the Commission has highlighted a few different things and Mrs. Melson-Williams has highlighted those back for us: the proximity of the office, suggestion



for Kent County, a concern over should some specific number of those twenty hours be made available outside of 8AM-5PM and whether they are going to support the burden of landscaping, utilities and roadways to be placed on the owner through a rental agreement.

Ms. Maucher stated that she would also like to see some clarification about the revocation of the Business License and what those implications are. If the owner is responsible for providing certain services and he loses his license what happens to the people in the community that rely on these services? Responding to Ms. Maucher, Mr. Diaz stated that there is disagreement on what exactly would happen in the unlikely event that a manufactured home community would shut down. The side of the manufactured home owners says that it would be an opportunity to incorporate as an independent community that owns the land as well as the houses. The side of the manufactured home park owners and land lease community owners says that would be an occasion necessitating the eviction of everybody who lives there. It is not something that has ever happened in Dover.

Ms. Maucher questioned if it has ever happened in Delaware? Responding to Ms. Maucher, Mr. Diaz stated not to his knowledge.

Mr. Holden asked what Ms. Maucher would suggest including of? He doesn't know how they would include within the text amendment for the benefit of the property owner or anyone interested, what the legal steps would be if a land lease Business License was revoked. Responding to Mr. Holden, Ms. Maucher stated that in the public utility realm, if the person responsible for the bill in a tenant situation doesn't pay it, notice has to be given to the tenants so she thinks that some notice needs to be given to the people paying the lot rent so that they can withhold rents or take action to try to force the correction of whatever is causing the potential revocation.

Mrs. Melson-Williams stated that the revocation for the Business License is the license for a "land lease community operator". It is one of our business license categories and the process to revoke the Business License has a process that is laid out in *Dover Code* already and that is the reference to the Chapter 26 – Businesses. She believes that there is a hearing type process to that so during that hearing process you might get the details of what steps would need to be taken in order to avoid revocation or given a certain time frame to complete certain things in order to avoid revocation. The process for revoking Business Licenses is already laid out in Code. It may be somewhat unusual because of the type of license that we are talking about for a land lease community operator. It's not like your typical retail store or other entities like that.

*Mr. Holden moved to recommend a conditional approval (of Staff Substitute #1) to City Council for MI-18-03 Text Amendments: Manufactured Housing and Land Lease Communities (Dover Code of Ordinances, Chapter 66 and Zoning Ordinance, Article 3, Section 8 and Article 12) contingent upon several items being amended. The first of which the land lease community operator (office) be located in Kent County. Second, that at least five hours of those twenty hours be made available outside of the typical Monday to Friday 8AM-5PM time line. Third, if a revocation process is instituted that the lease holders are notified. Fourth, the delegation of responsibility be limited to the specific footprint lease by the homeowner but not to include the community roads or the community open space or community utilities. It supports the property*

*owner to create a rent structure that is supportive of maintaining the community and it leaves the responsibility within the hands of someone who is more likely capable of those responsibilities. The motion was seconded by Dr. Jones and it the motion was carried 7-0 with Mrs. Welsh absent and Mr. Tolbert recused. Mr. Holden voting yes; for the reasons discussed. Mr. Roach voting yes; for the reasons previously stated. Ms. Edwards voting yes; for the reasons previously stated. Mr. Holt voting yes; for the reasons given. Mr. Baldwin voting yes; for the reasons stated. Dr. Jones voting yes; for the reasons stated. Ms. Maucher voting yes; for the reasons stated.*

**NEW BUSINESS**

1) Nomination and Election of Officers (Chairman and Vice-Chairman)

Mrs. Melson-Williams stated that Staff provided the Commissioners with a copy of their By-laws. In those By-laws, it outlines the procedure for the election of officers. It is an annual event that is typically held in July of each year. This year it was delayed a month so that they could make sure that they had a full appointment of Commission members. It talks about a voting process that allows the candidate to serve as the Chairman or Vice Chairman for a period of one year. Section 6.4 states that the Chairman and Vice Chairman shall be limited to three consecutive one year terms. A former Chairman or Vice Chairman who has held three consecutive terms in such a position may be elected to that position after vacating the position for a period of one year. Mr. Tolbert was first elected to the Chairman position in July 2015 so he is just now completing year three. Per the By-laws, he would not be eligible to return as the Chairman until he was not Chairman for one year. The election process is by secret ballot. They have in the past, when there has only been one candidate for a particular seat, suspended that rule. She does have pen and paper should the Commission need that this evening.

Dr. Jones questioned if Colonel Welsh has been gone for three years? Responding to Dr. Jones, Mrs. Melson-Williams stated that she believes so. Colonel Welsh's term ended in June 2017. We are at three years for Mr. Tolbert serving as Chairman. He was elected as Chairman in July 2015.

Dr. Jones questioned what Colonel Welsh's position? Responding to Dr. Jones, Mrs. Melson-Williams stated that she believes that he served on the Commission for a number of years. She doesn't know if he served as Chairman through his entire term. Colonel Welsh was elected to the Chairman position in July 2014 and then served through 2015. He may have also had the situation of three years.

Mrs. Melson-Williams stated that Mr. Holden has been Vice Chairman for two years so he would be eligible for another term as Vice Chairman or he would certainly be eligible for the position as Chairman as well. The only one who has a limitation as per the By-laws is Mr. Tolbert. However, the By-laws can be amended and the By-laws are amended by a majority vote of the entire membership of the Commission.

Mr. Tolbert questioned if Mrs. Welsh was Vice-Chairman? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that yes; she was Vice-Chairman for a period of one year.

Dr. Jones questioned how to handle the amendment to the By-laws is handled? Responding to

Dr. Jones, Mrs. Melson-Williams stated that an amendment to the By-laws would be through a motion and all it states is that the By-laws may be amended at any time by a majority vote of the entire membership of the Commission. You would have to be very specific in what your amendment is and then a vote to adopt that amendment.

Ms. Maucher questioned if the By-laws are amended does Mr. Tolbert wish to continue as Chairman? Responding to Ms. Maucher, Mr. Tolbert stated that the task is not difficult and the more that you do it the more you do the more you get used to it. He has no problem serving as the Chairman.

*Dr. Jones moved that the By-laws of the Planning Commission be amended to state that the term of the Chairman be extended by one year, seconded by Mr. Holden.*

Mrs. Melson-Williams questioned if that meant the Chairman could serve four consecutive terms in lieu of the three consecutive terms that is currently stated in the By-laws? Responding to Mrs. Melson-Williams, Dr. Jones stated yes.

*The motion was carried 7-1 by roll call vote with Mrs. Welsh absent.*

Mr. Roach stated that the only reason that he voted no for the motion was because if they were going to make that amendment he wanted it to be applicable to the Chairman and the Vice Chairman.

*Mr. Roach moved that the By-laws of the Planning Commission be amended to state that the term of Vice-Chairman also be at a maximum of a four year term, seconded by Dr. Jones and the motion was carried 8-0 by roll call vote with Mrs. Welsh absent.*

*Mr. Holden moved to nominate Mr. Tolbert as Chairman and close nominations for Chairman, seconded by Dr. Jones and the motion was carried 8-0 by roll call vote with Mrs. Welsh absent.*

*Mr. Roach moved to nominate Mr. Holden as Vice Chairman, seconded by Ms. Maucher and the motion was carried 8-0 by roll call vote with Mrs. Welsh absent.*

2) Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance*, Article 10 §2.28)

Mrs. Melson-Williams stated that Staff is still trying to finalize this out from the last annual meeting which had to occur in December 2017 because of timing and attendance. Currently, the two members of the Planning Commission that are appointed to that group are Mrs. Welsh and Mr. Holden and then the third member is the Mayor or the Mayor's designee. You may want to check to see if those Planning Commission members serving on the Committee wish to continue in that capacity.

Mr. Holden stated that he cannot speak for Mrs. Welsh but he would be happy to remain if so desired. He doesn't know that they have ever truly been called upon but he would be ready if needed.

Mrs. Melson-Williams stated that there are to be two design professionals appointed to that Committee as well. In the past, Mrs. Sarah Kieffer and Dr. R.G. Chandler have been appointed to that Subcommittee. Staff has been working to see if they were interested in continuing but they have not reconfirmed that at this point. It actually suggests the appointment of alternates in that design professional realm so if the Commission has any other suggestions then Staff can explore those as well.

Mr. Tolbert stated that at this point they shouldn't do anything with the Architectural Review Subcommittee and they should wait until the next meeting. Responding to Mr. Tolbert, Mrs. Melson-Williams stated that if the Commission is interested in having those two individuals participate again, Staff can certainly pursue that and get an answer for the September timeframe.

Mr. Roach stated that the Commission has been waiting a long time to hear back from these individuals. Are there any other individuals that Staff can reach out to because every month is the same update? They have never used the Sub-committee but he would hate for there to be a time that they don't have anybody appointed to those seats. Responding to Mr. Roach, Mrs. Melson-Williams stated that they have not thought about any other individuals, but they could certainly take suggestions and then reach out to them.

Mr. Holt questioned if there were any special requirements needed to serve on that Sub-committee? Responding to Mr. Holt, Mrs. Melson-Williams stated that the text of the Code states that there should be two design professionals with experience in construction. That certainly doesn't limit it to them being architects or even engineers. It's fairly broad in that statement of design professionals with experience in construction.

Mr. Holt said that it could be a local builder. Responding to Mr. Holt, Mrs. Melson-Williams stated that she thinks that would certainly qualify. In the past, there was an individual that was in Building Facilities Management for the hospital. They have had architects on the Sub-Committee off and on. Certainly, the two individuals that have been discussed tonight, Ms. Keiffer is the Planning Director at Kent County and Dr. Chandler was an instructor at Del Tech. There is really a variety of people that could potentially qualify as design professionals with experience in construction.

Mr. Tolbert questioned if the people that Staff were going to reach out to meet the qualifications? Responding to Mr. Tolbert, Mrs. Melson-Williams stated yes they do.

Mr. Holden recommended that Staff seeks Ms. Keiffer and Dr. Chandler's concurrence if they would be willing to remain on the Sub-Committee. They are both locally invested and knowledgeable.

Ms. Maucher questioned if the problem was that they have just not been responsive? Responding to Ms. Maucher, Mrs. Melson-Williams stated that she thinks that is some of it. Shortly after December, she did correspond with Dr. Chandler about him staying on the Sub-Committee but she never heard back. Mr. Hugg may have had some early conversations with Ms. Keiffer but she has been a little busy because the County is doing their *Comprehensive Plan* update too. She thinks that it might just be that they need to get them to say yes or no so that they can continue to move

forward.

Ms. Maucher questioned if they could ask for that response by a certain date and if we don't hear back then reach out to someone else? Responding to Ms. Maucher, Mrs. Melson-Williams stated that she thinks that is reasonable.

Ms. Maucher questioned if there was a professional association of these types of people that Staff could reach out to in Delaware? Responding to Ms. Maucher, Mrs. Melson-Williams stated yes there would be, in a number of fields like engineering, architects, landscape architects or the home builders association. There are a number of different interest groups that they could potentially reach out to. This Sub-Committee doesn't meet often. She can think of at least one or two times that it has met during the time that she has been with the City.

Mr. Holden stated that Staff should make attempts in the next month and if we don't find success by the next meeting that they attempt to come back with some alternate recommendations.

3) Project for Dover's 2019 Comprehensive Plan

- a. Open House Event for Comprehensive Plan: Thursday, August 23, 2018 from 3:00pm to 7:00pm at the Dover Public Library, Meeting Rooms A & B. Presentations at 3:30pm and 5:30pm.

Mrs. Melson-Williams stated that it is a very busy week for the Planning Office. On Thursday, they are having an Open House Event on the *Comprehensive Plan*. The event begins at 3PM and ends at 7PM at the Dover Public Library in Meeting Rooms A and B on the first floor. There will be a series of things that you can come and look around the room and comment on. They will do a formal presentation at two points during that timeframe: one at 3:30PM and one at 5:30PM to present some of the information that they have from the survey. They are still in the data gathering phase but are moving into writing of chapters at this point in time.

- b. Update on Project Activities
  - i. Update on Survey and Data Collection

Mrs. Melson-Williams stated that there was an online survey that was also available in hard copy format. It initially began in mid-June and closed the last day of July. On the desks this evening, Staff gave the Commission a tidbit about the survey. They gave the responses about what people like about Dover and the dislikes about Dover. Attached to that is the page from the *2008 Comprehensive Plan* that talks about the likes and dislikes.

Mr. Swierczek stated that they had 511 respondents of the survey which is phenomenal. They come from all different age groups and expectedly 18-24 years old was the least but otherwise they had a very good collection of all different kinds of people from Dover. 98% were homeowners within Dover. Some of the issues that they talked to people about were discussing efforts that the City is looking into and the new parking garage and City Hall Downtown. 38% of respondents were strongly in favor and 28% were in favor; so, generally it was a favorable response. They asked about certain studies like redeveloping the west end of Loockerman Street; 39% were strongly in favor and 30% were in favor of that. When asked if they believed that

current efforts of the City and other partners have been successful in redeveloping the City: 42% were yes and 33% were no. A few of the areas that they has asked respondents about in particular were types of housing types to go in, whether or not they thought that there was adequate supplies of housing, or that they thought that the housing provided was desirable. They gave people the option of different housing types and to rank them from 5 being the most strongly preferred to 1 being less so. The most desired was a single family detached home and the least was a manufactured home. They asked about if the community felt that the Library was addressing the needs of the community today and 33% were strongly in agreement with that and 32% agreed. They asked people about new residential developments and if they were well planned, well-built and if the design aesthetics were to their liking. They put utilities and services as their favorite in new developments. For the overall design of the developments, they had an interesting mix on this. Only 5% strongly agreed that it was desirable and 31% desirable. 47% stated no opinion. Staff was hoping that it would be a little more in favor for this one; 15% said no and 3% were strongly saying no. Commercial development was somewhat similar. It wasn't very strongly in favor; there were a lot of mixed responses. When asked about the growth rate of the City since 2008, there was a pretty even split four ways between too fast, too slow, just right and no opinion.

ii. Update on Evaluation of 2008 Goals and Recommendations

Mrs. Melson-Williams stated that there is one chart that shows the goals and the rating that each respondent gave and then they did an average. The average is based on having nine responses. In some cases, people skipped things or they didn't receive a rating. In addition, a number of the Commissioners also wrote writing comments in looking at these goals and recommendations so Staff will be looking at those for information to help them as well. There isn't something striking one way or another but Staff will continue to sort through that. These goals and recommendations are really what they are using as the starting point for developing what will be the goals and recommendation series for the *2019 Comprehensive Plan*. Obviously, there are some goals that will need to be tweaked or will be removed all together like the one that pertains to building a new library or recommendations such as in the Transportation Chapter that talked about the West Dover Connector which is now open and is the POW/MIA Parkway. Things like that will go away and new things will come in their place. Included in the packet was just the pull out of those goals along with the other table that is another starting point from the *2008 Comprehensive Plan* and that is the Land Development Plan Goals. Staff has started going through the process to look at the Land Development Plan Map. This is the most used map in the *Comprehensive Plan*. It plays into any future requests for rezoning. Planning Staff has started to go through this map to look to see that the colors are in the right place or where they think they may need to be changing some of the colors based on how things have shaped up over the last ten years. If the Commissioners have time this evening, Staff did bring the paper copies of the map and they would welcome comments. They can do a hands on activity with the Commission to gather any thoughts or items that the Commission may have about the *Comprehensive Plan* or this map.

c. Discussion of Key Topics

Mr. Hugg stated that Mrs. Melson-Williams has pretty much covered the universe in a fairly

quick manner. He would urge the Commission to come out on Thursday and to bring your friends, neighbors and family or anyone who wants to have input into the future *Comprehensive Plan* for the City of Dover. There are a lot of areas that they are taking a look at. A number of months ago, the *2008 Comprehensive Plan* was a very good plan but this is ten years later. The City has achieved some of its objectives and recommendations and some of them have had little or no success but that doesn't mean that fundamentally it isn't a good plan. The Survey kind of documented a lot of what they intuitively felt were issues for the City. One interesting observation is on the survey question that dealt with issues Downtown. One of the topics that they would constantly hear as an issue ended up being number 6 out of 10. In spite of the fact that people talked about it, they didn't rank it as high. The concerns of Downtown are things that they know about like crime, vacant buildings and building maintenance. They are data mining the survey and trying to read between the lines to see what people are trying to tell them. 511 responses in his world are absolutely amazing and it is a good cross section and he is really glad for that input.

Mr. Tolbert questioned what the red area at the top of the map to the right was? Responding to Mr. Tolbert, Mr. Hugg stated that was Dover Downs.

Mrs. Melson-Williams stated that was the area that was annexed into the City to bring the festival grounds that are owned by Dover International Speedway into one jurisdiction. It was an annexation and it is an area that is zoned RC (Recreational and Commercial Zone). From a Land Development Plan perspective, that's why it gets the red color just like all of the other commercial areas like the Route 13 Corridor and the Route 8 Corridor.

Mr. Tolbert stated that Dover Downs has sold the casino and hotel. Does that make any kind of difference at this point or no? Responding to Mr. Tolbert, Mr. Hugg stated that he doesn't believe that it makes a difference. These kinds of corporate restructurings happen pretty frequently; they happen with shopping centers all of the time. He thinks the bigger concern would be if they start to feel that Dover Downs itself were to be diminished or changed. He is not sure that the ownership is necessarily a concern at this point. One of the discussions that they had at the Staff level is that the right land use designation for some of those properties that are clearly supportive of outdoor recreation and music festivals but not really "commercial" in the sense that we tend to think of commercial.

Mr. Holt stated that he thinks he read in the paper that the people who put on the music festival, Red Frog, have been changed and that it has been sold to a different group. Responding to Mr. Holt, Mr. Hugg stated that was correct, he doesn't know if that will change the fundamental land use that we are dealing with but there will be a different operator for the festival next year.

Mr. Tolbert stated that he lost Acme Market and it looks like we are losing Pizza Hut. Responding to Mr. Tolbert, Mr. Hugg stated that he doesn't know anything about the Pizza Hut but that is something that they can follow up on. The Acme is one of those sorting out that is taking place in the grocery and food business. There is the number 1 or number 2 grocer behind Walmart who is seriously interested in Dover and has looked at that site and a couple of others. He thinks what we will see is some changes in the way food sales and food services are provided over the next ten years. He doesn't think they will actually see those things go away but we will

see them in different sizes and different kinds of configurations.

Mr. Hugg stated that one of the areas that they are really looking hard at is an area near the Dover Air Force Base is a collection of properties that are mostly zoned for manufacturing kinds of uses. They are working closely with the County on both the future use of the civilian air terminal and the County Aero Park. The white space just above it is an area that has been identified by the County as a future employment zone as part of their Comprehensive Plan. They are having a lot of discussions with the County about the future of that whole area near the Air Base.

Ms. Maucher questioned if the “Unlock the Block” for Downtown Dover met with any success? Have any of those vacant buildings been leased out? Responding to Ms. Maucher, Mr. Hugg stated that he is pleased to announce that a lease has been signed and a project is coming forth at the building that is on the northeast corner of Loockerman Street and Governors Avenue. There is a lady who is opening a bakery and sweets shop. She is an “Unlock the Block” candidate and has a number of years of experience in the business, so she is a definite. The building across the street is under contract to a person that originally came through “Unlock the Block”. They are encouraged by what is happening. There are some local prospects for a couple of other buildings Downtown. He thinks that within the next few months they will see at least four new businesses Downtown.

Ms. Maucher questioned if there was anything planned for the Priscilla Block Building where the old Loockerman Exchange was? Responding to Ms. Maucher, Mr. Hugg stated yes, and he can’t tell her very much about it. There is a professional organization that is involved in lobbying on behalf of a certain class of businesses that would like to relocate from Wilmington to Dover and they would like to take a portion of that building. Staff is having active discussions with them.

Ms. Maucher questioned if there will be another event besides Thursday’s event? Responding to Ms. Maucher, Mrs. Melson-Williams stated that Thursday is an Open House Event just to kind of check in and see where we are. They can certainly continuously take comment as they are moving into the drafting stage. It’s likely that their next full force planning public hearing outreach will be once there is a draft that has been issued. Now is the time to put those thoughts in our head as we are working to develop the goals and recommendations and the map series for the document.

**Meeting adjourned at 8:47 PM.**

**Sincerely,**

**Kristen Mullaney  
Secretary**