

COUNCIL COMMITTEE OF THE WHOLE

AGENDA



JANUARY 9, 2018 - 6:00 P.M.

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

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

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

AGENDA ADDITIONS/DELETIONS

- 1. POTENTIAL LAND ACQUISITION - 233 WALKER ROAD**
- 2. APPENDIX B - ZONING, ARTICLE 10 - PLANNING COMMISSION, SECTION 1 - APPROVAL OF CONDITIONAL USES, SUBSECTION 1.43 - REVOCATION OF CONDITIONAL USE PERMIT**
- 3. CHAPTER 70 - OFFENSES AND MISCELLANEOUS PROVISIONS, SECTION 70-8 - DISORDERLY PREMISES, (A) DISTURBING ACTIVITY**
- 4. ADJOURNMENT OF PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE MEETING**

UTILITY COMMITTEE

AGENDA ADDITIONS/DELETIONS

- 1. AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN: PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY**
(STAFF RECOMMENDS ADOPTION OF A RESOLUTION APPROVING THE PLAN)
- 2. ADJOURNMENT OF UTILITY COMMITTEE MEETING**

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

AGENDA ADDITIONS/DELETIONS

- 1. DISSOLUTION OF BONUS COMMITTEE, POLICY AND PROGRAMS**
(STAFF RECOMMENDS THE DISSOLUTION OF THE BONUS COMMITTEE AND TERMINATION OF THE BONUS POLICY AND PROGRAMS, IN FAVOR OF THE STAR EMPLOYEE AWARD, EMPLOYEE OF THE MONTH PROGRAM. THE BREATHE PROGRAM AND STOP PROGRAM WILL BE CLOSED TO NEW PARTICIPANTS EFFECTIVE IMMEDIATELY AND DISCONTINUED ON JULY 1, 2018.)

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE (CONTINUED)**2. DISPOSITION OF EXCESS PROPERTY - 311 NORTH GOVERNORS AVENUE**

(STAFF RECOMMENDS THE FOLLOWING: 1. DETERMINE THAT THE PROPERTY IS EXCESS PROPERTY;
2. AUTHORIZE THE CITY MANAGER TO SELL THE EXCESS PROPERTY TO NCALL RESEARCH, INC. FOR \$20,000 (BEFORE CLOSING COST) IN CONJUNCTION WITH THE RESTORE CENTRAL DOVER HOME OWNERSHIP PROGRAM)

3. PROCEDURE/POLICY FOR COUNCIL COMMUNITY ENHANCEMENT FUND EXPENDITURES

(DURING THEIR REGULAR MEETING OF NOVEMBER 27, 2017, MEMBERS OF COUNCIL APPROVED THE COMMITTEE'S RECOMMENDATION TO AUTHORIZE MR. LINDELL TO PREPARE A FIRST DRAFT OF THE COMMITTEE'S IDEAS FOR APPROVAL DURING A FUTURE MEETING OF THE COMMITTEE)

4. ADJOURNMENT OF LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE MEETING**ADJOURNMENT OF THE COUNCIL COMMITTEE OF THE WHOLE MEETING**

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Appendix B - Zoning, Article 10 - Planning Commission, Section 1 - Approval of Conditional Uses, Subsection 1.43 - Revocation of Conditional Use Permit

Section 1. - Approval of conditional uses.

On application and after public notice and hearing, the commission may authorize the issuance by the city planner of permits for any of the conditional uses for which this ordinance requires, in the district in which such use is proposed to be located. In approving any such use, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the results of its action may, to the maximum extent possible, further the expressed intent of this ordinance and the accomplishment of the following objectives in particular:

1.1 *Accessibility for emergency response.* That all proposed structures, equipment or material shall be readily accessible for fire, ambulance, police, and other emergency response;

1.2 *Harmony of location, size and character.* That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

1.3 *Residential zones.* That, in addition to the above, in the case of any use located in, or adjacent to, a residential zone:

1.31 The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and

1.32 The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of landscaping, and other improvements on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

1.4 *Conditional use permits.*

1.41 *Conditional use approval.* Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:

- (A) The provision in this article under which such permit was issued is still in effect;
- (B) Such permit was issued in conformity with the provisions of this article; and
- (C) Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

1.42 *Periodic renewal of conditional use permit.* The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following public notice and hearing in accordance with subsection 1.53. The commission may withhold approval of the renewal upon a determination by the city planner to the effect that such conditions as may have been prescribed by the commission in conjunction with the issuance of the original permit have not been, or are being no longer, complied with.

1.43 *Revocation of conditional use permit.* If the city planner determines that the conditions prescribed by the commission in conjunction with the issuance of the conditional use permit

have not been, or are no longer complied with, he shall initiate the process for revocation of the permit according to the following procedure:

- (A) The city planner shall notify the permit holder in writing of the noncompliance with the permit conditions and allow the permit holder 30 days to comply with the permit conditions.
- (B) If, after 30 days, the city planner determines that the permit holder has not come into compliance with permit conditions, he shall notify the permit holder that the planning commission will hold a public hearing on revocation of the conditional use permit.
- (C) The planning commission shall hold a public hearing for which notice shall be completed by the planning office in accordance with the provisions of subsection 1.53 of this article.
- (D) Following the public hearing, the planning commission shall take action in the following regard:
 - (1) Revoke the conditional use permit.
 - (2) Issue a probationary period after which the commission shall review the permit in accordance with the provisions regarding periodic renewal of conditional use permit.
 - (3) Determine that the conditional use may continue as initially authorized.
- (E) The planning commission shall document findings of fact that support the action taken with regards to the conditional use permit.

1.5 *Application procedure.*

1.51 *Preapplication meeting.* Prior to the submission of a conditional use application, the applicant or his representative shall meet in person with the city planner or his designee with a sketch plan. The purpose of this meeting shall be to discuss proposed uses or developments and to review the process and submission requirements.

1.52 *Application.* Application for a conditional use permit shall be submitted to the city planner, on forms approved by the planning commission, at least 30 days prior to the planning commission meeting at which approval of the permit is to be requested. Each application for a conditional use permit shall be accompanied by a fee as provided for in Appendix F—Fees and Fines.

1.53 *Public hearing.* Prior to the review and action on the conditional use permit application, the commission shall hold a public hearing subject to the following public notification procedures:

- (A) The applicant shall advertise the public hearing in a newspaper of general circulation at least 15 days prior thereto.
- (B) The applicant shall notify by mail all property owners within 200 feet of the extreme limits of the subject property as their names appear on the municipal tax record at least 15 days prior thereto.
- (C) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property at least 15 days prior to the planning commission hearing. Such notice shall be designed in accordance with standards set forth by the planning commission.
- (D) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts indicating the date of mailing for all letters on or before the meeting date.

- (E) Said notices shall state the date, time and place of the hearing, the site location, a brief description of the conditional use and shall state that a copy of the conditional use application and plan is filed with the planning office for public review.

1.54 *City planner report.* For each application for a conditional use permit, the city planner shall issue a report to the planning commission including comments from other agencies and detailing how the application conforms to the requirements of the zoning ordinance and other provisions of city and state codes. This report shall not be deemed to represent a comprehensive list of all city and state code requirements.

- (A) The city planner shall transmit copies of the report and summary of the application to the planning commission at least seven days prior to the date of the meeting at which approval of the permit is to be requested.

1.55 *Planning commission action.* The planning commission shall act to approve or disapprove any such request for a conditional use permit within 45 days after the meeting at which approval is requested or within such additional time as may be consented to by the applicant. Planning commission disapproval shall include written findings upon any element found contrary to the provisions or intent of the zoning ordinance.

1.56 *Notice of decision.* The planning office shall send the applicant a letter notifying the applicant of the planning commission's decision on the conditional use permit application. Such letter shall document any conditions and waivers approved as part of the application approval. Whenever the planning commission denies an application for conditional use, such application for conditional use, or an application on the same property which is substantially similar, shall not be accepted for consideration by the planning commission sooner than one year from the date of denial.

1.57 *Amendments.* Substantial amendments to conditional use permits shall be acted upon in the same manner as the original request for a conditional use permit. The city planner shall review proposed amendments to determine if they are substantial in nature. Amendments that are not deemed substantial may be referred to the planning commission for consideration at the discretion of the city planner.

1.58 *Transfer of property.* If the property is sold by the applicant or by any affiliated member of a single corporate family of which the applicant or its parent company is a member, after approval of the conditional use but before the proposed use or construction of the proposed use is started, or if, within 24 months of the approval, the proposed use or construction of the proposed use is not undertaken by or for the applicant or any affiliated member of a single corporate family of which the applicant or its parent company is a member, the conditional use approval shall be null and void, unless an extension of time is granted by the planning commission.

1.59 *Final plans and working drawings.* Following approval by the planning commission, the applicant shall develop final conditional use permit plans for approval by the planning office. The planning office shall determine that all necessary approvals have been issued by city departments, and outside regulatory agencies, prior to issuing final plan approval. No building permit shall be issued until such time that the planning office has issued final conditional use permit plan approval.

1.6 *Expiration of planning commission approval.*

1.61 Conditional use approval shall expire on the last day of the 24th month after the date of final or conditional approval of the planning commission, if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the planning commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year, unless an extension of time is applied for and granted by the planning commission.

1.62 Requests for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such requests, the matter shall be considered at the next regularly scheduled meeting of the planning commission.

1.63 In considering a request for an extension of approval, the planning commission shall consider, but not be limited to, the following:

- (A) Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.
- (B) Whether the applicant has made substantial progress toward obtaining final approvals.
- (C) Whether there have been any significant changes in the surrounding neighborhood.
- (D) Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.

1.64 Requests for extensions shall be submitted in writing to the planning office.

1.65 Under no circumstances shall the planning commission grant extensions beyond 36 months from the date of first approval.

1.7 *Submission requirements for conditional use permits requiring site development plan approval by the planning commission.* The following submission requirements shall accompany applications for conditional use permits where site development plan approval by the planning commission is required by subsection 2.1. The applicant shall cause a site map to be prepared by a civil engineer, surveyor, land planner, or architect. The applicant shall submit copies of the site map to the city planner, who shall transmit copies to the planning commission at least seven days prior to the meeting at which approval of the permit is to be requested. Elements to be included on the site map are listed below:

1.71 *Scale and dimensions.* The map shall be at least 11 inches by 17 inches and at a scale of ten, 20, 30 or 40 feet to the inch, except that if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

1.72 *Legal data:*

- (A) Tax parcel identification number.
- (B) Name and address of the owner of record.
- (C) Name and address of the equitable owner, if any.
- (D) Name and address of the person, firm or organization preparing the map.
- (E) Date, north point and written and graphic scale.
- (F) Sufficient description of information to define precisely the boundaries of the property and that portion of the property for which a conditional use permit is requested, and the approximate total acreage of that portion of the property for which a conditional use permit is requested. All distances shall be given in feet and tenths of a foot. All angles shall be given to the nearest ten seconds or closer. The error of closure shall not exceed one in 10,000.
- (G) The locations, names and existing widths of adjacent street rights-of-way and curblines.
- (H) The locations and owners of record of all adjoining lands.
- (I) Location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjoining the property.

- (J) A complete outline of existing or proposed deed restrictions or covenants applying to the property and recital of the deed references if they are of record.
- (K) Existing zoning, including two location maps, one at a scale of 1,200 feet to the inch, and one at a scale of 400 feet to the inch, showing the distance along all adjacent roads to the nearest intersection.

1.73 *Existing structures.*

- (A) Location of uses and outlines of structures, drawn to scale on or within 100 feet of the property.
- (B) Paved areas, sidewalks and vehicular access between the site and public streets.
- (C) Other existing development, including fences and landscape screening.

1.74 *Proposed use.*

- (A) A written description of the proposed use.
- (B) A designation of that portion of the existing structures to be devoted to the proposed use and for which a conditional use permit has been requested.
- (C) A designation of that portion of the property to be devoted to the proposed use, not requiring structures and for which a conditional use permit has been requested.
- (D) A designation of the parking area and indication of the number of off-street parking spaces.
- (E) Indication of on-site circulation pattern and access to the property from adjacent roads.

1.75 *Proposed development.*

- (A) Conditional use applications involving construction of new buildings and structures shall include a site plan which reflects compliance with the minimum requirements of subsection 2.5.

1.76 *Natural features.*

- (A) Topography of the site.
- (B) Location of different soil types, as indicated by the Soil Survey of Kent County prepared by the Natural Resources Conservation Service. The soils information shall be supplemented by soil boring and percolation test data if requested by the city.
- (C) Location of flood hazard areas as identified on the FEMA flood insurance maps.
- (D) Location of significant natural features, including, bodies of water, wetlands and forest areas.

1.77 *Requested information.* Full and complete information requested by the city planner in accordance with the development information requirements set forth in section 4.

1.78 *Miscellaneous information.* Other information deemed by the planning commission to be necessary to determine conformity with the intent of this ordinance.

1.8 *Submission requirements for conditional use permits where site development plan approval by the planning commission is not required.* The following submission requirements shall accompany applications for conditional use permits where site development plan approval by the planning commission is not required by subsection 2.1, where the applicant is seeking conditional use approval to occupy an existing structure. The applicant shall submit copies of the site map conforming to the specifications listed below to the city planner, who shall transmit copies to the

planning commission at least seven days prior to the meeting at which approval of the permit is to be requested. Elements to be included on the site map are listed below:

1.81 *Scale and dimensions.* The map shall be at least 8.5 inches by 11 inches and at a scale of ten, 20, 30 or 40 feet to the inch, except that, if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

1.82 *Existing conditions.* The existing building and conditions on the lot must be depicted. It is permissible to utilize the most recent mortgage survey of the property for this purpose. If conditions, such as buildings and building additions, paved areas, landscaping and accessory structures, on the lot have changed since the survey was completed, the applicant shall depict these changes on the plan to the best of his ability. However, the nature and extent of such revisions must be approved by the city planner at the required preapplication meeting.

1.83 *Proposed use.*

- (A) A written description of the proposed use.
- (B) A designation of that portion of the existing structures to be devoted to the proposed use and for which a conditional use permit has been requested.
- (C) A designation of that portion of the property to be devoted to the proposed use, not requiring structures and for which a conditional use permit has been requested.
- (D) A designation of the parking area and indication of the number of off-street parking spaces.
- (E) Indication of on-site circulation pattern and access to the property from adjacent roads.

1.84 *Additional information.* The city planner and/or planning commission may request more detailed information, including but not limited to architectural floor plans, on a case-by-case basis at their discretion.

1.85 *Legal data.*

- (A) Tax parcel identification number.
- (B) Name and address of the owner of record.
- (C) Name and address of the equitable owner, if any.
- (D) Name and address of the person, firm, or organization preparing the map.
- (E) Date, north point, and written and graphical scale.
- (F) The location and names of adjacent streets.
- (G) The location, zoning, and owners of record of all adjacent properties.

(Ord. No. 2011-14, 8-8-2011)

Chapter 70 - Offenses and Miscellaneous Provisions, Section 70-8 - Disorderly Premises, (a) Disturbing Activity

Sec. 70-8. - Disorderly premises.

- (a) *Disturbing activity.* It shall be unlawful for any owner, owner's agent, manager, caretaker or person occupying a premises to allow, suffer or permit in any residence or upon any premises occupied by himself or herself any conduct which causes public inconvenience, annoyance, alarm to a reasonable person, or disrupts the quiet and good order of adjoining and surrounding properties including, but not limited to, engaging in fighting or in violent, tumultuous, or threatening behavior, making unreasonable noise or an offensively coarse utterance, gesture or display or addressing abusive language to any person present, obstructing vehicular traffic or pedestrian traffic, or creating a hazardous or physically offensive condition which serves no legitimate purpose. Any person who fails to obey the order of a police officer to dispel and disperse or otherwise discontinue the disturbing activity may be cited for an additional violation of this section.
- (b) *Tenant-occupied premises.* In the event that the owner, owner's agent, manager or caretaker of a house, dwelling, or premises where the violation of subsection (a) hereof has occurred does not occupy or reside at the property, such individual shall be presumed to have allowed, suffered or permitted such conduct if after service of notice that such conduct has occurred, a further violation of subsection (a) occurs within 180 days of the service of said notice. The owner, owner's agent, manager or caretaker of a house, dwelling, or premises shall then be in violation of this section.
- (c) *Service of notice.* Notice is properly served upon person if a copy of such notice is personally; or to the person's registered office; or by leaving such notice at the person's usual place of abode with a person of suitable age and discretion who resides therein; or by certified mail addressed to the person's last known address; or the mailing address of the owner of the subject premises as recorded on the county assessment records or the city rental permit or business license records. After service of notice, such owner, owner's agent, or manager or caretaker shall make a good faith effort to develop a plan of action with the city police department to prevent further violation of subsection (a).
- (d) *Fines.* Any person convicted of a violation of this section shall be fined as provided for in appendix F—fees and fines. In any prosecution for an offense under this section, it shall be an affirmative defense, which must be proved by the preponderance of the evidence, that the occupant has been evicted and is no longer on the premises, or if there is pending at the time of trial an eviction action against the occupant of the premises which action is being pursued in good faith. Otherwise the fines imposed under this subsection shall not be suspended.
- (e) *Enforcement.* This section shall be enforced by the police department.
- (f) *Provisional order.* Upon the issuance of three violations of subsection (a) to a business within a twelve-month period, the police department will notify the department of planning and inspections. The department of planning and inspections will issue a provisional order on the business license in accordance with the provisions of chapter 26 businesses, article II licenses, section 26-59—provisional order generally of the city Code.

(Ord. No. [2017-01](#), 2-13-2017)

ACTION FORM

PROCEEDING: Council Committee of the Whole / Utility Committee	
DEPARTMENT OF ORIGIN: Public Works	DATE SUBMITTED: 12/22/17
PREPARED BY: Sharon Duca, P.E., Public Works Director/City Engineer	
SUBJECT: Americans with Disabilities Act Transition Plan: Pedestrians Facilities in the Public Right-of-Way	
REVIEWED BY: City Manager, Controller	
EXHIBITS: Americans with Disabilities Act Transition Plan	
EXPENDITURE REQUIRED: \$ N/A AMOUNT BUDGETED: \$ N/A	
FUNDING SOURCE (Dept./Page in CIP & Budget): N/A	
TIME TIMETABLE: Following recommendation from Utility Committee and approval from City Council, staff will complete plan by June 30, 3018	
RECOMMENDED ACTION: Staff recommends adoption of a resolution approving the plan.	

BACKGROUND AND ANALYSIS

On October 10, 2017, City staff presented an introduction to the proposed Americans with Disabilities Act (ADA) Transition Plan: Pedestrian Facilities in the Public Right-of-Way. The presentation stated that the City would solicit public comment for at least thirty (30) days on the proposed Transition Plan. In order to solicit public feedback on the plan, staff placed an article in the Dover Post on October 25, 2017. Additionally, staff advertised the plan and requested feedback on our website.

Staff only received one inquiry about the plan. The question was from a WBOC reporter. The question was submitted over the phone, not through the public feedback form provided by staff. The reporter wanted to know what will be the biggest challenge of addressing ADA requirements. City staff returned the call, but was unable to leave a voicemail, as the mailbox was full. The biggest challenge is meeting ADA requirements when the sidewalk is brick material.

The proposed transition plan meets the regulations outlined by the Federal Government. As staff did not receive any comments that would require alterations to the plan, the attached plan is consistent with the version submitted for review on October 10, 2017.

Staff recommends adoption of a resolution approving the plan.

City of Dover

Americans with Disabilities Act Transition Plan:
Pedestrian Facilities in the Public Right-of-Way



Public Works Department
Effective Date: TBD

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Introduction

The purpose of this plan is to ensure that the City of Dover creates reasonable, accessible paths of travel in the City owned and State owned right-of-ways for everyone, including people with disabilities. The City of Dover has made a significant and long-term commitment to improving the accessibility of their pedestrian facilities. The purpose of the Transition Plan is to identify physical barriers and prioritize improvements that should be made throughout the City of Dover. This Transition Plan describes the existing policies and programs to enhance the overall pedestrian accessibility.

Legal Requirements

The federal legislation known as the American with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation, and telecommunications.

Title II specifically applies to "public entities" (state and local governments) and the programs, services, and activities they deliver. Title II Article 8, requires public entities to take several steps designed to achieve compliance. The plan shall, at a minimum include:

1. A list of the physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities.
2. A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible.
3. The schedule for taking the necessary steps to achieve compliance with Title II.
4. The name of the official responsible for the plan's implementation.

Transition plans provide a method for a public entity to schedule and implement ADA required improvements to existing streets and sidewalks. Following the acceptance of the Transition Plan, an ADA Policy Statement will be distributed to the public, as depicted in Attachment D.

I. Obstacles to the Public Right-of-Way

The City of Dover will identify and assess obstacles in the public right-of-way through the use of our Graphical Information System software by June 30, 2018. This will be updated on a regular basis.

In order to remove these identified barriers to accessibility, the City of Dover utilizes many different approaches in removing barriers in the public right-of-way, including proactively identifying and eliminating the barrier, responding to public complaints, and ensuring the appropriate design and build-out of new construction following the most recent design guidelines.

A. Barrier Removal Priorities

The City of Dover bases barrier removal priorities on two factors: location and the accessibility condition of the intersection.

1. Location Priority

The City of Dover has identified its location priority as follows:

1. Intersections serving government buildings, schools, medical facilities and parks.
2. Intersections serving commercial buildings, employment centers and the Downtown Development District.
3. Intersections serving other areas.

2. Accessibility Condition

Using the data collected from the Graphical Information System software, an accessibility condition barrier is to be determined as follows:

1. No ramp where one is needed.
2. Sidewalk width less than 36".
3. No truncated domes.
4. Poor slope = cross slope >3%, running slope > 8.33% (1" on 12").
5. Sidewalk connectivity not present.

3. Priority Rank

In order to determine the overall priority of an intersection, the following matrix will be used.

	Location Priority		
	1	2	3
Access Condition	Locations serving Government Facilities *	Locations serving Commercial & Employment Centers**	Locations serving Other Areas
Red	1	2	3
Yellow	1	2	3
Green	1	2	3

* Government Buildings, Schools, Medical Facilities, Parks.

** Commercial Buildings, Employment Centers, Downtown Development District.

The priority of improvements is based on identifying which of the intersections are in a high, medium, or low priority locations and the amount of accessibility conditions found that need to be removed. The accessibility condition barriers will be designated as follows:

Red - Two or more barriers

Yellow - One barrier

Green - Compliant

B. Public Complaint Process

The public complaint process is an integral part of the Transition Plan. Public complaints, or requests, may often drive the prioritization of improvements. To file a complaint, or a request regarding accessibility of a sidewalk, or curb ramp, contact the ADA Coordinator in writing and describe the issue in detail, including the location. The ADA Coordinator will route this information to the appropriate City of Dover Department of Public Works Division for inspection and possible action. That Division will then respond to the ADA Coordinator with its findings and the ADA Coordinator will record the formal response and reply to the complainant/requestor with the action that will occur. All complaints, or requests will be kept on file and will include the response. The complaints procedure is referenced in Attachment D, the ADA Policy Statement.

C. New Construction and Alterations

In order to ensure the correct design of curb ramps, sidewalks, and crosswalks in new construction and alterations, the City of Dover follows the latest version of DeIDOT

design specifications. Whenever there is an intersection improvement project, new construction project, or repaving project, any affected curb ramps, sidewalks, and crosswalks will be rebuilt to these ADA design guidelines, where feasible and reasonable.

II. Schedule

As opportunity allows, the City of Dover will make efforts to improve the ADA Accessibility of pedestrian facilities in the public right-of-way. At this time, the City of Dover has a capital improvement program in place whereby each road that is improved will include the repair of any ADA deficiencies. Note that this repair schedule is flexible, as changes may occur due to additional funding availability, improvements due utility companies, etc. There will be times when it is technically infeasible to provide compliance, such cases include, but are not limited to, when there is not enough flat area available for handicap movements at the top of the ramp because it is obstructed by a building, or the slope of a hill is so steep that it would prevent an adjacent sidewalk to be constructed to ADA compliance. In matters such as these, the city will reach out to the DelDOT ADA Coordinator for a variance.

Additionally, given a sidewalk inventory as broad and comprehensive as the City's pedestrian network, the City will follow the concept of Program Access under Title II of the ADA. Essentially, this concept allows the City the ability to not install a sidewalk at a specific location as long as a reasonable path of travel is available.

III. Responsible Individual

The Department of Public Works will manage this Transition Plan. The ADA Coordinator responsible for the implementation of the City of Dover's ADA Transition Plan for the pedestrian facilities in the public right-of-way is:

Paul Thompson
Construction Manager
Phone: (302)-736-7029
Fax: (302)-736-4217
Email: pthompson@dover.de.us

IV. Public Input

The City of Dover provided opportunities for individuals to comment on this Transition Plan, which included:

Document copies available and notices sent to the Dover Public Library.

Document made available on the City's website and in the City Clerk's Office.

The City of Dover published legal notices in the local newspaper, The Dover Post, starting on October 25, 2017. The advertisement provided instructions regarding the timetable for comments and where to send them (see Attachment B). Public comments were accepted for a period of no less than thirty (30) days, and will be accepted throughout the life of this Transition Plan. The public comment form is available on Attachment C. Formal adoption of the Transition Plan took place on TBD.

V. Attachments

- A. Current List of Barriers for Removal in Priority Schedule Order
- B. Advertisement for Public Feedback
- C. Public Comment and Response Form
- D. ADA Policy Statement

Attachment A – Current List of Barriers for Removal in Priority Schedule Order *(to be completed by June 30, 2018)*

Attachment B – Advertisement for Public Feedback

SOLICITING PUBLIC FEEDBACK – ADA TRANSITION PLAN

CITY OF DOVER

Please take notice that the City of Dover is in the process of compiling an ADA (American with Disabilities Act) Transition Plan. The City of Dover invites the public to become involved in this process through written comments. The Public Comment and Response Form is available on the City of Dover's website; www.cityofdover.com. The City Manager has appointed Paul Thompson, Construction Manager, as ADA Coordinator of the City of Dover ADA Transition Plan for pedestrian facilities in the public right-of-way. He can be reached at 302-736-7029, by fax at 302-736-4217, email: pthompson@dover.de.us, or by filing the Public Comment and Response Form, which will be provided at the Department of Public Works, 15 Loockerman Plaza, Dover, DE, 19901.

Date: October 25, 2017

Attachment C – Public Comment and Response Form



CITY OF DOVER DEPARTMENT OF PUBLIC WORKS

PO Box 475
Phone: 302-736-7025

Dover, DE 19903
Fax: 302-736-4217

Date of Comment: _____

Location of Complaint: _____

Name of Person: _____

Address: _____

Phone Number: _____

Email Address: _____

Comment: _____

Response: _____

Attachment D – ADA Policy Statement

CITY OF DOVER
15 Loockerman Plaza
Dover, Delaware 19901

Americans with Disabilities Act Transition Plan (ADA): Pedestrian Facilities in the Public Right-of Way

Introduction:

The purpose of this plan is to ensure that the City of Dover creates reasonable, accessible paths of travel in the public right-of-way for everyone, including people with disabilities. The City of Dover has made a significant and long-term commitment to improving the accessibility of their pedestrian facilities. The Transition Plan will identify physical barriers and prioritize improvements that should be made throughout the City of Dover. This Transition Plan will describe the existing policies and programs to enhance the overall pedestrian accessibility.

Legal Requirements:

The federal legislation known as the American with Disabilities Act (ADA) enacted on July 26, 1990 provides comprehensive civil rights protections to persons with disabilities in areas of employment, state and local government services, and access to public accommodations, transportation and telecommunications.

Title II specifically applies to "public entities" (state and local governments) and the programs, services and activities they deliver. Title II Article 8, requires public entities to take several steps designed to achieve compliance. The City plan will, at a minimum include:

1. A list of the physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities.
2. A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible.
3. The schedule for taking the necessary steps to achieve compliance with Title II.
4. The name of the official responsible for the plan's implementation.

The City is in the process of identifying and assessing obstacles in the public right of way through the use of Geographic Information Systems software. Barrier Removal Priorities based on location priority and accessibility conditions will be a part of the inventory process. It is very important that the public be aware that their involvement in this plan is a valuable component to the City in compiling a workable plan of compliance. Your involvement is solicited in developing the ADA Transition Plan.

Public Complaint

Public complaint, suggestions and comments can also be an integral part of the Transition Plan. Public comments may often drive the prioritization of improvements. The Public Comment and Response Form, which is available at the Department of Public Works, 15 Loockerman Plaza, Dover, DE 19901 and at our website; www.cityofdover.com should be completed. The form should be delivered to the ADA Coordinator, Paul Thompson, Construction Manager for the City of Dover, at City of Dover, 15 Loockerman Plaza, Dover, DE 19901, or via email pthompson@dover.de.us.

Public Input:

Public Comment and Response Forms are available on the City of Dover website, www.cityofdover.com. The City of Dover welcomes your participation and unique outlook as to how the City can meet and exceed ADA requirements and recommendations. Public involvement in the City's ADA plan has been a valuable component to the City in compiling a workable plan of compliance. We continue to solicit your additions to the ADA Transition Plan.

An inventory of the City of Dover intersections will be included with this Transition Plan, upon completion.

The plan to complete the ADA requirements is through the annual Department of Public Works operational budget and the capital improvement plan budget and will bring the pedestrian network into compliance.

As stated above, the City will annually include ADA compliance with our paving projects.

Donna Mitchell, City Manager
Dover City Council

TBD

ACTION FORM

PROCEEDING: Legislative, Finance and Administration Committee	
DEPARTMENT OF ORIGIN: Human Resources	DATE SUBMITTED: December 4, 2017
PREPARED BY: Kimberly Hawkins, Human Resources Director	
SUBJECT: Dissolution of Bonus Committee, Policy & Programs	
REFERENCE:	
RELATED PROJECT: New Program: Star Employee Award, Employee of the Month Program	
REVIEWED BY: Donna Mitchell, City Manager	
EXHIBITS: Bonus Committee and Bonus Programs	
EXPENDITURE REQUIRED: \$100.00 per month	AMOUNT BUDGETED: n/a
FUNDING SOURCE (Dept./Page in CIP & Budget): n/a	
TIME TIMETABLE: New Programs to be implemented in January 2018	
RECOMMENDED ACTION: Staff recommends dissolution of the Bonus Committee and termination of the bonus policy and programs, in favor of the new employee recognition initiatives noted above. The BREATHE program and STOP program will be closed to new participants effective immediately and discontinued on July 1, 2018.	

BACKGROUND AND ANALYSIS

During their meeting of February 2, 2004, members of the Legislative, Finance and Administration Committee reviewed recommendations for the Bonus Policy. As a result, staff implemented changes to the policy and presented them to members for their review and recommendation.

On February 23, 2004 the Legislative, Finance and Administration Committee recommended approval of the Bonus Policy as presented. The bonus programs were later approved by City Council on March 8, 2004.

The bonus programs include Doing Useful Community Service, BREATHE Program, Caught Doing it Right and STOP Program. Each program is detailed below. Since inception the BREATHE program and STOP program have been the most popular. One (1) employee is currently in the BREATHE program and four (4) in the STOP Program. The BREATHE program and STOP program will be closed to new participants effective immediately and discontinued on June 30, 2018.

The Human Resources Department has begun to refresh the employee recognition activities. The first being a STAR Award. This is similar to an employee of the month award. This will be implemented in January 2018. Additional programs/activities will be rolled out throughout the year.

DUCS in a Row” (Doing Useful Community Service) Program

- Individual or Group Reward for volunteering time to perform community services.
- All employees (individuals or groups) are eligible.
- Submissions are considered for up to six months from time of submission. After six months, resubmission for the same community service is possible.
- Awards include a Mayoral Proclamation or recognition by City Council at a public meeting.
- Nominations Should Be Submitted To The H.R. Department

BREATHE PROGRAM

- Individual Rewards for ending tobacco use.
- All employees that have been active tobacco users for a year or more are eligible.
(Part-time employees earn a prorated award.)
- Contact The Human Resources Department To Enroll

Rewards:

Tobacco Free Time Rewards

45 Consecutive Days Tobacco Free	\$20.00 Gift Card to a grocery store within Dover
6 Consecutive Months Tobacco Free	Dinner for 2 at a restaurant within Dover
1 Complete Year Tobacco Free	\$50 Gift Certificate
2 Complete Years Tobacco Free	\$100 Gift Certificate

CAUGHT DOING IT RIGHT

- Promotes employee productivity and creativity by providing a tangible reward for notable contributions to the City.
- All employees caught doing the right thing, in the right way, at the right time by their management that is seen as providing noteworthy value to the City are eligible. For example, constructive participation in completing unplanned projects.
- Awards include City merchandise, gift certificates, movie tickets, non-perishable gifts, etc. that do not exceed \$75 in value. Awards are limited to \$150 of rewards per person a fiscal year.
- Nominations should be forwarded to the Human Resources Department on the Caught Doing It Right submission form

STOP PROGRAM - (Sensibly Taking Off Pounds)

- Individual Rewards for losing excess Weight.
- All employees above the minimum BMI (Body Mass Index) weight range are eligible.
- Awards include one hour of time off for every pound lost – to be taken within sixty (60) days with supervisory approval.
- Weigh-in once per month.
- Contact the Human Resources Department to enroll

ACTION FORM

PROCEEDING: Council Committee of the Whole / Legislative, Finance, And Administration Committee	
DEPARTMENT OF ORIGIN: City Manager's Office	DATE SUBMITTED: 12-21-17
PREPARED BY: Kirby A. Hudson, Assistant City Manager	
SUBJECT: Disposition of Excess Property – 311 N. Governors Avenue	
REFERENCE:	
RELATED PROJECT:	
REVIEWED BY: Donna S. Mitchell, City Manager	
EXHIBITS:	
EXPENDITURE REQUIRED: \$0	AMOUNT BUDGETED: \$0
FUNDING SOURCE (Dept./Page in CIP & Budget): N/A	
TIME TIMETABLE: Upon approval	
RECOMMENDED ACTION: City Manager's Office is requesting to have 311 N. Governors Avenue declared excess property and to authorize the sale to NCALL Research, Inc. for the sales price of \$20,000 (before closing cost) in conjunction with the Restore Central Dover home ownership program.	

BACKGROUND AND ANALYSIS

The City of Dover acquired 311 N. Governors Avenue at a monitions sale due to liens and demolition expenses. The City has no use for this excess property and is better served by having it redeveloped and restored as a taxable property. The City and NCALL negotiated a sales price of \$20,000. The City has outstanding taxes and fees of \$22,962.64, the balance of which will be written off after applying the sales proceeds.

Code Section 2-422 provides procedures for the sale and disposition of real property. The procedure includes a "Standard Method of Disposition" which, begins at the Legislative, Finance and Administration Committee. In support of the City Councils goal to increase home ownership, and our partnerships with NCALL and Habitat for Humanity, the City Management concurs this sale is in the best interest of the City. There will also be one less vacant property for our public works crews to maintain. After a favorable recommendation by Committee, City Council can declare the property as excess or surplus property and, subsequently authorize the sale of said property.

City of Dover City Council Discretionary Funding Policy

Preface

In order to better serve the needs of their constituents, the Dover City Council established a line-item in the annual budget entitled “Discretionary Funding.” These funds are to be used by each councilperson to enhance and provide support to community needs within each council district. As with all taxpayer funds, the public expects and deserves to know that discretionary funding is being used prudently to support organizations with the capacity and integrity to provide quality services free from conflict of interest for the citizens of Dover.

Section 1- Expenditures for community project purposes authorized; limitation on amount; defined

1A. Provided members of council approve the Discretionary line-item in the annual budget, the City Council is authorized to expend city funds in an amount not to exceed \$25,000 for community purposes.

- a. The \$25,000 shall be divided among councilpersons in the following manner:
 - i. Each council member will be allotted \$2,500 for their districts and the At-Large council member will be allotted \$5,000.
- b. With the exception of the At-Large council member, each council person shall spend at least 50% of their allocation within their council districts.

1B. Community project purposes, as used in this section, shall be construed to mean and include the promoting of Dover or any advantage, facility, product, resource or attraction thereof or therein or the contributing to any State, County, municipal, civic or community project or the support and maintenance of any institution or organization having for its or their intent and purpose the creation or enhancement of good will for or toward the City of Dover and the citizens thereof, and all moneys expended or contributed, as aforesaid, are hereby declared to be expended or contributed for community project purposes and for a proper City purpose.

Section 2-Process for Distribution of Funds; and Transparency

2A. The Councilperson making the request, will provide documentation (i.e. vendor invoice) to reimburse the individual/organization making the purchase for which they are providing assistance; or the City purchaser will purchase the item(s) on the City’s credit card if the organization is a City sponsored organization.

- i. In the event that the individual/organization requesting funding from a councilperson lacks the funding to make the initial purchase in order to seek

reimbursement under this process, the requesting organization/individual shall submit a formal letter to the councilperson outlining the specific uses of the funding being requested. This documentation shall be forwarded to the City Clerk's Office for review of any potential conflicts with current policy.

2B. The City Clerk's Office will track account activity. It will be Council Members responsibility to adhere to their allotment or work among themselves for the distribution of funds.

- i. A monthly City Council's Community Enhancement Fund Report shall be included in the council packet to maintain transparency in the use of taxpayer funds.

Section 3-Restrictions on the Use of Discretionary Funding

3A. All public funds, however awarded, must be used for a city purpose. In general, a City purpose is defined as an activity or service that is open to all members of the public regardless of race, creed, gender, religious affiliation, etc. without restriction, and which does not promote a particular religion.

3B. Programs and services provided by religious or religiously affiliated organizations must be able to demonstrate that the program is open to non-members, is not a religious program, and it does not promote religion.

3C. Closed membership groups-those to which membership is restricted or subject to membership based on prohibited factors may generally not receive funding.

- i. Groups that serve a particular population; for example, youth aged 12 to 16 in a particular community are not considered a closed membership group, as long as the program is open and accessible to all youth in the community.

3D. For profit entities may not receive discretionary funds except when the primary non-profit contractor subcontracts with a for profit entity as part of the delivery of services. Such subcontracts; however, must only be an ancillary part of the program to be funded, not the primary basis for the discretionary award, and must be approved by the contracting agency.

3E. Funds may only be allocated to a public purpose and may not support political activities and private interests.

Section 4-Conflicts of Interest

4A. To prevent the abuse or misuse of the Council's discretionary funding authority, the following guidelines shall govern conflicts of interest between councilpersons, family, associates, and organizations receiving discretionary funding:

- i. Council members are prohibited from sponsoring discretionary funding for an organization at which the Member serves as an employee, officer, or board member.
- ii. Councilpersons may sponsor funding for an organization where an “associated” person, (a family member or other person with whom the councilperson has a financial or business relationship) is an officer or employee so long as the associated person will not benefit, or appear to benefit, from the funding.
- iii. Councilpersons are required to disclose on the record any potential or perceived conflicts of interests in regard to awarding discretionary funds. The City Solicitor shall review to determine if such a conflict exists prior to funds being expended.
- iv. Failure to report conflicts of interest or any misuse of a councilpersons discretionary funding are subject to the provisions of the City’s Code of Ethics established by Council.