

REGULAR COUNCIL MEETING AGENDA



DECEMBER 11, 2017 - 7:30 P.M.

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

OPEN FORUM - 30 MINUTES PRIOR TO OFFICIAL MEETING (7:00 P.M.)

THE "OPEN FORUM" SEGMENT IS PROVIDED TO EXTEND THE OPPORTUNITY TO THE GENERAL PUBLIC TO SHARE THEIR QUESTIONS, THOUGHTS, COMMENTS, CONCERNS, AND COMPLAINTS. DISCUSSION OF ANY ITEM APPEARING ON THE AGENDA AS A PUBLIC HEARING IS PROHIBITED DURING THE OPEN FORUM AS AN OPPORTUNITY WILL BE PROVIDED DURING CONSIDERATION OF THAT ITEM. CITIZEN COMMENTS ARE LIMITED TO THREE (3) MINUTES. COUNCIL IS PROHIBITED FROM TAKING ACTION SINCE THEY ARE NOT IN OFFICIAL SESSION; HOWEVER, THEY MAY SCHEDULE SUCH ITEMS AS REGULAR AGENDA ITEMS AND ACT UPON THEM IN THE FUTURE.

INVOCATION BY BISHOP THOMAS HOLSEY

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN NEIL

AGENDA ADDITIONS/DELETIONS

CONSENT AGENDA

THOSE ITEMS ON THE COUNCIL AGENDA WHICH ARE CONSIDERED ROUTINE AND NON-CONTROVERSIAL SHALL BE MARKED WITH AN ASTERISK (*) AND WILL BE ACTED UPON BY A SINGLE ROLL CALL VOTE OF THE COUNCIL. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A MEMBER OF COUNCIL SO REQUESTS, IN WHICH EVENT THE MATTER SHALL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED A SEPARATE ITEM.

- 1. ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF NOVEMBER 27, 2017**
- 2. CERTIFICATE OF RECOGNITION - REAGAN AND PAYTON GARNSEY AND THE BUCKETS OF LOVE FOUNDATION**
- 3. PRESENTATION - BICYCLE FRIENDLY COMMUNITY DESIGNATION**
- 4. PUBLIC HEARING/FINAL ACTION - REQUEST FOR STREET NAME CHANGE - KRISKO CIRCLE (REMAINING SEGMENT OF KRISKO CIRCLE WHICH RUNS IN A WEST-EAST DIRECTION FROM STOVER BOULEVARD JUST EAST OF BAY ROAD) TO ENERGY LANE (PLANNING REFERENCE: MI-17-07)**

5. PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2017-13

THE FIRST READING OF THE PROPOSED ORDINANCE WAS ACCOMPLISHED DURING THE COUNCIL MEETING OF OCTOBER 9, 2017. THE ORDINANCE IS AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS AND ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT."

A. AMENDING APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS; ARTICLE 5 - SUPPLEMENTARY REGULATIONS; AND ARTICLE 12 - DEFINITIONS (ADULT DAY CARE PROVISIONS)*** 6. MONTHLY REPORTS - OCTOBER 2017****A. CITY ASSESSOR'S REPORT****B. CITY COUNCIL'S COMMUNITY ENHANCEMENT FUND REPORT****C. CITY MANAGER'S REPORT****D. CITY PLANNER'S REPORT****E. CONTROLLER/TREASURER'S BUDGET REPORT****F. FIRE CHIEF'S REPORT****G. POLICE CHIEF'S REPORT****7. EVALUATION OF REQUESTS FOR PROPOSALS****A. HAZARD RESPONSE SERVICES**

(STAFF RECOMMENDS AWARDED THE CONTRACT TO BOTH CLEAN VENTURE INC. AND MILLER ENVIRONMENTAL GROUP)

B. VANSANT MAJOR OVERHAUL - EG1701

(STAFF RECOMMENDS AWARDED MAJOR OVERHAUL AND INSPECTIONS TO HPI, LLC FOR THE UPCOMING OUTAGE)

*** 8. REAPPOINTMENT RECOMMENDED BY MAYOR CHRISTIANSEN - PLANNING COMMISSION - FRED TOLBERT - THIRD DISTRICT - THREE-YEAR TERM TO EXPIRE JUNE 1, 2020****9. FINAL READING - PROPOSED ORDINANCE #2017-14**

THE FIRST READING OF THE FOLLOWING PROPOSED ORDINANCE WAS ACCOMPLISHED DURING THE COUNCIL MEETING OF NOVEMBER 13, 2017. DURING THEIR REGULAR MEETING OF NOVEMBER 27, 2017, COUNCIL DEFERRED THE FINAL READING UNTIL DECEMBER 11, 2017. THE ORDINANCE IS AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS OR ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT."

A. AMENDING CHAPTER 30 - CODE OF CONDUCT AND ETHICS COMMISSION, AND APPENDIX F - FEES AND FINES**10. ACTING CITY MANAGER'S ANNOUNCEMENTS****11. COUNCIL MEMBERS' ANNOUNCEMENTS****12. ADJOURNMENT****EXECUTIVE SESSION PURSUANT TO:**

29 DEL. C. §10004(B)(2) - PRELIMINARY DISCUSSIONS ON SITE ACQUISITIONS FOR ANY PUBLICLY FUNDED CAPITAL IMPROVEMENTS, OR SALES OR LEASES OF REAL PROPERTY;

EXECUTIVE SESSION PURSUANT TO:

29 DEL. C. §10004(B)(4) - STRATEGY SESSIONS, INCLUDING THOSE INVOLVING LEGAL ADVICE OR OPINION FROM AN ATTORNEY-AT-LAW, WITH RESPECT TO COLLECTIVE BARGAINING OR PENDING OR POTENTIAL LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT ON THE BARGAINING OR LITIGATION POSITION OF THE PUBLIC BODY;

29 DEL. C. §10004(B)(6) - DISCUSSION OF THE CONTENT OF DOCUMENTS, EXCLUDED FROM THE DEFINITION OF "PUBLIC RECORD" IN §10002 OF THIS TITLE WHERE SUCH DISCUSSION MAY DISCLOSE THE CONTENTS OF SUCH DOCUMENTS;

29 DEL. C. §10004(B)(9) - PERSONNEL MATTERS IN WHICH THE NAMES, COMPETENCY AND ABILITIES OF INDIVIDUAL EMPLOYEES ARE DISCUSSED, UNLESS THE EMPLOYEE REQUESTS THAT SUCH A MEETING BE OPEN

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on November 27, 2017 at 7:30 p.m. with Councilman Hare presiding in the absence of Council President Slavin. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Polce, and Mr. Lindell. Mr. Cole was absent.

Staff members present were Police Chief Mailey, Ms. Peddicord, Mrs. Mitchell, Mr. Hugg, Fire Chief Carey, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 7:39 p.m.).

OPEN FORUM

The Open Forum was held at 7:00 p.m., prior to commencement of the Official Council Meeting. Councilman Hare declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

There was no one present wishing to speak during the Open Forum.

The invocation was given by Bishop Thomas L. Holsey, followed by a moment of silence recognizing the passing of Councilman Cole's mother and Mr. Curt Raymond, Election Board member. The pledge of allegiance was led by Councilman Sudler.

AGENDA ADDITIONS/DELETIONS

Mr. Polce requested that item #6-A, Final Reading of Proposed Ordinance #2017-14 Amending Chapter 30 - Code of Conduct and Ethics Commission, and Appendix F - Fees and Fines, be deferred until the meeting of December 11, 2017 due to the absence of one of its sponsors, Mr. Slavin.

Mr. Neil moved for approval of the agenda, as amended. The motion was seconded by Mr. Lindell and unanimously carried.

Mr. Neil moved for approval of the Consent Agenda, seconded by Mr. Lewis and carried by a unanimous roll call vote (Cole and Slavin absent).

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF NOVEMBER 13, 2017

The Minutes of the Regular Council Meeting of November 13, 2017 were unanimously approved by motion of Mr. Neil, seconded by Mr. Lewis and bore the written approval of Mayor Christiansen.

PRESENTATION - CERTIFICATE OF CONGRATULATIONS - JEANINE KLEIMO

The City Clerk read the following Certificate of Congratulations into the record:

CERTIFICATE OF CONGRATULATIONS

presented to

Jeanine Kleimo

Ms. Jeanine Kleimo has been a tireless activist for affordable housing, an advocate for the homeless, and has given generously of her time, expertise, and leadership to help low-income households and underserved communities in Dover. In 1976, she founded the National Council on Agricultural Life and Labor Research (NCALL) in Dover, which offers affordable housing and community development programs for low-income residents. She served as NCALL's Executive Director through 1981 and has served on its Board of Directors for 30 years.

Ms. Kleimo founded the Dover Interfaith Mission for Housing in 2008 by bringing together religious institutions from across Dover to provide food, shelter, job training, and counseling for homeless men and is currently the Chair of this organization. She also serves as Chair of the Mayor's Blue Ribbon Task Force on Ending Homelessness and is the architect of its strategic plan.

On November 15, 2017, National Philanthropy Day, Ms. Kleimo received the Lifetime Achievement Award from the Association of Fundraising Professionals (AFP), which is presented to honor a unique individual who is universally seen as deserving. The City of Dover offers its sincere congratulations to Ms. Kleimo for receiving this prestigious award in recognition of her dedication and commitment to transforming the lives of many in the City of Dover and its surrounding communities.

On behalf of the Mayor, members of Council, and the citizens of the City of Dover, Mayor Christiansen presented the Certificate to Ms. Jeanine Kleimo. Ms. Kleimo stated that it was her honor to serve the City of Dover and that she thought they were making a difference. She advised that, just that day, they learned that they could get lockers to set up for the homeless. Ms. Kleimo advised that, day by day, they were making progress and it was a joy to see the results of that work and to work with the City.

Mr. Lewis noted that he had known Ms. Kleimo for many years and he congratulated her whole heartedly. He noted that she was a phenomenal individual and a great advocate for the homeless. Mr. Lewis stated that the award was well deserved.

PRESENTATION - RECOGNITION OF SERVICE - COLONEL RICHARD E. SCRAFFORD, RET. - DOVER PUBLIC LIBRARY ADVISORY COMMISSION (MAY 1981 - JUNE 1984) AND HISTORIC DISTRICT COMMISSION (APRIL 1998 - OCTOBER 2017)

On behalf of the Mayor and members of Council, Mayor Christiansen presented Colonel Richard E. Scrafford, Ret. with a Dover Cup in recognition of his service on the Dover Public Library Advisory Commission from May 1981 to June 1984 and the Historic District Commission from April 1998 to October 2017. He noted that there were certain people in the community, like Colonel Scrafford, who continue to show up whenever there is a tough job. Mayor Christiansen stated that Colonel Scrafford had served not only this community, but his Country and state for many years and thanked him for his continued service to the City. Colonel Scrafford thanked the Mayor and Council for the recognition and for their patience in continuing with the Historic District Commission, noting that Dover's history is pretty significant and it is good for them to recognize and retain it. He thanked the members of the Historic District Commission and the Planning Staff, Dawn and Maretta in particular, who translated their English into real English.

**COUNCIL COMMITTEE OF THE WHOLE REPORT -
NOVEMBER 14, 2017**

The Council Committee of the Whole met on November 14, 2017 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Cole, Mr. Polce, Mr. Hare, and Mr. Lindell. Mr. Lewis was absent. Mayor Christiansen was also present (departed at 6:33 p.m. and returned at 6:34 p.m.). Civilian members present for their Committee meetings were Mr. Caldwell and Dr. Warfield (*Parks, Recreation, and Community Enhancement*), and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*).

The Committee amended the agenda to change the order of the committees, as follows: Legislative, Finance, and Administration Committee; Parks, Recreation, and Community Enhancement Committee; and Utility Committee.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee met with Chairman Hare presiding.

Discussion - Development of Procedures/Policies for Council Community Enhancement Fund Expenditures

Mr. Lindell stated that he had requested the discussion of this matter because he had received concerns from several constituents over approximately the past two (2) months regarding the use of community enhancement funds. He stated that some people who had talked to him felt that it is the people's money and did not think there should be big checks and things like that when it comes to donating money.

Referring to checks and balances in regard to the use of the community enhancement funds, Mr. Lindell stated that Mrs. Donna Mitchell, Acting City Manager, has had a standard that she has been using; however, he explained that he is interested in drafting set rules that will apply to Council. He noted that he had not spent any of his community enhancement funds because he wants to make sure that there are set guidelines for each member and that they are consistent. Mr. Lindell noted that his common sense may be different than someone else's common sense; however, he thought that members need to maintain some consistency and be proactive in regard to setting some type of policy. He stated that he was willing to draft a policy, noting that he would be laid up for the next few weeks and would have plenty of time to work on it. Mr. Lindell explained that he wanted to solicit some discussion as far as ideas or anything that should be included.

Mr. Slavin thanked Mr. Lindell for agreeing to take this on. As a matter of context, he reminded members that these funds were created to provide Council the ability to spend within the districts in which they live for improvements, for example, to a park, roadway, etc. Mr. Slavin noted that when members opened this up, they knew that they were going to have to see how it went, and he thought that they now knew

and should probably develop some procedures in regard to what is and is not acceptable. He stated that he did not think that anything had been out of bounds to date but that it is better to be proactive.

Mr. Slavin reminded members that part of this was driven by a complaint from various members of Council who felt that the budget process was the last moment for the next 364 days where they could direct projects within their districts, and this was a way of giving them a toe hold to help things out. He noted that a good example would be speed enforcement in neighborhoods and the need for a detection sign, explaining that these funds would provide members with the ability to contribute along with a legislator and other City funds to make sure that this happens.

Mr. Anderson stated that he agreed with Mr. Slavin that the funds have been spent well and there have not been any abuses; however, he also agreed with Mr. Lindell that there are no guidelines in writing, and it was the intention of members to develop those. Mr. Anderson indicated that a good place to start would be to determine what the understood procedures and guidelines are that members and staff have been operating under, as Mrs. Mitchell and Mrs. Traci McDowell, City Clerk, see them. Responding, Mrs. Mitchell explained that, for the most part, she has been requiring a receipt for reimbursement, where possible, when the request is not a straight donation. For example, she stated that the Fire Department was buying equipment and asked to have money contributed toward that equipment and a receipt was requested for the purchase of the equipment and the City then reimbursed them. Mrs. Mitchell stated that some requests have also been for partial contributions that have not covered 100% of the cost of a purchase. She stated that she thought that Mr. Slavin's example regarding speed enforcement signs in the neighborhoods and asking a legislator to help with community transportation funding (CTF) would be a terrific example of what Council's community enhancement funds would go toward.

Mrs. Mitchell reiterated that the policy has been to try to follow a reimbursement, explaining that the City requests other organizations it helps to provide receipts as well. She indicated that the City's Community Development Block Grant (CDBG) funds are all predicated on providing the accounting records to show that they spent the money to give them the reimbursement, noting that some of these funds are allocated to the Interfaith Mission for Housing. Mrs. Mitchell explained that since this was the way CDBG funds are handled, she was trying to handle the community enhancement funds the same way; however, not everything falls under that, for example, straight donations, like when Mr. Sudler had the park event. She stated her understanding that the funds are supposed to be for community organizations or helping in a member's district, and that is what she has tried to follow.

Mr. Anderson noted that different community organizations often provide a lot of help to organizations within the City. He indicated that it is important for members to know the community organizations, explaining that the YMCA had sponsored an organization that was based in the Fourth District when there was not a facility large

enough to hold their event, and although the YMCA is only about 1,000 feet outside the District, it is within the City and the people who participated were from the Fourth District.

Mr. Sudler stated that his concern is the restriction of limiting the discretionary funds to one (1) district, noting that when he first became a councilperson, Mayor Christiansen advised him that "We all serve the City of Dover. It doesn't matter what district we represent. We all represent the City of Dover." Mr. Sudler stated that he believed that there does need be guidelines; however, he would like to see that if a councilperson wants to spend discretionary funds in the guidelines of the usage or ordinance for the City of Dover, it would be okay to assist someone else in another District with a project. He explained that he does not want to see a restriction to only one (1) district. In response to Mr. Sudler, Mrs. Mitchell stated her recollection that in the motion that was made for these discretionary funds, the intent was for each Council member to be able to use that money for their District, so that was the guideline being followed. She indicated that Mr. Sudler raised a good point regarding use of the funds by district or City-wide, and noted that some of the community organizations cross over from the City to the County. Mrs. Mitchell stated that she thought this was something that Mr. Lindell may be able to address in what he had volunteered to do.

Mayor Christiansen stated that he concurred with the intent of Mr. Lindell's efforts to formulate policies that are site specific to these funds; however, he also agreed with Mr. Sudler's thoughts and suggested that it may be something for members to consider. He noted that there are many worthy causes throughout the entire City that may be beneficial to some funding from any or all of the members of Council.

Mr. Lindell asked, for clarification, if Mr. Sudler was fine with spending money within City limits, not necessarily District bound. Responding, Mr. Sudler stated that he would be in agreement with that, as long as it is in the City limits.

Mrs. Mitchell noted that she did not know whether the girl scout troop that was giving out bags earlier this year was from within the City or not. She did not necessarily think that community organizations have to be in City limits, but explained that if that is something that needs to be cleared up, this was the time for clarification.

Mr. Slavin stated that he concurred with Mr. Sudler, noting that he thought that the districts themselves are kind of artificial boundaries for this purpose. He explained that they are good boundaries for election purposes but once members get on as a council, it is helpful to look across the Council districts and help others out.

Mr. Anderson noted that he agreed with Mr. Slavin and, referring to Mrs. Mitchell's comment, he stated that he also wanted to make sure that it was clear that it is about services for the people in the City, not necessarily organizations that are in the City. He explained, for instance, that one (1) of the major service points for The People's

Place is in the City; however, their checks are sent to Milford. Mr. Anderson stated that he wanted to make sure that it is clear that the purpose matters and who they are trying to serve.

Mr. Lindell asked, for clarification, if Mr. Anderson was saying that the funds are to be used within City limits and as long as there is a demonstrable ability that the citizens of Dover are benefitting, the organization may be outside of City limits. Mr. Anderson responded that the project should benefit the people in the City.

Mr. Neil stated that he is kind of stingy with this money because it is the taxpayers' money and he is not going to be lavish with anybody. He advised that he did make a contribution to the organization within the Dover Air Force Base for the open house because he thought that was seed money to help people come here and have it grow. Mr. Neil stated that he had also donated money from this source to a scholarship program, in the amount of \$100. He explained that he does not think that he has to spend all of that money simply because it is there, noting that he did not spend it all last year. Mr. Neil asked members to keep that in mind. He stated that it is not members' money, noting that they are using it to enhance something or somebody that is going to be beneficial for the City or to protect a group of people, etc.

Mr. Anderson asked Mrs. Traci McDowell, City Clerk, what the current procedures are for accessing the money. Responding, Mrs. McDowell advised that currently City Clerk's Office staff looks for written documentation that members, in fact, do want to donate or contribute to a cause or event. She stated that the City likes to get the receipts in advance; however, there are situations where organizations do not have the funds in advance to make a purchase. For example, she explained that the Dover High ROTC did not have the funds in advance, so the City processed the payment before they made the purchase. Mr. Anderson indicated that this information would make it easier when drafting the procedure.

The Committee recommended that Council authorize Mr. Lindell to prepare a first draft of the Committee's ideas for approval during a future meeting of the Council Committee of the Whole/Legislative, Finance, and Administration Committee.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Lewis and carried by a unanimous roll call vote (Cole and Slavin absent).

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

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

Landbanks (Sue Harris)

Ms. Sue Harris, 241 Pine Street, reviewed a presentation entitled "Land Banking...What, Who, Why and How". She also provided an article, entitled "What

is a Land Bank” by Dan Kildee, Co-Founder and President, and Amy Hovey, Co-Founder and Senior Vice-President, Center for Community Progress, and an Ordinance to authorize the execution of the Memorandum of Understanding and Annual Funding Agreement between the City of Wilmington and the Wilmington Neighborhood Conservancy Land Bank.

Mr. Slavin expressed appreciation to Ms. Harris for the time and effort she had put into this matter. He stated that when any issue comes forward, he asks himself three (3) questions: 1) “What is the problem we are trying to solve?”, 2) “How is that problem being addressed now?”, and 3) “What other entities are addressing the problem and why is this better?”. Mr. Slavin asked Ms. Harris to address these questions. Responding, Ms. Harris indicated that the problem is a lack of affordable housing opportunities. She advised that subsidized housing is great; however, it is lacking and housing is needed that people can afford. Ms. Harris indicated that being able to come up with affordable housing would get rid of blight, which is not helping taxes or neighborhoods. She indicated that land banks could help turn properties around to become something very useful.

Mr. Slavin asked how the problem is being addressed now, noting that it seemed that there were four (4) or five (5) entities addressing it. Responding, Ms. Harris stated that everyone is doing the best that they can; however, efforts are hit and miss, scattered, and random, and coordination is needed. She advised that there is a need to go outside of the box, not looking at what has always worked but using new ideas and looking at things in a new way. Ms. Harris suggested such options as turning properties back into group housing, shared living situations, and micro-apartments. She stated that there used to be lots of opportunities for single dwelling units and expressed the need to go back to this since there is a real need for individual housing. Ms. Harris indicated that home ownership is being addressed in the area through Restoring Central Dover, etc.; however, a path to rental and affordable housing is missing in the plan. She noted that actionable steps are needed and she thought that land banking would be one (1) of those steps.

Mr. Slavin asked how the land bank alternative would be better and if it would be a replacement for other approaches, a coordination function, an additional approach, or a hybrid with the other programs. In response, Ms. Harris stated that she thought it would be all of these alternatives, noting that right now it is not being addressed. She indicated that there are a lot of properties at a standstill that no one knows what to do with and that zombie properties are tangled up in courts, probates, etc. Ms. Harris expressed the need to look at all the different angles.

Mr. Polce stated that this topic is of particular interest to him and indicated that he is always looking at economic vitality in Delaware communities. He advised that he remembered that Senator Townsend had created the initial statewide legislation with \$6M - \$10M enabling language, and noted that, unfortunately, this \$6M - \$10M enabling language would probably not be coming anytime soon with the fiscal climate of the State. Mr. Polce indicated that his colleagues in Wilmington had made

him aware of the \$2.125M initial investment from the City of Wilmington. He noted that approximately \$325,000 of that was consulting, so there was some reduction in that cost; nonetheless, it was a pretty hefty price tag. Mr. Polce expressed appreciation to Ms. Harris for bringing land banks to members' attention, stating that this would allow for conversation on how they can be creative in thinking about increasing the housing inventory and looking at potential ways to make housing affordable. Mr. Polce advised that his major concern was the price tag and cost of the initial investment.

Mr. Polce indicated that there are numerous grants available from the Department of Housing and Urban Development (HUD); however, he noted that little movement had been seen from HUD and more than \$1B had been cut from the federal government's budget under the current administration. He stated that he did not want to be pessimistic and wanted the conversation to go further. Mr. Polce indicated that he was looking forward to the conversation regarding the next item on the agenda, Plan for Housing Alternatives, and discussing how the less fortunate are treated and how to increase housing stock for individuals who are below the poverty line. He stated that there are ways to utilize community block grants from the Centers for Disease Control and Prevention (CDC) in more creative ways and expressed the need to talk about access to behavioral health services in the brain health arena and a litany of approaches.

Mr. Polce asked if the City was positioned strategically for the initial up-front investment that it would have to undergo. Responding, Ms. Harris indicated that there had already been a lot of research, foundation, and private funding apart from the government. She noted that a lot of people are interested in this and funding would not all necessarily come back on the shoulders of the City.

Mr. Anderson asked if Ms. Harris had looked at other opportunities, such as evaluating a partnership with the County, community reinvestment funds, or other types of funding. Responding, Ms. Harris indicated that an entity that is created would certainly be able to look at these types of funding. She stated that she wants to present this matter to the County. Ms. Harris explained that the City and County are two (2) separate governmental foreclosing units, and the County is not supposed to encroach on City property matters; however, there can be agreements. Ms. Harris stated that the City and the County have all kinds of things happening with properties; however, she had not looked for that type of funding. She explained that she had applied for other types of funding; however, her organization is very new, and funding sources look at those without a background as if they have six (6) heads. Ms. Harris indicated that Port Hope, Inc. did not have any chance of getting the funding that Mr. Anderson suggested; however, there would be some credibility behind an organization that was doing something like creating entities.

In response to Mr. Anderson, Ms. Harris stated that funding is being lost to other areas of the State because there are not mechanisms in place here to accept money. Mr. Anderson noted that the First State Community Action Agency opened an office

here because all of the funding was going upstate, and this created another mechanism to obtain funding.

Mr. Neil advised that, as a veteran who had appeared at many Habitat for Humanity homes, he liked their system because somebody has to pay for a home. He indicated that, in essence, the City is doing what Ms. Harris had said, noting that Dover's existing approach is to combine with the National Council on Agricultural Life and Labor Research (NCALL) in trying to get derelict homes turned over to the City for back taxes. Mr. Neil stated that if land banking is viable, he would be in favor of it because Ms. Harris was right that there is not enough housing. He stated that the City deserves applause because it has done and will continue to do a terrific job combining with NCALL to make sure the people are there, and with Habitat for Humanity to make sure there is a lot of sweat equity going into the process.

Mr. Neil thanked Ms. Harris for bringing forward the idea of land banking, noting that he thought it has merit; however, he questioned whether it can be incorporated into what the City is already doing, which are a lot of the same things. Ms. Harris stated that she agreed, noting that she had worked on at least four (4) of the houses downtown and is always part of the Habitat for Humanity crew. She explained that not all homes go to home ownership and there is a population whose only hopes for their future will be rentals. Ms. Harris expressed her hope that the same kind of rehab could be done to upgrade rental property.

Mr. Polce advised that Syracuse has an interesting model with a robust land bank and requires roughly 50% of their stock inventory to be rental properties specifically micro-targeting those who are below the poverty line. He noted that 50% of their stock looks at first time home ownership, and they work in continuity with HUD on a lot of first-time home buying programs. Mr. Polce indicated that the status of HUD in a few months is unknown and expressed his hope that those programs and incentives will still be there for first-time home buyers.

In response to Mr. Sudler, Ms. Harris advised that she is not a member of the Mayor's Blue Ribbon Task Force to End Homelessness but attends all of their meetings. Mr. Sudler asked if Ms. Harris had thought about getting on the Task Force's agenda to propose partnering for this project. Responding, Ms. Harris indicated that she would like to present the idea of land banking to them, which could possibly be a piece of the entity that they are going to create or part of what they are doing. Ms. Harris noted that she does not have anything with which to partner and was just presenting the idea in hopes that it could be created. She advised that Port Hope would certainly be a part of this and noted that her organization is early in its creation.

Mr. Hare asked whether they were looking at something like what Habitat for Humanity and NCALL are doing to create affordable housing or at creating housing for the homeless. In response, Ms. Harris advised that the bottom line is affordable

housing. She noted that Habitat does affordable housing for home ownership, but something beyond that is needed and her organization is looking at rentals.

Mr. Hare noted that he had been hearing much about the homeless, and Ms. Harris stated that homeless individuals are only missing a home and wraparound services. Mr. Hare indicated that, in discussing affordable housing for the homeless, nothing is affordable if someone is not working. Responding, Ms. Harris indicated that this is a misnomer because very few people do not have some form of income if they are getting the services that they should. She explained that people are either disabled, and will get a disability check, or not disabled, and can work a little and create a little income. Ms. Harris stated that if they are too mentally or physically disabled to work, the government offers a safety net. She noted that many people who are left out in the streets appear to have no funds coming in because they have gotten into such a deep well that it is hard to get back into the stream of doctor appointments and meetings with social workers to get the food stamp cards or services they need. Ms. Harris advised that it is sometimes a lot easier for the homeless to stay where they are.

Ms. Harris advised that there are very few people who do not have an opportunity for at least a small amount of income and almost everyone can get at least a \$700 monthly minimum disability or Social Security check, and it is impossible to live on this amount in the City of Dover or anywhere. She indicated that those who are not disabled can work and straighten up. Ms. Harris noted that there will always be those who cannot be helped and have chosen not to be a part of society, but many more can be helped. She explained that someone who has a place that costs \$300 per month and receives a food stamp card can easily live on their own in a community and support themselves. Ms. Harris advised that this would not be a burden on the City, would be totally self-supporting, and would give these individuals a little self-esteem. She reiterated that, in Port Hope's view, almost everyone has an opportunity to have some income if they are given the services and help that they need.

Mr. Hare stated that he had spoken with two (2) unemployed individuals at an event where employers were present and offered to get them jobs where they would make \$10 per hour and receive a meal every day. He advised that when he told them the job was at a fast food place, they indicated that this was beneath them and they would not work there. Mr. Hare noted that these were the same people that members see in the Council Chambers all the time.

In response to Mr. Hare, Ms. Harris advised that you can fix a lot of things but you cannot fix stupid, and it was a shame that those who are seen all the time had become the face of the homeless. She informed members that there are quiet individuals who stay in their tents, come to the Hopes and Dreams Peer Resource Center in the daytime, and look for help at the Dover Interfaith Mission for Housing, and they are not seen so much. Ms. Harris advised that she wished members would get to know a lot more of the homeless people out there, noting that her organization would be happy to take members out there one day. Mr. Hare stated that he had gotten to know

quite a few homeless individuals. Ms. Harris indicated that she was afraid he had gotten to know the ones that had given him the wrong idea, and there were a lot more out there who are good rather than bad.

Ms. Harris stated that something had been mentioned about Port Hope becoming a partner; however, she explained that nobody could do anything until the City creates the ordinance, law, and resolution regarding land banking.

Mr. Anderson stated that the City had more than 450 vacant houses and easily qualified when this legislation passed. He noted that there had been a lot of private and public efforts and asked if the City's vacancy rates qualify for the 3% cutoff. Responding, Mr. David Hugg, Acting Director of Planning and Community Development, stated that, to the best of his knowledge, the City's vacancy rates, etc., are all such that the City would qualify. He advised that the vacancy rate is substantially above 3% and is more like 15%. Mr. Hugg reminded members that, in essence, the City has a land bank organization in action in Dover called the Downtown Dover Partnership (DDP), which, by its charter, is a 501(c)(3) with the authority to buy and transfer land to do those kinds of things. He noted that the DDP's focus is not as broad as what members were discussing; however, they had been a participant in some of the activities of Habitat, NCALL, and Milford Housing. Mr. Hugg stated that the DDP is a quasi-City organization that does not really operate under the City's name.

Mr. Anderson stated that, from his experience, the DDP is approximately 95% focused on the business side. Responding, Mr. Hugg advised that the DDP is focused primarily on commercial and other non-residential projects, which he thought may be part of its stated mission. He noted that the DDP had been involved in some housing-related projects and its Board would have to decide whether or not this entity would be appropriate for the City's charge. Mr. Hugg stated that the Town of Smyrna has a redevelopment authority that was set up under earlier State legislation that has the same kinds of powers and has invested in mixed residential/commercial projects. He indicated that this had not been an easy road and they probably do not qualify in the sense of the land bank discussion.

Responding to Mr. Anderson, Mr. Hugg advised that the initial funding for Smyrna's redevelopment corporation was obtained by transferring the fines and penalties from the vacant building ordinance to the redevelopment authority. He stated that this was the funding mechanism that allowed them to create a revolving loan fund, and a \$300,000 grant from the United States Department of Agriculture (USDA) bankrolled some of their activities. Mr. Hugg indicated that the thinking was that fees and fines collected for a vacant building probably ought to be put toward removing that vacant building, with the idea that someday the fund would go to \$0.

Mr. Sudler stated that, as a housing rental professional, the only way he realistically saw someone being able to afford a \$300 rental cost would be to rent a room that has access to a common kitchen and bathroom area. He advised that, looking at the HUD

regulations, he thought that the amount for a one-bedroom unit would be at least \$850 with full utilities and as high as \$787 with partial utilities. Mr. Sudler stated that, from what he had seen, partial disability checks are approximately \$700 to \$800 and full disability from \$900 to a maximum of \$1,000. He noted that he did not know of any rental housing assistance program in the City, other than HUD public housing, where someone would pay \$200 or \$300, apart from federal or State programs. Mr. Sudler advised that he did not think any renter could afford to allow someone to stay in a one-bedroom apartment, house, or trailer for \$300. He indicated that a key issue was how to provide adequate housing for the homeless at a cost they can afford and suggested that Ms. Harris may want to try to address this moving forward.

Mr. Slavin stated that, as a member of the DDP speaking on his own behalf, he did not think the DDP is a good fit and would much rather see a separate entity created. He noted that the DDP's focus is in a particular geographic area of the City and members had heard that there was a need to have a spread of properties across the City. Mr. Slavin advised that this matter is not the DDP's concern, noting that the DDP had not brought it to members, who would have to convince the DDP that this is now part of their mission. Mr. Hugg indicated that he agreed and had mainly offered the DDP as an example of an organization in the City. Mr. Slavin stated that the structure of how the DDP operates is on the books; therefore, it would not take reinventing the wheel.

Mr. Slavin moved to recommend that the City Clerk prepare: 1) a packet of research materials, including existing ordinances for the DDP and other local governments, and distribute it to all members of Council as background, and 2) a draft ordinance based on that research for discussion at the February meeting of the Council Committee of the Whole/Parks, Recreation, Community Enhancement Committee. The motion was seconded by Mr. Anderson.

In response to Mr. Hugg, Mr. Slavin clarified that the research materials and draft ordinance would be prepared by Mr. Hugg.

Responding to Mr. Sudler, Mr. Slavin stated that the objective of the ordinance would be to create a land bank. Mr. Hugg noted that it would be enabling legislation.

Mr. Hare stated his understanding that the motion was to bring back a first draft proposal for review. Mr. Slavin stated that the proposal would go to the Committee first and noted that he would make a second motion regarding funding.

Mr. Hare indicated that he would like to have the particulars and to find out how a land bank would be funded and whether the City would have to hire an executive director.

The Committee recommended that Mr. Hugg prepare: 1) a packet of research materials, including existing ordinances for the DDP and other local governments,

and distribute it to all members of Council as background, and 2) a draft ordinance creating a land bank, based on that research, for discussion at the February meeting of the Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Lewis and carried by a unanimous roll call vote (Cole and Slavin absent).

The Committee recommended that, as part of the FY 19 budget discussions, Mr. Hugg and Mrs. Donna Mitchell, Acting City Manager, identify possible funding mechanisms that are in place in other local governments that could help to fund the land bank initiative.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Lewis and carried by a unanimous roll call vote (Cole and Slavin absent).

Plan for Housing Alternatives (Victory Church)

Pastor Robert Appling, 2465 Sharon Hill Road, representative of Victory Church, advised that they had come to Council meetings for over a year and a half with anywhere from 20 to 50 homeless individuals and had worked with the homeless with great results. He explained that some of the homeless are in jobs, some in homes, and some are self-sufficient. Pastor Appling indicated that many of the homeless are also drunks and drug addicts who just do not care and this distinction must be made. He explained that, to facilitate what Victory Church has been doing, he met with Mayor Christiansen, who introduced him to Mr. David Hugg, Acting Director of Planning and Community Development; several members of the City's inspections team; and the Fire Marshal. Pastor Appling advised that Victory Church made a \$550,000 bid on a property on Loockerman Street with empty buildings, met with a committee from Dover, and were finally turned down on that project.

Pastor Appling stated that most of the homeless that Victory Church worked with when outside the City were from the City, and Victory Church sold their church and moved into the City. He indicated that they were currently partnering with People's Church on Bradford Street, and were preparing to hold their third service there the following Sunday. Pastor Appling advised that Victory Church is trying to get a central location to do more to help the homeless, as they had been discussing each week when they attended City Council meetings. He indicated that Victory Church's suggestion for helping the homeless is something like group homes. Pastor Appling noted that they have been asking for empty, abandoned property to remodel and fix, but not like Habitat for Humanity's approach where property is sold to a single family. He stated that they are talking about rehabilitating a property for five (5) to eight (8) people, with a manager on the property to see to it that things run properly.

Mr. Mark Harmon, 731 West Division Street, Lead Pastor, Victory Church, stated that Victory Church's mind-set is to try to collaborate with the City, as opposed to working against the City, which works better for everybody in the community. He

advised that they had come up with an idea to use homes downtown that are dilapidated or do not have residents any longer for a group home. Pastor Harmon stated that, as Mr. Sudler had indicated during discussion of the previous agenda item, Landbanks, it is almost impossible to find any house to occupy in the range of \$300 or \$400. He noted that in a group home, three (3) or four (4) different people could pay for the property so that it would still be able to make money and be run efficiently. Pastor Harmon explained that he had learned that it is not always the case that housing through the Dover Housing Authority or Delaware State Housing Authority is cheaper because someone still has to pay the rent, and if someone is paying \$300 this means that the government is paying whatever else is left. He advised that a group home would, in their minds, be true affordable housing paid for by those who are inside the units. Pastor Harmon stated that this makes more sense to him than a situation where people are not able to pay rent on their own and the government, City, or County has to put in funds.

Pastor Harmon noted that Mr. Hare had previously stated that a lot of homeless people do not work; however, he advised that this is a misconception and a lot of them do have jobs and income but have situations that are sometimes mind-boggling. He explained, for instance, that a young man with mental issues works for them and is retired from the military. Pastor Harmon indicated that this individual does not stay at his own house because he does not want to bring more damage to his wife and children and feels that they are safer without him in the home. He advised that the family receives this individual's military retirement check and is able to take care of their house. Mr. Harmon noted that this may not make sense to some, but it makes every bit of sense to this man. He advised members that there are situations that go beyond their logic and thinking, explaining that homelessness is not always the result of an individual not having money or other things but because they are struggling with a lot of issues. Mr. Harmon advised that the Mayor had already taken on the challenge of homelessness for a lot of the military and retired individuals, and the Mayor probably understands that there are a lot of situations that go beyond what people may think.

Pastor Harmon stated that there is money available for homeless ex-military men and women and homes that can be purchased through these types of funding. He indicated that there are also ways to collaborate between all of the different homeless shelters and coalitions in the area, and collaboration would work well because the government does not give a lot of money to individuals anymore. He explained that collaboration would allow for the money to be spread out, and a lesser amount could be used while still getting the job done. Pastor Harmon stated that their proposal would be for Victory Church to have some of the buildings downtown that may not be used and refurbish them to be used by some of the homeless people. He explained that the homeless would be paying for these buildings while renting there.

Mr. Slavin, noting that Victory Church had identified vacant buildings, asked whom the buildings were owned by and how the Church proposed to get ownership or permission to use them in this way. Responding, Mr. Harmon advised that there are

buildings downtown that were owned by different landlords who lost them, noting that the City had seized some of them. He indicated that they are unsure who owns them and that they could not give specific names, except for a few.

Mr. Slavin asked if Pastor Harmon was talking about eminent domain and asking the City to come in, take over a property, and give it to them. In response, Pastor Harmon stated that he was not and was talking about homes that are already abandoned and no longer in someone's possession.

Mr. Slavin indicated that he understood the solution they were suggesting and that it economically fits a need for those who cannot afford housing. He explained that the House of Pride, a social service agency on New Street, had run places where people could rent a room and have a shared common area. Mr. Slavin noted that the City received many complaints that this housing was not managed well and asked how the proposed group housing would be different. He indicated that he knows it would be different because he knows who Pastor Harmon and Pastor Applling are; however, he thought they needed to answer that question and be prepared to answer it over and over again.

Responding to Mr. Slavin, Pastor Harmon noted that he had managed homeless buildings for more than 17 years with some of the hardest of populations. He explained that most of them were kids who aged out of foster care, and this involved trying to prevent them from being on drugs, being thieves, and some of the issues that follow foster care children at times. Pastor Harmon indicated that Victory Church's project would be run differently due to the fact that there is experience and people who understand making sure that the community is first. He stated that they were not going to try to create a cash cow, as some people say or had said in the past, noting that it is ridiculous for anybody who gets into this line of work to have that type of focus. Pastor Harmon stated the need, if they are going to proceed, to do it together with the ordinances of the City, as well as their own morals.

Mr. Sudler stated his belief that Connections Community Support Programs, Inc. has a home on Bertrand Avenue where at least four (4) to five (5) individuals live. He indicated that he was unsure if they rent rooms or are placed there individually under one (1) umbrella. Mr. Sudler asked if Victory Church had looked at the Connections model and if this might assist them in adhering to the ordinance or changing their objective to fit in with the ordinance without complexity. In response, Pastor Harmon advised that he had recently met with Mr. Darius Brown, who he stated is the director of housing for Connections from Wilmington. Mr. Harmon indicated that he had a chance to go through the houses, some of which are bigger than normal. He explained that the houses have bedrooms and the residents are able to have televisions, beds, and couches in their rooms. Mr. Harmon noted that they have people there 24 hours per day, which he thought was wise because it is desired to make sure that a house is maintained properly and there is no type of violence or anything like that going on in the house, and to get rid of quarrels quickly. He explained that Connections is one (1) of the groups he had been talking about

collaborating with because they have a lot of money for housing. Pastor Harmon indicated that Connections does not have enough housing in Kent County and is trying to get housing and collaborate to help with funding. He stated that Connections understands that there is a homeless situation here and, because most of their clients are homeless, they have been focused on housing in this area.

Mr. Anderson thanked Pastor Harmon and Pastor Appling for coming and their efforts in the community. He advised that he would like to support what they are doing and requested that they look at some of the lessons of the past. Mr. Anderson stated that there are several small group homes that work well most of the time and people do not know that they exist. He indicated that the numbers that Victory Church was discussing seemed reasonable and cautioned them not to push the numbers to expand. Mr. Anderson explained that problems have existed when people try to get 10, 15, or 20 people into a place, which causes real disruptions in the neighborhood. He noted that, in his opinion, part of what caused what used to be a vibrant community in the area of Queen Street, Governors Avenue, and New Street to go downhill was converting these houses to micro-apartments with a dozen people in places that were built originally for one (1) large family. Mr. Anderson stated that the model that Victory Church was speaking of would work and is very necessary, and he supported it. He noted that he wanted it to be on record that he wanted to be cautionary. Mr. Anderson advised that he thought the City's limit of five (5) unrelated people is something that should not be tinkered with because he thought that exceeding it had brought problems not only in the neighborhood but also with safety, as was evidenced in some fires where people had problems escaping.

Mr. Polce stated that this topic was of particular interest to him, especially looking at national and regional statistics indicating that roughly 73% of the homeless population is comorbid, meaning that they have classic behavioral health diagnoses coupled with substance use disorder and potentially opioid use disorder. He indicated that, as an individual who has a personal interest in brain health and substance use disorder, it is really important to have this conversation. Mr. Polce stated that he would welcome Pastor Harmon and Pastor Appling at the Delaware Center of Health Innovation (DCHI) Behavioral Health Subcommittee for the Dover/Smyrna Healthy Neighborhoods, which is a statewide entity that Mr. Polce currently chairs. He explained that DCHI has three (3) Healthy Neighborhoods, including one (1) in Wilmington and Claymont, one (1) in Smyrna and Dover, and one (1) in the Seaford area. Mr. Polce indicated that he chairs the subcommittee that looks specifically at behavioral health, noting that more often than not they talk about homelessness and the housing stock issue. He stated that the next meeting was scheduled for December 4, 2017 from 2:00 to 4:00 p.m. and invited them to attend, noting that he would follow up via email.

Mr. Polce asked if Victory Church would ideally like to adopt a model that is similar to Oxford Homes, if their efforts were not specific to individuals with substance use disorder and behavioral health, or if they would be truly just a safe gap for homelessness. Responding, Pastor Harmon stated that they want to put in a model

that is like Oxford Homes, since the reason for the epidemic is that people who were mentally disabled were put out of mental homes because these homes were keeping people too long. He explained that people who could have returned to their homes or the community with medication were being kept by hospitals for 30 or 40 years. Pastor Harmon indicated that these individuals were put out of hospitals and there were then many homeless people on the street. He noted that a lot of the homeless are not where they are simply because they decided one day to quit their jobs but because they have mental issues. Pastor Harmon stated that he did not believe that you can have a homeless shelter without having someone there who is giving some type of help for mental conditions.

Mr. Polce concurred with Pastor Harmon and stated that, with this clarification, the conversation is very timely because this currently an issue statewide. He indicated that he would like to connect Victory Church with Mr. Jim Martin, a certified peer recovery and resilience individual that Mr. Polce works with on a daily basis. He explained that Mr. Martin runs a number of these types of facilities modeled after Oxford and is primarily in Georgetown. Mr. Polce noted that the City is not unique in dealing with exponential volumes of individuals who are going through some form of trauma leading to substance use disorder, specifically heroin use disorder, and determining how to combat it from a community health population perspective. He indicated that a number of communities statewide had asked, "How do we ensure that there's a balance? That these individuals who are vulnerable are receiving critical services and a shelter adopted by a home first model, but also striking the balance with the local community?" Mr. Polce noted that there is nothing more fearful in communities than change and there could be an uprising if an Oxford House is put in certain communities, and he stated the need to realize this and strike a proper balance. He advised that members would see legislation coming out of the General Assembly regarding Oxford Homes and sober living communities that will require them to be credentialed and accredited by the Community Healthcare Association. He explained that this is a national organization and entity that accredits these types of facilities to ensure that a proper balance is struck.

Mr. Polce expressed appreciation for Mr. Anderson's comments, stating that Mr. Anderson was very thoughtful when he stated that there has to be a proper balance in making sure that there is a right fit. He indicated that he was more than willing to help in Victory Church's endeavor as much or as little as they want, noting that he is able to connect them with resources at any level. Mr. Polce stated that this is an important issue because of the need to make sure that addiction and interdiction of the addiction itself are critical components to any form of sober living facility and that important critical services are being offered. He noted that an element that is often forgotten is making sure that there is a component with the Department of Labor, local business, or whatever might work to build a true workforce and career pipeline for these individuals. Mr. Polce advised that if this could be tackled simultaneously while providing shelter, there would be a winning model, but only if there was the ability able to do all those things.

Mr. Caldwell thanked Pastor Harmon and Pastor Appling for bringing up the issue of the homeless and what is needed. He informed members that he lives on Bertrand Drive in the Lincoln Park area, so he knows the issues that are taking place in that community. Mr. Caldwell advised that he had seen the problems that the HUD house there has had in the past couple of years. He explained that he is a member of the neighborhood watch in the Lincoln Park area and, noting the discussion of crime and mental illness, he advised that there would be an uprising if another homeless house is put in this community. Mr. Caldwell stated that he concurred about the need for a serious discussion regarding this problem in the City of Dover. He indicated that the Lincoln Park area had dealt with this problem and he constantly sees the homeless walking up and down the streets, whether it be Lincoln Street, Bertrand Street, or throughout the area. Mr. Caldwell reiterated that there would be concern among the people about anything of this magnitude for group housing in their community.

Mr. Caldwell explained that there is a house behind his which has been vacant for two and one half or three (3) years and a house across the street that has been vacant for two and one half years, and both homes are just sitting there. He informed members that if anyone or group with any magnitude of a problem with mental illness is put in these homes, people will not be happy and there will be an uprising within the community. Mr. Caldwell noted the need for this discussion to continue. In response to Pastor Harmon, Mr. Caldwell stated that he lives in the Bertrand area right across the street from the HUD house. Pastor Harmon asked if Mr. Caldwell knew how many people with mental illnesses live in Lincoln Park. Responding, Mr. Caldwell indicated that this was the problem and that they did not need more in addition to what they already have in that particular area. Pastor Harmon noted that mental illness does not mean crime. Mr. Caldwell advised that he was not saying that; however, he knew of issues with mental illness in his community. He indicated that their community has officers who tell the neighborhood watch what has taken place within their community based upon problems in certain houses, and he wanted to let members know.

Mr. Neil stated that he was scared by the comment that Pastor Appling had made that he had talked to the gentleman from Connections in Wilmington who was looking for places in Kent County. He stated that there are people who are homeless in Dover and asked that people not be brought down from Wilmington. Pastor Harmon explained that there are already homeless people here who live in Kent County.

Mr. Sudler indicated that, as a State Human Relations Commissioner who promotes fair housing in the State of Delaware, he would be remiss in not stating that people cannot be discriminated against based on mental or physical illness. He noted that he was not saying that anyone is right or wrong and asked everyone to keep in mind that these individuals have a right to affordable housing in any community. Mr. Sudler advised that he thought that the main objective and concern were to communicate with existing community members to see how transition can be easy, fair, and respectable in the community, and noted that there are valid concerns.

Mr. Polce stated that he thought the most appropriate venue would be with grassroots advocates at DCHI. He reiterated that he would send information, noting that he would love to further the conversation in that venue.

UTILITY COMMITTEE

The Utility Committee met with Chairman Cole presiding.

Request for Street Name Change - Krisko Circle (Remaining segment of Krisko Circle which runs in a west-east direction from Stover Boulevard just east of Bay Road) (Planning Reference: MI-17-07)

In accordance with Chapter 98, Article II, Section 98-45 Street Name Change Procedure, of the Dover Code, members considered a petition, submitted by Mr. Garth E. Jones, P.E., Chesapeake Utilities, to change the street name of the remaining segment of Krisko Circle to Energy Lane. The petition requests that the remaining segment of Krisko Circle, which runs in a west-east direction from Stover Boulevard just east of Bay Road, be changed to Energy Lane.

Mr. David Hugg, Acting Director of Planning and Community Development, indicated that the street name change request was initiated by Chesapeake Utilities. He noted that this property was the Stover business park a number of years ago and estimated that there were approximately a dozen lots with a hotel on the front lot, but that the rest of the property had not been developed. Mr. Hugg informed members that Chesapeake Utilities had acquired the property for its new headquarters, warehouse, etc. He explained that at the time the Stover Park project was active, Krisko Circle was in fact a circle; however, under the Chesapeake development plans, it is now a cul-de-sac.

Mr. Hugg stated that Chesapeake Utilities would like to have a street name that is more appropriate to their business and proposed Energy Lane. He indicated that the proposed street name is consistent with street naming protocols and staff recommended that this matter go to Council for consideration.

Staff recommended approval of the requested street name change from Krisko Circle to Energy Lane, as recommended by the Planning Commission, and that a public hearing before City Council be set for December 11, 2017 at 7:30 p.m.

Mr. Neil asked if there would be any City expenses for the street name change, for example the cost of maps, etc. Responding, Mr. Hugg, stated that since the street is currently only partially developed, and he believed it was a private street, as part of the site plan development, the naming will change and Chesapeake Utilities will be responsible for putting up the street signs and those kinds of things. He indicated that he was unaware whether Chesapeake Utilities plans to dedicating this as a public street. Mr. Hugg explained that if they do want to dedicate the street to the City, it would go through the City's normal process to ensure it meets the standards for being accepted by the City, which is a function of the Public Works Department. In regard

to the street name change, Mr. Hugg stated that there is no immediate cost to the City for maps or anything like that, explaining that it is one of the rolling changes that staff will make as part of the mapping process. Mr. Hugg advised that 911 would change their maps, indicating that it is probably the most important change so that public safety personnel would be aware of the name change to Energy Lane.

The Committee recommended approval of the requested street name change from Krisko Circle to Energy Lane, as recommended by the Planning Commission, and that a public hearing before City Council be set for December 11, 2017 at 7:30 p.m., as recommended by staff.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Lewis and carried by a unanimous roll call vote (Cole and Slavin absent).

Neighborhood Building Blocks Grant - Central Dover LED Lights

Mrs. Donna Mitchell, Acting City Manager, advised members that the Neighborhood Building Blocks Grant Application was completed by Mrs. Ann Marie Townsend, former Director of Planning and Community Development, in December 2016, and the City was notified of the grant award on June 29, 2017. Since that time, staff has been working through the details and an action plan.

Mrs. Mitchell explained that, in working with the Sustainable Energy Utility (SEU), this project will serve as a pilot for a complete City-wide LED light change out. She explained that the SEU has six (6) pre-qualified vendors for their energy efficiency programs and the City is working with two (2) of the vendors on proposals for the pilot in accordance with the Cooperative Purchasing provisions of the City's Purchasing Policy. Mrs. Mitchell advised that the goal is to have the pilot program completed by June, and the larger project will be budgeted next fiscal year. She noted that when the pilot program is complete, the City could have an event for members of Council and community to demonstrate the difference between the LED lights and the non-LED lights that the City currently has.

Mrs. Mitchell stated that the streets identified in the grant application are in the Central Dover area, and are part of the Restoring Central Dover efforts. Members were advised that the installation is planned for the following streets: South Kirkwood, South Queen, Reed, and North New.

Mrs. Mitchell noted that a lot of technology had gone into these new lights, therefore, with this program, the City can get lights that will provide many opportunities. She explained that there are lights with sensors on top which can be brightened if there is crime in an area, or dimmed if there are complaints regarding light pollution. Mrs. Mitchell stated that these lights also have control mechanisms which can be set, noting that this will help if there is a shooting, because the lumens on the lights can be raised to make it brighter if there are police working in the area.

Mrs. Mitchell reiterated that this would be part of a larger project that will be budgeted for in Fiscal Year 2019. She stated that the current staff recommendation is for Committee approval of the project not to exceed \$194,634, which is the money awarded under the grant plus the \$100,000 budgeted in the Electric Fund. Mrs. Mitchell noted that item #3, Electric Utility Cost of Service and Rate Design Study, was scheduled for consideration by the Council Committee of the Whole/Utility Committee next, and advised members that she also had the rate consultant working with this in regard to the new rate tariffs for the LED lights. She also noted that the energy cost for the lights is in the street light budget in the General Fund, and changing all of the City lights to LED lights would use less energy; therefore, her long-term goal would be a reduction in the General Fund budget through these LED lights.

The Committee recommended approval of this project, not to exceed \$194,634, as recommended by staff.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Lewis and carried by a unanimous roll call vote (Cole and Slavin absent).

Electric Utility Cost of Service and Rate Design Study

Mrs. Donna Mitchell, Acting City Manager, advised members that City staff solicited a Request for Proposals to update the electric utility cost of service rates as well as design the rate structure for parity between each customer class and received eight (8) very good proposals. She stated that one (1) of the goals of this rate design study is to look at what the City is charging for demand versus energy.

Mrs. Mitchell noted that the 2015 Energy and Information data had the average electric rate for Delaware at 11.17 cents per kilowatt and the average rate for Dover was 11.11 cents per kilowatt. She stated that the same information had industrial rates for Dover at 11.5 percent higher than the average industrial rate in Delaware, however, the residential rates were 4.9 percent lower. Mrs. Mitchell advised that this data shows that the City's commercial customers are being charged above the average and demonstrates the need for this rate design study.

Mrs. Mitchell stated that staff recommended New Gen Strategies & Solutions because of the modeling that they demonstrated, how they do the rate model, and the services provided with that rate model. She explained that it can be done specifically for one (1) customer if needed and it is very intuitive, which is why she thought it was the best rate study model. It will be turned over to the City for our future use and they do biannual training for staff on the model.

Staff recommended approval of New Gen Strategies & Solutions in the amount of \$45,300.

The Committee recommended approval of staff's recommendation.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Lewis and carried by a unanimous roll call vote (Cole and Slavin absent).

By consent agenda, Mr. Neil moved for acceptance of the Council Committee of the Whole Report, seconded by Mr. Lewis and carried by a unanimous roll call vote (Cole and Slavin absent).

QUARTERLY REVIEW OF CAPITAL INVESTMENT PLAN (CIP) (JULY, AUGUST, AND SEPTEMBER)

Members were provided the Quarterly Review of Capital Investment Plan (CIP) (July, August, and September) as of September 30, 2017.

By consent agenda, Mr. Neil moved for acceptance of the Quarterly Review of Capital Investment Plan (CIP). The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote (Cole and Slavin absent).

ELECTION OF OFFICERS - ROBBINS HOSE COMPANY - YEAR 2018 FIRE LINE OFFICERS

The Fire Line Officers of the Robbins Hose Company are elected annually on the third Monday of November. Members were provided the results from the November 20, 2017 Robbins Hose Company Election for consideration as follows:

Fire Chief	- Carleton E. Carey, Jr. (uncontested)
Deputy Fire Chief	- Ronald W. Rhodes, Sr. (uncontested)
First Assistant Fire Chief	- David Carey (uncontested)
Second Assistant Fire Chief	- Glenn Whitt (uncontested)
Third Assistant Fire Chief	- Michael O'Connor, Jr. (uncontested)
Fourth Assistant Fire Chief	- Christopher Jacobs
First Fire Line Captain	- Sean Byron (uncontested)
Second Fire Line Captain	- Michael Morris (uncontested)

By consent agenda, Mr. Neil moved for acceptance of the Fire Line Officers for Robbins Hose Company No. 1 for the Year 2018 as submitted. The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote (Cole and Slavin absent).

FINAL READING - PROPOSED ORDINANCE #2017-15 AMENDING CHAPTER 34 - ELECTIONS, ARTICLE III - ABSENTEE VOTING

The First Reading of the Proposed Ordinance was accomplished during the Council Meeting of November 13, 2017. Councilman Hare reminded members of the public that copies of the proposed ordinance were available at the entrance of the Council Chambers or on the City's website at www.cityofdover.com under "Government."

Mr. Neil moved that the Final Reading of the proposed ordinance be acknowledged by title only, seconded by Mr. Anderson and unanimously carried.

By motion of Mr. Anderson, seconded by Mr. Polce, Council, by a unanimous roll call vote (Cole and Slavin absent), adopted Ordinance #2017-15, as follows:

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

That Chapter 34 - Elections, Article III – Absentee Voting of the Dover Code be amended to read as follows:

ARTICLE III. ABSENTEE VOTING ^[3]

Footnotes: --- (3) --- State Law reference— Absentee voting generally, 15 Del. C. §§ 5501—5526.

Sec. 34-61. - Purpose. The intention of this article is to provide qualified voters of the city who are unable to appear at the polling place of their district to cast their ballot on the day of an election with the ability to cast an absentee ballot. (Code 1981, § 2-41; Ord. of 2-11-1985)

State Law reference— Similar provisions, 15 Del. C. § 5501.

Sec. 34-62. - Persons eligible to vote by absentee ballot.

Any qualified elector, duly registered, of this city may cast their vote by absentee ballot in any regular municipal election or special municipal election if the elector is unable to appear at the polling place of their election district due to reasons set forth in 15 Del. C. § 5502 Persons eligible to vote by absentee ballot.

(Code 1981, § 2-42; Ord. of 2-11-1985)

State Law reference—15 Del. C. § 5502.

Sec. 34-63. - Request for ballot; statements required of persons applying for absentee ballots.

Any voter who is qualified under 15 Del. C. § 5502 - Persons eligible to vote by absentee ballot, and who desires to receive an absentee ballot may request one by filing a statement with the city clerk's office, subscribed and sworn to by the voter, no later than 12:00 noon the day before the election. (Code 1981, § 2-44; Ord. of 2-11-1985; Ord. of 11-26-1990, § 3)

State Law reference—Similar provisions, 15 Del. C. § 5503.

Sec. 34-64. - Distribution of ballots, envelopes and instructions.

Upon receipt of a statement from a voter, the city clerk's office, not more than 60, nor less than four days prior to the regular or special election and within three days after the absentee ballots, envelopes and instructions for completing and returning an absentee ballot become available, shall mail to the voter, postage prepaid, an official ballot, enclosed in an official envelope, along with a voucher envelope marked "voucher envelope," a copy of the instructions for completing and returning an

absentee ballot and a mailing envelope marked "mailing envelope." Nothing contained in this section shall prevent the issuance of an absentee ballot to those lawfully entitled thereto prior to 12:00 noon on the day prior to any regular or special election when the request is made less than four days prior to the regular or special election.

(Code 1981, § 2-45; Ord. of 2-11-1985; Ord. of 11-26-1990)

State Law reference—Similar provisions, 15 Del. C. § 5504.

ADOPTED: NOVEMBER 27, 2017

ACTING CITY MANAGER'S ANNOUNCEMENTS

Mrs. Donna Mitchell, Acting City Manager, made the following announcements:

- The Dover Police Department is going through the CALEA inspection and public comments can be given on Tuesday, November 28, 2017 from 1:00 p.m. to 2:30 p.m. at the Police Department or the public may call (302) 736-7122, extension 7166, on Tuesday, November 28, 2017 from 1:00 p.m. to 3:00 p.m. Comments will be taken by the assessment team. Chief Mailey thanks you for your comments.
- The City of Dover has been designated as a Bicycle Friendly Community by the League of American Bicyclists. The official nationwide announcement will be made on November 30, 2017 and a presentation is scheduled for the Council meeting of December 11, 2017.
- The Capital Holiday Celebration will be held November 30, 2017 from 5:00 p.m. to 8:00 p.m. Festivities include a children's craft area in the Library, musical entertainment in several locations, performances of the Nutcracker Ballet, a visit with Santa, a variety of food trucks, a live nativity at Wesley Church, the tree lighting ceremony with Mayor Robin Christiansen, and caroling lead by school children and local dignitaries. TOM 92.9 FM and WBOC 16 will be airing live on the Loockerman Way Plaza.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Anderson noted that members of Council and everyone in the City were keeping the Cole family in their prayers for their loss of the Councilman's mother. He also wished everyone a Merry Christmas and Happy Hanukkah.

Mr. Neil noted the absence of his Third District colleague, Scott Cole, due to the passing of his mother and advised that, not only is she going to be missed by the entire Cole family because of the influence she had on them and helping them to grow up to be terrific people, but the Baltimore Orioles have lost a great fan as well.

Mr. Lewis stated that, on Friday, November 17th, he had the opportunity to attend the DEMCO (Delaware Multicultural and Civic Organization) Learning 20th Gala at the Biggs Museum. He noted that it was a phenomenal event and they deserve a round of applause for what they do to help the children of Dover and the community. Mr. Lewis stated that he was honored to be there, and he

met a colleague that is on the Capital School Board, and they presented him with a pen for supporting them. Mr. Lewis advised that he invited DEMCO to attend a Council meeting and told them to contact Mrs. Traci McDowell, City Clerk, to arrange to be put on an agenda. He stated that he thought it might be a good idea to hear from them and possibly have the City partner with them.

Mr. Neil moved for adjournment, seconded by Mr. Lewis and unanimously carried.

Meeting adjourned at 7:46 p.m.

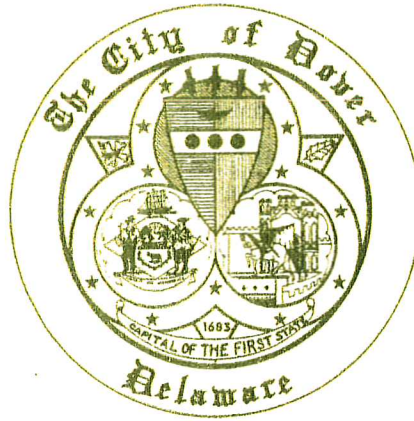
TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of November 27, 2017, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM

S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Council-Minutes\2017\11-27-2017 Council Minutes.wpd



CERTIFICATE OF RECOGNITION

presented to

***Reagan and Payton Garnsey
and the Buckets of Love Foundation***

In 2017, with the help of family and friends, sisters Reagan and Payton Garnsey established the Buckets of Love Foundation. This non-profit organization is dedicated to spreading joy to those children in Delaware who are receiving care in hospitals or residing in homeless shelters.

The goal of the Buckets of Love Foundation is to bring smiles to the faces of needy children by providing them with buckets filled with age-appropriate toys and crafts. The Foundation, with Reagan and Payton at the helm as co-founders and CEO's, has developed a website, created a video and Facebook page, launched a letter-writing campaign, held numerous promotional events, and assembled and delivered buckets to needy children. Since its inception, the organization has raised over \$3,305 in donations, impacting 60 individuals.

The City of Dover recognizes Reagan and Payton Garnsey and all of those involved in the Buckets of Love Foundation for their commitment to improving the lives of children in Delaware. They have demonstrated that age is no barrier when striving to make the world a better place, and it is hoped that their example will inspire others to perform acts of kindness and use their talents selflessly to serve the less fortunate.

December 11, 2017

***ROBIN R. CHRISTIANSEN
MAYOR***

***TIMOTHY A. SLAVIN
COUNCIL PRESIDENT***

**The City of Dover has been named a BRONZE Bicycle Friendly Community
by the League of American Bicyclists**

The League of American Bicyclists has recognized the City of Dover with a Bronze Bicycle Friendly CommunitySM (BFCSM) award, joining over 400 visionary communities from across the country. With this announcement on November 30, 2017, Dover joins 65 new and renewing Bicycle Friendly Communities in all 50 states, that are transforming neighborhoods across the country.

“We applaud these communities for making bicycling a safe and convenient option for transportation and recreation,” said Bill Nesper, Executive Director at the League of American Bicyclists. “We are encouraged by the growing number of leaders who see bicycling as a way to build more vibrant, healthy, sustainable and connected communities and be a part of the solution to many complex challenges faced at both the community and national levels. We look forward to continuing to work with these communities as we move closer to our mission of creating a Bicycle Friendly America for everyone.”

The BFC program is revolutionizing the way communities evaluate their quality of life, sustainability and transportation networks, while allowing them to benchmark their progress toward improving their bicycle-friendliness. With this impressive round, there are now over 400 BFCs in all 50 states. The bronze BFC award recognizes Dover’s commitment to improving conditions for bicycling through investment in bicycling promotion, education programs, infrastructure and pro-bicycling policies.

The Bicycle Friendly Community program provides a roadmap to building a Bicycle Friendly Community and the application itself has become a rigorous and an educational tool in itself. Since its inception, more than 800 distinct communities have applied and the five levels of the award – diamond, platinum, gold, silver and bronze – provide a clear incentive for communities to continuously improve.

About the Bicycle Friendly AmericaSM Program

The Bicycle Friendly CommunitySM, Bicycle Friendly StateSM, Bicycle Friendly Business and Bicycle Friendly UniversitySM programs are generously supported by program partner Eco-Counter and by League Members. To learn more about building a Bicycle Friendly America, visit www.bikeleague.org/BFA

Their mission reads: *The League of American Bicyclists is leading the movement to create a Bicycle Friendly America for everyone. As leaders, our commitment is to listen and learn, define standards and share best practices to engage diverse communities and build a powerful, unified voice for change.*

An Excerpt from the Council Committee of the Whole/Utility Committee Minutes of November 14, 2017:

COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole met on November 14, 2017 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Cole, Mr. Polce, Mr. Hare, and Mr. Lindell. Mr. Lewis was absent. Mayor Christiansen was also present (departed at 6:33 p.m. and returned at 6:34 p.m.). Civilian members present for their Committee meetings were Mr. Caldwell and Dr. Warfield (*Parks, Recreation, and Community Enhancement*), and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*).

Mr. Hare moved to amend the agenda to change the order of the committees, as follows: Legislative, Finance, and Administration Committee; Parks, Recreation, and Community Enhancement Committee; and Utility Committee. The motion was seconded by Mr. Anderson and unanimously carried.

UTILITY COMMITTEE

The Utility Committee met with Chairman Cole presiding.

AGENDA ADDITIONS/DELETIONS

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

Request for Street Name Change - Krisko Circle (Remaining segment of Krisko Circle which runs in a west-east direction from Stover Boulevard just east of Bay Road) (Planning Reference: MI-17-07)

In accordance with Chapter 98, Article II, Section 98-45 Street Name Change Procedure, of the Dover Code, members considered a petition, submitted by Mr. Garth E. Jones, P.E., Chesapeake Utilities, to change the street name of the remaining segment of Krisko Circle to Energy Lane. The petition requests that the remaining segment of Krisko Circle, which runs in a west-east direction from Stover Boulevard just east of Bay Road, be changed to Energy Lane.

Mr. David Hugg, Acting Director of Planning and Community Development, indicated that the street name change request was initiated by Chesapeake Utilities. He noted that this property was the Stover business park a number of years ago and estimated that there were approximately a dozen lots with a hotel on the front lot, but that the rest of the property had not been developed. Mr. Hugg informed members that Chesapeake Utilities had acquired the property for its new headquarters, warehouse, etc. He explained that at the time the Stover Park project was active, Krisko Circle was in fact a circle; however, under the Chesapeake development plans, it is now a cul-de-sac.

Mr. Hugg stated that Chesapeake Utilities would like to have a street name that is more appropriate to their business and proposed Energy Lane. He indicated that the proposed street name is consistent with street naming protocols and staff recommended that this matter go to Council for consideration.

Staff recommended approval of the requested street name change from Krisko Circle to Energy Lane, as recommended by the Planning Commission, and that a public hearing before City Council be set for December 11, 2017 at 7:30 p.m.

Mr. Neil asked if there would be any City expenses for the street name change, for example the cost of maps, etc. Responding, Mr. Hugg, stated that since the street is currently only partially developed, and he believed it was a private street, as part of the site plan development, the naming will change and Chesapeake Utilities will be responsible for putting up the street signs and those kinds of things. He indicated that he was unaware whether Chesapeake Utilities plans to dedicating this as a public street. Mr. Hugg explained that if they do want to dedicate the street to the City, it would go through the City's normal process to ensure it meets the standards for being accepted by the City, which is a function of the Public Works Department. In regard to the street name change, Mr. Hugg stated that there is no immediate cost to the City for maps or anything like that, explaining that it is one of the rolling changes that staff will make as part of the mapping process. Mr. Hugg advised that 911 would change their maps, indicating that it is probably the most important change so that public safety personnel would be aware of the name change to Energy Lane.

Mr. Hare moved to recommend approval of the requested street name change from Krisko Circle to Energy Lane, as recommended by the Planning Commission, and that a public hearing before City Council be set for December 11, 2017 at 7:30 p.m., as recommended by staff. The motion was seconded by Mr. Sudler and unanimously carried.

/dd

S:\STREET NAME CHANGES\Krisko Circle-Energy Lane\11-14-2017 CCW Minutes Excerpt - Request for Street Name Change - Krisko Circle.wpd



REQUEST FOR STREET NAME CHANGE

Report to the

Council Committee of the Whole/Utility Committee for November 14, 2017 Meeting
Recommendation from Planning Commission with Development Advisory Committee Review

Petitioner: Eastern Shore Natural Gas/Chesapeake Utilities

Location: Remaining segment of Krisko Circle which runs in a west-east direction from Stover Boulevard just east of Bay Road. It is located within the industrial park now known as the North Gate Center.

Purpose: Request to change the street name of this street segment from Krisko Circle to Energy Lane. Request was filed in accordance with the *Dover Code of Ordinances*, Chapter 98, Article II, Section 98-45 Street name change Procedure

Current Street Name: Krisko Circle

Proposed Street Name: Energy Lane

File Number: MI-17-07

Planning Commission Recommendation:

This Request for a Street Name Change (Krisko Circle to Energy Lane) was considered by the Planning Commission at their meeting on October 16, 2017. Eight members of the Planning Commission were present with one member absent; additionally, one member recused himself from the discussion and vote. Information on the Request was presented to the Planning Commission by Planning Staff and by the petitioner, Garth Jones representing Chesapeake Utilities. According to the street name change procedures, a public hearing was not required. The Planning Commission was also provided the attached Report and Comments from the Development Advisory Committee (D.A.C.). The Planning Commission voted (7-0 with one member recused and one member absent) to recommend in favor of the requested street name change from Krisko Circle to Energy Lane. See the included excerpt of the DRAFT Meeting Minutes of the October 16, 2017 Planning Commission meeting.

Attachments:

- Development Advisory Committee (DAC) Report from Planning Office
- DAC Comments: Department of Public Works, Office of the Fire Marshal, DelDOT, and Kent Conservation District
- Excerpt of Draft Minutes from October 16, 2017 Planning Commission Meeting
- Exhibit Map of Krisko Circle – Energy Lane Proposed Street Name Change
- Request for Street Name Change Submission including Application and Petition

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C MEETING DATE: October 4, 2017

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APPLICATION: Request for Street Name Change: Krisko Circle to Energy Lane

FILE#: MI-17-07 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Dawn E. Melson-Williams, AICP PHONE#: 736-7196

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This request is submitted for Planning Commission review of a Request for a Street Name Change for the remaining segment of Krisko Circle which runs in a west-east direction from Stover Boulevard just east of Bay Road. The new street name proposed is Energy Lane.

The request was filed in accordance with *Dover Code of Ordinances*, Chapter 98, Article II, Section 98-45 Street name change procedure which also references Appendix A: *Land Subdivision Regulations*, Article VI, Section A. Streets. The name change procedure requires review and comments by the Development Advisory Committee (DAC) and review by the Planning Commission prior to review by the Utility Committee of City Council and then public hearing and consideration by the City Council.

History of Area

The overall property was originally subdivided with Application SB-05-05 Stover Professional Campus with Planning Commission approvals in September and November 2005. The Record Plan, recorded on April 20, 2007 subdivided the tract into twelve (12) lots and identified the new streets to be developed under the guidelines for a Planned Industrial Park with access to the site from Bay Road. Construction of the Industrial Park infrastructure commenced in 2007 with utilities, the stormwater management facility, and the streets partially constructed. Site Plan S-06-37 developed the Mainstay Suites Hotel at 201 Stover Boulevard (Lot 2). Another Site Plan S-05-32 proposed an office building on Lot 6; however, that plan has expired.

The most recent application related to the overall industrial park was approved and recorded in 2015 for the MI-15-07 Northgate Center Parcel Consolidation Plan and Right-of-Way Abandonment. The plan consolidated seven (7) parcels, out of the original twelve (12) into a larger parcel and abandoned portion of the right-of-way for Krisko Circle.

Existing Conditions and Use:

At its April 18, 2016 meeting, the Planning Commission granted conditional approval for Site Development Plan S-16-11, Chesapeake Utilities Dover Campus at Northgate Center Lot 6. This application was to permit construction of a 56,000 S.F. +/- office building, a 36,000 S.F. +/- warehouse building, vehicle storage, material storage, compressed natural gas dispensers, and associated site improvements on a 20.6275 acre (site development area of 14.5 acres). This site located on the south side of Krisko Circle is currently under active construction.

Request for Street Name Change

The proposed Street Name requested is Energy Lane for the remaining segment of Krisko Circle. Within the *Land Subdivision Regulations* Article VI, Section A. Streets, guidelines for the naming of streets are provided.

Article VI. Section A. Streets. 16. Street names shall be selected so as not to duplicate, or be confused with, the names of existing streets. Street names shall be subject to the approval of the commission. All new streets shall be named in the following manner:

TABLE INSET:

General Direction	Long	Short (under 1,000 ')
North and south	Streets	Places
East and west	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Lanes, Circles
Arterial streets shall be named Boulevards		

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

RECOMMENDATIONS and ADVISORY COMMENTS:

1. Planning Staff recommends approval of the street name Energy Lane as following the naming conventions for a short curving segment of street.
2. As part of the Development Advisory Committee process, a series of City, County, and State agencies were notified of the street name change request. Any comments received regarding the request are attached to this Report.
3. Upon approval of the street name change, notification of appropriate City, County, and State agencies will be completed by the City of Dover.
4. Upon approval of the street name, the installation of updated street name blades on the street will be completed by the City of Dover.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: SEPTEMBER 27, 2017

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: Street Name Change from Krisko Circle to Energy Lane

FILE #: MI-17-07

REVIEWING AGENCY: City of Dover Electric and Public Works Departments

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

CONTACT PHONE #: Electric – 302-736-7070 Public Works – 302-736-7025

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

ELECTRIC / WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. No objection to name change.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

MI-17-07

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 10/04/17

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APPLICATION: Request for Street Name Change: Krisko Circle to Energy Lane

FILE #: MI-17-07 **REVIEWING AGENCY:** City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Fire Marshal

PHONE #: (302) 736-4457

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESS BY THE APPLICANT:

ADDITIONAL / SPECIFIC COMMENTS:

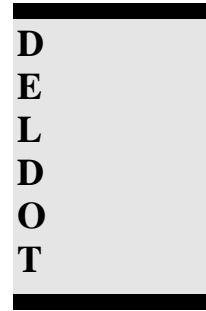
- This office has no objections

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2015 NFPA 1 Fire Code (NFPA; National Fire Protection Association)
2015 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)
2013 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)
2013 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)
2009 IBC (International Building Code)
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations
2015 Delaware State Fire Prevention Regulations
City of Dover Code of Ordinances

*If you have any questions or need to discuss any of the above comments, please call the above contact person listed.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: October 4, 2017



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APPLICATION: Request for Street Name Change: Krisko Circle to Energy Lane

FILE#: MI-17-07

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Jonathan T. Moore

PHONE#: 760-2145

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THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS:

DelDOT has no comments regarding city & state code at this time.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT has no advisory comments at this time.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the planning department as soon as possible.



**CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
2017**

APPLICATION: Request for Street Name Change: Krisko Circle to Energy Lane

FILE #: MI-17-07

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jessica L. Verchick, EIT*

PHONE #: 741-2600 ext.3

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source:

2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to the street name change for the above referenced site.

CITY OF DOVER PLANNING COMMISSION

October 16, 2017

Excerpt from Meeting Minutes – Draft

The Regular Meeting of the City of Dover Planning Commission was held on Monday, October 16, 2017 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, Mrs. Welsh, Ms. Maucher and Mr. Tolbert. Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Julian Swierczek, and Mrs. Kristen Mullaney.

MI-17-07 Request for Street Name Change: Krisko Circle to Energy Lane– Review for Recommendation of a Request for a Street Name Change for the remaining segment of Krisko Circle which runs in a west-east direction from Stover Boulevard just east of Bay Road. The new street name proposed is Energy Lane. The request was filed in accordance with *Dover Code of Ordinances*, Chapter 98, Article II, Section 98-45 Street name change procedure which also references Appendix A: *Land Subdivision Regulations*, Article VI, Section A. Streets. *The name change procedure requires review and comments by the Development Advisory Committee (DAC) and review by the Planning Commission prior to public hearing and consideration by the City Council.*

Representatives: Mr. Garth Jones, Chesapeake Utilities

Mrs. Melson-Williams stated that this is a request for a street name change. The provisions for how that process works are actually laid out in the main part of Dover Code in Chapter 98. As part of that process, any requests for name change is referred first to the Development Advisory Committee for comments from the various agencies that participate in that process and then it is forwarded to the Planning Commission for review and recommendation. There is not a requirement for a public hearing in front of the Planning Commission. The public hearing comes later once this request proceeds to the City Council level. This evening we are talking about what is the remaining segment of Krisko Circle. It is a road segment that runs east to west from Stover Boulevard. It is part of what is now known as the North Gate Center. The project area of Stover Boulevard and Krisko Circle was originally part of the Stover Professional Campus. It was an industrial park that was laid out a number of years ago with a series of twelve lots for development. The hotel was constructed and there were some concepts for other development in the park; however, what has transpired most recently was first the abandonment of the southern half of Krisko Circle and the consolidation of a series of lots there which has led to the current construction of the Chesapeake Utilities/Eastern Shore Natural Gas headquarters and warehouse location. That was the subject of a Site Plan approval that came before this body back in 2016. With that consolidation of properties, Krisko Circle is no longer a circle and the road segment ends in a cul-de-sac. The applicant has requested the name change to something that is maybe a little more appropriate given the current condition of the road that is no longer a circle. They are proposing the street name of Energy Lane. It does follow the guidelines for naming of streets in that short curving roads are either lanes or circles; so a lane makes sense from that perspective. Planning Staff is recommending approval of the name Energy Lane. The comments from the various DAC agencies (the Public Works Office, the Fire Marshal's Office, DelDOT and the

Kent Conservation District) are indicating no objection to this request for name change. As mentioned, the Planning Commission is a recommending body. This has to move forward to the City's Utility Committee and onto City Council.

Mr. Holden abstained from discussion and voting on this application as the applicant is his employer.

Mr. Jones stated that he has read through the DAC Report and there are no comments and they have no objections.

Mr. Holt stated that he can see where Eastern Shore Natural Gas is a big energy source so he can see why they want to change the name to Energy Lane from Krisko Circle.

Mr. Holt moved to recommend approval to City Council for MI-17-07 Street Name Change from Krisko Circle to Energy Lane, seconded by Ms. Edwards and the motion was carried 7-0 with Mr. Holden abstained and Dr. Jones absent. Mr. Roach voting yes; we can't go around calling streets circles when it's not. Ms. Edwards voting yes. Mr. Hold voting yes; he thinks that it's a very appropriate name change. Mr. Baldwin voting yes; for the reasons stated. Mrs. Welsh voting yes; for the reasons previously stated. Ms. Maucher voting yes; the applicant has followed the required methodology to change a street name and it's a fine fit. Mr. Tolbert voting yes; for the reasons previously stated.

Krisko Circle - Energy Lane Proposed Street Name Change



0 150 300 600 Feet



Date Printed: September 26, 2017
File: m:\gis_data\projects\tech_mxds
\street_name_change_new
Department: Public Works GIS
City of Dover, Delaware



Legend

- Dover Parcels
- Portion Proposed to be Renamed Energy Lane



September 12, 2017

Traci A. McDowell, MMC
City Clerk
City of Dover
15 Loockerman Plaza
Dover, DE 19903

RE: Street Name Change Application & Petition - Resubmission
CHEAPEAKE UTILITIES / KRISKO CIRCLE
Dover, Delaware

Dear Ms. McDowell,

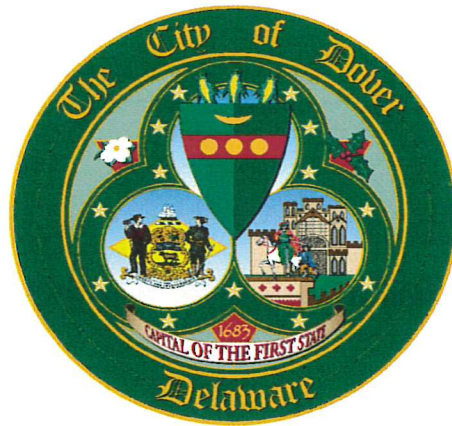
Please find enclosed a *Street Name Change Application & Petition* and *Certificate of Incumbency* associated with the above referenced project. The application was modified to include both properties owned by Eastern Shore Natural Gas (ESNG) at the Northgate Center, and list me as the contact person for this request. The Certificate confirms that Mr. Moriarty has the authority to sign on behalf of ESNG. Please request the City to process our request to start the process for the name change.

Please contact me at 302.213.7455 if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink that reads "Garth E. Jones". The signature is fluid and cursive, with the first name "Garth" being more prominent.

Garth E. Jones, P.E.
Engineering Manager – Planning & Design



CITY OF DOVER STREET NAME CHANGE APPLICATION AND PETITION

THE CITY OF DOVER, DELAWARE
STREET NAME CHANGE PROCEDURE

Thank you for your inquiry into the City of Dover's street name change procedure. Please thoroughly review the following procedure, and submit your completed application and petition to the City Clerk's Office, 15 The Plaza, Dover, DE 19903. Please note that an incomplete application and/or petition may delay the processing of your request and could potentially cause a delay in its consideration.

Should you have any questions, please contact the City Clerk's Office at 736-7008 or by email to cityclerk@dover.de.us.

Chapter 98, Article II, Section 98-45 - Street name change procedure

Recognizing that changing the name of a city street already named is a complicated and expensive procedure affecting many departments and many persons, the following procedure is adopted:

- (1) *Petition.* In order to initiate the procedure for changing the name of an existing street, a petition or other formal request must be received from a majority of the property owners abutting on the street in question, which documentation must be submitted to the city clerk for further processing. The city clerk shall verify with the city assessor that the requirements of a majority of the owners has been met. If the petition or other documentation does not meet this requirement, then the request shall be summarily dismissed by the city clerk and the person or persons presenting such request shall be notified.
- (2) *Comments to committee.* Once the requirements of subsection (1) of this section have been met, the city clerk shall refer the request to the development advisory committee (DAC) to obtain comments of all involved parties, specifically including the police department, fire department, public works department, department of planning and inspections, city assessor, and city manager. The response from the DAC shall be submitted to the city clerk. In considering the request for the name change, the DAC is specifically directed to consider appendix A to this Code (article VI, section A) regarding the naming of new streets.
- (3) *Planning commission review.* The city clerk shall refer the petition and the DAC comments directly to the planning commission for its review and recommendation regarding the request. Once considered by the planning commission, its recommendation shall be returned to the city clerk. No public hearing is required before the planning commission and the planning commission shall recommend approval of the change of name or disapproval of the change of name, along with its reasons.
- (4) *Utility committee review.* Once the planning commission's recommendation is received by the city clerk, then the recommendation and the entire file, including the request and the DAC comments, shall be submitted to the utility committee for review and recommendation directly to the council.
- (5) *Notice of hearing.* Once the council receives the recommendations from the utility committee, a public hearing shall be scheduled for a regular council meeting regarding the request, and notice of the public hearing shall be given by the city clerk by placing such notice in one edition of a local newspaper, to be published at least ten days prior to the date of the public hearing before the city council.
- (6) *Council hearing.* The council shall hear public comments at the public hearing and shall also receive the comments of the planning commission and the utility committee, and shall, at the conclusion of the public hearing, vote to approve the change of name or to disapprove the change of name. An affirmative vote to change the name shall require an affirmative vote of two-thirds of all persons elected to the council. If the change of name is granted, then notification thereof shall be given to the city manager to implement the name change.

(Code 1981, § 19-25; Ord. of 7-10-2000)

THE CITY OF DOVER, DELAWARE
APPLICATION FOR STREET NAME CHANGE

Please complete the following application and petition and submit to the City Clerk's Office, 15 The Plaza, Dover, DE 19903. **Please print.**

Current Street Name: Krisko Circle

City Council District(s): 2nd District

General Street Location (Impacted Area): North Gate Center - Lots 3, 4, 5 & 6

Proposed Street Name: Energy Lane

(Please list at least two (2) alternate street name choices)

1. _____

2. _____

Reason for Change: Change in ownership. The circle was removed as part of our new Campus.

Source/Meaning/Background of Proposed New Name(s):

Chesapeake Utilities is constructing a new campus situated on 21 +/- acres (lot 6) within the North Gate Center. Chesapeake Utilities also owns Lot 3. The new campus will be home to Chesapeake Utilities and Eastern Shore Natural Gas. Energy Lane provides a better representation of Chesapeake Utilities Corporation, our brand and our industry. In addition, the physical "circle" not longer exist as a significant portion was removed as part of the Chesapeake Utilities' project.

Petition-Initiator and/or Contact Person:


Name: Garth E. Jones, P.E. / Chesapeake Utilities

Mailing Address: 350 South Queen Street

City, State, Zip: Dover, DE 19904

Phone Number: 302.213.7455 Email address: gjones@chpk.com

I attest that all of the above information is true and correct.



Contact Person Signature

09.12.17

Date Submitted

THE CITY OF DOVER, DELAWARE
PETITION FOR STREET NAME CHANGE

An application is being submitted to the City of Dover requesting a street name change for the street described below. I understand that this street name change will likely result in address changes. I am aware that each individual property owner would be responsible for any costs associated with changes in home or mailbox numbers; driver's license information; stationary; personal or business checks; and other personal documents related to a street name or address change.

Current Street Name: Krisko Circle

City Council District(s): 2nd District

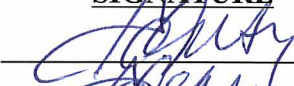

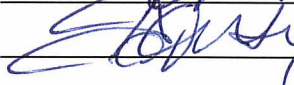
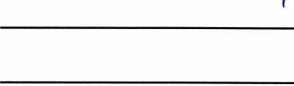
General Street Location (Impacted Area): North Gate Center - Lots 3, 4, 5 & 6

Proposed Street Name: Energy Lane

(Please list at least two (2) alternate street name choices)

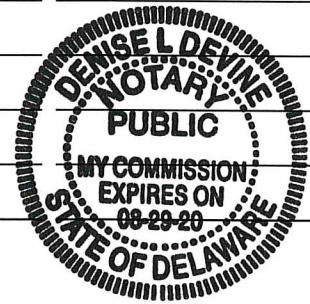
1. _____
2. _____

Having read and understood the statement above, I am signing this petition in order to demonstrate my **SUPPORT** of the proposed street name change.

<u>PRINT NAME</u>	<u>SIGNATURE</u>	<u>ABUTTING ADDRESS NUMBER and STREET</u>	<u>PROPERTY OWNER PHYSICAL ADDRESS</u>
JAMES F. MORIARTY		401 Krisko Circle	909 Silver Lake Blvd.
JAMES F. MORIARTY		Dover, DE 19904	Dover, DE 19904
JAMES F. MORIARTY		500 Krisko Circle	909 Silver Lake Blvd.
JAMES F. MORIARTY		Dover, DE 19904	Dover, DE 19904

PETITION FOR STREET NAME CHANGE (Continued)

[illegible]

**PROPERTY OWNER
PHYSICAL ADDRESS**[illegible]

Terese L. Burn
Notary Public

-6-



PETITION TO AMEND ZONING ORDINANCE TEXT

Report to the

Dover City Council for December 11, 2017 Meeting

Recommendation from Planning Commission with Development Advisory Committee Review

Proposed Changes:

Text Amendments to the following:

- *Zoning Ordinance*, Article 3 – District Regulations
 - Section 1 – One-family residence zones
 - Section 10 – Institutional and office zone
- *Zoning Ordinance*, Article 5 -Supplementary Regulations
 - Section 14 – Child Day Care Facilities (edits)
 - Section 22 – Adult Day Care Facilities (new section)
- *Zoning Ordinance*, Article 12 - Definitions.

Summary of Amendment:

The proposed amendment establishes provisions for Adult Day Care facilities allowing them to be permitted in any zoning district provided that State licensing and City code requirements have been met. Other amendments update references and definitions to make distinction between Child Day Care facilities and Adult Day Care facilities.

Key features of the Provisions:

- Identifies a distinction between child day care facilities and adult day care facilities
- Defines adult day care facilities, small adult day care facility, and large adult day care facility
- Establishes the review processes for each type of facility depending on zoning of the subject property
- Establishes requirements for parking, signage, and licensing
- Adds allowances for after school care of children in Family Day Care Home – Children and Large Family Day Care Home - Children

Process:

The Legislative, Finance, and Administration Committee reviewed the proposed Text Amendments on September 25, 2017 and the First Reading on October 9, 2017. A Public Hearing before the Planning Commission was scheduled for November 20, 2017 and a Public hearing and Final Reading before City Council is scheduled for December 11, 2017.

Ordinance Number:

Proposed Ordinance #2017-13

File Number:

MI-17-03

Planning Commission
Recommendation:

Following a Public Hearing on November 20, 2017, where no members of the public spoke, the Planning Commission voted unanimously (9-0) to recommend in favor of adoption of the proposed Ordinance #2017-13 regarding child day care facilities and adult day care facilities.

Discussion by the Planning Commission included questions on the existence of any existing facilities that could be categorized as Adult Day Care facilities; an inquiry if the terms “child” and “adult” were defined; and if the Planning Office had received any requests for such facilities.

Planning Staff notes the following:

- Planning Staff notes that the definition of a “child day care facility” includes the reference to a “child” of a parent or guardian.
- When the *Zoning Ordinance* does not include a specific definition of a term, then a dictionary may be consulted for the common definition.
- Child day care facilities are regulated by the State of Delaware through the Department of Services for Children, Youth & Families, Office of Child Care Licensing. Their regulations reference a “child” as a person having not yet reached 18 years of age. Additionally, “children” are classified as infants (up to 12 months of age), toddlers (12-36 months of age), pre-school age (ages 3-5), and school-age children (Kindergarten and older).
- Adult day care facilities are regulated by the State of Delaware through the Department of Health and Social Services. Their regulations reference an “adult” as any person 18 years of age or older.

See the included Excerpt of the DRAFT Meeting Minutes of the November 20, 2017 Planning Commission meeting.

Attachments:

- DAC Comments: Department of Public Works, Office of the Fire Marshal and DelDOT
- Excerpt of Draft Minutes from November 20, 2017 Planning Commission Meeting
- Ordinance #2017-13

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: NOVEMBER 1, 2017

**CITY OF
DOVER
Electric &
Public Works
Departments**

APPLICATION: **Text Amendments: Adult Day Care Facilities**
FILE #: **MI-17-03**
REVIEWING AGENCY: **City of Dover Electric and Public Works Departments**
CONTACT PERSON: **Paul Waddell - Electric**
Jason A. Lyon, P.E. – Public Works
CONTACT PHONE #: **ELECTRIC - 302-736-7070 PUBLIC WORKS – 302-736-7025**

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. No objections to proposed amendments.

WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

1. Our office has no objections to the proposed text amendments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC / WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

1. None.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

MI-17-03

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: November 1, 2017

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APPLICATION: Text Amendments: Adult Day Care

FILE #: MI-17-03 **REVIEWING AGENCY:** City of Dover, Office of the Fire Marshal

CONTACT PERSON: Matthew Brown, Deputy Fire Marshal **PHONE #:** (302) 736-4457

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESS BY THE APPLICANT:

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

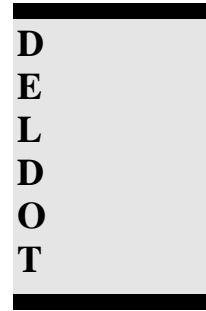
1. No objections.

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2015 NFPA 1 Fire Code (NFPA; National Fire Protection Association)
2015 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)
2013 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)
2013 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)
2009 IBC (International Building Code)
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations
2015 Delaware State Fire Prevention Regulations
City of Dover Code of Ordinances

*If you have any questions or need to discuss any of the above comments, please call the above contact person listed.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: November 1, 2017



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APPLICATION: Text Amendment: Adult Day Care Facilities

FILE#: MI-17-03

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Jonathan T. Moore

PHONE#: 760-2145

=====

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS:

DelDOT has no comments regarding city & state code at this time.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT has no advisory comments at this time.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the planning department as soon as possible.

CITY OF DOVER PLANNING COMMISSION

November 20, 2017

Excerpt from Meeting Minutes – DRAFT

The Regular Meeting of the City of Dover Planning Commission was held on Monday, November 20, 2017 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, Mrs. Welsh, Ms. Maucher and Mr. Tolbert. Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Julian Swierczek, and Mrs. Kristen Mullaney.

MI-17-03 Text Amendments: Adult Day Care Facilities – Public Hearing and Review for recommendation to City Council on a series of Text Amendments to the Appendix B: *Zoning Ordinance*, Article 3 – District Regulations, Article 5 – Supplementary Regulations, and Article 12 - Definitions. The proposed Ordinance establishes provisions for Adult Day Care facilities allowing them to be permitted in any zoning district provided that state licensing and city code requirements have been met. Other amendments update references and definitions to make the distinction between Child Day Care facilities and Adult Day Care facilities. Ordinance #2017-13.

- A copy of the Proposed Ordinance #2017-13 is available on the City's website www.cityofdover.com under the Government Heading: Ordinances, Resolutions & Tributes. <https://www.cityofdover.com/ordinances-and-resolutions>
- *The Legislative, Finance, and Administration Committee reviewed the proposed Text Amendments on September 25, 2017 and the First Reading before City Council occurred on October 9, 2017. The Public Hearing before the Planning Commission is set for November 20, 2017 and Public Hearing and Final Reading before City Council is on December 11, 2017.*

Representatives: None

Mrs. Melson-Williams stated that this is a proposal for a series of text amendments to the *Zoning Ordinance*. Just a reminder, the Planning Commission in this case is a recommending body. This will actually have to move on to City Council for their own public hearing and adoption of the Ordinance. This began with an inquiry related to if they allowed adult day care facilities. Staff found that basically the *Zoning Ordinance* is silent on that type of use. The provisions for child day care facilities are pretty much established in the Code but they are very specific to children in how they are defined. With this set of ordinance provisions, they are establishing provisions for adult day care facilities basically allowing them to be permitted in any zoning district. There are actually some State Regulations related to adult day care facilities. The key provisions of the Code are first to clearly make the distinction between “child” day care facilities and “adult” day care facilities so there are some changes in Article 3 and then in Article 5 Section 14 to make those very clearly related to children. With this Ordinance, there is a proposed new section and that would be Article 5 Section 22 which discusses the adult day care facilities and it defines them. There is the ability to have a small adult day care or a large adult day care. Again, that is predicated on the number of adult participants being served. It outlines the type of review processes for establishing such facilities. There are provisions included related to parking and

signage as well as the licensing procedures that would be required. In Article 12, they go in and make sure that they are picking up those specific definitions.

The other agencies really had no objection to the proposed text amendments. Just for clarity purposes, in our residential districts, child care facilities are basically allowed. The process is actually defined related to the number of children being served. They have added adult day care facilities as something that would require conditional use approvals in the residential zones but in the IO (Institutional and Office Zone), adult day care facilities would be a permitted use. As mentioned, in Article 5 Section 14 they make the distinction for child care facilities. The other minor change that we have done is for family day care homes and large family day care homes serving children. They have added the provisions that in addition to the full-time care number of children you have, they are allowing the maximum of three additional children for after-school care type facilities. A family day care home is one that serves six or fewer children with the additional allowance of three under after-school care. That brings it in line with some of the provisions that the State Child Care Licensing has for those types of facilities.

The main gist of this is the addition of Article 5 Section 22 which is the adult day care facilities where it goes through the definitions. Adult day care facilities are “programs that provide health, social and related support services for four or more functionally impaired adults who require supervision due to cognitive or physical impairment and who cannot independently perform one or more activities of daily living.” These services are intended to be provided to adults for a period of less than twelve hours a day and are provided in a setting other than the participant’s home or the residence of the facility operator. An adult day care facility is very distinctive from an assisted living or nursing home. It’s not a full time residential component. Dividing it into small and large facilities, a small facility is anywhere from four participants up to sixteen. It becomes a large adult day care facility for places that are serving more than sixteen adult participants. The review process is also established. They clearly understand that there may be existing facilities that already are servicing adult participants in some way so if it meets the definition that they are proposing for the Code, then in that instance it would be permitted as an accessory use.

In the residential zones, a Conditional Use Site Plan will be required to establish an adult day care facility. In the non-residential zones, if it is the small adult day care facility then it will be a Site Development Plan process. Most of those likely if it’s an existing building, will be able to be reviewed administratively for compliance. If someone is wishing to do the large adult day care facility in a non-residential zone then it is a Conditional Use Site Plan that will be subject to the Planning Commission’s public hearing process. Parking is based on the number of adult attendants and participants to establish that; very similar to what day care facilities have. The definitions section is updated with those provisions as well.

Mr. Holt questioned if there were any adult day cares in operation in Dover now? Responding to Mr. Holt, Mrs. Melson-Williams stated that they believe that there probably is some programming offered at the Modern Maturity Center that would equate to this adult day care facility provision. They have a day break program so there may be something similar to that in some of the other nursing facilities as well. They clearly thought that there probably was something of a similar nature at the Modern Maturity Center. There may also be something of

similar nature related to the services that Easter Seals provides at their location in town as well.

Ms. Maucher questioned if “adult” and “child” were defined elsewhere in the Code? Responding to Ms. Maucher, Mrs. Melson-Williams stated that she does not believe so. She doesn’t believe that there is any distinction between child and adult. In that case, if it is not defined then you go to the common dictionary which would probably lead you to believe that ages eighteen and up would be an adult situation.

Mr. Tolbert opened a public hearing and after seeing no one wishing to speak, closed the public hearing.

Mr. Holt questioned if there have been any requests recently for an adult day care in the City? Responding to Mr. Holt, Mrs. Melson-Williams stated that they did receive an inquiry back in the summer regarding the ability to utilize an existing building for such a facility which then triggered us to really start to look at our Code and find that there really wasn’t anything that could address that type of facility. They went to the research mode; hence, the Ordinance that is before you tonight.

Mr. Roach questioned if it would be smart of them to try to specify the idea of “adult” versus “child” care now or do we just wait until someone submits an application? It seems like if we wait and we don’t specify that parameter in regards to an adult day care facility and a child day care facility then we leave ourselves open for opportunities for wiggle room. Responding to Mr. Roach, Mr. Hugg stated that without knowing exactly what the regulations specify, both child day cares and adult day cares are regulated by the State and in each case, you have to meet the State licensing requirement. If we were to address that question, he thinks that we would probably default to whatever the State requirement is.

Mrs. Welsh moved to recommend approval to City Council for MI-17-03 Text Amendments: Adult Day Care Facilities, seconded by Ms. Maucher and the motion was carried 9-0 by roll call vote. Mr. Holden voting yes; it seems to be a common sense way to clear up a lack of clarity currently. Mr. Roach voting yes; he appreciates the Planning Staff for their initiative and proactiveness in regards to this situation to take care of it before the Commission had to sit here confused. Ms. Edwards voting yes; it seems like it is a necessity unfortunately in the community. Mr. Holt voting yes; he thinks that it’s going to be needed in the very near future with the way that the City is growing. Mr. Baldwin voting yes. Dr. Jones voting yes; it’s a great option for family members who are taking care of others who may need care during the day. Mrs. Welsh voting yes. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; updated regulations regarding the facilities is certainly needed.

CITY OF DOVER ORDINANCE #2017-13

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

That Appendix B – Zoning, Article 3 – District Regulations, Section 1 – One-Family Residence Zones, of the Dover Code be amended by inserting the text indicated in bold, blue font as follows:

ARTICLE 3. - DISTRICT REGULATIONS

Section 1. - One-family residence zones [(R-20, R-15, R-10, R-8 and R-7)].
(R-20, R-15, R-10, R-8, R-7.) (See also article 5, Supplementary Regulations; and article 6, Off-Street Parking, Driveways and Loading Facilities.)

1.1 *Uses permitted.* In a one-family residence R-20, R-15, R-10, R-8 and R-7 zones, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

1.11 The raising of field and garden crops, vineyards and orchard farming, the maintenance of nurseries, and the seasonal sale of the products thereof, provided no building is erected and signs conform with article 5, section 4.

1.12 One-family detached dwellings, not to exceed one such dwelling per lot.

1.13 Public buildings, structures and uses, including parks and playgrounds, subject to approval of site plans by the planning commission in accordance with article 10, section 2.

1.14 The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in section 10.1 and to any specified requirements set forth below:

(a) Places of worship, including parish houses; [and] schools, including nursery schools, kindergartens and day care centers in accordance with article 5, Supplementary Regulations, section 14. **Child Day** care facilities; philanthropic and eleemosynary institutions; hospitals and sanitariums for general medical care; and funeral homes subject to the following requirements:

i. Any school permitted under this paragraph [subsection 1.14(a)] shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such thereunder.

ii. Any school permitted under this paragraph [subsection 1.14(a)], other than a kindergarten, nursery school, or day care center, shall occupy a lot with an area of not less than two acres, plus one acre for each 100 pupils for which the building is designed.

iii. Any kindergarten or nursery school permitted under this paragraph [subsection 1.14(a)] shall be limited to a maximum of 50 children in zones R-8 thru R-20 and a maximum of 100 children in all other zones. At least 100 square feet of outdoor play space per child shall be provided. Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited by other usage or natural features for children's active play space.

Fencing or other enclosures shall be a minimum height of four feet. The minimum lot area for each ten, or remainder over the multiple of ten, children shall be the same as the minimum lot area requirement for each dwelling unit in the districts in which such uses are to be located.

iv. No such building or part thereof shall be erected with less than a 50-foot front yard or nearer than 25 feet from any other street or property line.

v. The sum of all areas covered by all principal and accessory buildings shall not exceed 20 percent of the area of the lot.

vi. Courts shall conform to the requirements of article 5, section 3 hereof.

(b) Railroad and public utility rights-of-way and structures necessary to serve areas within the city, subject to such conditions as the planning commission may impose in order to protect and promote the health and safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed.

(c) Country clubs or other annual membership clubs, catering exclusively to members and their guests, and accessory private playgrounds, golf courses, swimming pools, tennis courts and recreation buildings not conducted as business enterprises, provided that the following operations shall be prohibited:

i. Outdoor entertainment, live or mechanical;

ii. The use of outdoor public address systems for any purpose; and

iii. Exterior lighting producing glare at the lot line other than that essential for the safety of the users of the premises.

No building erected under the provisions of this paragraph [subsection 1.14(c)] shall be so erected nearer than 50 feet to any street or property line.

(d) Adult day care facilities in accordance with Article 5 – Supplementary Regulations, Section 22 – Adult Day Care Facilities.

1.15 Accessory uses, limited to the following:

(a) Professional office or studio of an artist, dentist, musician, teacher, or physician, but not including veterinarians, provided that:

i. Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than one nonresident assistant; and

ii. Such office or studio shall occupy not more than 30 percent of the area of one floor of the main building.

iii. Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.

iv. Medical centers, barbershops, beauty parlors, real estate offices, funeral homes or similar uses shall not be considered permitted accessory uses.

- (b) Garden house, tool house, playhouse, greenhouse or pool incidental to the residential use of the premises and not operated for gain.
- (c) Private garage, provided that, in the case of a one-family dwelling, such garage shall have a capacity of not more than three passenger automobiles. One such space may be leased to a person not [a] resident on the premises.
- (d) Keeping domestic animals as pets, provided not more than three (3) dogs over six months old, shall be permitted.
- (e) Keeping of chickens for individual domestic purposes subject to the following restrictions:
- i. Keeping of chickens shall not be permitted on lots smaller than 10,890 square feet in lot area.
 - ii. No more than five (5) chickens shall be permitted on a residential lot.
 - iii. Chickens shall be registered with the Delaware Department of Agriculture.
 - iv. Chickens shall be penned in a coop that shall be at least four (4) square feet per chicken.
 - v. All chicken coops shall be located in a rear yard and shall be a minimum of 20 feet from side and rear property lines.
 - vi. Any odor associated with the chickens shall not be discernable from property lines.
 - vii. Keeping of roosters shall be prohibited.
 - viii. Any lot with chickens shall either comply with these requirements by June 1, 2016 or remove the chickens.
- (f) Dormitories accessory to schools, provided that such dormitories conform to the bulk regulations of the RG-1 zone. For purposes of computing bulk requirements, each four rooms shall be considered one dwelling unit. Parking shall be calculated as identified in Article 6—Off-Street Parking, Section 3—Required off-street parking spaces, Paragraph 3.1—Schedule of requirements.
- (g) Customary home occupations, provided that:
- i. No display of products, goods and/or signs shall be visible from the street.
 - ii. Such home occupation shall be incidental and secondary to the residential use of the premises and shall be conducted in the principal building by the resident or residents that reside therein.
 - iii. Nonresident assistants or co-workers shall be prohibited.
 - iv. Such home occupation shall not occupy more than 30 percent of the area of one floor in the principal building.
 - v. There shall be no exterior effect such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.

1.16 [1.2] *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

1.17 [1.3] *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

1.18 [1.4] [*Closed zone.*] Zone R-7 is a closed zone in accordance with article 10, section 5.19.

1.19 [1.5] [*Signs.*] Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

(Ord. of 1-8-1979; Ord. of 5-14-1990; Ord. of 12-14-1992(2); Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. No. 2009-12, 9-14-2009; Ord. No. 2011-21, 10-10-2011; [Ord. No. 2016-01, 4-11-2016](#).)

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 10 – Institutional and Office Zone of the Dover Code be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikeout as follows:

Section 10. - Institutional and office zone (IO).

10.1 *Uses permitted.* In an institutional and office zone (IO), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

- (a) Business, professional, or governmental offices.
- (b) Banks.
- (c) Research, design, and development laboratories.
- (d) Public and institutional uses including hospitals, medical clinics, libraries, police stations, courthouses, transit centers, schools, colleges, universities, places of public assembly, philanthropic and charitable institutions, parks, playgrounds, public indoor recreation centers, athletic fields.
- (e) Public utility rights-of-way and structures necessary to serve areas within the city.
- (f) **Child** ~~Day~~ day care centers, provided they are established in accordance with all applicable state regulations pertaining to child care and provided that they are established and maintained in accordance with article 5, section 14 of this ordinance.
- (g) Emergency shelters and transitional housing.
- (h) **Adult day care facilities provided they are established in accordance with all applicable state regulations pertaining to adult care and provided that they are established and maintained in accordance with article 5, section 22 of this ordinance.**

10.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

- (a) Firearm ranges, prisons, and correctional facilities.
- (b) Public incinerators.
- (c) Hotels and restaurants.

10.3 *Accessory uses.* The following uses shall be permitted accessory to other permitted uses on a lot.

- (a) Clinics, cafeterias, and recreational facilities.
- (b) Motor vehicle storage and repair facilities accessory to a public or institutional use.
- (c) Restaurants that are on a campus and intended to support users of the campus.

10.4 *Uses prohibited.* The following uses are prohibited:

- (a) Landfills, dumps.

10.5 *Enclosed buildings.* All permitted uses and all storage accessory thereto, other than offstreet parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants approved by the city planner.

10.6 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

10.7 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

(Ord. of 10-24-1983; Ord. of 12-14-1992; Ord. of 7-12-1993, § 7; Ord. of 4-25-1994; Ord. of 10-12-1998; Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. of 4-23-2007(1); Ord. of 4-23-2007(2); [Ord. No. 2014-08, 7-14-2014](#))

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 5 –Supplementary Regulations, Section 14 – Day Care Facilities of the Dover Code be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikeout as follows:

Section 14. — **Child** ~~Day~~ day care facilities.

14.1 *General.* In order to promote the development of quality child care outside of the home (day care facilities), the following two basic assumptions have been made:

14.11 The establishment of **child** day care services and facilities, wherever there is a need, is a

necessary public objective; and

14.12 Day care programs **for children** shall be treated as community facilities and shall be permitted to locate in any zoning district, provided that need has been demonstrated, state licensing requirements have been met and no physical hazard to children can be reasonably anticipated.

14.2 Definitions.

Child day care facility. For the purposes of this ordinance, the facilities described furnishing care, supervision and guidance of a child or group of children unaccompanied by a parent or guardian, for periods of less than 24 hours per day shall be defined as follows:

14.21 **Child day care center.**

- (a) Any place, other than an occupied residence, which receives children for compensation for day care or large family day care home; and
- (b) Any occupied residence which receives 13 or more children for compensation for day care.

Child day care centers shall be required to obtain conditional use approval by the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10 and to any specified requirement set forth in subsection 14.3 below, except in zoning districts where listed as a permitted use.

14.22 **Family day care home-children.** An occupied residence in which a person provides care for children other than his/her own family and the children of close relatives for compensation. Such care in a family day care home is limited to that care given to six or fewer children **with a maximum of three children allowed for after school care**. Such child care facility shall be permitted as an accessory use in all residential zones and shall be exempt from obtaining a conditional use permit and site plan approval.

14.23 **Large family day care home-children.** A facility which provides child care for more than six, but less than 13 children **with a maximum of three children allowed for after school care**. This care may be offered in a private home or in a property converted to the purpose of providing child day care. This form of day care facility requires the submission of a site plan application in accordance with the procedures and subject to article 10, section 2 of the zoning ordinance. If a large family day care home is not to be located in an occupied residence, then a conditional use site plan application shall be required in accordance with article 10 section 1 of the zoning ordinance.

14.3 Zoning criteria.

14.31 **Number of children.** Day care centers shall be limited to a maximum of 50 children in all residential zones.

14.32 *Outdoor play area.* Must meet the state requirement for day care centers.

14.33 *Off-street parking/loading.* One space per each adult attendant, plus one space for every ten children.

14.34 ~~*Signs in all residential zones. Signage shall be limited as follows:*~~ *Signage for child day care facilities*

(a) Signs in residential zones.

~~(a)~~ i. *Family day care homes-children and large family day care homes-children.* One wall-mounted sign limited to two square feet.

~~(b)~~ ii. *Child day care center.* One sign, wall-mounted or freestanding, limited in area to 12 square feet. The planning commission shall consider the location of such sign as part of the conditional use review and may approve a lesser amount of sign area if deemed necessary by the commission to protect the general health, safety and welfare of the public in general and the residents of the immediate neighborhood in particular.

(b) Signs in nonresidential zones. Child day care centers within nonresidential zoning districts shall be governed by the sign regulations in effect for the particular nonresidential zoning district in which the day care center is located.

14.35 *Licensing requirements.* ~~Child day care facilities must meet state licensing standards, and a license from the state shall be submitted to the department of planning and inspections prior to the issuance of~~ *and must be inspected by the City of Dover Fire Marshal's Office.*
~~aA~~ *City of Dover Business License and a Public Occupancy Permit is required.*

(Ord. of 5-14-1990; Ord. of 4-25-1994; Ord. of 4-23-2007(3))

Editor's note— The subsections of this section have been numbered by the editor to retain format.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 5 –Supplementary Regulations of the Dover Code be amended by inserting a new Section 22 – Adult Day Care Facilities, as follows:

Section 22. – Adult day care facilities

Adult day care facilities shall be permitted to locate in any zoning district provided that state licensing requirements have been met and such facilities are subject to the following requirements:

22.1 Definitions

Adult day care facilities apply to any program that provides health, social and related support services for four or more functionally impaired adults who requires supervision due to cognitive or physical impairment or who cannot independently perform one or more activities of daily living. These services are provided to adults for a period of less than 12 hours during the day and are provided in a setting other than a participant’s home or the residence of the facility operator.

Small adult day care facility. A facility that provides services for four adult participants but less than 16 adult participants.

Large adult day care facility. A facility that provides services for 16 or more adult participants.

22.2 Review Process

(a) Adult day care facilities are permitted as accessory uses to existing facilities that provide services to adult participants.

(b) *Residential zones.* A conditional use site plan application shall be required in accordance with Appendix B-Zoning, Article 10-Planning Commission section 1 for adult day care facilities in residential zones.

(c) *Non-residential zones.*

i. Site development plan approval in accordance with Appendix B-Zoning, article 10, section 2 hereof shall be required for small adult day care facilities.

ii. A conditional use site plan application shall be required in accordance with Appendix B-Zoning, article 10 section 1 for large adult day care facilities.

22.3 Zoning criteria

22.31 Off-street parking. One space per each adult attendant, plus one space for every four adult participants.

22.32 Signage for adult day care facilities

(a) *Signage in a residential zone.* One sign, wall-mounted or freestanding, limited in area to 12 square feet. The planning commission shall consider the location of such sign as part of the conditional use review and may approve a lesser amount of sign area if deemed necessary by the commission to protect the general health, safety and welfare of the public in general and the residents of the immediate neighborhood in particular.

(b) *Signs in nonresidential zones.* Adult day care facilities within nonresidential zoning districts shall be governed by the sign regulations in effect for the particular nonresidential zoning district in which the day care facility is located.

22.33 Licensing requirements. Adult day care facilities must meet state licensing standards and must be inspected by the City of Dover Fire Marshal’s Office. A City of Dover Business License and a Public Occupancy Permit are required.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 12 – Definitions of the Dover Code be amended by inserting the following new definition in its correct alphabetical order:

Adult day care facilities: Apply to any program that provides health, social and related support services for four or more functionally impaired adults who require supervision due to cognitive or physical impairment or who cannot independently perform one or more activities of daily living. These services are provided to adults for a period of less than 12 hours during the day and are provided in a setting other than a participant’s home or the residence of the facility operator.

(a) **Small adult day care facility: A facility that provides services for four adult participants but less than 16 adult participants.**

(b) **Large adult day care facility: A facility that provides services for 16 or more adult participants.**

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 12 – Definitions – Day care facility of the Dover Code be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikethrough as follows:

~~Day care facility: For the purposes of this ordinance, the facilities described furnishing care, supervision and guidance of a child or group of children unaccompanied by [a] parent or guardian for periods of less than 24 hours per day shall be defined as follows:~~

Child day care facility: For the purposes of this ordinance, the facilities described furnishing care, supervision and guidance of a child or group of children unaccompanied by a parent or guardian for periods of less than 24 hours per day shall be defined as follows:

(a) **Child day care center:**

- i. Any place, other than an occupied residence, which receives children for day care or large family day care home; and
- ii. Any place, including an occupied residence, which receives 13 or more children for day care.

(b) **Family day care home-children:** An occupied residence in which a person provides day care for children other than his/her own family and the children of close relatives. Such care in a family day care home is limited to that care given to six or fewer children **with a maximum of three children allowed for after school care**. Such child care shall be permitted as an accessory use in all residential zones and shall be exempt from obtaining a conditional use permit and site plan approval.

(c) **Large family day care home-children:** A facility which provides child care for more than six, but less than 13 children **with a maximum of three children allowed for after school care**. This care may be offered in a private home or in a property converted to the purpose of providing child day care.

ADOPTED: *

SYNOPSIS

The proposed ordinance Article 5 section 22 will be a new section added to the *Zoning Ordinance* to allow Adult day care facilities to be permitted in any zoning district provided that state licensing and city code requirements have been met. The proposed amendment under Article 5 section 14 of the *Zoning Ordinance* are revisions to the existing ordinance that identifies Child day care facilities. Other amendments revise references and definitions pertaining to these uses.

(SPONSORS: NEIL AND HUGG)

Actions History:

12/11/17 – Scheduled for Public Hearing – City Council

11/20/17 – Scheduled for Public Hearing - Planning Commission

10/09/17 - First Reading – City Council

09/25/17 – Introduction – Council Committee of the Whole/Legislative, Finance, and Administration Committee

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Monthly Report

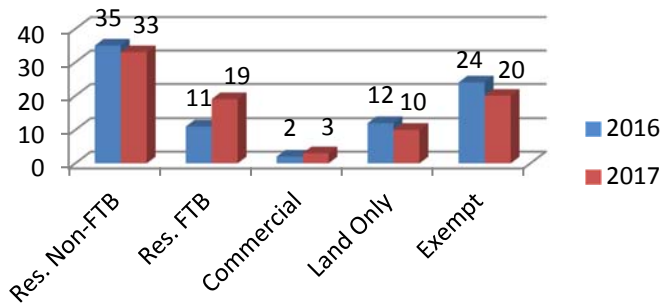
October 2017



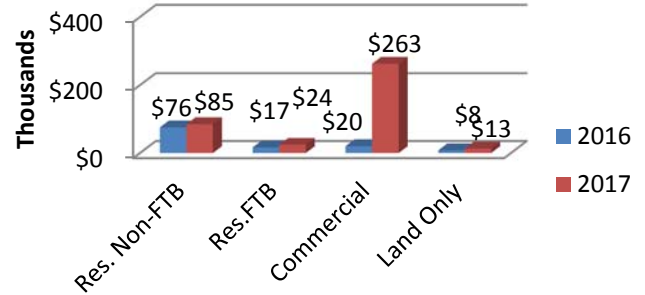
Office of City Assessor

ASSESSOR'S REPORT

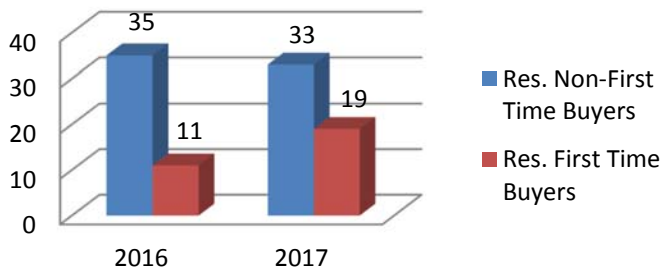
Number of Deeds Stamped for the Month of Oct. 2016/2017



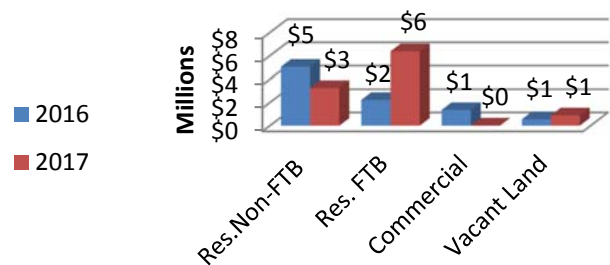
Transfer Tax Dollar Amount for the Month of Oct. 2016/2017



First Time Buyer for the Month of Oct. 2016/2017



Oct. 2016/2017 Realty Property Sales in Dollars Received Prior to Recording



Major Updates

	Aug - 17	Sept -17	Oct - 17
Assessment Change	\$3,421,900	\$7,923,000	\$2,562,600

Residential Sales Ratio Report

Sales in Study	Total Assessed Value	Total Sale Price	Ratio	PRD
18	\$3,139,100	\$3,588,460	0.87	1.00

ASSESSOR'S REPORT

Ratio – Assessed Value divided by Sale Price.

PRD – Mean – A PRD above 1.03 tends to indicate assessment regressivity – high valued properties are under appraised relative to low valued properties. A PRD below .98 tends to indicate assessment progressivity – high valued properties are relatively over appraised.

Points of Interest

Scanning & Filing

- All new deeds are being scanned and attached to the CAMA software for easy retrieval.
- All appeal documents and correspondence are being scanned and attached to the CAMA software for easy retrieval.
- All old property record cards are being scanned and indexed into Fortis.

Assessor's Office

The following were mailed out:

- Supplemental Bills totaling \$34,153.15.
- Delinquent Tax Bills with door hangers for properties with over one (1) year delinquency.

CITY OF DOVER
SALES RATIO REPORT

PARID	NBHD	LUC	ADDRESS	UNITS	STYLE	YRBLT	STORIES	SFLA	GRADE	CDU	TOTAL APPR	SALE DT	PRICE	ASR
ED05-066.16-02-04.01	3	R10	18 LOST TREE CT	1	5	1988	2	2611	B+	AV	252,600	05-OCT-17	248,000	1.02
ED05-067.13-01-75.00	3	R10	193 CARNOUSTIE RD	1	5	1972	2	2397	C+	AV	215,500	06-OCT-17	245,000	.88
ED05-067.17-02-06.00	3	R10	18 SHINNECOCK RD	1	5	2001	2	2284	B+	AV	208,600	04-OCT-17	270,000	.77
ED05-067.17-05-03.00	3	R10	206 PEBBLE VALLEY PL	1	5	1994	2	2429	B+	AV	241,700	24-OCT-17	271,000	.89
ED05-068.10-02-01.00	13	R10	890 TOWNSEND BLVD	1	5	1973	2	1524	C+	AV	137,900	20-OCT-17	197,000	.7
ED05-068.10-02-68.00	13	R10	973 BOGGS DR	1	16	1964	1	1386	C	AV	106,900	04-OCT-17	117,000	.91
ED05-068.14-02-04.00	13	R10	341 BRADLEY RD	1	14	1966	1	1130	C	GD	134,400	16-OCT-17	142,000	.95
ED05-076.03-02-92.00	14	R10	364 TRIBBITT ST		13	2017	2	1760	C+	AV	150,300	20-OCT-17	162,900	.92
ED05-076.03-04-11.00	11	R10	6 DERBYSHIRE CT	1	14	2007	1	2446	B+	AV	274,300	04-OCT-17	285,000	.96
ED05-076.05-02-10.00	14	R10	19 STONEY DR	1	8	1985	2	1754	C+	AV	137,200	11-OCT-17	179,900	.76
ED05-076.05-07-01.00	3	R10	216 PEBBLE VALLEY DR	1	5	1999	2	2444	A-	AV	242,500	02-OCT-17	260,500	.93
ED05-076.20-01-57.00	5	R10	912 JANEKA LN	1	16	1960	1	1840	C+	AV	143,600	12-OCT-17	159,900	.90
ED05-077.07-07-68.00	6	R10	226 NOB HILL RD		13	2017	2	1220	B-	AV	134,900	13-OCT-17	153,880	.88
ED05-077.07-07-69.00	6	R10	224 NOB HILL RD		13	2017	2	1220	B-	AV	134,700	12-OCT-17	158,480	.85
ED05-077.17-02-40.00	5	R10	930 MONROE TER	1	5	1961	2	1536	C+	AV	165,400	16-OCT-17	185,000	.89
ED05-085.08-01-95.00	12	R10	116 CRESCENT DR	1	5	1968	2	1996	B-	GD	184,200	25-OCT-17	216,000	.85
ED05-085.12-01-10.00	12	R10	337 ALDER RD	1	5	1965	2	1550	C+	AV	134,700	09-OCT-17	172,000	.78
LC05-068.10-01-58.00	13	R10	351 WEST WIND DR	1	8	1996	2	1739	C+	AV	139,700	17-OCT-17	164,900	.85

CITY COUNCIL COMMUNITY ENHANCEMENT FUND

JULY 1, 2017 - DECEMBER 4, 2017

110-1200-512.30-37

Current Balance		-	\$18,934.48				
BUDGETED AMOUNT		COMMUNITY ENHANCEMENT FUND - \$2,500 FOR EACH COUNCIL MEMBER PER DISTRICT AND \$5,000 FOR THE AT-LARGE COUNCIL MEMBER. THE PURPOSE OF THE FUND IS TO ALLOW MEMBERS TO CONTRIBUTE FUNDS TO A SMALL PROJECT OR COMMUNITY NEEDS IN EACH DISTRICT.					\$25,000.00
TOTAL							\$25,000.00
DATE	COUNCIL SPONSOR	VENDOR	DESCRIPTION	P.O. #/ INVOICE #	TOTAL CHARGES	YEAR TO DATE	BALANCE
07/12/17	Anderson	Inner City Cultural League, Inc.	Councilman Anderson authorized the use of \$600.00 of his community enhancement funds to fund 50% of the membership dues for 5 needy students to participate in the Sankofa African Drum and Dance Troupe.	Email dated 07/11/17 from David Anderson to City Clerk's Office	\$600.00	\$600.00	\$24,400.00
07/16/17	Anderson	MLK Jr. Educational Community Center, Inc.	Councilman Anderson authorized the use of \$500.00 of his community enhancement funds to help pay for breakfast and lunch for the Saturday Academy participants.	Email dated 07/16/17 from David Anderson to City Clerk's Office	\$500.00	\$1,100.00	\$23,900.00
07/26/17	Slavin	Central Delaware Habitat for Humanity	Councilman Slavin authorized the use of \$670.56 to purchase incidental equipment and play apparatus for the Habitat for Humanity's pop up parks/play streets program. It was noted that the games would be usable for future	Email dated 07/26/17 from Tim Slavin to Traci McDowell	\$670.56	\$1,770.56	\$23,229.44
07/31/17	Hare	Air Force Ball Committee	Councilman Hare authorized the use of \$500.00 for the deposit to reserve the Dover Downs ballroom for 436 Squadron's Annual Air Force Ball.	Dover Downs Banquet Event Order (BEO) #24,727 dated 06/27/17	\$500.00	\$2,270.56	\$22,729.44
08/02/17	Cole	Dover Library Foundation	Councilman Cole authorized the use of his community enhancement funds to reimburse the Dover Library Foundation for the purchase of bottled water for the Dover Comic Con 2017 event.	Sam's Club receipt dated 08/15/17; Email dated 08/02/17 from Scott Cole to Traci McDowell	\$397.50	\$2,668.06	\$22,331.94
08/07/17	Neil	3d Airlift Squadron Booster Club	Councilman Neil authorized \$100.00 of his community enhancement funds to be donated to the 3d Airlift Squadron Booster Club for the Dover Air Force Base Open House.	Email dated 08/07/17 from Fred Neil to Traci McDowell	\$100.00	\$2,768.06	\$22,231.94
08/14/17	Anderson	Boys and Girls Club of Delaware	Councilman Anderson authorized a donation of \$100.00 of his community enhancement funds to the Boys and Girls Club of Delaware, for the Greater Dover Boys and Girls Club - 4th District children.	Emails dated 08/08/17 and 08/14/17 from David Anderson to Debbie Krueger	\$100.00	\$2,868.06	\$22,131.94

08/14/17	Anderson	City of Dover Parkland Reserve	Councilman Anderson authorized a donation of \$250.00 of his community enhancement funds for the Back to School Giveaway and Rib-Off Fundraiser Initiative (to be credited to the City's Parkland Reserve)	Email dated 08/14/17 from David Anderson to Debbie Krueger	\$250.00	\$3,118.06	\$21,881.94
08/23/17	Cole	Dover High School AFJROTC Booster Club	Councilman Cole authorized \$300.00 of his community enhancement funds to help pay for storage units for the air rifles used by the Rifle Team.	Email dated 08/23/17 from Scott Cole to Traci McDowell	\$300.00	\$3,418.06	\$21,581.94
09/08/17	Polce	City of Dover Clearing Account - Rec Revenue	Councilman Polce authorized the allocation of \$250.00 of his community enhancement funds for the Dover Park Revitalization Event on 09/09/17.	Email dated 09/08/17 from Tanner Polce to Donna Mitchell	\$250.00	\$3,668.06	\$21,331.94
09/08/17	Lewis	City of Dover Clearing Account - Rec Revenue	Councilman Lewis authorized the allocation of \$250.00 of his community enhancement funds for the Dover Park Revitalization Event on 09/09/17	Email dated 09/08/17 from Tanner Polce to Donna Mitchell	\$250.00	\$3,918.06	\$21,081.94
09/11/17	Slavin	City of Dover Clearing Account - Rec Revenue	Councilman Slavin authorized the allocation of \$250.00 of his community enhancement funds for the Dover Park Revitalization Event on 09/09/17	Email dated 09/07/17 from Tim Slavin to Roy Sudler and Donna	\$250.00	\$4,168.06	\$20,831.94
09/07/17	Sudler	City of Dover Clearing Account - Rec Revenue	Councilman Sudler authorized the allocation of \$300.00 of his community enhancement funds for the Dover Park Revitalization Event on 09/09/17	Email dated 09/07/17 from Roy Sudler	\$300.00	\$4,468.06	\$20,531.94
09/19/17	Anderson	Interdenominational Ministerial Alliance of Dover and Vicinity (IMA)	Councilman Anderson authorized the designation of \$520.00 to the Interdenominational Ministerial Alliance of Dover and Vicinity (IMA) for the Expungement Clinic on 11/03/17. The funds are for Dover residents. The cost is estimated to be \$52 per	Email dated 09/19/17 from David Anderson to City Clerk's Office	\$520.00	\$4,988.06	\$20,011.94
11/13/17	Anderson	Interdenominational Ministerial Alliance of Dover and Vicinity (IMA)	Councilman Anderson authorized the designation of \$380.00 for the Community, Family, and Fellowship Dinner	Email dated 11/11/2017 from David Anderson to City Clerk's Office	\$380.00	\$5,368.06	\$19,631.94
11/13/17	Slavin	National Council on Agricultural Life and Labor Research Fund, Inc. (NCALL)	Councilman Slavin authorized the designation of \$697.46 for playstreets equipment. It was noted that the games would be usable for future events too. (Note: \$670.56 was previously paid to Central Delaware Habitat for Humanity for the purchase of these items based upon the email correspondence received; however, the items were actually purchased and invoiced by NCALL. Habitat is supposed to return the \$670.56 that they received in error.)	Email dated 07/26/17 from Tim Slavin to Traci McDowell and invoice #20171031	\$697.46	\$6,065.52	\$18,934.48
					\$6,065.52	\$18,934.48	

Budgeted Amount	District	Council Sponsor	YTD Expenditures	Balance
\$5,000.00	At-Large	Slavin	\$1,618.02	\$3,381.98
\$2,500.00	1st District	Lindell	\$0.00	\$2,500.00
\$2,500.00	1st District	Polce	\$250.00	\$2,250.00
\$2,500.00	2nd District	Hare	\$500.00	\$2,000.00
\$2,500.00	2nd District	Lewis	\$250.00	\$2,250.00
\$2,500.00	3rd District	Cole	\$697.50	\$1,802.50
\$2,500.00	3rd District	Neil	\$100.00	\$2,400.00
\$2,500.00	4th District	Anderson	\$2,350.00	\$150.00
\$2,500.00	4th District	Sudler	\$300.00	\$2,200.00
TOTAL			\$6,065.52	\$18,934.48

CITY MANAGER'S MONTHLY



REPORT OCTOBER 2017

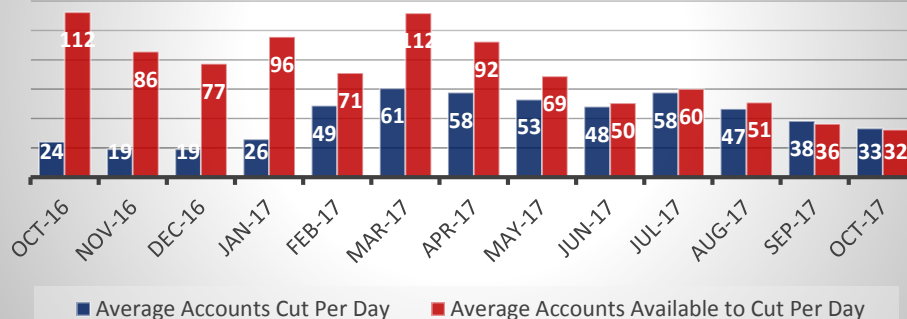
City of Dover

Customer Services Department

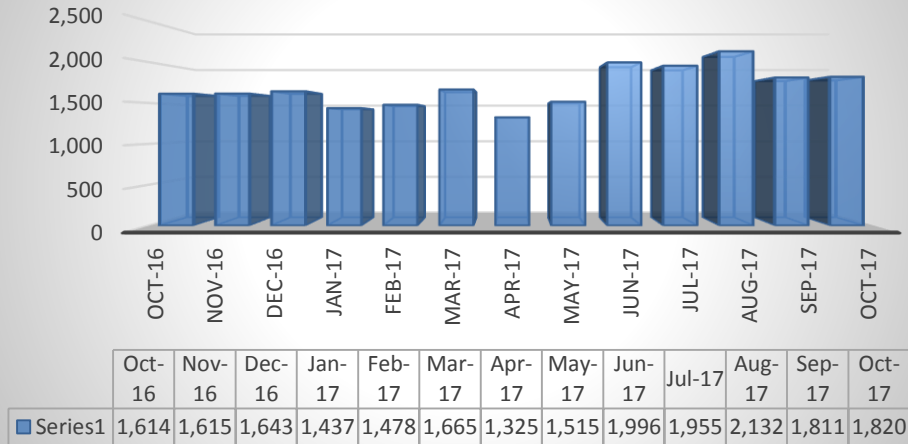
Major Program Updates	Oct 2017	Oct 2016	Difference	FY 2018	FY 2017
				Year-to-Date	Year-to-Date
Number of Customers Served	22,503	22,143	360	99,652	99,272
Final Bills	640	584	56	2,703	2,776
Estimated Bills	194	191	3	828	807
Penalties Posted	\$ 8,109	\$ 8,610	(501)	\$ 27,577	\$ 29,004
Extensions of Credit - Amount Extended	\$ 103,307	\$ 144,346	(41,040)	\$ 479,951	\$ 508,953
Balance Transfers	\$ 1,096	\$ 446	650	\$ 16,758	\$ 1,834
Utility Collections	\$ 25,876	\$ 48,978	(23,102)	\$ 105,280	\$ 129,534
Miscellaneous Billings	\$ 168,649	\$ 201,752	(33,103)	\$ 791,288	\$ 661,342
Taxes Levied	\$ 654,959	\$ 788,586	(133,627)	\$ 654,959	\$788,586
Billing Adjustments	\$ 32,619	\$ (11,762)	44,382	\$ 32,619	(\$11,762)
Total Taxes Collected	\$ 144,881	\$ 264,371	(119,490)	\$ 144,881	\$264,371
Taxes Outstanding	\$ 542,697	\$ 512,452	30,245	\$ 542,697	\$512,452

Disconnect Summary Report													
	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17
% of Cust Cut	21%	22%	25%	27%	69%	54%	62%	77%	95%	96%	91%	93%	93%
% of Total \$ Cut	18%	16%	24%	31%	68%	66%	63%	77%	92%	96%	88%	89%	73%
Total Days Available to Cut	20	21	22	22	16	13	16	20	22	12	19	19	22
	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17
Average Accounts Cut Per Day	24	19	19	26	49	61	58	53	48	58	47	38	33
	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17
Average Accounts Available to Cut Per Day	112	86	77	96	71	112	92	69	50	60	51	36	32
Total on original list	2247	1797	1702	2102	1134	1451	1476	1377	1109	653	885	691	714
Total \$ on original list	\$863,317.64	\$782,883.39	\$636,019.34	\$675,694.36	\$373,545.84	\$371,175.90	\$362,563.80	\$405,699.71	\$476,569.79	\$210,692.12	\$339,268.87	\$258,437.94	\$322,557.57
Total Actual Cust Cut	482	402	419	570	779	788	922	1059	1059	692	884	728	732
Total \$ of Actual Cut	\$155,769.34	\$124,907.89	\$154,000.16	\$212,407.49	\$255,781.83	\$243,763.03	\$229,928.08	\$312,473.14	\$437,125.60	\$214,022.39	\$315,751.83	\$242,444.38	\$245,193.76

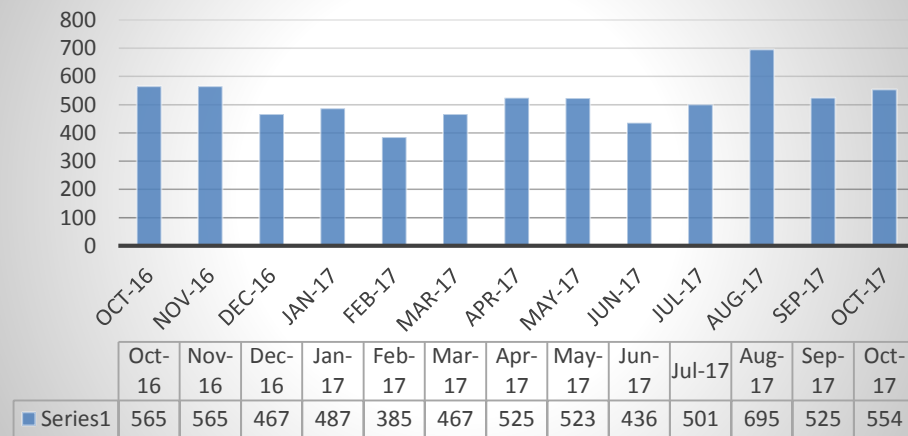
Average Disconnects



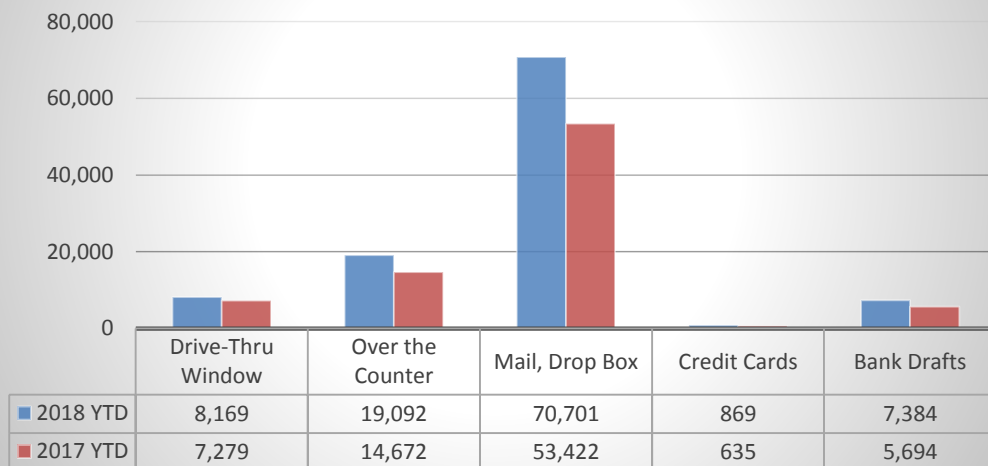
Work Orders Processed



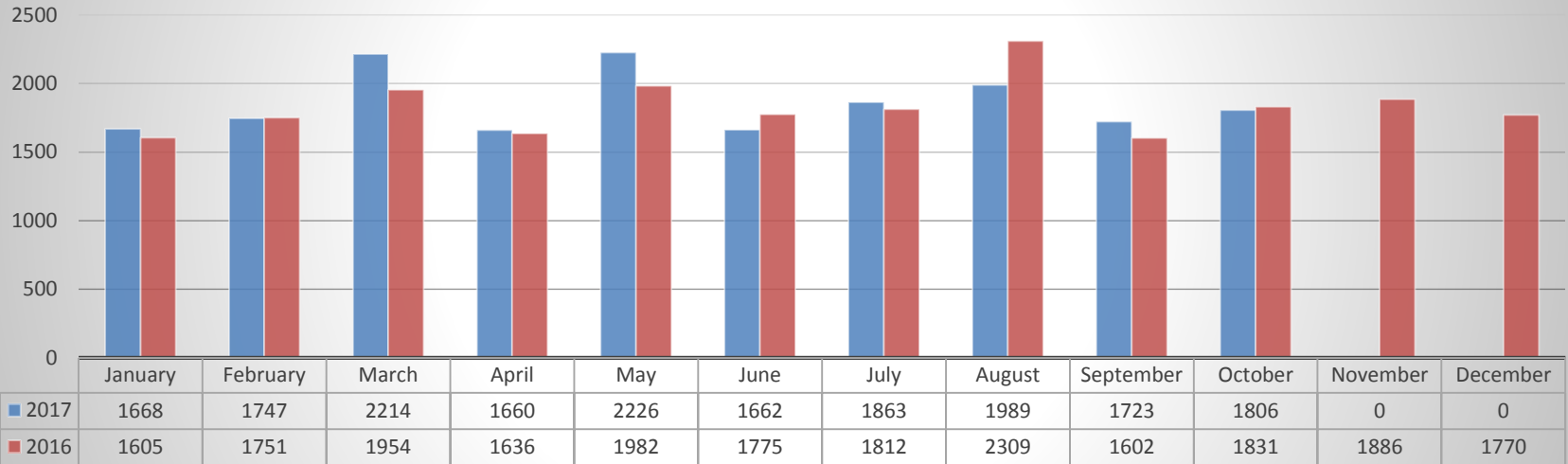
Payment Agreements / Extensions



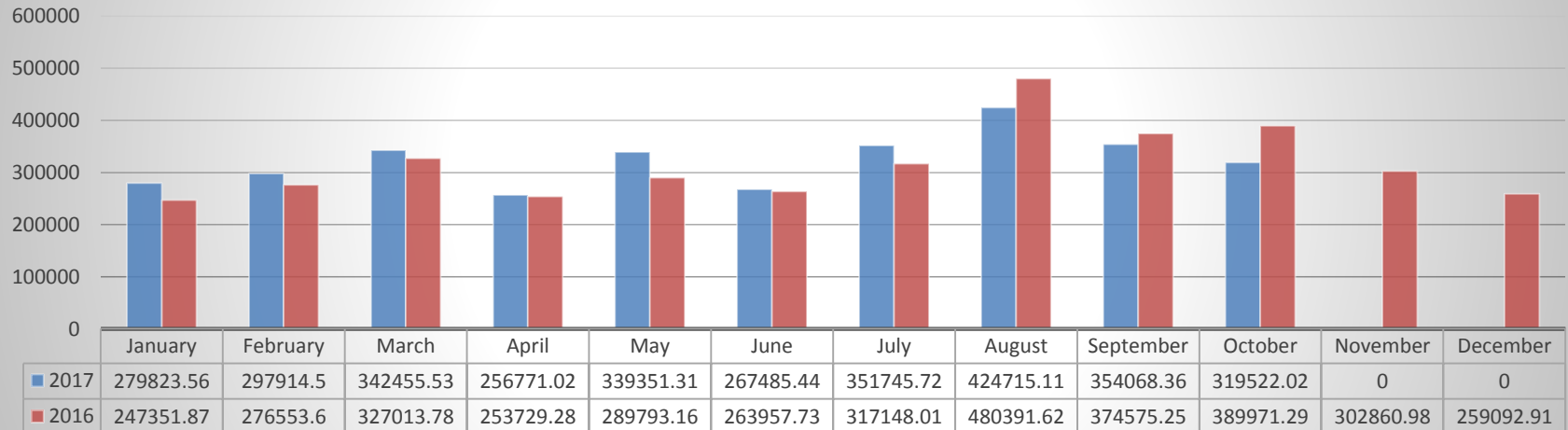
CUSTOMER PAYMENT USAGE



Total Accounts Bank Drafted



Customer Payments Made Through Bank Draft



ELECTRIC DEPARTMENT

Electric Divisions

System Peak		Total System Load		Month	outages	customers	Number Customers Gained	
Feb 16	110.15	Feb 16	57,888	Feb 16	2	106	Feb 16	14
Mar 16	98.93	Mar 16	55,967	Mar 16	7	353	Mar 16	16
Apr 16	100.37	Apr 16	53,202	Apr 16	5	672	Apr 16	29
May 16	128.16	May 16	56,586	May 16	2	206	May 16	13
June 16	133.59	June 16	65,414	June 16	14	601	June 16	53
July 16	165.92	July 16	80,114	July 16	9	307	July 16	13
Aug 16	162.61	Aug 16	83,086	Aug 16	9	214	Aug 16	13
Sept 16	159.99	Sept 16	67,117	Sept 16	7	915	Sept 16	35
Oct 16	116.94	Oct 16	57,707	Oct 16	8	224	Oct 16	27
Nov 16	98.27	Nov 16	54,812	Nov 16	6	4293	Nov 16	41
Dec 16	101.04	Dec 16	60,179	Dec 16	5	207	Dec 16	37
Jan 17	113.04	Jan 17	63,172	Jan 17	3	12	Jan 17	40
Feb 17	106.4	Feb 17	54,811	Feb 17	1	2	Feb 17	31
Mar 17	108.2	Mar 17	60,690	Mar 17	4	160	Mar 17	15
Apr 17	107.03	Apr 17	54,062	Apr 17	4	114	Apr 17	58
May 17	133.93	May 17	57,823	May 17	5	148	May 17	58
June 17	155.81	June 17	70,081	June 17	7	3084	June 17	25
July 17	162.88	July 17	79,883	July 17	19	2556	July 17	90
Aug 17	157.18	Aug 17	74,534	Aug 17	8	1466	Aug 17	24
Sept 17	137.01	Sept 17	64,235	Sept 17	2	1094	Sept 17	31
Oct 17	129.11	Oct 17	59,890	Oct 17	5	2311	Oct 17	83

Electric Monthly Outage Report

The annual outage goal will be less than 295 minutes per customer, which is a Delaware Standard. This will be measured by calculating the System Average Interruption Duration Index.

FY 18 YTD	FY 17	FY 16
43.13	22.1	53.54

Controllable Outages <i>Annual goal is less than 40</i>		Average Response Time <i>Goal is less than 30 minutes</i>	
Month	Year-to-date	Month	Year-to-date
1	12	34.5 Minutes	37.1 Minutes

PROGRAM UPDATES	OCT 17	OCT 16	FY18 YTD
Tree Trimming	326	428	1247
Number of Oil Releases	0	0	1
Lost Time Accidents – All Electric Utility Divisions	0	0	0
New Services	83	9	228

HUMAN RESOURCES

October 2017

Category	Oct 16	Nov 16	Dec 16	Jan 17	Feb 17	March 17	April 17	May 17	June* 17	July 17	Aug 17	Sept 17	Oct 17	Total
Caucasian*	301	302	300	299	296	293	290	289	291	292	290	291	288	n/a
Minorities*	72	72	71	71	71	72	73	73	74	79	76	77	74	n/a
Hired	9	3	1	5	1	5	1	3	3	9	1	8	1	50
Terminated/Resigned/Retired/Other	1	2	4	6	4	7	3	4	3	3	6	6	6	55
Transferred/Promoted	0	0	2	2	0	1	1	1	0	3	1	1	3	15
Jobs Posted	3	1	7	2	6	7	5	2	1	7	1	2	4	48
Workers Comp. Injuries	6	3	0	2	2	2	2	4	3	1	0	6	3	34
Workers Comp. Hours	254	319	342	259	252	397	275	648	475	417	396	173	202	4,409

***330 Full-time Employees: Part-time Employees: 32** (3 Pitts Center, 1 Recreation, 18 Library, 1 Customer Service, 1 Central Services, 8 Police Department) -Numbers do not reflect, temporary, seasonal, relief fire dispatchers, committee or council members. * Updated

Position Hired: Water Treatment Plant Operator I

Position Transferred/Promoted: Administrative Assistant City Clerk's Office to Administrative Assistant Finance; Crew Leader (Streets) to Public Works Inspector; LAN Analyst to Senior LAN Analyst (DPD)

Position Terminated/Resigned/Retired: Police Officer, Customer Service Representative I (part-time), Customer Service Representative I (full-time); Crew Leader (Sanitation), Police Recruit, Administrative Assistant Finance

Positions Posted: Inspector I (Code Enforcement); Utility Maintenance Mechanic I; Motor Equipment Operator I & II (Sanitation), Substation Technician (In-House only)

Recruitment Information (Positions closed in October)

Position	Total	Female	Male	Unknown	Black	White	Hispanic	Asian/Pacific Islander	American Indian/Alaskan Native	Two Or More	Unknown	In Dover	Out Dover
Civil Engineer	8	2	5	1	-	1	-	1	-	-	6	1	7
Payroll Specialist	37	32	3	2	5	14	-	-	-	1	17	15	22
Inspector I, Code Enforcement	23	2	13	8	3	14	-	1	-	-	5	11	12
Utility Maintenance Mechanic I	11	-	9	2	1	9	-	-	-	-	1	4	7
Substation Technician (In-House)	0	-	-	-	-	-	-	-	-	-	-	-	-
Motor Equip Operator I/II Sanitation	15	1	13	1	6	7	-	-	1	1	-	7	8

Open or Currently Recruiting*

Open or Currently Recruiting by Dept.	Oct 16	Nov 16	Dec 16	Jan 17	Feb 17	March 17	April 17	May 17	June 17	July 17	Aug 17	Sept 17	Oct 17
Electric	3	4	4	4	4	4	4	4	5	7	7	8	8
Public Works	5	6	6	5	5	6	6	6	7	8	11	13	13
Police	1	1.5	3	5.5	6	7.5	9.5	9	8	6.5	6.5	.5	3.5
All Other Departments	9	14	13.5	11.5	11.5	12	10	9.5	9	7.5	7.5	8	10.5
Totals	18	25.5	26.5	26	26.5	29.5	29.5	28.5	29	29	32	29.5	35

*Not used for Budgeting Purposes

*The following has been updated to reflected the Fiscal 2017-18 Budget

Electric: Lineman 2nd class, Electric Meter Technician; Key Accounts, Electric Director, (2) Substation Technician, Groundworker, Electric Meter Technician Crew Leader

Public Works: (2) Utility Maintenance Mechanic I; Laborer II (Grounds); Gardener I, Motor Equipment Operator III (Water/wastewater); Field Supervisor II (Grounds), Civil Engineer, Motor Equipment Operator I (Sanitation), Motor Equipment Operator II (Sanitation), (2) Motor Equipment Operator I (Grounds); Crew leader (Streets); Crew Leader (Sanitation)

Police: Cadet; (3) Police Officers

All Other Departments: City Manager, Director Planning & Inspections, Billing Supervisor (Customer Service); Customer Service Clerk II (Collections); Customer Service Clerk I; Customer Service Clerk I (part-time); Budget Analyst; Office Assistant; Payroll Specialist, Inspector I (Code Enforcement), Administrative Assistant (City Clerk's Office)

HUMAN RESOURCES ***(Continued)***

Turnover Statistics

	2010	2011	2012	2013	2014	2015	2016	2017
Total Turnover %	5.57	6.75	11.00	10.91	6.02	12.05	8.68	12.86
Termination Turnover %	0.27	1.08	0.29	1.47	.57	.28	.54	1.64
Resignation Turnover %	2.12	4.05	5.21	5.01	2.29	7.56	6.24	6.29
Retirement Turnover %	3.18	1.62	5.50	4.42	3.15	4.20	1.90	4.11
Other	-	-	-	-	-	-	-	.55

2012 Healthcare cost sharing implemented

2013 Healthcare cost sharing implemented for DOE

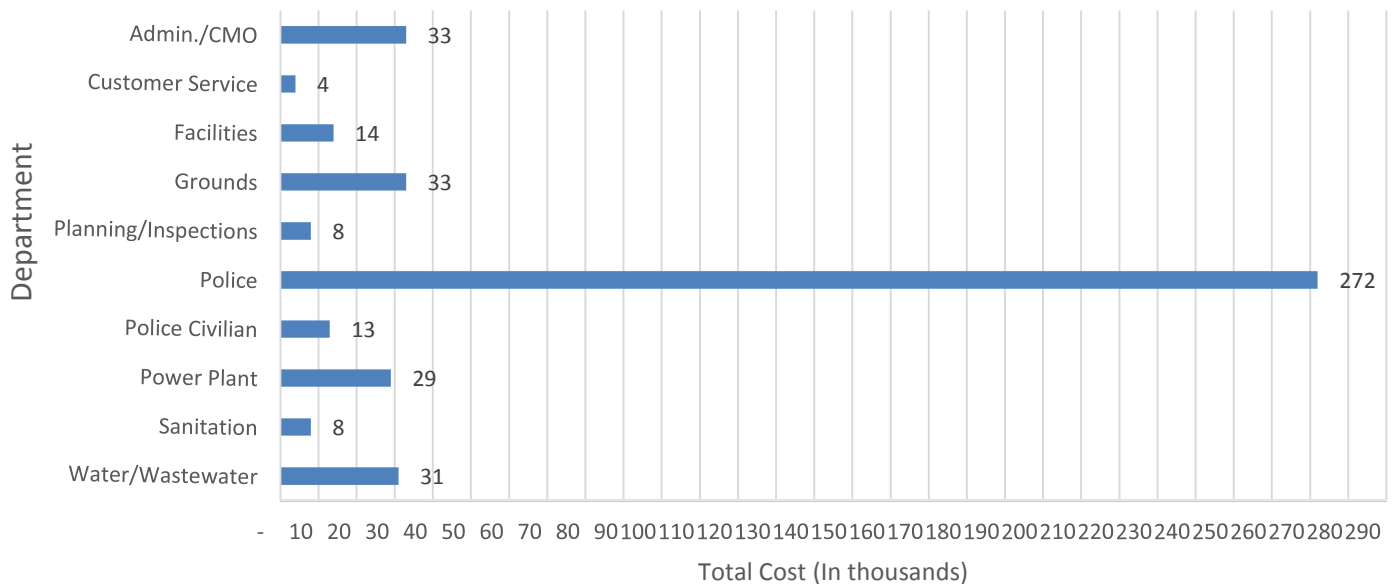
2016 RIF in Economic Development

Average Employees

	2010	2011	2012*	2013*	2014	2015	2016	2017
Total Number of Employees	21	25	38	37	21	42	32	47
Separating from Service								
Average Number of Full-time Employees	362	356	333	325	331	333	340	339
Average Number of Part-time Employees	16	15	12	14	18	24	28	28

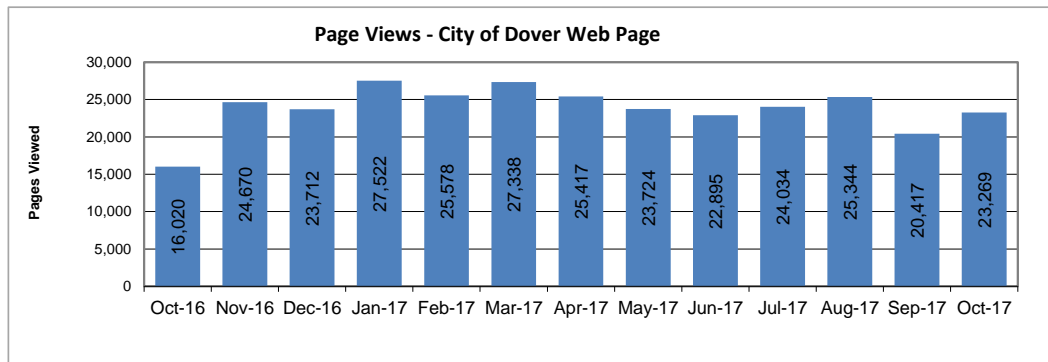
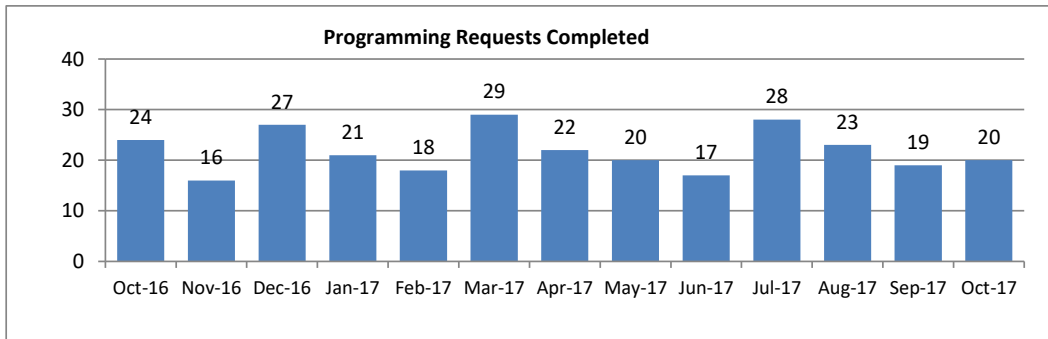
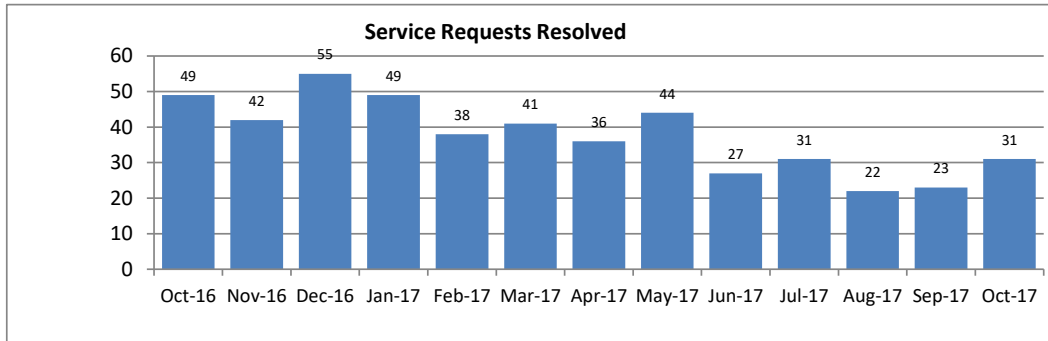
* Healthcare cost sharing implemented

Workers Compensation Cost CY 2017



Total \$445,000

INFORMATION TECHNOLOGIES



Noteworthy:

Established hardware requirements and placed the order for new ERP System HW
Completed extensive troubleshooting and configuration improvement to server storage system
Telephone system upgrade process started
Installed new backup and disaster recovery system with offsite cloud replication

**October 2017
Monthly Report**



Highlighted Special Events & Attendance:

Senator's Day	250
"In Harmony..." Concert Series	150
Monster STEM Night	175
Halloween Mini-Con	250

Total Items Checed Out:	31,181				Programs:	Offered	Attended
<i>E-books:</i>	2,790						
					Adult	50	919
New Library Cards:	405				Teens	46	499
					Children	57	3,287
Library Card Holders:	36,529				Job Center	49	339
<i>Service Area Population:</i>	62,527						
Library Visitors:	24,099						
Meeting Rooms Usage:	1,189						
Computer Users:	4,708						
Wireless Users:	1,948						
Items Loaned to/Received from Other Libraries:	6,209						



Parks & Recreation October Monthly Report



Parks & Recreation Highlights

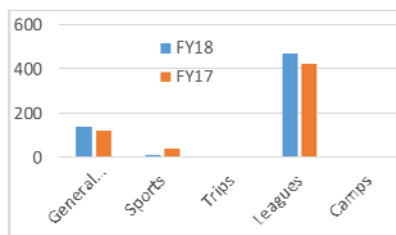
- ♦ **Fall Youth Soccer** touts another successful season with **251 local youth** registered in our league. Continued partnerships with the **YMCA of Dover** and **Holy Cross** bring this full circle in our community. We had many repeat participants from our previous seasons, as they find our soccer league affordable and fun for their families. The outdoor season will conclude in November. We're already taking registrations for the indoor season being held this winter.
- ♦ **Parks & Recreation** staffed two booths supporting healthy lifestyles while promoting our programs. **Edgewell Personal Care** invited us to participate in their 2nd **Employee Wellness** event. This was a great opportunity to share our programs for adults and youth, while supporting their healthy employee initiatives. **Delaware State Parks** invited us to participate in their **Healthy Kids Day** at Killens Pond. **Third graders** from across **Kent County** received program information along with safe bike riding and walking materials.
- ♦ **Schutte Park** was the home for the **2017/18 Dover High School** and **Central Middle School Cross Country's** program. **Dover High** hosted **two meets** with visiting teams from **Caesar Rodney, Cape Henlopen, Delmar and Lake Forest**. **Central Middle** hosted **five meets** with visiting teams from **W.T. Chipman, Fifer, Milford, Postlewait, and Smyrna**.

Bicycle/Pedestrian Subcommittee - Agenda topics covered the People For Bikes grant, Bike Friendly Community Application, Senator Bikeway, partnership with Capital School District, the Walk Friendly report card, AARP signage grant, the Kent County Regional Bike plan and other associated topics. Staff assisted with a Bike Rodeo hosted by the Dover Elks Lodge 1903 and Dover Police Department. **26 bikes and safety equipment** were given out to at risk youth during the event.

Silver Lake Commission - Meeting on October 11, the members received a public works update for ongoing projects, discussed recent complaints about jet skis, and discussed a spring clean up event in conjunction with a Mayor's Kayak/Canoe event. They will meet again in January 2018.

Personnel and Training Updates - No training to report for October.

October Enrollment Summary

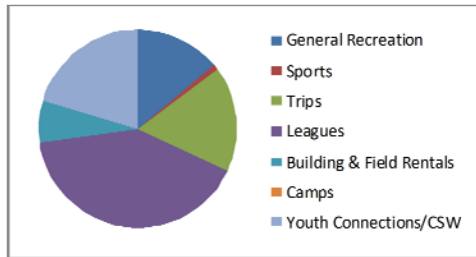


Category	FY18	FY17
General Recreation	136	118
Sports	10	38
Trips	0	0
Leagues	470	425
Camps	0	0

Recreation Revenue Breakdown

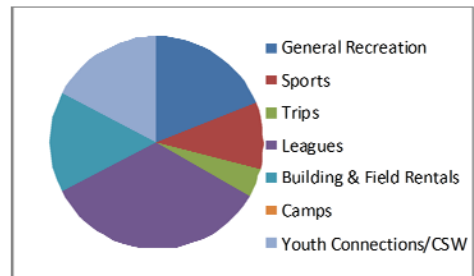
Revenue Breakdown

October 2017



General Recreation	\$1,416.00
Sports	\$76.00
Trips	\$1,776.00
Leagues	\$4,135.00
Building & Field Rentals	\$675.00
Camps	0
Youth Connections/CSW	\$2,090.50

October 2016

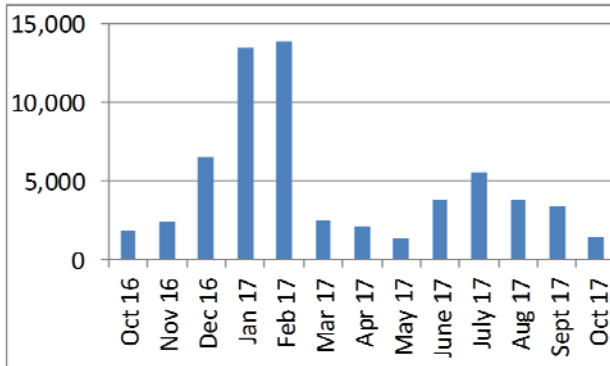


General Recreation	\$1,442.11
Sports	\$760.00
Trips	\$333.00
Leagues	\$2,590.00
Building & Field Rentals	\$1,160.00
Camps	0
Youth Connections/CSW	\$1,320.00

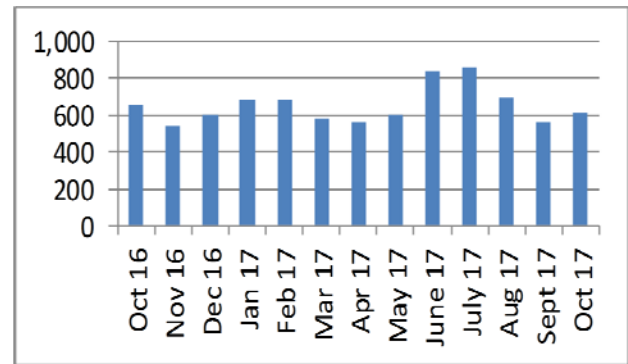


John W. Pitts Recreation Center – October 2017

Total Program Attendance



Facility Usage By The Hour



Facility Usage By The Hour	October 17		FYTD 18		October 16		FYTD 17
Open Gym	504		1,226.5		519		1,154
Fitness Classes	22		106		26		108
Leagues	50		332		57		323.5
Camps	0		925		0		988.5
Sports Classes	7		7		13.5		13.5
Meetings & Rentals	23.5		129.5		35		49
Enrichment Classes	2		2		2		4
Total Facility Usage Hours	608.5		2,728		652.5		2,640.5

** Program Attendance figures includes daily participants, parents and spectators in the facility.

Program Attendance**	October 17		FYTD 18		October 16		FYTD 17
Total	1,390		14,176		1,862		12,652
Open Gym	346		956		315		931
Fitness Classes	77		399		119		493
Leagues	760		9,592		1,060		9,428
Camps	0		1,022		0		1,284
Sports Classes	75		75		182		182
Meetings & Rentals	124		2,124		175		312
Enrichment Classes	8		8		11		22

Since our opening in late April 2008, we have had 519,758 guests at the John W. Pitts Recreation Center.

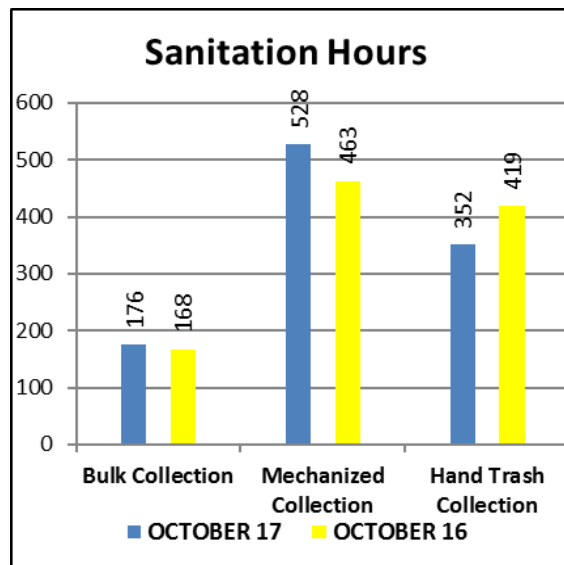
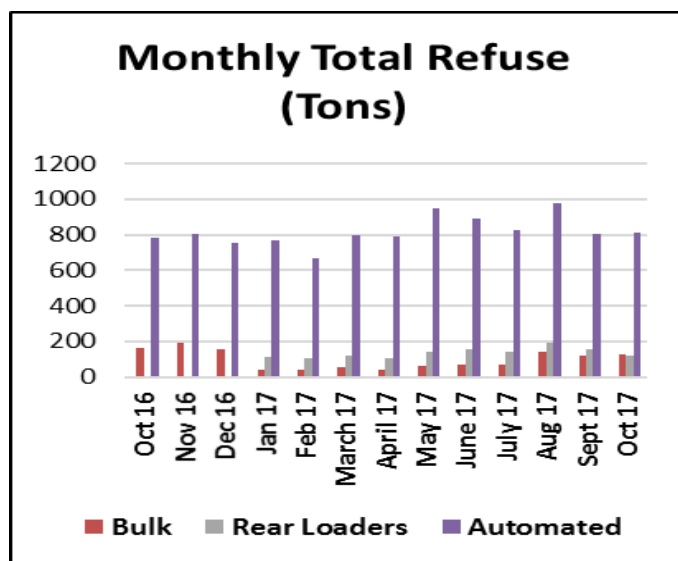


PUBLIC WORKS

Construction Inspection

<u>Subdivisions</u>	<u>Site Development</u>
<i>The following required inspection services</i>	<i>The following required inspection services</i>
Seskinore Court Chestnut Grove Clearview Meadows Eden Hill Nottingham Meadows Garrison Oak Technical Park Tall Pines	The Grande, Building 4 Chesapeake Utilities- Dover Campus Eden Hill Medical Center Reed Street Apartments Leander Lakes Eden Hill Commercial Center Islamic Society of Central Delaware Whatcoat Apartments Panera Bread Blue Hen Apartments Enterprise Business Park

Sanitation



	OCTOBER 17	FYTD 18	OCTOBER 16	FYTD 17
Trips to DSWA Sandtown Landfill	212	862.00	159	683.00
Total Tonnage to DSWA	1,064.02	4,726.40	945.39	4,060.49
90-Gallon Containers Delivered	46	307.00	55	209.00
300-Gallon Containers Delivered	0	0.00	0	0.00
Total Man Hours-containers Delivered	25	96.00	18	71.00

CURBSIDE RECYCLING STATS	TOTAL # OF HOUSEHOLDS COLLECTED	TOTAL # OF ACCOUNTS	WEIGHT/LBS.	AVE. LBS.
October 2017	21,276	9,450	282,140	13.26

Streets	OCTOBER 17	FYTD 18	OCTOBER 16	FYTD 17
Signed Installed	21	51.00	13	42.00
Signs Repaired	6	30.00	14	30.00
Curbs Painted Yellow (feet)	598	877.00	148	2,813.00
New Post Installed	3	21.00	16	32.00
Storm Catch Basins Repaired	0	5.00	1	9.00
Storm Catch Basin Repairing (Hrs.)	0	37.00	2	13.50
Storm Catch Basins Cleaned	6	44.00	1	20.00
Storm Catch Basins Cleaning (Hrs.)	2.00	37.50	2	2,227.00
Hot Mix Patching (Tons)	5.50	13.60	0	0.00
Hot Mix Patching (Hrs.)	12	20.00	0	0.00
Cold Mix Patching Hrs.)	11.0	38.08	15	56.25
Concrete Work (Hrs)	0.0	150.00	0	14.00
Concrete Patching (Cubic Yards)	2.50	24.59	0	4.03
Ditch Work (Hrs).	0	2.00	0	2.00
Street and Alley Maintenance (Hrs)	19.0	54.00	0	0.00
Street Sweeping (Miles)	1,652	6,522.24	1,773	7,560.00
Street Sweeping (Cubic Yards)	203.00	529.25	212.0	644.08
Leaves Collected (Cubic Yards)	1,021.0	1,165.00	954.0	954.00
Leaf Collection (Miles)	659	822.00	655	655.00

GROUND

Work Orders

Total Work Orders = 10	General = 2	Arborist = 8
------------------------	-------------	--------------

Arborist Crew	October 2017	October 2016
Trees Trimmed	38	17
Trees Removed	5	6
Stumps Removed	4	0
Trees Planted	6	0
Root Pruning	2	0

Beautification Crew

Tulip order received
Weeds and plants being removed from flower beds for bulb planted
Started planning tulip bulbs

Mowing Crew

All mowing equipment in good operating order
Mowed city properties and parks
Mowers cleaned and prepped for winter use

Litter Removal

Litter is being picked up on City properties as per the weekly schedule
Litter person has been diligent in the reporting of destruction in City parks

Miscellaneous

Completed 10 work orders
Serviced mowing equipment
Set stage up for 2 events
Prepared ball fields for fall softball league daily
Opened and closed Silver Lake Dam
Tree and debris removal from wind storm

GEOGRAPHIC INFORMATION SYSTEMS (GIS)

City Manager	Created a 30"x40" map of all City properties, with recent Sheriff Sales highlighted. Printed one copy.
Public Works	Created a Lead & Copper Sample layer based of a spreadsheet in a Word document.
Public Works	Revised the 2017 flushing maps for Fall. Created PDFs of each day.
Public Works	Created two CAF maps for the S Bradford St and William St water main replacement project.
Public Works	Created a CAF map for the Lincoln Street ADA Sidewalk Compliance project.
Public Works	Created a 30"x40" map of the ditches and pipes located in Maple Dale Country Club.
Public Works	Updated the Parcels, Rentals, and Active AHIs layers.
Public Works	Created maps, multiple choice sheets, and answer sheets for the 2017 GIS Day Aerial Golf.
Public Works	Created a 30"x40" map of the lead and copper data points. Printed a copy.

FLEET AND FACILITIES MANAGEMENT

Fleet Maintenance

PM Work Orders Completed:	27	Number of Tire Repairs:	13	Number of Road Repairs:	8
Other Work Orders:	59	Repair Hours:	194.65	Road Repair Hours:	12
Total Work Orders:	86	Fabrication Hours:	12	Misc. Hours:	12
PM Hours:	126				

Of Scheduled PM's: 26

Of Scheduled PM's: Completed: 12

Major Program Updates

MEASURE	October 2017	October 2016	DIFFERENCE
Fleet Maintenance - Scheduled Preventative Maintenance appointments being kept (<i>Quantity and Percentage</i>)	12 out of 26 46.15 %	8 out of 26 30.77 %	+15.38 %
<u>Facilities Maintenance</u>			
Facilities - Routine work orders completed within 5 days (<i>Quantity and Percentage</i>)	36 out of 40 90 %	37 out of 37 100 %	-10.0 %
Facilities - Emergency work orders completed within 2 days (<i>Quantity and</i>	5 out of 5 100 %	3 out of 3 100 %	0 %

Water/Wastewater Divisions

	Sept 16	Oct 16	Nov 16	Dec 16	Jan 17	March 17	Feb 17
Total Water Prod.	176,510,000	173,574,000	122,328,000	132,009,000	139,873,000	153,874,000	126,731,000
Billed Consumpt.	184,214,000	159,687,000	133,279,000	114,760,000	114,760,000	120,373,000	150,473,000
Total Flow to County	125,583,000	169,995,000	114,255,000	114,682,000	141,147,600	120,431,000	115,346,000
City Readings	135,635,579	147,838,447	150,270,118	136,196,345	142,470,400	134,835,733	148,506,989
	April 17	May 17	June 17	July 17	Aug 17	Sep 17	Oct 17
Total Water Prod.	142,087,000	171,797,000	183,692,000	195,693,000	183,352,000	172,501,000	172,453,000
Billed Consumpt.	127,958,000	127,958,009	161,418,000	179,460,000	169,521,000	169,521,000	159,271,000
Total Flow to County	123,927,000	170,213,000	136,745,000	125,926,000	178,219,000	139,090,000	153,736,000
City Readings	135,076,400	168,499,897	141,349,551	138,366,768	167,858,838	144,462,028	168,885,523

ENGINEERING SUMMARY

Major Program Updates	OCTOBER 17	OCTOBER 16	DIFF	FY18 YTD	FY17 YTD
State and Federal Violations	0	0	0	0	0
Water Quality Complaints	18	22	-4	41	58
Plan Review Completed Within 30 days of Submission	4	5	-1	32	24

OPERATIONAL SUMMARY

Task	OCTOBER 17	OCTOBER 16	CURRENT FY
Water Production - Daily Average	5,563,000	5,599,161	907,695,000
Average Field Response Time (goal is <30 minutes)	17.00	16.5	17.00
Water Mains Repaired	1	3	2
Water Service Lines Repaired	1	0	5
Wastewater Mains Repaired	0	1	1
Wastewater Service Lines Repaired	0	0	3
Sewer Lines Flushed - linear feet	12,393	40,833	192,329
Sewer Mains Videoed -linear feet	0	0	4,287
Sewer Manholes Cleaned	34	166	34
Total Fire Hydrants in Service	1,839	1,820	1,839
Total Water Meters in City Distribution System	14,717	14,509	14,717



City Planner's Monthly Report

Department of Planning & Inspections

OCTOBER 2017

Planning & Inspections

Highlights

Some Items to Call to Your Attention:

The City's economy continues to show positive improvement as reflected in building and licensing reports. Overall, the Department has collected 59% of its budgeted revenues, primarily from annual Business License receipts. In October, the Planning staff reviewed 103 Building Permits/Certificates of Occupancy for a YTD total of 957 compared to 932 at this time in 2016 and 812 in 2015. This includes 52 new homes valued at over \$12 million. Construction is also strong for multi-family dwelling projects such as Tall Pines, Leander Lakes and Blue Hen Apartments.

Commercial projects continue as well with the opening of Panera Bread, Site Plan approval for Longhorn Steakhouse, approval of the sign package for Capital Station, and a number of new businesses Downtown that are recently opened or soon to open (Puffster Vape Lounge, The Loocke, My Roots, and a coffee shop).

Code Enforcement and Inspections functions are also noteworthy. During October, 131 new enforcement cases were opened bringing the YTD total to 653. Code officers conducted 345 inspections during the month; again tall grass and property maintenance violations predominate. Finally, 320 licenses of various types were issued in October (compared to only 213 last year this period), 404 inspections took place (v. 365 last year), and 210 Building Permits were issued (v. 163 this month last year).

City Planner's Monthly Report

Planning, Inspections & Recreation

More Highlights!



PANERA BREAD— 545 North DuPont Hwy

FSA LOGISTIX — 60 Starlifter Avenue



PROGRESS IN PICTURES



Cannon Mills: 319 and 323 Loftland Drive



Cannon Mills: 335 and 339 Loftland Drive



436 and 440 West Reed Street



Leander Lakes Apartments: 500 Isabelle Isle

Planning & Inspection Revenues			
	FY '18 Budget	FY ' 18 Actual (YTD) October	% of Budget
<u>Revenue Stream</u>			
Business License	\$1,467,000	\$ 1,434,200	98%
Trailer License	\$19,000	\$ 16,641	88%
Building Permits	\$800,000	\$ 254,072	32%
Cert. of Occupancy	\$13,000	\$ 7,995	62%
Public Occupancy	\$23,000	\$ 875	4%
Lodging House	\$14,000	\$ 28	0%
Plumbing/Heating/ Air	\$115,000	\$ 80,000	70%
Rental Inspection Fee	\$437,000	\$ 2,203	1%
Miscellaneous	\$27,000	\$ 3,852	14%
Fire Protection Fees	\$65,000	\$ 37,178	57%
Code Enforcement Fines	\$35,000	\$ 13,625	39%
Vacant Building Reg.	\$250,000	\$ 80,075	32%
Total P&I Revenue	\$3,265,000	\$ 1,930,744	59%
31-Oct-17			

PERSONNEL AND TRAINING

- On October 4, 2017 Maria Quinones (Deputy Fire Marshal) took an on-line course for Certified Fire Investigation Training.
- On October 19, 2017 Maria Quinones attended Leiss Computer Training in Dover.
- On October 24, 2017 the following Building Inspections staff of Gregory Akers, Mike McGregor, Chris Scott, and Ron Coburn attended American Wood Council- Prescriptive Deck Requirements training at the Kent County Building in Dover.

PLANNING OFFICE

The Planning Office is part of the review process for certain types of construction activity permits (Building Permits, Sign Permits, etc.) and Certificate of Occupancy permits. For October 2017, Planning Staff was involved with review of 68 Permits and 35 Certificates of Occupancy permits. This results in a 2017 calendar year to date total of 957 Permits and Certificates of Occupancy (2016 calendar year to date total of 932 Permits and COs compared to 812 for 2015). Planning Staff also reviews new applications for Business Licenses and Rental Dwelling Permits.

COMPREHENSIVE PLAN IMPLEMENTATION

Planning Staff continues to focus on the various implementation items identified in the *2008 Comprehensive Plan* as amended.

- The Planning Office continues to be involved in the following studies and projects: Restoring Central Dover Community Plan implementation, the Dover/Kent County MPO Regional Bicycle Plan Update project, and Downton Dover Parking Study.
- Planning Staff continues working on reviewing Dover's Downtown Development District program management seeking to better understand the administrative activities and to focus on updates to program outreach materials.
- The Planning Office is concluding the Study of "Non-conforming Uses" which identified non-compliant uses in specific residential zones. Two Rounds of Notifications to non-conforming property owners occurred in 2016 and early 2017 with a number of the identified properties taking action to resolve the non-conformity issues. The last Rezoning application was approved in late September. Staff will be working on the close-out of the project files and a final report.
- Planning Staff participated in the Delaware Population Consortium Annual Meeting on October 26, 2017 where the Consortium's annual population projections were adopted. The Consortium has estimated the City of Dover population to be 38,102 people (as of July 1, 2017).

Construction Activity

- Construction activities continue at several multi-family residential projects including the Tall Pines project at 1655 and 1665 Kenton Road (S-14-18), Leander Lakes Apartments (S-12-18), Phase 2 of the Blue Hen Apartment Complex (S-15-12), the reconstruction of Liberty Court Apartments (S-16-22) and the renovations of Whatcoat Village Apartments (S-16-05).
- There is residential construction activity in Clearview Meadows PND, Nottingham Meadows, Seskinore, Village of Cannon Mill, and Village of Westover.
- Certificates of Occupancy were issued to six (6) one family detached dwellings, eight (8) duplex units, and fourteen (14) townhouse dwellings; one apartment building at Leander Lakes Apartments, and two (2) apartment buildings at Liberty Court received Temporary Certificates of Occupancy.

	OCTOBER (2017) FY18	TOTAL FOR FY18
New Home Permits Issued	9	52
Value of Commercial Projects	\$309,800.00	\$12,375,755.00
Downtown Incentives (Fees Waived)	\$143.00	\$3,223.00

BOARD AND COMMISSION ACTIVITY

Planning Commission

The Planning Commission met on October 17, 2017. The next Planning Commission meeting is scheduled for November 20, 2017. The Planning Commission took action to recommend approval of the revised Bay Road Office Master Plan (S-17-19). The following applications were also reviewed:

HI-17-03 Sign Permit #17-1484: Wall Sign at 115 West Loockerman Street—

Planning Commission moved to approve the Architectural Review Certification for Sign Permit application #17-1484 pertaining to the installation of an internally lit wall sign at Puffster Smoke Vape Lounge. This item was an Appeal of the Historic District Commission's action on the Architectural Review Certification.

MI-17-07 Request for Street Name Change: Krisko Circle to Energy Lane—

Planning Commission moved to recommend approval to City Council for Application MI-17-07 for a Street Name Change for the remaining segment of Krisko Circle which runs in a west-east direction from Stover Boulevard just east of Bay Road. The new street name proposed is Energy Lane. The request was filed in accordance with *Dover Code of Ordinances*, Chapter 98, Article II, Section 98-45 Street name change procedure which also references Appendix A: *Land Subdivision Regulations*, Article VI, Section A. Streets.

S-17-25 Development of 219-229 Beiser Boulevard: Lots 2A and 3 at Enterprise

Business Park – Planning Commission moved to conditionally approve a Site Development Plan outlining four phases of construction for parking lot areas and two (2) 19,304 S.F. two-story office building along with the associated site improvements on two separate parcels adjoining one another.

US-17-01 Capital Station Development Unified Comprehensive Sign Plan at 50

North DuPont Highway — Planning Commission moved to conditionally approve the Unified Comprehensive Sign Plan for Capital Station, a shopping center including five (5) future buildings and a series of freestanding signs and wall signs to identify the complex and its tenants.

Board of Adjustment

The Board of Adjustment did not meet on October 18, 2017. The next regular scheduled meeting of the Board of Adjustment is scheduled for November 15, 2017.

Historic District Commission

The Historic District Commission did not meet on October 19, 2017. The next Historic District Commission meeting is scheduled for November 16, 2017.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

CDBG FY17 Projects

Sub-recipients have signed their contracts and projects are underway.

Homeownership Assistance Program

CDBG funds will be used to provide homeownership assistance to first-time homebuyers who purchase affordable housing in the City of Dover. Four (4) families are currently under contract to purchase homes. Two (2) families are scheduled for closing in early November with one property located in the Restoring Central Dover Revitalization area.

Dover Interfaith Mission for Housing

CDBG funds will be used to provide operation costs for the shelter. This project is underway.

Connections Community Support Program

CDBG funds will be used to provide rapid re-housing/rental assistance services for homeless households within the City. This project is underway.

Milford Housing Homeowner Rehabilitation/Emergency Home Repair Programs

CDBG funds will be used to rehabilitate existing owner occupied housing in the City that is in violation of the City's Housing Code and complete emergency home repairs to eliminate housing conditions that threaten the health and safety of low income homeowners. This project is underway.

Habitat for Humanity

CDBG funds will be used to complete exterior renovations to existing owner-occupied homes in the Restoring Central Dover Revitalization area. This project is underway.

NSP Program

The City provided \$50,000 in NSP grant funds to Diamond State Community Land Trust to assist in acquiring a vacant or foreclosed property in the City of Dover. The property will be fully renovated and sold to a low to moderate income family.

Code Enforcement Activity—OCTOBER

Case Type	# cases current month	# cases YTD (July to September)	% staff initiated current month	% staff initiated YTD
No valid Rental Permit	3	7	75%	75%
No valid Building Permit	5	31	70%	90%
Tall grass and weeds	26	187	85%	80%
Unregistered vehicle	8	38	100%	82%
Abandoned vehicle	4	11	100%	74%
Annual Housing Inspection	25	96	52%	78%
Property Maintenance – Exterior	22	134	73%	60%
Electric Termination	8	39	100%	95%
Dover Code of Ordinances	29	104	72%	59%
Zoning	1	6	100%	74%
Total Cases Opened	131	653		
Total # of Inspections For Month	345			

Dangerous Buildings, Vacant Buildings & Demolitions

- ♦ *954 Lincoln Street*—The property was condemned and taken forward to City Council as a dangerous building on November 7, 2016. Council ordered the owner to demolish the structure by December 7, 2016. The asbestos survey and abatement have been completed. The mortgage company has requested time to make renovations. The demolition has been put on hold.
- ♦ *1175 Horsepond Road*—The property was condemned on November 14, 2016 due to the dilapidated condition of the home. Notice was sent to the owner to repair or demolish the structure by February 23, 2017, or City Staff would take the property forward to City Council as a dangerous building. Property was presented to City Council on March 6, 2017; Council declared the property dangerous and ordered the owner to demolish by April 7, 2017. The owner is working to have the building demolished.
- ♦ *803 Westview Terrace*—The in-ground swimming pool has been condemned. Notice has been sent to all lien holders regarding the code violations to the in-ground swimming pool. Staff took this property to City Council on August 7, 2017 as a dangerous building and Council ordered the Owner to demolish the pool by September 7, 2017, or City Staff would have the pool demolished. Notice has been sent to the lien holders to remove all items related to the pool removed and demolition specifications are being worked on.
- ♦ *2292 White Oak Road*—The dwelling was condemned as unfit for human occupancy and notice was sent to the owner to repair or demolish the structure. City Staff took this property to City Council on August 7, 2017 as a dangerous building and Council ordered the Owner to demolish the house by September 7, 2017, or City Staff would have the structure demolished. Notice has been sent to the lien holders to remove all items from the property that they wish to keep. The demolition specifications are being worked on.
- ♦ *Vacant Buildings*—During the month of October ten (10) additional buildings were registered as vacant, and \$375.00 in vacant building registration fees were collected.

Building Inspections & Licensing Summary

	Current	OCT 17-June18	OCT 2016	OCT 16 -June17
	OCT 18	FYTD 18	SEPT 17	FYTD 17
PERMITTING AND LICENSING				
Permits Issued	OCT (2017) FY 18	FYTD 18	OCT (2016) FY17	FYTD 17
Administrative Permit	2	13	2	37
Building Addition/Renovation Permits	22	125	28	127
Building Permits	20	114	38	128
Demolition Permits	6	15	4	13
Fence Permits	22	55	7	33
Fire Prevention Permits	13	58	9	35
Mechanical Permits	89	241	27	171
Plumbing Permits	32	287	35	145
Sign Permits	4	56	13	75
Swimming Pool Permits	0	2	0	5
Business Licenses	97	1962	49	2008
Merchant Licenses	38	353	6	330
Contractor Licenses	60	1072	53	820
Lodging House Licenses	0	0	0	14
Manufactured Homes	93	346	74	347
Public Occupancy	15	41	5	48
Rental Dwelling	17	63	26	90
BUILDING INSPECTIONS				
Inspections	OCT (2017) FY 18	FYTD 18	OCT (2016) FY17	FYTD 17
Building (Inspections/Site Meetings)	404	1868	365	1596
Plumbing/Mechanical	630	2398	303	1376
Certificate of Occupancy	37	99	11	66

Fire Marshal's Office—At a Glance

The Fire Marshal's Office investigated a total of five (5) incidents in the month of October to include losses at 1001 Whiteoak Rd, 1300 S Farmview Dr, and 1413 S Farmview Dr.

The Fire Marshals Office completed NFPA training in regards to outdoor and mobile cooking operations.

All required restaurants have been inspected and we are now inspecting mercantile occupancies.



	Month	Year to Date	Previous Year to Date
Annual Fire & Life Safety Inspections	9	53	93
Deficiencies From the Above Inspections	141	430	332
Fire Code Violations/Deficiencies/Complaints	76	137	144
C/O & Fire Equipment Acceptance Tests	8	51	61
Meetings & Walk Through	29	85	72
Fire Plan Review & DAC	11	72	40

	Month	Year to Date	Previous Year to Date
Accidental	2 totaling \$2,000	14 totaling \$164,500	\$257,000
Undetermined	2 totaling \$7,500	3 totaling \$15,000	\$23,000
Incendiary	1 totaling \$5,000	16 totaling \$26,502	\$120,000
Arrest Made with DPD	0	0	-
Investigation Time	14 hours	56 hours	-
Injuries	0	0	-
Deaths	0	0	-

Please feel free to contact our office at any time with any questions or concerns. Thank you!



City of Dover

FINANCE AND PROCUREMENT & INVENTORY DEPARTMENTS — MONTHLY BUDGET REPORTS

OCTOBER 2017



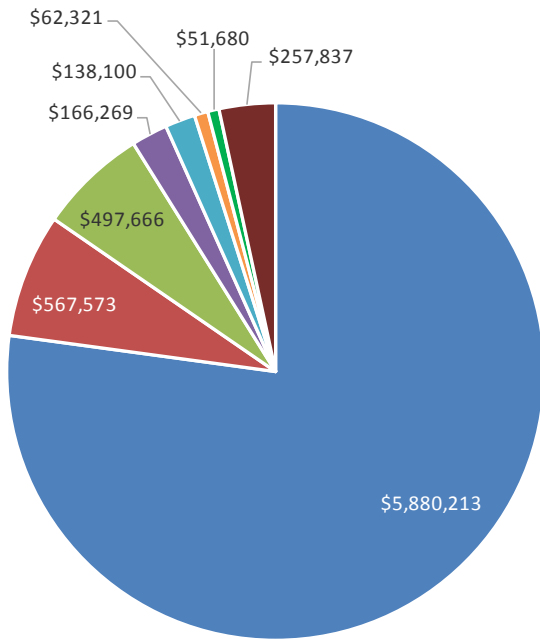
PLEASE NOTE – THIS REPORT PROVIDES TOP LINE INFORMATION ON THE OPERATING FUNDS. IF YOU WOULD LIKE ADDITIONAL INFORMATION, PLEASE FEEL FREE TO CONTACT THE FINANCE DEPARTMENT.

CITY OF DOVER ACTIVITY REPORTS OCTOBER 2017

FINANCE DEPARTMENT ACTIVITY LEVELS

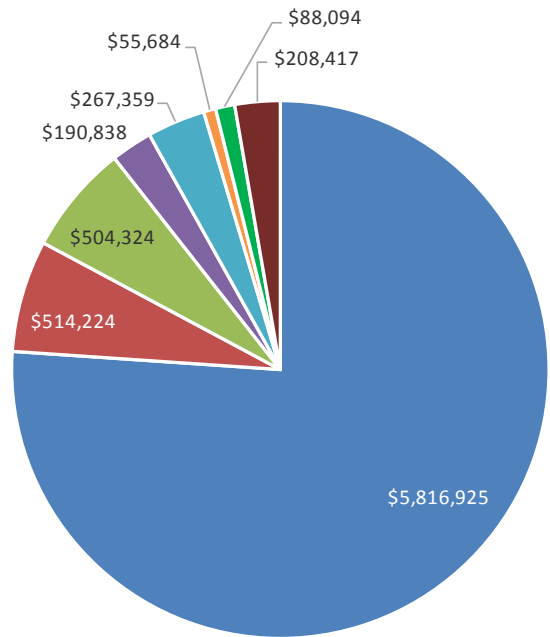
	FY17 YTD	FY18 YTD
BANK TRENDS		
Number of Deposits Made (Hand, ACH & Wire, Lockbox)	2,439	2,285
Total Amount of All Deposits	\$ 55,055,983	\$ 54,587,161
Other Activity		
Number of Pay Periods	9	9
Number of Payroll Checks & Direct Deposits Issued	3,607	3,535
Number of Pension Checks Issued	1,010	1,017
Total Pension Benefits Paid - Defined Benefit Plan	\$ 1,740,426	\$ 1,810,450
ACCOUNTS PAYABLE		
Number of Check Vouchers	1,880	2,155
Number of EFT Vouchers	820	818
Vouchers Dollar Amount Disbursed	\$ 22,269,565	\$ 24,378,604

FY17 YTD Wages



- Regular
- All over time
- Vacation
- Sick
- Terminal Leave - Retiree Vacation/Sick Payout
- Personal
- Comp
- Other

FY18 YTD Wages



- Regular
- All over time
- Vacation
- Sick
- Terminal Leave - Retiree Vacation/Sick Payout
- Personal
- Other
- Comp Time

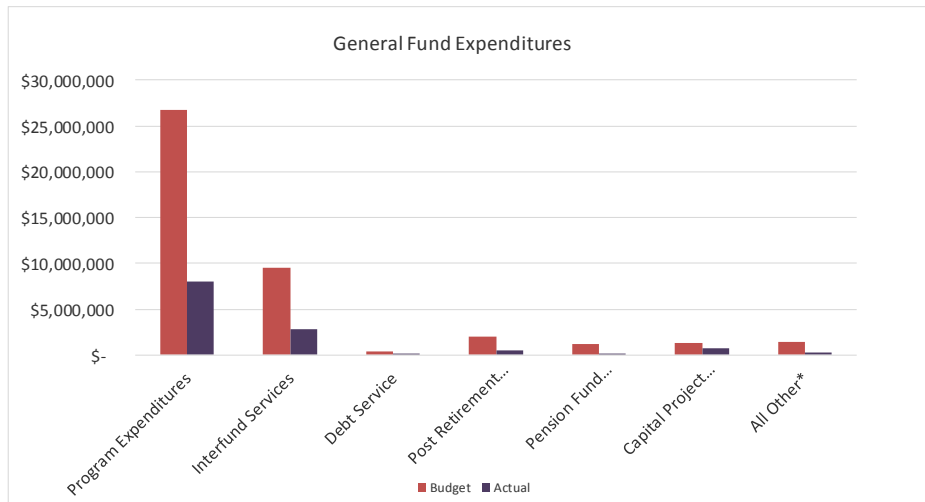
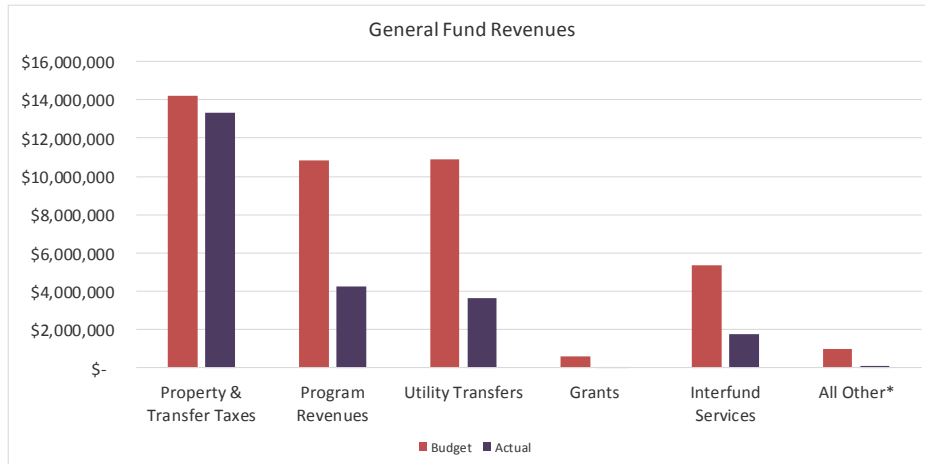
City of Dover
General Fund Summary
Fiscal Year to Date (October 2017)

Revenues				
	<u>Budget</u>	<u>Actual</u>	<u>%</u>	
Property & Transfer Taxes	\$ 14,234,900	\$ 13,305,639	93%	
Program Revenues	10,834,900	4,244,541	39%	
Utility Transfers	10,900,000	3,640,000	33%	
Grants	605,000	18,584	3%	
Interfund Services	5,376,200	1,769,677	33%	
All Other*	980,000	88,833	9%	
	<u>\$ 42,931,000</u>	<u>\$ 23,067,274</u>	<u>54%</u>	

*Includes: Franchise Fees, Miscellaneous Revenues, Garrison Farm Rent, Verizon Grant and Other Reserves

Expenditures				
	<u>Budget</u>	<u>Actual</u>	<u>%</u>	
Program Expenditures	\$ 26,724,500	\$ 8,064,568	30%	
Interfund Services	9,553,300	2,870,401	30%	
Debt Service	443,100	152,321	34%	
Post Retirement Benefits	2,063,000	516,000	25%	
Pension Fund Contributions	1,224,900	192,000	16%	
Capital Project Transfers	1,368,700	684,175	50%	
All Other*	1,483,500	321,531	22%	
	<u>\$ 42,861,000</u>	<u>\$ 12,800,996</u>	<u>30%</u>	

*Includes: DDP Contribution, Misc. Grant Exp., Bank and CC Fees, New Street Property Acquisitions, Street Lights Expense, Transfer to Capital Asset Reserve, Inventory write-offs, Transfer to Verizon Reserve, & Uncollectibles: Trash and Other, Other Employment Exp.



City of Dover
Water/Wastewater Fund Summary
Fiscal Year to Date (October 2017)

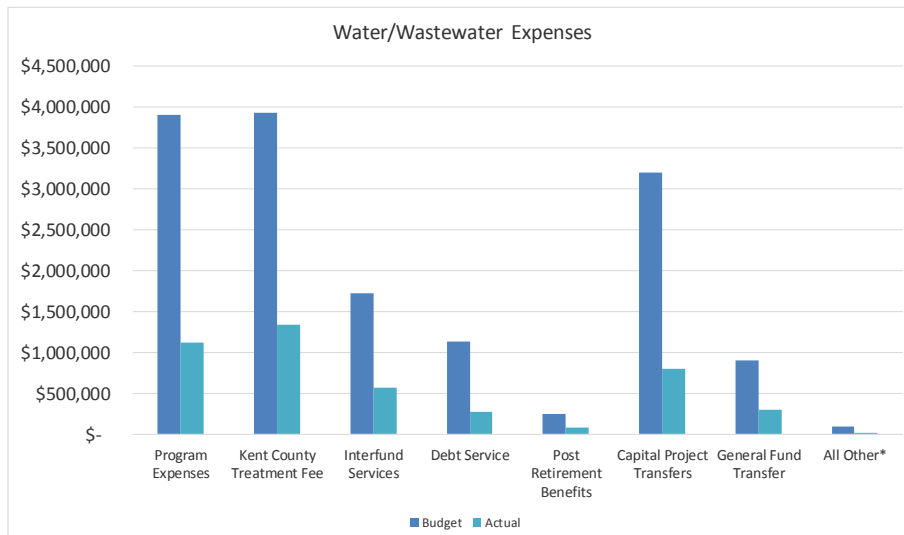
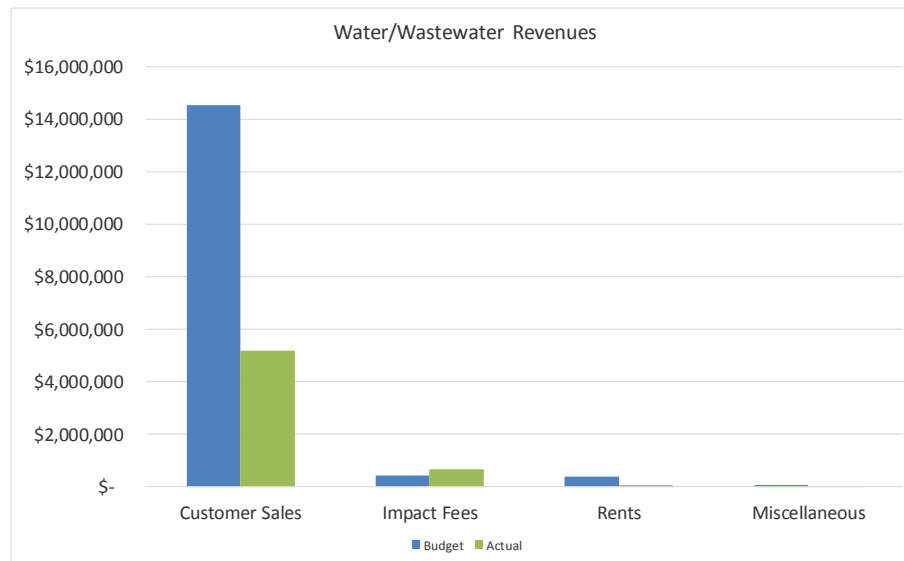
Revenues

	<u>Budget</u>	<u>Actual</u>	<u>%</u>
Customer Sales	\$ 14,535,200	\$ 5,188,347	36%
Impact Fees	440,000	646,173	147%
Rents	391,400	74,530	19%
Miscellaneous	72,400	26,233	36%
	<u>\$ 15,439,000</u>	<u>\$ 5,935,283</u>	<u>38%</u>

Expenditures

	<u>Budget</u>	<u>Actual</u>	<u>%</u>
Program Expenses	\$ 3,896,800	\$ 1,116,764	29%
Kent County Treatment Fee	3,926,500	1,340,331	34%
Interfund Services	1,716,100	563,671	33%
Debt Service	1,137,400	276,809	24%
Post Retirement Benefits	249,700	80,740	32%
Capital Project Transfers	3,200,000	800,000	25%
General Fund Transfer	900,000	304,000	34%
All Other*	91,900	9,083	10%
	<u>\$ 15,118,400</u>	<u>\$ 4,491,398</u>	<u>30%</u>

*Includes: Bank & CC Fees, Bond Issuance Cost, Other Employment Expenses



City of Dover
Electric Fund Summary
Fiscal Year to Date (October 2017)

Revenues

	<u>Budget</u>	<u>Actual</u>	<u>%</u>
Customer Sales	\$ 80,892,200	\$ 30,533,039	38%
Distribution of Earnings	(6,176,700)	(2,365,687)	38%
All Other*	982,000	336,515	34%
	<u>\$ 75,697,500</u>	<u>\$ 28,503,867</u>	<u>38%</u>

*Includes: Weyandt Hall Rents, Miscellaneous Revenue, Interest Earnings

Expenditures

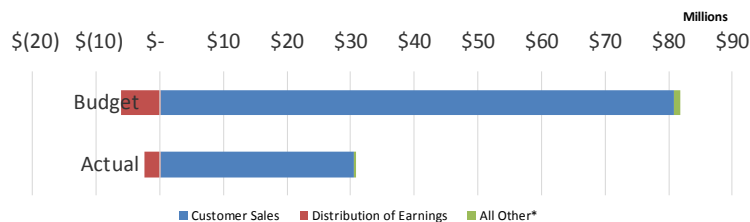
	<u>Budget</u>	<u>Actual</u>	<u>%</u>
Power Supply & Generation	\$ 49,075,100	\$ 14,681,555	30%
Electric Operating Division Exp.	6,660,200	1,890,717	28%
Interfund Services	3,660,100	1,206,006	33%
Debt Service	1,605,500	538,734	34%
Post Retirement Benefits	1,820,300	610,000	34%
Pension Unfunded Liability	1,000,000	332,000	33%
Capital Project Transfers	5,000,000	1,250,000	25%
General Fund Transfer	10,000,000	3,336,000	33%
Rate Stabilization Reserve	5,200,000	-	0%
All Other*	2,162,400	642,889	30%
	<u>\$ 86,183,600</u>	<u>\$ 24,487,901</u>	<u>28%</u>

*Includes: Bank & CC Fees, Utility Tax, Interest on Deposit, Legal Exp., Green Energy, A/R Write-offs, Contractual Services, Other Employment Expenses

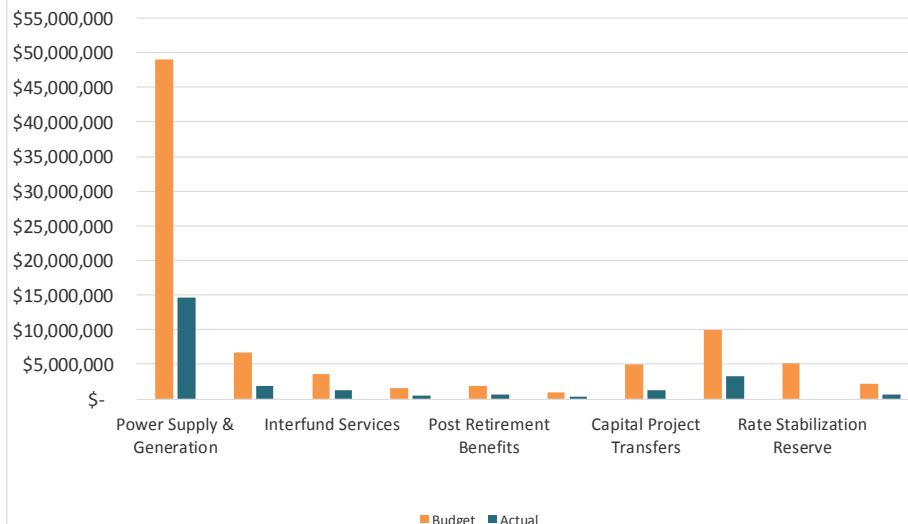
Megawatt Hours Sold & Purchased

	<u>Budget</u>	<u>Actual</u>
Sales to Customers MWh (excl. Street Light MWh)	713,501	277,059
Sales per MWh	\$102.98	\$100.02
Purchased/Generated MWh	763,129	281,591
All In MWh Supply & Generation	\$64.31	\$52.14

Electric Fund - Revenues

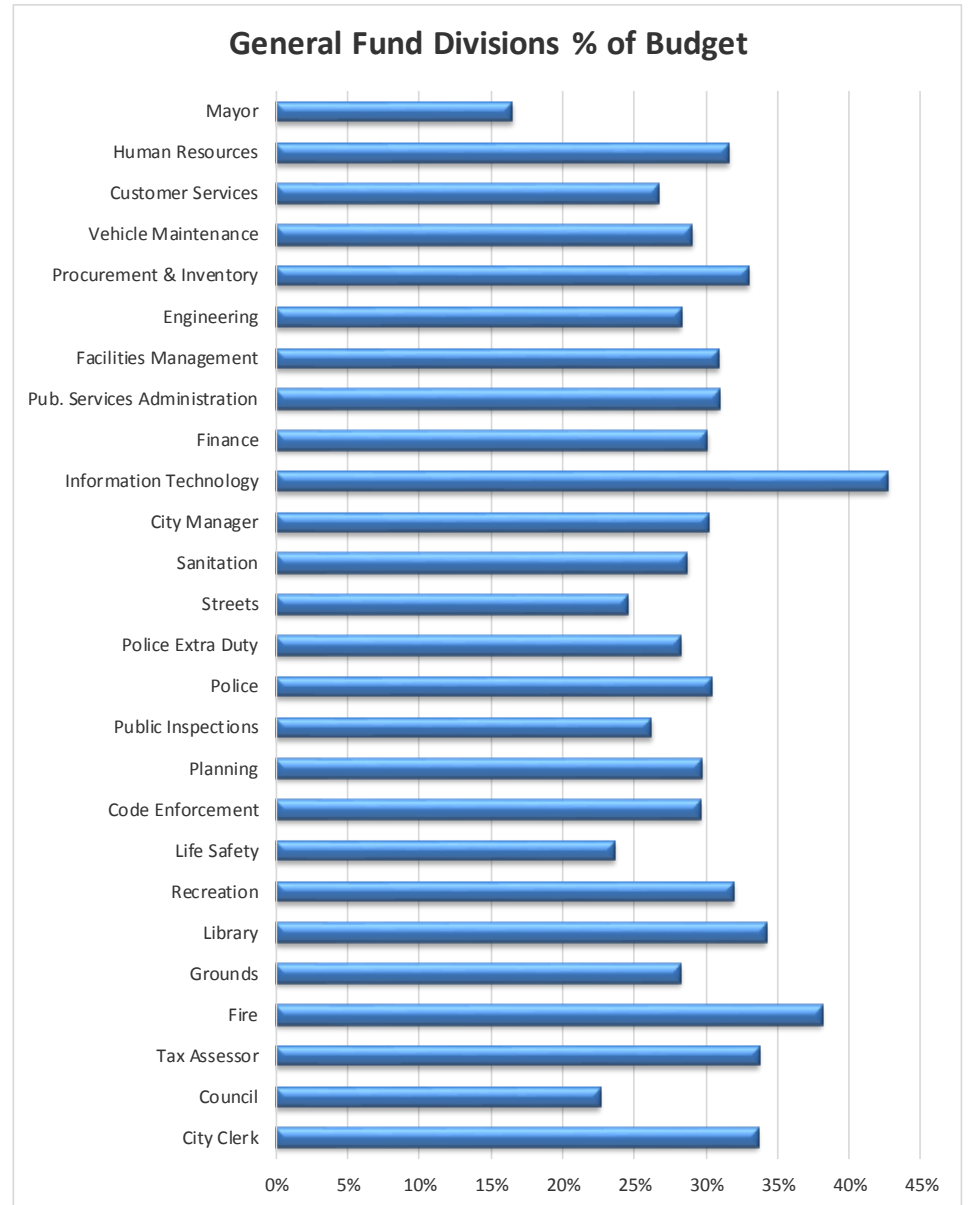


Electric Fund - Expenditures



City of Dover
Division Expense Summary (General Fund)
Fiscal Year to Date (October 2017)

	<u>Budget</u>	<u>Actual</u>	<u>%</u>
City Clerk	\$ 436,700	\$ 146,772	34%
Council	155,100	35,052	23%
Tax Assessor	238,500	80,358	34%
Fire	774,900	295,098	38%
Grounds	1,142,000	322,052	28%
Library	1,708,300	583,947	34%
Recreation	764,200	243,876	32%
Life Safety	499,600	117,826	24%
Code Enforcement	449,700	133,218	30%
Planning	563,400	167,627	30%
Public Inspections	721,000	188,562	26%
Police	16,483,900	5,006,994	30%
Police Extra Duty	560,000	158,114	28%
Streets	1,119,400	274,571	25%
Sanitation	2,563,900	735,822	29%
City Manager	751,500	226,347	30%
Information Technology	777,400	331,493	43%
Finance	1,038,900	312,363	30%
Pub. Services Administration	718,300	222,194	31%
Facilities Management	629,700	194,309	31%
Engineering	277,700	78,555	28%
Procurement & Inventory	605,100	199,541	33%
Vehicle Maintenance	838,200	243,144	29%
Customer Services	1,169,500	311,712	27%
Human Resources	436,600	137,841	32%
Mayor	119,300	19,592	16%
\$ 35,542,800	\$ 10,766,980		



City of Dover
Utilities Summary
Fiscal Year to Date (October 2017)

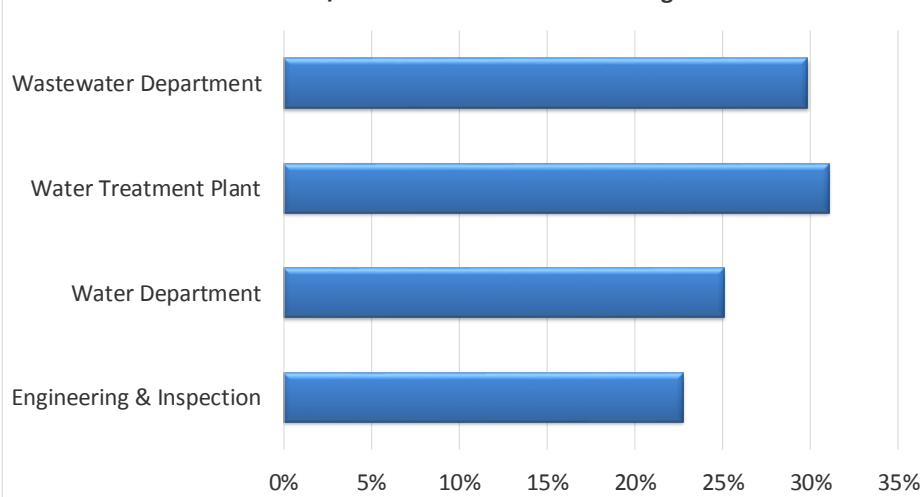
Water/Wastewater Division Expenses

	<u>Budget</u>	<u>Actual</u>	<u>%</u>
Engineering & Inspection	\$ 517,800	\$ 117,733	23%
Water Department	635,700	159,304	25%
Water Treatment Plant	1,780,500	552,650	31%
Wastewater Department	962,800	287,077	30%
	<u>\$ 3,896,800</u>	<u>\$ 1,116,764</u>	

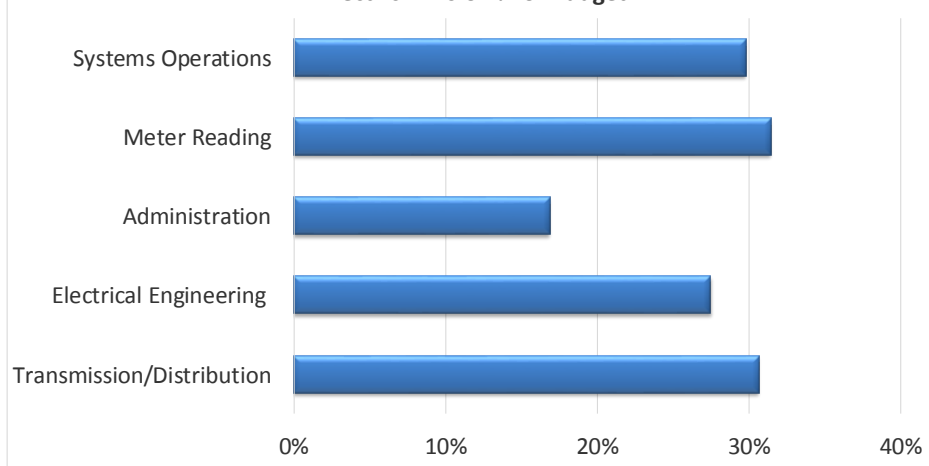
Electric Division Expenses

	<u>Budget</u>	<u>Actual</u>	<u>%</u>
Transmission/Distribution	\$ 3,599,600	\$ 1,103,834	31%
Electrical Engineering	1,226,400	336,900	27%
Administration	797,000	134,517	17%
Meter Reading	392,500	123,352	31%
Systems Operations	644,700	192,114	30%
	<u>\$ 6,660,200</u>	<u>\$ 1,890,717</u>	

Water/Wastewater Division % of Budget



Electric Division % of Budget

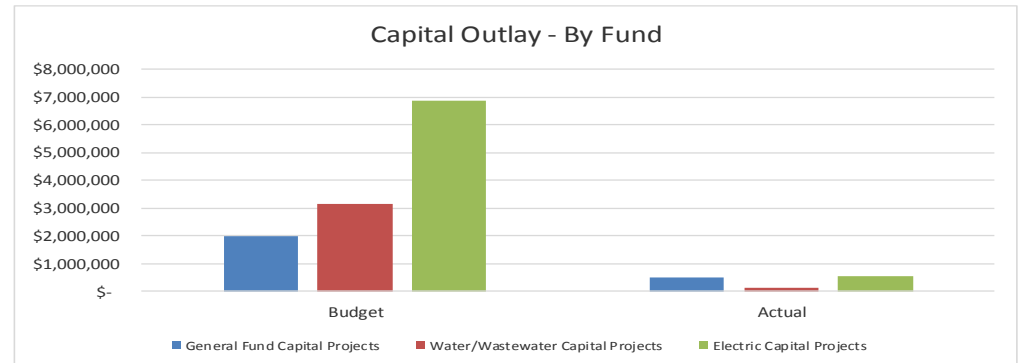
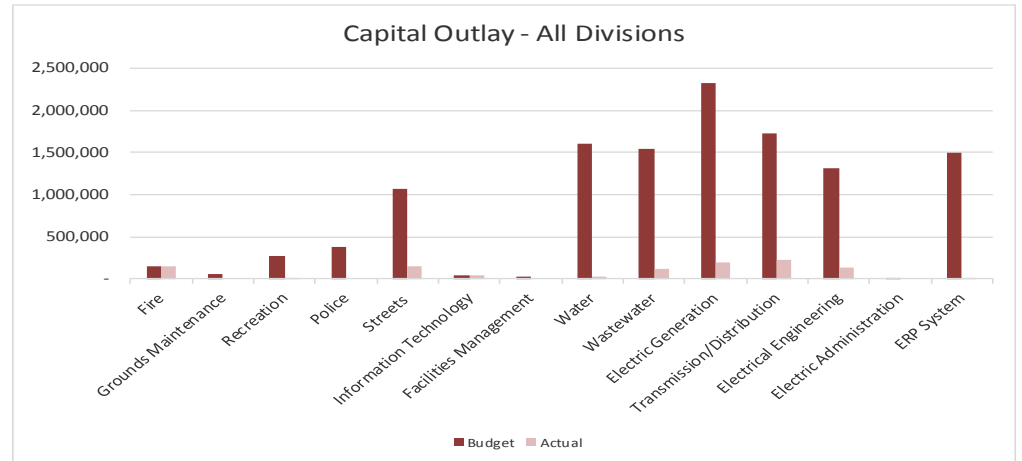


City of Dover
Capital Outlay Summary (All Funds)
Fiscal Year to Date (October 2017)

<u>General Fund</u>	<u>Budget</u>	<u>Actual</u>	<u>%</u>
City Clerk	\$ -	\$ 155,349	0%
Fire	145,700	145,614	100%
Grounds Maintenance	62,500	-	0%
Recreation	271,000	2,259	1%
Police	379,900	-	0%
Streets	1,070,000	146,236	14%
Information Technology	36,600	37,626	103%
Facilities Management	25,100	-	0%
Transfer to Parkland Reserve	-	25,723	0%
General Fund Capital Projects	\$ 1,990,800	\$ 512,807	26%

<u>Water/Wastewater Fund</u>	<u>Budget</u>	<u>Actual</u>	<u>%</u>
Water	\$ 1,608,400	\$ 29,415	2%
Wastewater	1,543,000	122,515	8%
Water/Wastewater Capital Projects	\$ 3,151,400	\$ 151,930	5%

<u>Electric Fund</u>	<u>Budget</u>	<u>Actual</u>	<u>%</u>
Electric Generation	\$ 2,328,000	\$ 190,616	8%
Transmission/Distribution	1,725,500	229,373	13%
Electrical Engineering	1,315,000	136,909	10%
Electric Administration	8,500	-	0%
ERP System	1,500,000	11,968	1%
Electric Capital Projects	\$ 6,877,000	\$ 568,866	8%
Total Capital Projects	\$ 12,019,200	\$ 1,233,603	10%



October 2017 Procurement & Inventory Report

Measure	FY 2018	FY 2017	DIFFERENCE
<i>Issue Effectiveness – How often the warehouse has what the departments need when it's needed. [issues / (issues + back orders)] * 100</i>	FY 2018 (To date) [1,545/(1,545+49)]*100 96.93%	FY 2017 (Total) [4,581/(4,581+119)]*100 97.47 %	- 0.8 %
Turn Over Rate – Indicates that the material stocked is the material being used. (2016-2017 Goal 1 per year)	October 2017 0.71 Turnovers per year	October 2016 0.62 Turnovers per year	+0.09 Turnovers per year

COMMODITY	BID NUMBER	TERM	REQUESTING DEPARTMENT	STATUS as of November 29, 2017
Hazard Response Services Contract	18-0003EL	Three Years	Electric	Forwarded to Electric and Compliance Environmental on 8/31/2017.
Consulting Services for Data Conversion from Superior H.T.E to Tyler Munis	18-0005IT	One time	Info Tech	Forwarded to IT on 10/30/2017
Electric Utility Cost of Service & Rate Design Study	18-0009CM	One time	City Manager's Office	Scheduled for City Council on 11/27-2017
Ambulance Services for the City of Dover	18-0010CM	Three Years	City Manager's Office	RFP opening scheduled for December 19, 2017 @ 2:00 pm
Diversity and Inclusion	18-0012HR	One time	Human Resources	RFP opening scheduled for November 29, 2017 @ 2:00 pm.
Water Treatment Plant Process Improvements	18-0014PW	One time	Public Works	Bid opening scheduled for December 20, 2017 @ 2:00 pm
Professional Support for HVAC Repair Design Weyandt Hall	18-0015PW	One time	Public Works	RFP opening scheduled for December 13, 2017 @ 2:00 pm
Joint Hardware Bid	8-2017	Annual	Purchasing	Bid opening scheduled for December 14, 2017 @ 7:00
Joint PVC Bid	9-2017	Annual	Purchasing	Bid opening scheduled for December 18, 2017 @ 7:00
Joint Tool Bid	16-2017	Annual	Purchasing	Bid opening scheduled for December 11, 2017 @ 2:00 pm.
Joint Lighting Bid	Oct-17	Annual	Purchasing	Forwarded to Electric Department for review on 11/27/2017.

FUEL USE	FY 2017 TO DATE	FY 2018 TO DATE
Unleaded:	46,260.3 gallons	45,181.4 gallons
Diesel:	27,185.2 gallons	24,377.2 gallons
Dollars Spent:	\$115,002.51	\$116,831.69

STOCK WITH OVER 60 MONTH SUPPLY (5 YEARS)		
Electric:	\$ 442,230.46	307 Line Items
Water:	\$ 19,300.96	51 Line Items
General:	\$ 36,661.81	143 Line Items
Total:	\$ 498,193.23	501 Line Items

Purchase Orders for Stock by Fund

	FY 2017 TO DATE	FY 2018 TO DATE
Electric:	\$ 393,002.71	\$619,254.76
Water:	\$ 76,890.76	\$ 47,271.11
General:	\$ 28,665.68	\$ 46,178.02
Total:	\$ 498,559.15	\$712,703.89

Issues from Stock by Fund

	FY 2017 TO DATE	FY 2018 TO DATE
Electric:	\$406,765.21	\$381,981.32
Water:	\$ 73,305.99	\$ 48,711.07
General:	\$ 40,129.21	\$ 47,321.78
*Total:	\$520,266.61	\$478,067.43

Warehouse Stock

	FY 2017	FY 2018
Total Dollar Value:	\$ 2,328,989.13	\$ 1,952,197.94
Total Line Items:	1,317	1,304

Money Spent for Postage/Postal Services

FY 2017 TO DATE	FY 2018 TO DATE
\$49,852.55	\$46,526.19

MONTHLY REPORT



October 2017

Incident Run Log

Dover Fire Department

Date Range: From 10/01/2017 to 10/31/2017

Company: All Companies

Sorted by: Not selected

Date	FDID	Incident#	Alarm	###	Address	Suite	Type	Lgth
10/01/2017	30046	2017-000905	16:50	1570	N DUPONT HWY		Alarm system sounded due to malfunction	0.7
10/01/2017	30046	2017-000906	17:31	1574	N DUPONT HWY		Alarm system sounded due to malfunction	0.3
10/01/2017	30046	2017-000907	17:52	1572	N DUPONT HWY		Alarm system sounded due to malfunction	0.4
10/01/2017	30046	2017-000908	17:55	1131	N DUPONT HWY		Good intent call, other	0.1
10/01/2017	30046	2017-000909	21:37	120	N STATE ST		Alarm system sounded due to malfunction	0.1
10/02/2017	30046	2017-000910	17:28	86	REPRESENTATIVE LN		Smoke detector activation due to malfunction	0.4
10/02/2017	30046	2017-000911	21:10	1200	N DUPONT HWY		Smoke detector activation, no fire - unintentional	0.1
10/02/2017	30046	2017-000912	22:13	136	RUSTIC LA		Outside rubbish fire, other	0.4
10/03/2017	30046	2017-000913	11:03	43	ACACIA PL		Gasoline or other flammable liquid spill	0.3
10/03/2017	30046	2017-000914	13:24	1575	MCKEE RD	102	Smoke detector activation, no fire - unintentional	0.4
10/03/2017	30046	2017-000915	14:08	204	NORTHDOWN DR		Cooking fire, confined to container	0.3
10/03/2017	30046	2017-000916	15:27	1570	N DUPONT HWY		Water or steam leak	0.7
10/03/2017	30046	2017-000917	21:50	937	BOGGS DR		Good intent call, other	0.7
10/03/2017	30046	2017-000918	23:59	1200	N DUPONT HWY		Smoke detector activation, no fire - unintentional	0.0
10/04/2017	30046	2017-000919	08:30	1211	N DUPONT HWY	D	Alarm system activation, no fire - unintentional	0.4
10/04/2017	30046	2017-000920	09:52	1450	N DUPONT HWY	0587	Passenger vehicle fire	0.4
10/04/2017	30046	2017-000921	12:22		SHREWSBURY CT		Gas leak (natural gas or LPG)	0.4
10/04/2017	30046	2017-000922	18:28	515	N DUPONT HWY		Alarm system activation, no fire - unintentional	0.3
10/04/2017	30046	2017-000923	19:43	629	BUCKSON DR		Smoke detector activation due to malfunction	0.5
10/04/2017	30046	2017-000924	19:48	3000	LEMAY LA		Cooking fire, confined to container	0.3
10/05/2017	30046	2017-000925	13:07	147	ROCKVILLE DR		Good intent call, other	0.4
10/05/2017	30046	2017-000926	15:35		Mckee road		Extrication of victim(s) from vehicle	0.5
10/05/2017	30046	2017-000927	18:29	1704	E LEBANON RD		Smoke scare, odor of smoke	0.8
10/06/2017	30046	2017-000928	05:07	1200	N DUPONT HWY		Smoke detector activation, no fire - unintentional	0.1
10/06/2017	30046	2017-000929	11:06	1001	WHITEOAK RD BLDG H		Building fire	0.9
10/06/2017	30046	2017-000930	12:44	600	JEFFERIC BLVD		Alarm system activation, no fire - unintentional	0.2
10/06/2017	30046	2017-000931	12:46	1200	N DUPONT HWY		False alarm or false call, other	0.5
10/06/2017	30046	2017-000932	18:11	35	LOOCKERMAN PLAZA		Central station, malicious false alarm	0.2
10/06/2017	30046	2017-000933	20:49	959	HAZLETTVILLE RD		Arcing, shorted electrical equipment	0.8
10/07/2017	30046	2017-000934	09:38	768	WALKER RD		Detector activation, no fire - unintentional	0.2
10/07/2017	30046	2017-000935	11:38	42	N PRESTWICK CT		Vicinity alarm (incident in other location)	0.4
10/07/2017	30046	2017-000936	18:27	169	LEXINGTON PL		CO detector activation due to malfunction	0.3
10/08/2017	30046	2017-000937	22:27	25	CARPENTER ST		Good intent call, other	0.5
10/09/2017	30046	2017-000938	17:14	1200	FORREST AVE		Arcing, shorted electrical equipment	0.5
10/09/2017	30046	2017-000939	18:01	561	N DUPONT HWY		Smoke detector activation due to malfunction	0.3
10/09/2017	30046	2017-000940	20:52	655	BAY RD	4M	Arcing, shorted electrical equipment	0.6
10/10/2017	30046	2017-000941	10:08	868	S STATE ST		Cooking fire, confined to container	0.7
10/10/2017	30046	2017-000942	10:21	3000	LEMAY LA	C	Unintentional transmission of alarm, other	0.2
10/10/2017	30046	2017-000943	20:32	1300	S FARMVIEW DR	F	Cooking fire, confined to container	1.2
10/10/2017	30046	2017-000944	22:36	110	W DIVISION ST		Smoke detector activation due to malfunction	0.2
10/11/2017	30046	2017-000945	12:19	1200	N DUPONT HWY		Smoke detector activation due to malfunction	0.1
10/11/2017	30046	2017-000946	13:39	21	N BRADFORD ST		Smoke detector activation due to malfunction	0.0
10/11/2017	30046	2017-000947	13:48	153	PRESIDENT DR		Assist police or other governmental agency	0.6
10/11/2017	30046	2017-000948	14:34	15	PARK DR		Alarm system activation, no fire - unintentional	0.2
10/11/2017	30046	2017-000949	19:57	858	WOODCREST DR BLDG D		CO detector activation due to malfunction	0.3
10/12/2017	30046	2017-000950	10:05	1570	N DUPONT HWY		Smoke detector activation, no fire - unintentional	0.1
10/12/2017	30046	2017-000951	19:27	289	TEA PARTY TRAIL		Carbon monoxide incident	1.1
10/12/2017	30046	2017-000952	21:16	3282	N DUPONT HWY	2	Smoke detector activation due to malfunction	0.6
10/13/2017	30046	2017-000953	00:51	1365	N DUPONT HWY DOVER MALL		Smoke detector activation due to malfunction	0.8
10/14/2017	30046	2017-000954	09:12	833	S GOVERNORS AVE		Unintentional transmission of alarm, other	0.2
10/14/2017	30046	2017-000955	14:18	1700	N DUPONT HWY BLDG A		Hazardous condition, other	0.6
10/14/2017	30046	2017-000956	15:39	801	N DUPONT HWY		Good intent call, other	0.3
10/14/2017	30046	2017-000957	17:44	2736	FORREST AVE		Cooking fire, confined to container	0.7
10/15/2017	30046	2017-000958	08:15	21	N STATE ST		Malicious, mischievous false call, other	0.3
10/15/2017	30046	2017-000959	13:01	1211	N DUPONT HWY	D	False alarm or false call, other	0.6
10/15/2017	30046	2017-000960	17:42	271	N DUPONT HWY		False alarm or false call, other	0.2
10/15/2017	30046	2017-000961	17:53	1133	S LITTLE CREEK RD		Dispatched & canceled en route	0.4
10/15/2017	30046	2017-000962	18:51	111	LOOCKERMAN ST		Smoke detector activation, no fire - unintentional	0.1
10/15/2017	30046	2017-000963	20:54	400	CAMPUS DR		False alarm or false call, other	0.6

Date	FDID	Incident#	Alarm	###	Address	Suite	Type	Lgth
10/15/2017	30046	2017-000964	20:58	700	CAMPUS DR		False alarm or false call, other	0.6
10/15/2017	30046	2017-000965	23:55	1200	N DUPONT HWY		Smoke detector activation, no fire - unintentional	0.1
10/16/2017	30046	2017-000966	11:03	300	CAMPUS DR.		Smoke scare, odor of smoke	0.5
10/16/2017	30046	2017-000967	18:04	66	LAUREL DR		Cooking fire, confined to container	0.3
10/16/2017	30046	2017-000968	22:02	349	ACORN LA		Good intent call, other	0.4
10/16/2017	30046	2017-000969	22:16	1200	N DUPONT HWY		Smoke detector activation, no fire - unintentional	0.1
10/18/2017	30046	2017-000970	06:37	820	CARVEL DR	F	Smoke detector activation due to malfunction	0.5
10/18/2017	30046	2017-000971	15:02		LAUREL DR & S DUPONT HWY		Dispatched & canceled en route	0.1
10/18/2017	30046	2017-000972	18:44	51	WEBBS LN	L	No incident found on arrival at dispatch address	0.3
10/18/2017	30046	2017-000973	21:34	634	N GOVERNORS AVE		Oil or other combustible liquid spill	0.3
10/19/2017	30046	2017-000974	14:07	515	ANN MOORE ST		Smoke detector activation due to malfunction	0.3
10/20/2017	30046	2017-000975	00:46	9	IVY HALL		Dumpster or other outside trash receptacle fire	0.8
10/20/2017	30046	2017-000976	10:30	152	S STATE ST		False alarm or false call, other	0.4
10/20/2017	30046	2017-000977	20:24	1	DOVER HIGH DRIVE		Unintentional transmission of alarm, other	0.1
10/20/2017	30046	2017-000978	21:00	23	N GOVERNORS AVE		Smoke detector activation due to malfunction	0.3
10/20/2017	30046	2017-000979	21:34	908	WOODCREST DR		Cooking fire, confined to container	0.4
10/22/2017	30046	2017-000980	03:16	305	N BRADFORD ST		Alarm system activation, no fire - unintentional	0.3
10/22/2017	30046	2017-000981	13:15	892	WOODCREST DR		Smoke scare, odor of smoke	0.4
10/22/2017	30046	2017-000982	14:15		QUAIL RUN		Outside rubbish fire, other	0.5
10/22/2017	30046	2017-000983	21:24	1200	N DUPONT HWY		False alarm or false call, other	0.1
10/22/2017	30046	2017-000984	23:00	9	PAR HAVEN DR	C	Smoke detector activation, no fire - unintentional	0.5
10/23/2017	30046	2017-000985	04:54	1300	S FARMVIEW DR	M	Alarm system activation, no fire - unintentional	0.5
10/23/2017	30046	2017-000986	10:03	1200	N DUPONT HWY		False alarm or false call, other	0.2
10/23/2017	30046	2017-000987	14:31	1481	N DUPONT HWY		System malfunction, other	0.3
10/23/2017	30046	2017-000988	20:09	494	N EAST AVE		Electrical wiring/equipment problem, other	0.3
10/24/2017	30046	2017-000989	07:50	532	PEAR ST		Unintentional transmission of alarm, other	0.3
10/24/2017	30046	2017-000990	09:32	216	ANN AVE		Wind storm, tornado/hurricane assessment	0.2
10/24/2017	30046	2017-000991	20:14	51	WEBBS LN	CC	Gas leak (natural gas or LPG)	0.6
10/24/2017	30046	2017-000992	23:40	1570	N DUPONT HWY		Smoke detector activation, no fire - unintentional	0.1
10/25/2017	30046	2017-000993	03:15	1160	WALKER RD		System malfunction, other	0.3
10/25/2017	30046	2017-000994	05:41	1200	N DUPONT HWY		System malfunction, other	0.2
10/25/2017	30046	2017-000995	10:00	1570	N DUPONT HWY		Overheated motor	0.7
10/26/2017	30046	2017-000996	09:31	300	HIAWATHA LANE		System malfunction, other	0.2
10/26/2017	30046	2017-000997	12:46	818	MILLER DR		Unintentional transmission of alarm, other	0.3
10/26/2017	30046	2017-000998	15:56	23	N GOVERNORS AVE		Dispatched & canceled en route	0.0
10/27/2017	30046	2017-000999	07:09	117	ST JONES AVE		Smoke detector activation due to malfunction	0.8
10/27/2017	30046	2017-001000	07:10	1018	MONROE TERR		Smoke detector activation, no fire - unintentional	0.1
10/27/2017	30046	2017-001001	15:22	415	TRANSPORTATION CIRCLE		Unintentional transmission of alarm, other	0.3
10/27/2017	30046	2017-001002	21:50	1289	WALKER RD BUILD H		Gas leak (natural gas or LPG)	0.5
10/28/2017	30046	2017-001003	03:03	1413	S FARMVIEW DR		Building fire	1.4
10/28/2017	30046	2017-001004	03:16	124	VEPCO BLVD		Assist invalid	1.4
10/28/2017	30046	2017-001005	09:25	117	ST JONES AVE		Smoke detector activation due to malfunction	0.3
10/29/2017	30046	2017-001006	13:38	100	HAMAN DR		Cooking fire, confined to container	0.3
10/29/2017	30046	2017-001007	16:13	319	BILLY MITCHELL LN		Cooking fire, confined to container	0.6
10/30/2017	30046	2017-001008	00:46	1200	N DUPONT HWY		Smoke detector activation, no fire - unintentional	0.1
10/30/2017	30046	2017-001009	13:14	1440	N DUPONT HWY		Public service	0.4
10/30/2017	30046	2017-001010	18:15	300	S NEW S		Overheated motor	1.2
10/30/2017	30046	2017-001011	22:05	488	COUNTRY DR		Smoke detector activation, no fire - unintentional	0.5
10/31/2017	30046	2017-001012	03:12	1409	S FARMVIEW DR		Carbon monoxide incident	0.5
10/31/2017	30046	2017-001013	20:47	255	WEBBS LN	E	Medical assist, assist EMS crew	0.2

Total Number of Incidents: 109

Total Length of Incidents: 44.5 Hours

Robbins Hose Company # 1, Inc.

Profit & Loss

October 2017

Oct 17

Ordinary Income/Expense

Expense

Apparatus Repairs & Maintenance	15,287.63
Contract Employee	2,541.95
Electricity	3,481.39
Gasoline	791.33
Heating Expenses- Gas	195.91
Medical Supplies & Physicals	426.31
Office Supplies	60.52
Other Equipment Repairs	1,880.71
Telephone	990.51
Uniforms	412.50
Water/Sewer	116.46

Total Expense	<u>26,185.22</u>
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Net Ordinary Income	<u>-26,185.22</u>
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Net Income	<u><u>-26,185.22</u></u>
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FY 17-18 City Funded Account Balance Sheet

ACCOUNT	BUDGET	SPENT	BALANCE
Apparatus Repairs & Maintenance	\$ 101,300.00	\$ 26,893.00	\$ 74,407.00
Building Maintenance Supplies	\$ 1,500.00	\$ 7.59	\$ 1,492.41
Contract Services-Admin Assist	\$ 38,500.00	\$ 12,605.15	\$ 25,894.85
Contractual Services	\$ 9,000.00		\$ 9,000.00
Electricity	\$ 45,000.00	\$ 12,675.21	\$ 32,324.79
Gasoline	\$ 15,000.00	\$ 1,665.83	\$ 13,334.17
Heating Expenses- Gas	\$ 12,000.00	\$ 600.43	\$ 11,399.57
Medical Supplies	\$ 1,000.00	\$ 426.31	\$ 573.69
Office Supplies	\$ 1,500.00	\$ 102.68	\$ 1,397.32
Other Equipment Repairs	\$ 1,500.00	\$ 2,200.03	\$ (700.03)
Program Expenses	\$ 45,000.00	\$ 25,137.88	\$ 19,862.12
Radio Repairs	\$ 2,000.00		\$ 2,000.00
Safety & Security	\$ 1,500.00		\$ 1,500.00
Small Tools	\$ 3,500.00	\$ 1,749.50	\$ 1,750.50
Telephone	\$ 9,000.00	\$ 1,982.49	\$ 7,017.51
Training & Travel	\$ 10,000.00	\$ 1,000.00	\$ 9,000.00
Uniforms & Firefighting Gear	\$ 30,000.00	\$ 412.50	\$ 29,587.50
Water/ Sewer	\$ 2,500.00	\$ 612.63	\$ 1,887.37



DOVER POLICE DEPARTMENT MONTHLY REPORT



OCTOBER 2017
CHIEF MARVIN C. MAILEY



DEPARTMENT OF POLICE

Marvin C. Mailey
Chief of Police



400 South Queen Street
Dover, Delaware 19904
302-736-7111
Fax: 302-672-1842

December 11, 2017

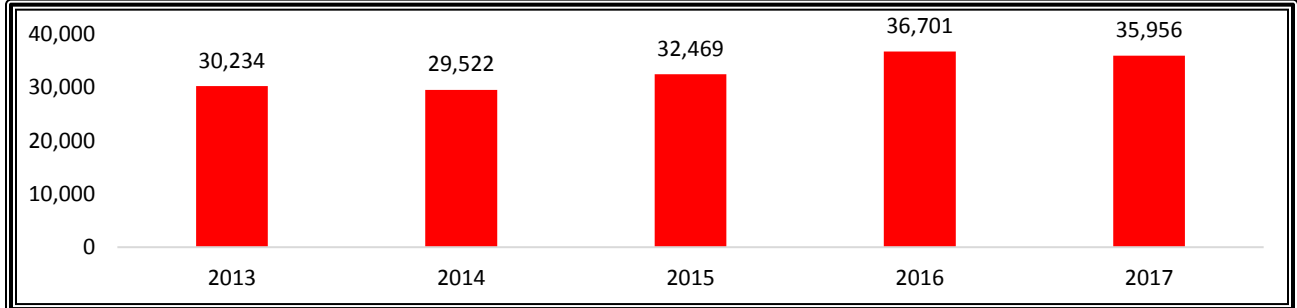
Honorable Robin Christiansen, Mayor
Member of Dover City Council
City Hall
Dover, DE 19901

Mayor Christiansen and Council Members:

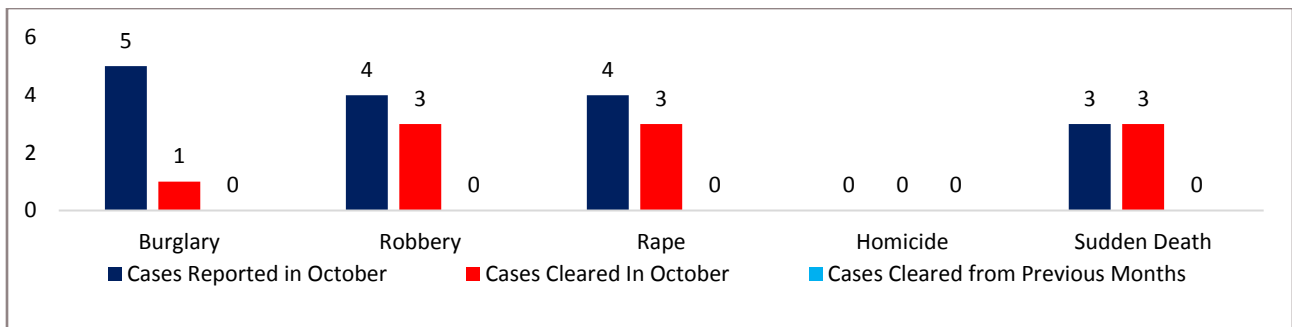
The following is the monthly report for Dover Police Department activities for the month of October 2017:

COMPLAINTS

Total complaints received through October 31, 2017, numbered 35,956 this is a decrease of 745 complaints over the same period last year.

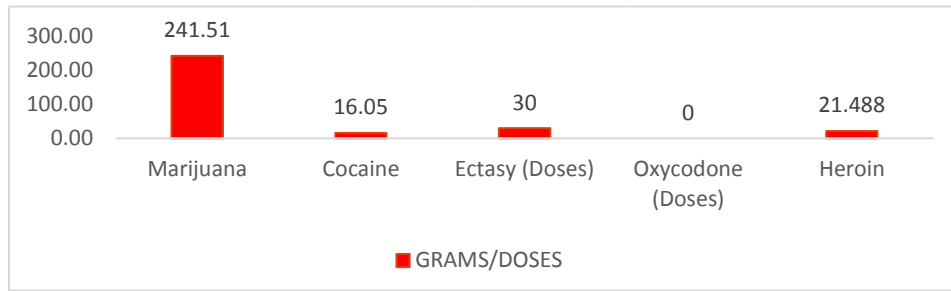


CRIMINAL INVESTIGATIONS

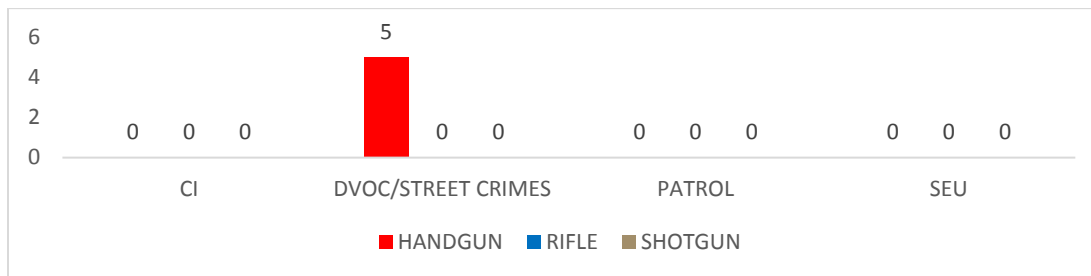


DRUGS, VICE, & ORGANIZED CRIME (DVOC) AND STREET CRIMES SECTION SEIZURES

Along with the drug seizures below, the units also recovered 47.3 grams of miscellaneous other drugs and \$2,307.00 USD during the month of October.



FIREARM SEIZURES



COMMUNITY POLICING

COMMUNITY POLICING	CONTACTS
ABANDONED VEHICLES	11
ALCOHOL VIOLATIONS/DUI'S	0
ASSIST OTHER	57
WARRANTS ON FILE	0
BIKE ON SIDEWALK	0
CITY PARK VIOLATIONS	0
CRIMINAL ARRESTS	1
DRUG RELATED ARRESTS	0
LOUD MUSIC	0
MISCELLANEOUS VIOLATIONS	16
PARKING VIOLATIONS	27
PEDDLER	0
MEETINGS	224
CRIME PREVENTION CHECK	0
TRAFFIC ARRESTS	10
WARNINGS	1
FUGITIVE	0
DCO	0
PROSTITUTION	0
TOTAL CONTACTS	347

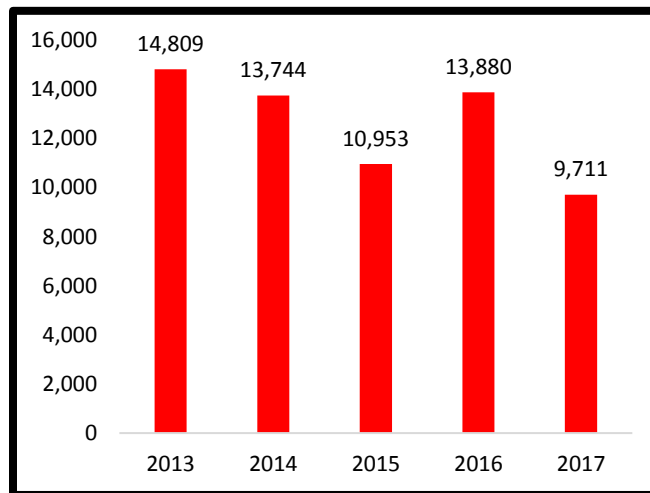
CADETS	CONTACTS
PARKING	78
DCO'S	113
OPEN CONTAINER	10
LOUD NOISE	0
LEWDNESS	0
OTHER	25
BUSINESS CONTACTS	195
LIBRARY CHECKS	31
COMPLAINTS ASSIGNED	18
SPECIAL EVENT	10
TOTAL CONTACTS	480

STREET CRIMES

STREET CRIMES ENFORCEMENT	CONTACTS
ABANDONED VEHICLES	0
ALCOHOL VIOLATIONS/DUI'S	0
ASSIST OTHER	12
WARRANTS ON FILE	0
CITY PARK VIOLATIONS	0
CRIMINAL ARRESTS	34
DRUG RELATED ARRESTS	45
LOUD MUSIC	0
MISCELLANEOUS VIOLATIONS	0
PARKING VIOLATIONS	0
PEDDLER	0
MEETINGS	4
CURFEW CHECKS	90
CRIME PREVENTION CHECKS	0
TRAFFIC ARRESTS	33
WARNINGS	51
FUGITIVES	9
DCO'S	2
PROSTITUTION	0
TOTAL CONTACTS	280

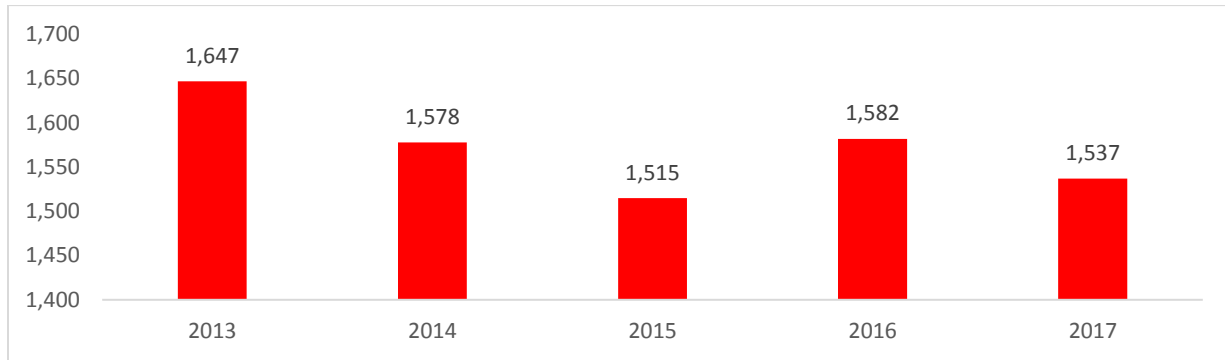
TRAFFIC ARRESTS

The department issued 9,711 traffic citations through this reporting period; this is a decrease of 4,169 citations over the number issued during the same period last year.



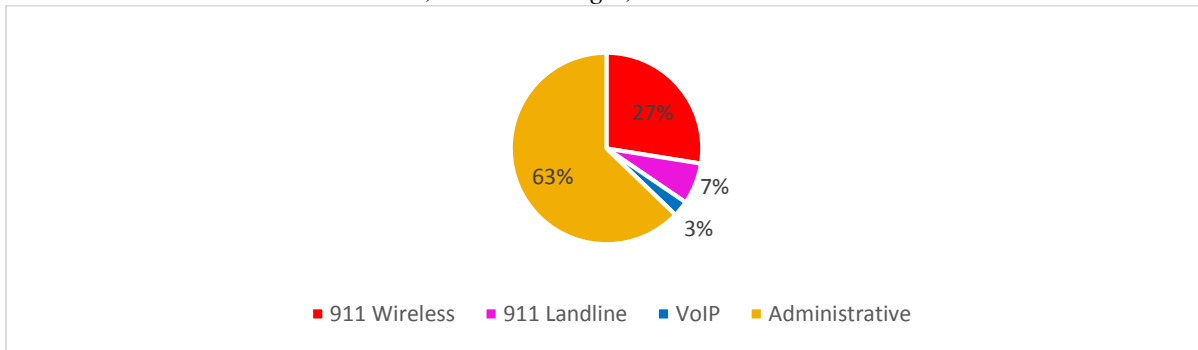
TRAFFIC CRASHES

Through October 31, 2017, the Dover Police investigated 1,537 traffic crashes, a decrease of 45 crashes investigated during the same period last year.



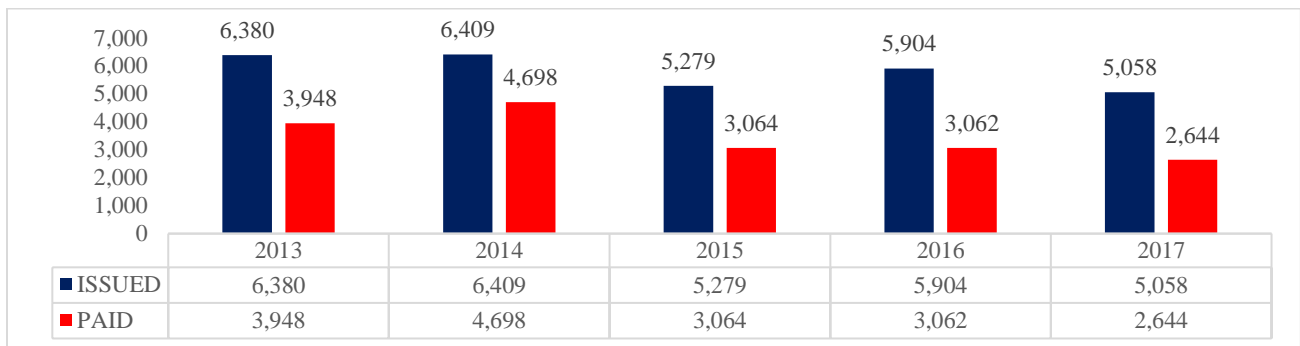
911 Center

During the month of October, the Dover Police Department handled a total of 8,722 calls averaging 282 calls per day. Dispatchers handled 2,401 on the 911 wireless lines, 609 on the 911 landlines, and 234 on the Voice over Internet Protocol lines, the remaining 5,478 were administrative calls.



CITY ORDINANCE SUMMONS

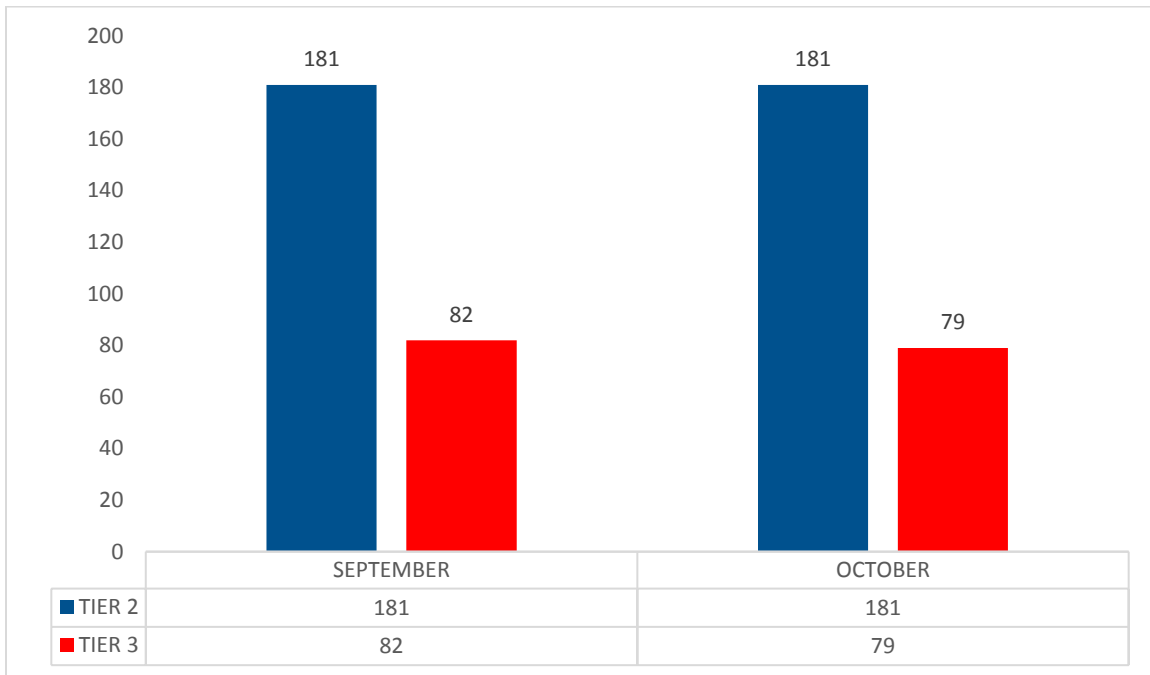
Through October 31st, 2017, we issued 5,058 city ordinance summons, a decrease of 846 summonses for the same period last year. Note Of those summonses issued in October, 6 DCO's were issued for handicapped parking violations and 3 for fire lane parking violations, 160 for false alarms (102 for 1-2 alarms, 33 for 3-5 alarms, 13 for 6-9 alarms, 7 for 10-15 alarms, and 5 for 16 or more alarms) and 8 for noise violations 1 for vehicle violations and 7 for residence violations).



SEX OFFENDER STATISTICS/OCTOBER

	VERIFICATIONS	NOTIFICATIONS	MONTHLY REVERIFICATIONS	NON COMPLIANT WARRANTS
TIER 1	0	0	0	0
TIER 2	13	1,209	26	2
TIER 3	6	858	21	1

ACTIVE SEX OFFENDERS THAT RESIDE IN THE CITY OF DOVER (please note, Tier 1 offenders are not contacted by Dover Police Sex Offender Agents).



(Please note, Tier 1 offenders are not contacted by Dover Police Sex Offender Agents).

Please visit our website at www.doverpolice.org for up to date information on crimes and activities in the City of Dover.

Respectfully Submitted,

Marvin C. Mailey
Chief of Police

ACTION FORM

PROCEEDING: City Council	
DEPARTMENT OF ORIGIN: Electric	DATE SUBMITTED: November 29, 2017
PREPARED BY: Paul Waddell, Engineering Services & System Operations Superintendent	
SUBJECT: Evaluation of Request for Proposals - Hazard Response Services	
REFERENCE: N/A	
RELATED PROJECT: N/A	
REVIEWED BY: Donna Mitchell, Acting City Manager	
EXHIBITS: Recommendation of award from Compliance Environmental	
EXPENDITURE REQUIRED: As required	AMOUNT BUDGETED: None
FUNDING SOURCE (Dept./Page in CIP & Budget): Plant Operations Budget Environmental Expenses (480-8101-591.30-43); Engineering Budget Environmental Expenses (480-8300-563.30-43); Transmission & Distribution Budget Environmental Expenses (480-58200-562.30-43) dependent on events requiring services. Can also be used for Public Works as required (412-6900-569.30-31) or CIP Project funding if applicable.	
TIMETABLE: Award upon Council Approval	
RECOMMENDED ACTION: Staff recommends awarding contract to both Clean Venture Inc. and Miller Environmental Group.	

BACKGROUND AND ANALYSIS

The Electric Department maintains “time and material” where applicable with potential contractors to ensure that the bidding rules are adhered to for any contractors that might be hired to perform work for the Public Works & Electric Departments. This RFP is for Environmental Services work both in normal, emergency situations and as required by workload. This also includes cleanup activities, soil sampling, asbestos sampling, assistance in environmental compliance with numerous agencies and assistance in disposal, collection and shipment of hazardous wastes.

RFPs were solicited and advertised according to City Policy by the City’s Contract and Procurement Manager under Bid #18-0003EL and the City received RFPs from four (4) different companies. All of the RFPs were complete and the potential vendors were deemed to be capable and competent. Compliance Environmental has more experience in the field and was determined to be more experienced in environmental activities related to the electrical and public works arenas and conducted the analysis of the submitted RFPs. Staff used work experience, emergency response time, total cost, geographical location, staff experience and training records as criteria for evaluating the proposals.

Based on the evaluation of the submissions, Compliance Environmental and City of Dover Electric Department recommend the award of the contract to two (2) companies, Miller Environmental Group, Inc. and Clean Ventures, Inc. dba. ACV Enviro. Full explanation of RFPs evaluations see attached PDF entitled *COD-HazardResponseServicesRecom 11-2017*. Expenditures to the current contractor for the last three Fiscal Years has been \$94,755.75 (\$18,056.71 in FY15, \$2,942.00 in FY16, \$73,757.54 in FY17 and no expenses in FY18)

CITY OF DOVER
Hazards Response Services - RFP Number 18-0003EL
Bid Analysis

TABLE 1. VENDOR SUBMITTED INFORMATION

A	B	C	D	E
CRITERIA	BIDDING VENDOR NAME			
	Clean Harbors	Clean Venture	Guardian	Miller
Emergency Response Time (Hours)	2.5	2.5	2.0	2.0
Delaware Waste Transporter	Yes	Yes	Yes	Yes
Workers Comp EMR	0.640	0.850	0.864	0.850
Delaware Waste Storage Facility	No	No	No	No
OSRO Contractor	No	No	No	Yes
OSRO Emergency Response Time (Hours)	N/A	N/A	N/A	2
PERCENTAGE DISCOUNTS (-)				
Emergency Services				
Personnel	17%	0%	17%	10%
Equipment	0%	0%	0%	10%
Materials	0%	0%	0%	0%
Scheduled Services				
Personnel	18%	30%	17%	10%
Equipment	0%	30%	0%	15%
Materials	0%	30%	0%	0%
MARK-UP (+)				
Emergency Services				
Materials	20%	0%	0%	15%
Rentals	20%	0%	0%	15%
Subcontractors	20%	0%	0%	15%
Fuel	20%	0%	0%	5%
Scheduled Services				
Materials	20%	0%	0%	15%
Rentals	20%	0%	0%	15%
Subcontractors	20%	0%	0%	15%
Fuel	20%	0%	0%	5%
Road Tolls Added to Invoice	No	No	No	Yes
LABOR RATES				
Standard Labor Rates				
0700 to 1530, Monday through Friday	Bid		Bid	
0800 to 1600, Monday through Friday				Bid
0800 to 1630, Monday through Friday		Bid		
Overtime Labor Multiplier				
Monday through Saturday	1.5	1.5	1.5	1.5
Sunday and Holidays	2.0	2.0	1.5	2.0
TERMS				
Invoicing Starts	Portal-To-Portal	Portal-To-Portal	Portal-To-Portal	Portal-To-Portal
Invoicing for Items not Shown, Cost Plus %	Not Stated	10%	20%	20%
Minimum Hourly Charges per Man-Day	Not Stated	Not Stated	4.0	4.0
PER DIEM CHARGES				
Per Diem Charges Start	Day	Over 12-hr / Day Shift	Day	Day
Cost per Employee	\$190.00	\$125.00	\$230.00	\$50.00
RESPONSE LOCATION:				
Response Location	Bridgeport, New Jersey	Clayton , New Jersey	Newark, Delaware	Smyrna, Delaware
Hours Estimate from Dover (One Way)	1.5	1.5	1.0	0.5
COMMENTS:	1. Best EMR Rate	1. Low mark-ups and best discounts.	1. Best Em. Response Time. 2. Lowest Sunday, Holiday OT.	1. Only OSRO Contractor. 2. Best Em. Response Time. 3. Road tolls added to Invoice. 4. Lodging costs not included in Per Diem charge.

This table is included in the report to the City of Dover Electric Department entitled, " Contractor Hazards Response Services Bid Review" dated November 14, 2017 and must be used in conjunction with said report.

CITY OF DOVER
Hazards Response Services - RFP Number 18-0003EL
Bid Analysis

TABLE 2. NON-OVERTIME BOOK & DISCOUNTED RATES

A	B	C	D	E	F	G	H	I
RATES	Clean Harbors		Clean Venture		Guardian		Miller	
	Book Rate	BID RATE	Book Rate	BID RATE	Book Rate	BID RATE	Book Rate	BID RATE
PERSONNEL & STAFF:								
EMERGENCY SERVICES RATES								
Project Manager	\$130.00	\$107.90	\$95.00	\$95.00	\$130.00	\$107.90	\$121.00	\$108.90
Site Supervisor	\$101.00	\$83.83	\$68.00	\$68.00	\$119.00	\$98.77	\$105.00	\$94.50
Equipment Operator	\$72.00	\$59.76	\$71.43	\$71.43	\$80.00	\$66.40	\$69.00	\$62.10
Truck Driver	\$72.00	\$59.76	\$71.43	\$71.43	\$73.00	\$60.59	\$69.00	\$62.10
Field Technician	\$60.00	\$49.80	\$51.00	\$51.00	\$57.00	\$47.31	\$64.00	\$57.60
SCHEDULED SERVICES RATES								
Project Manager	\$130.00	\$106.60	\$95.00	\$66.50	\$130.00	\$107.90	\$121.00	\$108.90
Site Supervisor	\$101.00	\$82.82	\$68.00	\$47.60	\$119.00	\$98.77	\$105.00	\$94.50
Equipment Operator	\$72.00	\$59.04	\$71.43	\$50.00	\$80.00	\$66.40	\$69.00	\$62.10
Truck Driver	\$72.00	\$59.04	\$71.43	\$50.00	\$73.00	\$60.59	\$69.00	\$62.10
Field Technician	\$60.00	\$49.20	\$51.00	\$35.70	\$57.00	\$47.31	\$64.00	\$57.60
EQUIPMENT:								
EMERGENCY SERVICES RATES								
Backhoe Loader, 1-CY	\$81.00	\$81.00	\$71.88	\$71.88	\$76.00	\$76.00	\$92.00	\$82.80
Dump Truck, 10-Wheel	\$82.00	\$82.00	\$80.00	\$80.00	\$82.00	\$82.00	\$81.00	\$72.90
Box Truck	\$66.00	\$66.00	\$65.00	\$65.00	\$19.00	\$19.00	\$46.00	\$41.40
Vacuum Truck	\$77.00	\$77.00	\$105.00	\$105.00	\$88.00	\$88.00	\$88.00	\$79.20
Stake Body/Utility Truck	\$38.00	\$38.00	\$65.00	\$65.00	\$32.00	\$32.00	\$46.00	\$41.40
Pickup/Van/Crew Cab	\$22.00	\$22.00	\$35.00	\$35.00	\$20.00	\$20.00	\$18.00	\$16.20
Bobcat Loader/Mini Excavator	\$76.00	\$76.00	\$63.75	\$63.75	\$59.00	\$59.00	\$58.00	\$52.20
Bobcat Loader Seeeper Attachment	\$18.25	\$18.25	\$18.25	\$18.25	\$18.25	\$18.25	\$18.25	\$16.43
SCHEDULED SERVICES RATES								
Backhoe Loader, 1-CY	\$81.00	\$81.00	\$71.88	\$50.31	\$76.00	\$76.00	\$92.00	\$78.20
Dump Truck, 10-Wheel	\$82.00	\$82.00	\$80.00	\$56.00	\$82.00	\$82.00	\$81.00	\$68.85
Box Truck	\$66.00	\$66.00	\$65.00	\$45.50	\$19.00	\$19.00	\$46.00	\$39.10
Vacuum Truck	\$77.00	\$77.00	\$105.00	\$73.50	\$88.00	\$88.00	\$88.00	\$74.80
Stake Body/Utility Truck	\$38.00	\$38.00	\$65.00	\$45.50	\$32.00	\$32.00	\$46.00	\$39.10
Pickup/Van/Crew Cab	\$22.00	\$22.00	\$35.00	\$24.50	\$20.00	\$20.00	\$18.00	\$15.30
Bobcat Loader/Mini Excavator	\$76.00	\$76.00	\$63.75	\$44.63	\$59.00	\$59.00	\$58.00	\$49.30
Bobcat Loader Seeeper Attachment	\$18.25	\$18.25	\$18.25	\$12.78	\$18.25	\$18.25	\$18.25	\$15.51
PERSONAL PROTECTIVE EQUIPMENT:								
EMERGENCY SERVICES RATES								
Level D Modified (Each)	\$31.00	\$31.00	\$45.00	\$45.00	\$33.00	\$33.00	\$46.00	\$41.40
Level C Saranex (Each)	\$77.00	\$77.00	\$98.00	\$98.00	\$75.00	\$75.00	\$204.00	\$183.60
SCHEDULED SERVICES RATES								
Level D Modified (Each)	\$31.00	\$31.00	\$45.00	\$31.50	\$33.00	\$33.00	\$46.00	\$39.10
Level C Saranex (Each)	\$77.00	\$77.00	\$98.00	\$68.60	\$75.00	\$75.00	\$204.00	\$173.40
MATERIALS:								
EMERGENCY SERVICES RATES								
55 Gal Steel Drum, New (Each)	\$113.00	\$135.60	\$61.00	\$61.00	\$132.00	\$132.00	\$58.00	\$66.70
Rolloff Box Poly Liner (Each)	\$80.00	\$96.00	\$80.00	\$80.00	\$69.00	\$69.00	\$80.00	\$92.00
Absorbent Pads (Bale)	\$131.00	\$157.20	\$95.00	\$95.00	\$95.00	\$95.00	\$105.00	\$120.75
Rags (50 Lb)	\$63.00	\$75.60	\$63.00	\$63.00	\$63.00	\$63.00	\$231.00	\$265.65
Staydry (Bag)	\$12.36	\$14.83	\$21.00	\$21.00	\$20.00	\$20.00	\$23.00	\$26.45
Absorbent Boom, 5in x 10ft x 4 Bale	\$159.00	\$190.80	\$130.00	\$130.00	\$160.00	\$160.00	\$139.00	\$159.85
SCHEDULED SERVICES RATES								
55 Gal Steel Drum, New (Each)	\$113.00	\$135.60	\$61.00	\$61.00	\$132.00	\$132.00	\$58.00	\$66.70
Rolloff Box Poly Liner (Each)	\$80.00	\$96.00	\$80.00	\$80.00	\$69.00	\$69.00	\$80.00	\$92.00
Absorbent Pads (Bale)	\$131.00	\$157.20	\$95.00	\$95.00	\$95.00	\$95.00	\$105.00	\$120.75
Rags (50 Lb)	\$63.00	\$75.60	\$63.00	\$63.00	\$63.00	\$63.00	\$231.00	\$265.65
Staydry (Bag)	\$12.36	\$14.83	\$21.00	\$21.00	\$20.00	\$20.00	\$23.00	\$26.45
Absorbent Boom, 5in x 10ft x 4 Bale	\$159.00	\$190.80	\$130.00	\$130.00	\$160.00	\$160.00	\$139.00	\$159.85
RENTAL:								
EMERGENCY SERVICES RATES								
Rolloff Box (Daily)	\$21.00	\$25.20	\$21.00	\$21.00	\$27.00	\$27.00	\$46.00	\$52.90
SCHEDULED SERVICES RATES								
Rolloff Box (Daily)	\$21.00	\$25.20	\$21.00	\$21.00	\$27.00	\$27.00	\$46.00	\$52.90
SUBCONTRACTORS:								
EMERGENCY SERVICES RATES								
Vacuum Extraction (Hourly)	\$105.00	\$126.00	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00	\$120.75
SCHEDULED SERVICES RATES								
Vacuum Extraction (Hourly)	\$105.00	\$126.00	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00	\$120.75
FUEL (Daily):								
EMERGENCY SERVICES RATES								
\$200.00	\$240.00	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00	\$210.00
SCHEDULED SERVICES RATES								
\$200.00	\$240.00	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00	\$210.00
ROAD TOLLS (Daily):								
\$100.00	\$0.00	\$100.00	\$0.00	\$100.00	\$0.00	\$100.00	\$100.00	\$100.00

NOTE:

"Yellow" highlight indicates prices not provided.

"Blue" highlight indicates best pricing.

Rounding of rates in calculations.

This table is included in the report to the City of Dover Electric Department entitled, " Contractor Hazards Response Services Bid Review" dated November 14, 2017 and must be used in conjunction with said report.

CITY OF DOVER
Hazards Response Services - RFP Number 18-0003EL
Bid Analysis

TABLE 3. EMERGENCY RESPONSE COST ANALYSIS

Scenario: Small transformer spill (Nighttime-Overtime Rates):

8.0 Site Hours

A	B	C	D	E	F	G	H	I
Emergency Response	Clean Harbors		Clean Venture		Guardian		Miller	
Emergency Response Time Adder (Hrs)	OT Rate	Extended	OT Rate	Extended	OT Rate	Extended	OT Rate	Extended
Labor	2.5		2.5		2.0		2.0	
(1) Project Manager	161.85	1,699.43	142.50	1,496.25	161.85	1,618.50	163.35	1,633.50
(1) Supervisor	125.75	1,320.32	102.00	1,071.00	148.16	1,481.55	141.75	1,417.50
(1) Equipment Operator	89.64	941.22	107.15	1,125.02	99.60	996.00	93.15	931.50
(1) Truck Driver	89.64	941.22	107.15	1,125.02	90.89	908.85	93.15	931.50
(4) Field Technicians	298.80	3,137.40	306.00	3,213.00	283.86	2,838.60	345.60	3,456.00
Equipment								
(1) Backhoe	81.00	850.50	71.88	754.69	76.00	760.00	82.80	828.00
(1) Dump Trucks 10-Wheel	82.00	861.00	80.00	840.00	82.00	820.00	72.90	729.00
(1) Stake Body Truck	38.00	399.00	65.00	682.50	32.00	320.00	41.40	414.00
(2) Pickup Trucks	44.00	462.00	70.00	735.00	40.00	400.00	32.40	324.00
Materials								
(20) 55 Gal Drums	135.60	2,712.00	61.00	1,220.00	132.00	2,640.00	66.70	1,334.00
(4) Absorbent Pads (Bale)	157.20	628.80	95.00	380.00	95.00	380.00	120.75	483.00
(1) Rags (50Lb)	75.60	75.60	63.00	63.00	63.00	63.00	265.65	265.65
(20) Staydry (Bag)	14.83	296.64	21.00	420.00	20.00	400.00	26.45	529.00
Bidder Total =	14,325.13		13,125.48		13,626.50		13,276.65	
Bidder Rating =	4		(1) - Best		3		2	

Rating in table indicates "1" as "best" with lowest calculated total. All other ratings are next best (i.e., second, third and fourth place).

TABLE 3. EMERGENCY RESPONSE COST ANALYSIS**Sensitivity Analysis**

Scenario: Small transformer spill (Nighttime-Overtime Rates):

A	B	C	D	E	F	G	H	I
Site Hours	Clean Harbors		Clean Venture		Guardian		Miller	
	Total	Rating	Total	Rating	Total	Rating	Total	Rating
4 Hours Site Time =	10,282.43	4	8,918.82	1	9,569.10	3	9,010.65	2
8 Hours Site Time =	14,325.13	4	13,125.48	1	13,626.50	3	13,276.65	2
10 Hours Site Time =	16,346.48	4	15,228.81	1	15,655.20	3	15,409.65	2
14 Hours Site Time =	20,389.18	4	19,435.47	1	19,712.60	3	19,675.65	2
16 Hours Site Time =	22,410.53	4	21,538.80	1	21,741.30	2	21,808.65	3
18 Hours Site Time =	24,431.88	4	23,642.13	1	23,770.00	2	23,941.65	3

Rating in table indicates "1" as "best" with lowest calculated total. All other ratings are next best (i.e., second, third and fourth place).

This table is included in the report to the City of Dover Electric Department entitled, " Contractor Hazards Response Services Bid Review" dated November 14, 2017 and must be used in conjunction with said report.

12/06/17

CITY OF DOVER
Hazards Response Services - RFP Number 18-0003EL
Bid Analysis

TABLE 4. SCHEDULED SERVICES COST ANALYSIS

Scenario : Large spill or clean-up (Daytime-Non-Overtime Rates): **40.0 Site Hours**
Response Time: **5 Days**

Scheduled Services	Clean Harbors		Clean Venture		Guardian		Miller	
	Std Rate	Extended	Std Rate	Extended	Std Rate	Extended	Std Rate	Extended
Site Response Time Adder (Hrs)	2.5		2.5		2.0		2.0	
Labor								
(1) Project Manager	106.60	5,596.50	66.50	3,491.25	107.90	5,395.00	108.90	5,445.00
(1) Supervisor	82.82	4,348.05	47.60	2,499.00	98.77	4,938.50	94.50	4,725.00
(1) Equipment Operator	59.04	3,099.60	50.00	2,625.05	66.40	3,320.00	62.10	3,105.00
(1) Truck Driver	59.04	3,099.60	50.00	2,625.05	60.59	3,029.50	62.10	3,105.00
(4) Field Technicians	49.20	10,332.00	35.70	7,497.00	47.31	9,462.00	57.60	11,520.00
Equipment								
(1) Backhoe	81.00	4,252.50	50.31	2,641.41	76.00	3,800.00	78.20	3,910.00
(1) Dump Trucks 10-Wheel	82.00	4,305.00	56.00	2,940.00	82.00	4,100.00	68.85	3,442.50
(1) Stake Body Truck	38.00	1,995.00	45.50	2,388.75	32.00	1,600.00	39.10	1,955.00
(2) Pickup Trucks	22.00	2,310.00	24.50	2,572.50	20.00	2,000.00	15.30	1,530.00
Materials								
(50) 55 Gal Drums	135.60	6,780.00	61.00	3,050.00	132.00	6,600.00	66.70	3,335.00
(20) Absorbent Pads (Bale)	157.20	3,144.00	95.00	1,900.00	95.00	1,900.00	120.75	2,415.00
(5) Rags (50Lb)	75.60	378.00	63.00	315.00	63.00	315.00	265.65	1,328.25
(30) Staydry (Bag)	14.83	444.96	21.00	630.00	20.00	600.00	26.45	793.50
Bidder Total =	50,085.21		35,175.01		47,060.00		46,609.25	
Bidder Rating =	4		(1) - Best		3		2	

Rating in table indicates "1" as "best" with lowest calculated total. All other ratings are next best (i.e., second, third and fourth place).

TABLE 4. SCHEDULED SERVICES COST ANALYSIS

Sensitivity Analysis

Scenario : Large spill or clean-up (Daytime-Non-Overtime Rates):

A	B	C	D	E	F	G	H	I
Site Hours	Clean Harbors		Clean Venture		Guardian		Miller	
	Total	Rating	Total	Rating	Total	Rating	Total	Rating
1 Day Site Time =	18,614.61	4	11,751.00	1	16,944.00	3	15,619.25	2
2 Day Site Time =	26,482.26	4	17,607.00	1	24,473.00	3	23,366.75	2
3 Day Site Time =	34,349.91	4	23,463.01	1	32,002.00	3	31,114.25	2
4 Day Site Time =	42,217.56	4	29,319.01	1	39,531.00	3	38,861.75	2
5 Day Site Time =	50,085.21	4	35,175.01	1	47,060.00	3	46,609.25	2
6 Day Site Time =	57,952.86	4	41,031.01	1	54,589.00	3	54,356.75	2
7 Day Site Time =	65,820.51	4	46,887.02	1	62,118.00	3	62,104.25	2

Rating in table indicates "1" as "best" with lowest calculated total. All other ratings are next best (i.e., second, third and fourth place).

This table is included in the report to the City of Dover Electric Department entitled, " Contractor Hazards Response Services Bid Review" dated November 14, 2017 and must be used in conjunction with said report.

ACTION FORM

PROCEEDING: City Council	
DEPARTMENT OF ORIGIN: Public Utilities Power Plant (NAES)	DATE SUBMITTED: 11/30/17
PREPARED BY: Stacy Johnson – Plant Manager	
SUBJECT: Evaluation of Request for Proposals - EG1701 – VanSant Major Overhaul	
RELATED PROJECT: None	
REVIEWED BY: Donna Mitchell, Acting City Manager	
EXPENDITURE REQUIRED: Estimate \$434,904	AMOUNT BUDGETED: \$1,948,000
FUNDING SOURCE (Dept./Page in CIP & Budget): 2017-2018 Operating Budget, Page 200, CIP EG1701	
TIMETABLE: Maintenance outage for this work to begin April 2, 2018.	
RECOMMENDED ACTION: Staff recommends awarding major overhaul and inspections to HPI, LLC for the upcoming outage.	

BACKGROUND AND ANALYSIS

This request is made to allow for purchase of materials and services needed to perform required inspections and major overhaul on the VanSant Unit #11 combustion turbine. NAES Corporation staff solicited a Request for Proposal for this work and received total of (9) proposals for this work. This will be the first major inspection on this unit since commercial operations began in 1991. It is based on the Original Equipment Manufacturer (OEM) repair frequency recommendations based on starts and operating hours. This project is expected to extend the service life of the VanSant Generation Station by twenty (20) years. All proposals were marked “Proprietary and Confidential” therefore, details of proposals are not included.

The table below lists the submissions with the price quoted.

Vendor	Bid Amount	Ranking
Allied Power Group	\$255,000.00	7
Ethos Energy	\$798,913.00	9
General Electric International	\$693,188.56	6
HPI, LLC	\$434,904.00	1
Mechanical Dynamics & Analysis, LTD	\$482,535.00	2
Sulzer Turbo Services	\$614,043.00	4
Trinity Turbine Services	\$675,336.00	8
Turbine Generator Maintenance	\$561,289.00	3
Turbine Pros	\$666,061.00	5

CITY OF DOVER PROPOSED ORDINANCE #2017-14

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

That Chapter 30, Code of Conduct and Ethic Commission, be amended by inserting the text indicated in blue font, deleting the text indicated in red strikethrough, and moving the text indicated in green font, as follows:

Chapter 30 - ~~CODE OF CONDUCT~~ STANDARDS OF ETHICAL CONDUCT AND ETHICS
COMMISSION

~~ARTICLE I. - IN GENERAL~~

~~Secs. 30-1 - 30-30. - Reserved.~~

~~ARTICLE II. - CODE OF CONDUCT~~

ARTICLE I. - IN GENERAL

Sec. 30-31. - Applicability; ~~statement of policy~~.

~~(a) - Applicability.~~ This ~~article~~ chapter shall be applicable to all elected and appointed officials and all employees of the city.

Sec. 30-2. - Statement of intent and purpose.

~~(ba) Statement of policy~~ Intent. The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public has confidence in the integrity of its government. ~~In recognition of these goals, there is hereby established a code of conduct for all city employees and officials. The purpose of this code of conduct is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city.~~ It is the intent of the city that all elected and appointed officials and all employees of the city adhere to high levels of ethical conduct, honesty, integrity and accountability to assure that the public has confidence in all aspects of city government and the city officials that exercise discretionary powers. These standards of ethical conduct are intended to uphold the public trust in the persons in positions of public responsibility who are acting for the benefit of the public. All elected and appointed officials and all employees of the city shall comply with both the letter and the spirit of the standards of ethical conduct and strive to avoid situations that create impropriety or the appearance of impropriety. The standards define and discourage certain actions that may create impropriety or the appearance of impropriety that undermine public trust in elected and appointed public officials and employees.

(b) Purpose. The standards of ethical conduct should promote public confidence in the integrity of city officials; state principles of conduct and ethics which are to be applied in public service; inform the public of the standards to which their city officials are expected to adhere; and help motivate city officials and public employees to pursue productive conduct and ethical ideals which exceed minimum standards. The city council finds and declares as

matters of public policy goals and objectives for all city employees and elected and appointed officials, the following:

- (1) *Public trust.* In our democratic form of government, the conduct of officials and employees of the city must hold the respect and confidence of the people. They must, therefore, avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated.
- (2) *Standards.* To ensure propriety and to preserve public confidence, officials and employees of the city must have the benefit of specific standards to guide their conduct and disciplinary mechanisms to guarantee uniform maintenance of those standards. Some standards of this type are so vital to government that violation thereof should subject the violator to criminal penalties.
- (3) *Public service.* In our democratic form of government, it is both necessary and desirable that all citizens should be encouraged to assume public office and employment, and that, therefore, the activities of ~~officers~~officials and employees of the city should not be unduly circumscribed.
- (4) *Performance of duty.* Elected city officials are obligated to uphold the fundamental legal principles of our system of government, as set forth in the United States Constitution, the state constitution, and the city Charter, as well as all applicable provisions of federal, state and local law and court decisions. They are bound to do so, and the failure to so act shall constitute malfeasance in office.
- (5) *Fairness.* City officials and employees shall strive for the highest standard of fairness in all of their activities and shall not grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
- (6) *Use of private information.* In the course of their official responsibilities, city officials and employees are often privy to categories of information which are of a private nature and are legally protected from public disclosure. City officials and employees shall maintain the privacy of such information, and they shall not take advantage of such information for personal gain, or the personal gain of friends or family.

(Code 1981, § 2-8; Ord. of 7-13-1998)

Sec. 30-3. – Acknowledgment of policies; required disclosures, and required annual training.

In order for the mayor, councilmembers, mayoral and council appointees, and city employees to better serve the constituents of the City of Dover in an open, transparent fashion and to further be held accountable, the following actions shall be taken by each of the designated persons:

- (a) *Acknowledgment of policies.* Each elected and appointed official and all city employees shall be furnished copies of Chapter 30 – Standards of Ethical Conduct and Ethics Commission, either electronically or, if requested, in hard copy, before entering upon the duties of their office or employment and shall sign a written acknowledgment of receipt of the copy. The documents shall be read, reviewed, and signed by all appointees by the time of their appointment or re-appointment.
- (b) ~~Disclosure statement~~*Financial disclosure report.* Any city employee or elected or appointed official who has a financial interest in any private enterprise which is subject to the

regulatory jurisdiction of, or does business with, any city agency (and any city official who has a financial interest in any private enterprise which is subject to the regulatory jurisdiction of, or does business with, the city agency on which he serves as an appointee) shall file a financial disclosure report with the ethics commission ~~a written statement~~ fully disclosing the same. Such disclosure shall be confidential and the ethics commission shall not release such disclosed information, except as may be necessary for the enforcement of this ~~article~~chapter. The filing of such financial disclosure ~~statement~~report shall be a condition of commencing and continuing employment or appointed status with the city. The financial disclosure report shall be submitted by August 1st of each calendar year. [Moved from Sec. 30-34-Established, (d) Disclosure statement]

(c) Disclosure of interest in legislation.

- (1) A councilman who has a financial or other private interest in any legislation shall disclose on the records of the council or other appropriate authority the nature and extent of such interest. This provision shall not apply if the councilman disqualifies himself from voting on such legislation.
- (2) Any other city official or employee who has a financial or other private interest in any legislation and who participates in discussion with or gives an official opinion to the council shall disclose on the records of the council or other appropriate authority the nature and extent of such interest.
- (3) Any city employee or city officer who has a financial interest in any private enterprise which is subject to the regulatory jurisdiction of, or does business with, any city agency, shall file with the ethics commission a written statement fully disclosing the same. Such disclosure shall be confidential and the ethics commission shall not release such disclosed information, except as may be necessary for the enforcement of this subchapter. The filing of such disclosure statement shall be a condition of commencing and continuing employment or appointed status with the city.
- (4) *Required annual training.* All city employees and elected and appointed officials shall undergo and receive annual training on the City of Dover's ethics policies and procedures.

Sec. 30-~~32~~4. - Definitions.

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

Close relative means a person's parents, spouse, children (natural or adopted), and siblings of the whole and half-blood.

Commission and *ethics commission* mean the city ethics commission as established by this chapter.

Compensation means any money, thing of value, or any other economic benefit of any kind or nature whatsoever conferred on or received by any person in return for services rendered or to be rendered by the official or employee, or by another.

Employee includes all persons who receive compensation as an employee of the city or a city agency, and shall not include persons that are elected or appointed to serve as mayor, city councilmember or a member of any city committee, commission or board, whether paid or unpaid.

Financial interest. A person has financial interest in a private enterprise if:

- (1) He has a legal or equitable ownership interest in the enterprise of more than ten percent (one percent or more in the case of a corporation the stock of which is regularly traded on an established securities market);
- (2) He is associated with the enterprise and received from the enterprise during the last calendar year, or might reasonably be expected to receive from the enterprise during the current or the next calendar year, income in excess of \$5,000.00 for services as an employee, officer, director, trustee, or independent contractor; or
- (3) He is a creditor of a private enterprise in an amount equal to ten percent or more of the debt of that enterprise (one percent or more in the case of a corporation the securities of which are regularly traded on an established securities market).

Matter means an application, petition, request, business dealing, contract, subcontract, or any other transaction of any sort with the city.

Official means any elected or appointed official of the city and all members of any committee, commission or board appointed by the mayor of the city or appointed by the city council.

Official responsibility means any direct administrative or operating authority at any level, either exercisable alone or with others, either personally or through subordinates, to approve, disapprove, recommend or otherwise direct action on behalf of the city.

Personal or private interest means an interest in a matter which tends to impair the independent judgment of an official or employee in the performance of his duties with respect to that matter.

Private enterprise means any activity conducted by any person, whether conducted for profit or not for profit, and includes the ownership of real or personal property. The term "private enterprise" does not include any activity of the city, of any political subdivision, or of any agency, authority, or instrumentality thereof.

***Public official.* All elected and appointed officials and all employees of the city.**

Sec. 30-5 – 30-19. – Reserved.

(Code 1981, § 2-9; Ord. of 7-13-1998)

ARTICLE II. – STANDARDS OF ETHICAL CONDUCT.

Sec. 30-20. – Established. High ethical standards among public officials and employees are essential to gain and maintain the confidence of the people, because such confidence is essential to the conduct of free government. Public officials and employees are agents of the people and hold office for the benefit of the public. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully and impartially the duties of their offices, regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach. These

standards of ethical conduct are adopted in order to secure this desired high level of public trust, ensure the impartiality of public officials and employees, and impose standards of accountability.

(a) *General responsibilities of officials and employees.*

(1) Officials and employees have the common obligation of serving the public. In performing their duties, they shall treat the public and each other with respect, concern, and responsiveness, recognizing that their common goal of exceptional public service can only be achieved by working together. Disputes that arise among public servants shall be resolved at the lowest possible level; keeping in mind that public money spent on resolving these disputes is money not spent on important public needs.

(2) Officials and employees shall treat their position as a public trust, with a fiduciary duty to use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests.

(3) Officials and employees shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service.

(4) Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct. At all times, reasonable efforts shall be made to avoid undue influence and abuse of office in public service.

~~(4)~~(5) No official or employee may request or receive, and no person may offer any money, thing of value or promise thereof, other than any city pay received, that is conditioned upon or given in exchange for promised performance of an official act.

[Moved from Sec. 30-34. – Established]

~~(a)~~(b) *Appearance of violation.* Each city employee and official shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is engaging in acts which are in violation of his public trust and which will not reflect unfavorably upon the city and its government.

(c) *Private interest; gifts.* No city employee or official shall have any interest in any private enterprise, nor shall ~~be~~ he incur any obligation of any nature which is in substantial conflict with the proper performance of his duties in the public interest. No city employee or official shall accept other employment, any compensation, gift, payment of expenses or any other thing of monetary value under circumstances in which such acceptance may result in any of the following:

(1) Impairment of independence of judgment in the exercise of official duties;

(2) An undertaking to give preferential treatment to any person;

(3) The making of a governmental decision outside official channels; or

(4) Any adverse effect on the confidence of the public in the integrity of the government of the city.

(d) *Interest in private enterprise.* No city employee or official shall acquire a financial interest in any private enterprise which he has reason to believe may be directly involved in decisions to be made by him in an official capacity on behalf of the city.

~~Sec. 30-33.~~

(e) *Prohibitions relating to conflicts of interest.* No councilman or other official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association

Provided, that upon request from any person with official responsibility with respect to the matter, any such person who has such a personal or private interest may nevertheless respond to questions concerning any such matter.

(a1) *Restrictions on exercise of official authority.*

(1)a. *Prohibited participation.* No city employee or official may participate on behalf of the city in the review or disposition of any matter pending before the city in which he has a personal or private interest, provided that, upon request from any person with official responsibility with respect to the matter, any such person who has such a personal or private interest may nevertheless respond to questions concerning any such matter. A personal or private interest in a matter is an interest which tends to impair a person's independence of judgment in the performance of his duties with respect to that matter.

(2)b. *Impairment of judgment.* A person has an interest which tends to impair his independence of judgment in the performance of his duties with respect to any matter when:

a.i. Any action or inaction with respect to the matter would result in a financial benefit or detriment to accrue to the person or a close relative to a greater extent than such benefit or detriment would accrue to others who are members of the same class or group of persons; or

b.ii. The person or a close relative has a financial interest in a private enterprise which enterprise or interest would be affected by any action or inaction on a matter to a lesser or greater extent than like enterprises or other interests in the same enterprise.

(3)c. *Statutory responsibility.* In any case where a person has a statutory responsibility with respect to action or inaction on any matter where he has a personal or private interest and there is no provision for the delegation of such responsibility to another person, the person may exercise responsibility with respect to such matter, provided that, promptly after becoming aware of such conflict of interest, he files a written statement with the ethics commission, fully disclosing the personal or private interest and explaining why it is not possible to delegate responsibility for the matter to another person.

(b2) *Restrictions on representing another's interest before the city.*

(1)a. *Prohibited.* No city employee or official may represent or otherwise assist any private enterprise with respect to any matter before the city.

~~(2)~~**b.** *Exception.* This subsection (b) shall not preclude any city employee or official from appearing before the city or otherwise assisting any private enterprise with respect to any matter in the exercise of his official duties.

~~(e)~~**3** *Restriction on contracting with the city.*

~~(4)~~**a.** *Prohibited.* No city employee or official shall benefit from any contract with the city, nor solicit any contract, and shall not enter into any contract with the city (other than an employment contract).

~~(2)~~**b.** *Ownership of enterprise.* No private enterprise in which a city employee or official has a legal or equitable ownership of more than ten percent (more than one percent in the case of a corporation the stock of which is regularly traded on an established securities market) shall enter into any contract with the city (other than an employment contract) unless such contract was made or let after public notice and competitive bidding.

~~(d)~~**f** *Postemployment restrictions.* No person who has served as a city employee or official shall represent or otherwise assist any private enterprise on any matter involving the city, for a period of two years after termination of his employment or elected or appointed status with the city, if he gave an opinion, conducted an investigation or otherwise was directly and materially responsible for such matter in the course of his official duties as a city employee or official, nor shall any former city employee or official disclose confidential information gained by reason of his public position, nor shall he otherwise use such information for personal gain or benefit.

~~(e)~~**g** *Unauthorized disclosure of confidential information.* No person shall disclose any information required to be maintained confidential by the ethics commission under section ~~30-34(d)~~**30-3(b)**, ~~30-35(b)~~**30-73** or ~~30-73~~**30-74(b)**.

~~(f)~~**h** *Abuse of office.*

(1) *Political contributions.* No elected city official shall agree to sponsor legislation, or to influence in any manner the formulation or passage of legislation, in exchange for political contributions or promises thereof.

(2) *Substantial interest.* No elected city official shall vote for, or promote in any manner whatsoever, legislation affecting any subject matter in which he has a substantial interest. Any such interest shall be disclosed by said elected official prior to a vote on any such legislation, and said elected official shall vote "abstain" when called upon to vote.

(3) *Use of city property.* No city official or employee shall request or permit the use of city-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided for the use of such official or employee in the conduct of official business as a matter of municipal policy.

(4) *Personal gain.* No city official or employee shall utilize the influence of his office or position for personal pecuniary gain, or to avoid the legal consequences of his personal conduct.

~~(g)~~**i** *Criminal sanctions.*

(1) *Penalties.* Any person who knowingly or willfully violates any provision of this section shall be guilty of a misdemeanor, punishable for each such violation by imprisonment of not more than one year and by a fine as provided for in Appendix F—Fees and Fines.

(2) *Time limitations.* A prosecution for a violation of this section shall be subject to the time limitations of 11 Del. C. § 205.

(h) *Contracts voidable by court action.* In addition to any other penalty provided by law, any contract entered into by any city agency in violation of this chapter shall be voidable by the city agency; provided that in determining whether any court action should be taken to void such a contract pursuant to this subsection, the city agency shall consider the interests of innocent third parties who may be damaged thereby. Any court action to void any transaction must be initiated within 30 days after the city agency involved has, or should have, knowledge of such violation.

~~Sec. 30-34. — Established.~~

~~(a) — Appearance of violation. Each city employee and official shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is engaging in acts which are in violation of his public trust and which will not reflect unfavorably upon the city and its government.~~

~~(b) — Private interest; gifts. No city employee or official shall have any interest in any private enterprise, nor shall be incur any obligation of any nature which is in substantial conflict with the proper performance of his duties in the public interest. No city employee or official shall accept other employment, any compensation, gift, payment of expenses or any other thing of monetary value under circumstances in which such acceptance may result in any of the following:~~

~~(1) — Impairment of independence of judgment in the exercise of official duties;~~

~~(2) — An undertaking to give preferential treatment to any person;~~

~~(3) — The making of a governmental decision outside official channels; or~~

~~(4) — Any adverse effect on the confidence of the public in the integrity of the government of the city.~~

~~(c) — Interest in private enterprise. No city employee or official shall acquire a financial interest in any private enterprise which he has reason to believe may be directly involved in decisions to be made by him in an official capacity on behalf of the city.~~

~~(d) — Disclosure statement. Any city employee or official who has a financial interest in any private enterprise which is subject to the regulatory jurisdiction of, or does business with, any city agency (and any city official who has a financial interest in any private enterprise which is subject to the regulatory jurisdiction of, or does business with, the city agency on which he serves as an appointee) shall file with the ethics commission a written statement fully disclosing the same. Such disclosure shall be confidential and the ethics commission shall not release such disclosed information, except as may be necessary for the enforcement of this article. The filing of such disclosure statement shall be a condition of commencing and continuing employment or appointed status with the city. [Moved to Sec. 30-3 – Acknowledgment of policies...(b) Financial disclosures]~~

(ek) *Private gain.* No city employee or official shall use his public office to secure unwarranted privileges, private advancement or gain.

(fl) *Confidential information; prohibited activity.* No city employee or official shall engage in any activity beyond the scope of his public position which might reasonably be expected to require or induce him to disclose confidential information acquired by him by reason of his public position.

(gm) *Disclosure of information.* No city employee or official shall, beyond the scope of his public position, disclose confidential information gained by reason of his public position, nor shall he otherwise use such information for personal gain or benefit.

(n) *Ex Parte Communications.* No official or employee shall encourage, make or accept any ex parte or other unilateral application or communication that excludes the interests of other parties in a matter under consideration when such application or communication is designed to influence official decision or conduct of the official or other officials, employees or agencies in order to obtain a more favored treatment or special consideration to advance the personal or private interests of himself or herself or others. The purpose of this provision is to guarantee that all interested parties to any matter shall have equal opportunity to express and represent their interests.

Any written ex parte communication received by an official or employee in matters where all interested parties should have equal opportunity for a hearing shall be made part of the record by the recipient.

Any oral ex parte communication received under such conditions should be written down in substance by the recipient and also made a part of the record.

A communication concerning only the status of a pending matter is not regarded as an ex parte communication.

(ho) *Sexual favors.* No city employee or official, in the course of his public responsibilities, shall use the granting of sexual favors as a condition, either explicit or implicit, for an individual's favorable treatment by that person or a city agency.

(Code 1981, § 2-11; Ord. of 7-13-1998)

Sec. 30-21 – 30-29. – Reserved.

~~Sec. 30-35. – Waivers of restrictions and advisory opinions.~~

~~(a) – Authority of ethics commission. Notwithstanding the provisions of sections 30-33 and 30-34, upon the written request of any city agency or of any individual who is or was a city employee or city official, the ethics commission may grant a waiver to the specific prohibitions contained therein if the ethics commission determines that the literal application of such prohibition in a particular case is not necessary to achieve the public purposes of this chapter or would result in an undue hardship on any employee or official. Any such waiver may be granted only by written decision of the ethics commission. Any person who acts in good faith reliance upon any such waiver decision shall not be subject to discipline or other sanction hereunder with respect to the matters covered by the waiver decision, provided there was a full disclosure to the ethics commission of all material facts necessary for the waiver decision.~~

~~(b) – Waiver information confidential; exceptions. Any application for a waiver, any proceeding and any decision with respect thereto shall be maintained confidential by the ethics commission, provided that:~~

~~(1) – Applicant's request. Public disclosure shall be made by the ethics commission upon the written request of the applicant;~~

~~(2) – Violations. The ethics commission may make such public disclosure as it determines is required in connection with the prosecution of any violation of this chapter;~~

~~(3) Evidence of crime. The ethics commission shall report to appropriate federal, state and/or city authorities substantial evidence of any criminal violation which may come to its attention; and~~

~~(4) Public record. In the event that a waiver is granted, the waiver decision and the record of all proceedings relating thereto shall be open to public inspection.~~

~~(e) Advisory opinion authorized. Upon the written request of any city employee or official, the ethics commission may issue an advisory opinion as to the applicability of this chapter to any particular fact or situation. Any person who acts in good faith reliance upon any such advisory opinion shall not be subject to discipline or other sanction hereunder with respect to the matters covered by the advisory opinion, provided there was a full disclosure to the ethics commission of all material facts necessary for the advisory opinion.~~

~~(d) Advisory opinion confidential; exceptions. Any application for an advisory opinion, any proceeding and any decision with respect thereto shall be maintained confidential by the ethics commission, provided that:~~

~~(1) Applicant's request. Public disclosure shall be made by the ethics commission upon the written request of the applicant;~~

~~(2) Violations. The ethics commission may make such public disclosure as it determines is required in connection with the prosecution of any violation of this article; and~~

~~(3) Evidence of crime. The ethics commission shall report to appropriate federal, state and/or city authorities substantial evidence of any criminal violation which may come to its attention.~~

~~(Code 1981, § 2-12; Ord. of 7-13-1998)~~

Secs. 30-36—30-70. - Reserved.

ARTICLE III. - ETHICS COMMISSION

Sec. 30-71. - Established; composition; removal; terms of office; vacancies; chairperson; quorum; compensation; legal counsel.

(a) *Established; composition; removal.* The city ethics commission is hereby established to administer and implement this chapter. The ethics commission shall consist of five members appointed by the mayor and confirmed by the city council. No member of the commission shall hold any elected or appointed office under the government of the United States or the state, county, or city. Members of the ethics commission may be removed by the mayor, with the concurrence of the city council, for substantial neglect of duty, gross misconduct in office or a violation of this chapter.

(b) *Terms of office; vacancies.* A member of the ethics commission shall be appointed for a term of office of five years and until his successor has been appointed and has qualified. The members shall be appointed for staggered terms of office, and until their successors have been appointed. When a vacancy occurs in the membership of the ethics commission, it shall be filled by appointment for the unexpired portion of the term in the same manner as the original appointment.

(c) *Chairperson; quorum.* The ethics commission shall elect a chairperson from among its membership. Three members of the ethics commission shall constitute a quorum and, if a quorum is present, a vacancy on the ethics commission shall not impair the right of the remaining members to exercise all the powers of the ethics commission. Disciplinary hearings may be conducted and

sanctions may be imposed only by the affirmative action of at least three members; otherwise, the ethics commission may delegate authority to the chairperson to act for the ethics commission between meetings.

(d) *Compensation.* Members of the ethics commission shall receive no compensation.

(e) *Legal counsel.* The city solicitor shall provide legal counsel to the ethics commission and shall be the legal representative of the ethics commission in connection with its duties hereunder, on a case-by-case basis, or determine that outside counsel is needed and obtain such outside counsel for a particular matter.

(Code 1981, § 2-13; Ord. of 7-13-1998; Ord. No. 2010-23, 8-23-2010)

Sec. 30-72. - Powers and duties.

(a) The powers and duties of the ethics commission shall be:

(1) ~~Rules of conduct~~ *Standards of ethical conduct.* To recommend to the mayor and council, from time to time, such rules of conduct for public employees and officials as it shall deem appropriate.

(2) *Advisory opinions.* To issue written advisory opinions, upon the request of any city employee or official, as to the applicability of this chapter to any particular factual situation.

(3) *Referrals to solicitor.* To refer to the city solicitor for investigation any alleged violation of this chapter and, after notice and hearing, to recommend such disciplinary action as it may deem appropriate to such appropriate official or agency as the ethics commission shall determine, or to take such other disciplinary action as authorized by section 30-73(d) or other provisions of the city Charter or this Code. The ethics commission may dismiss, without reference to the city solicitor, any complaint which the ethics commission determines is frivolous or fails to state a violation.

(4) *Report of crimes.* To report to the appropriate federal, state or city authorities any substantial evidence of a violation of any criminal law which may come to its attention in connection with any proceeding, whether advisory or disciplinary.

(5) *Records.* To maintain a file of its proceedings, waiver decisions and advisory opinions with a view toward achieving consistency of opinions and recommendations subject to the confidentiality requirements of sections 30-~~35~~74(d) and 30-73(h).

(6) *Procedures.* To follow the procedural rules specified in section 30-73 and to establish such other procedural rules as shall be consistent with the rules prescribed therein.

(7) *Witnesses, evidence.* To subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require, by subpoena, the production of books, papers, records or other evidence needed for the performance of the ethics commission's duties or exercise of its powers.

(8) *Assistance to city personnel.* To provide assistance to any city employee, official or agency in administering the provisions of this chapter.

(9) *Provide information.* To prepare any necessary reports and studies to advance the purpose of this chapter, to provide any necessary materials explaining the duties of individuals covered by

this chapter, and to supply instructions and public information materials to facilitate compliance with, and enforcement of, this chapter.

- (10) *Request city agencies for assistance.* To request appropriate city agencies to provide such professional assistance as it may require in the discharge of its duties.

(Code 1981, § 2-14; Ord. of 7-13-1998)

Sec. 30-73. — **Rules of procedure; Complaints; hearings; dispositions.**

- (a) ~~(a)~~ — Any person, either personally or on behalf of an organization or governmental body, may file a sworn complaint for the ethics commission with the city clerk. The complaint must be in writing, be signed, and show the address of the person who submitted it. The complaint must state that, to the best of the person's knowledge, information, and belief formed after reasonable reflection, the information in the complaint is true. The complaint must describe the facts that constitute the violation of the standards of ethical conduct in sufficient detail so that the ethics commission and the person who is the subject of the complaint can reasonably be expected to understand the nature of any offense that is being alleged. The commission may request any additional information deemed necessary to screen the complaint or to render a decision. No complaints shall be accepted or considered which relate to actions that took place more than one (1) year prior to the date of filing. The individual filing the sworn complaint has sixty (60) days from the date that the issue is brought to his or her attention to file a complaint.
- (b) After the sworn complaint has been filed, none of the parties or their representatives may communicate on an ex parte basis with any commission members pertaining to the complaint. All communications pertaining to the complaint shall be submitted to the city clerk.
- (c) Within seven (7) days of receiving a sworn complaint the city clerk shall send copies of the complaint to each member of the ethics commission, the city solicitor, and the official or officials against whom such complaint has been filed. Hereinafter, the complaining party shall be referred to as the "complainant" and the official against whom a complaint has been lodged shall be referred to as the "respondent."
- (d) The commission recognizes that distribution to the public of a sworn complaint prior to screening by the commission as required below could harm the reputation of an innocent person and is contrary to the public interest; therefore, the public release of the complaint is prohibited until the screening process has been completed. The commission shall consult in confidence to screen the complaint within fourteen (14) days of receiving the complaint. The commission may immediately dismiss a complaint if:
- (1) It has no jurisdiction; or
 - (2) The alleged violation, if true, would not constitute a violation of the standards of ethical conduct; or
 - (3) The alleged violation is a minor or de minimis violation; or
 - (4) The complaint is, on its face, frivolous, groundless, or brought for purposes of harassment; or

(5) The matter has become moot because the person who is the subject of the complaint is no longer an officer, official or employee; or

(6) The respondent had obtained an advisory opinion under section 30-74(c) permitting the conduct; or

(7) The appointing authority of the respondent has already taken action as a result of finding a violation and the commission believes the action was appropriate.

(e) In issues regarding standards of ethical conduct violations, the enforcement process is intended to be corrective rather than remedial unless the violation is a repeated offense. In the event the ethics commission determines a standards of ethical conduct violation has occurred, and it is minor in nature, with the concurrence of the complainant and the subject of the sworn complaint, the commission may dispense with the hearing process and conduct a more informal mediation process in lieu of a hearing.

~~(a)-~~

(f) If the sworn complaint is not dismissed or otherwise resolved pursuant to subsection 30-73(d), the city clerk shall promptly contact the members of the ethics commission, the city solicitor, the complainant, and the respondent in order to ascertain a date and time when a hearing can be convened on such complaint. As soon as a date and time have been agreed upon for a hearing before the ethics commission, the city clerk shall send written notice of such scheduling and a copy of the rules of procedure to the complainant and to the respondent. No copies of the complaint shall be provided to any other parties before the respondent receives the complaint. ~~Investigation of violations. Upon the sworn complaint of any person or on its own initiative, the ethics commission may refer to the city solicitor for investigation, any alleged violation of the conflict of interest provisions and of the code of conduct provisions in sections 30-33 and 30-34, respectively.~~ The city solicitor shall be the prosecuting attorney in all disciplinary proceedings before the ethics commission. In any such investigation or proceeding, a defendant shall be given an opportunity to be heard after notice, to be advised and assisted by legal counsel, to produce witnesses and offer evidence, and to cross examine witnesses. A transcript of any such proceeding shall be made and retained, subject to the confidentiality requirements of this chapter.

(g) The commission may dismiss a complaint if the complainant does not appear at the hearing and if, in the opinion of the commission, it would be unfair to the respondent not to have the opportunity to examine the complainant.

(h) As promptly as possible after the close of the hearing, the commission shall deliberate to determine if the allegations have been proven by clear and convincing evidence. Only ethics commission members who have been present for the hearing may participate in the deliberations, and any findings and recommendations must be adopted by a majority of the commission. The commission may consider, when making findings and recommendations, the severity of the offense, the presence or absence of any intention to conceal, deceive, or mislead, whether the violation was deliberate, negligent or inadvertent, and whether the incident was isolated or part of a pattern.

(i) Within seven days of the conclusion of deliberations, the commission shall issue an order setting forth its findings and recommendations. In the alternative, the commission where

it deems it appropriate, may issue an advisory opinion in lieu of making findings and recommendations.

(j) If the respondent is an employee, the commission may, if it determines corrective action is necessary, notify the city manager or the council president and recommend that action be taken, including discipline.

~~(b)~~(k) If the respondent is a city official, the commission may propose actions to the city council that are appropriate to the finding as specified in section 30-73(p).

~~(e)~~(l) The commission shall send a written copy of its findings and recommendations to the respondent and the complainant.

(m) *Proceeding relating to member.* A member of the ethics commission shall be ineligible to participate, as a member of the ethics commission, in any ethics commission proceeding relating to his conduct. A member of the ethics commission who has been found by the ethics commission to have violated this chapter shall be ineligible to serve again as a member of the ethics commission.

~~(d)~~(n) *Self-disqualification.* A member of the ethics commission may disqualify himself from participating in any investigation of the conduct of any person upon submission, in writing and under oath, of an affidavit or disqualification stating that he cannot render an impartial and unbiased decision in the case in which he seeks to disqualify himself.

~~(e)~~(o) *Actions by ethics commission.* With respect to any violation with which a person has been charged and which the ethics commission has determined as proved, the ethics commission may take any one or more of the following actions:

(1) *Reprimand.* Issue a written reprimand or censure of that person's conduct.

(2) *Discipline.* With respect to a city employee, remove, suspend, demote or take other appropriate disciplinary action with respect to that person, without regard to any limits imposed by this chapter, but within the limits of the constitution, the laws of the state, the Charter of the city, and ordinances and existing collective bargaining agreements.

(3) *Recommend removal.* With respect to an appointed official, recommend that appropriate action be taken to remove the official from the appointed position.

(4) *Recommend fine.* With respect to an elected city official, recommend that such official be fined in an amount recommended by the ethics commission.

~~(f)~~(p) *Rights of person charged.* In any proceeding before the ethics commission, upon the request of any person charged with a violation of this chapter, such person shall be permitted to inspect, copy or photograph books, papers, documents, photographs or other tangible objects which will be used as evidence against that person in a disciplinary hearing and which are material to the preparation of his defense.

~~(g)~~(q) *Exculpatory information.* In any proceeding before the ethics commission, if the city solicitor or ethics commission at any time receives any exculpatory information concerning an alleged violation against any person, it shall forthwith make such information available to such person.

~~(h)~~(r) *Subpoenas.* Any person charged with a violation of this chapter may apply to the ethics commission for the issuance of subpoenas for the appearance of witnesses and for the

production of documents on his behalf. The application shall be granted upon a concise showing by such person that the proposed testimony or evidence is relevant (or is reasonably calculated to lead to the discovery of relevant evidence) and is not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(s) *Confidentiality of proceedings.*

(1) *City employee.* All proceedings before the ethics commission relating to a violation of this chapter by a city employee shall be maintained confidential by the ethics commission, unless:

- a. Public disclosure is requested, in writing, by the person charged; or
- b. The ethics commission determines after a hearing that a violation has occurred.

(2) *City official.* All proceedings before the ethics commission relating to a violation of this chapter by a city official, appointed or elected, shall be maintained confidential by the ethics commission, unless:

- a. Public disclosure is requested, in writing, by the person charged; or
- b. The ethics commission determines after a hearing that a violation has occurred.

(t) *Appeals; public inspection.* Notwithstanding the confidentiality requirements of subsections **(h)**(1) and (2) of this section, the ethics commission shall make available for public inspection the record of all proceedings relating to any decision of the ethics commission which is appealed to the superior court and the ethics commission shall report to appropriate federal, state and/or city authorities any substantial evidence of a violation of any criminal law which comes to its attention in connection with any proceeding under this chapter.

(u) *Confidentiality procedures.* The chairperson of the ethics commission shall, with the approval of the ethics commission, establish such procedures as, in the chairperson's judgment, may be necessary to prevent the disclosure of any record of any proceedings or other information received by the ethics commission, except as permitted by this chapter.

Sec. 30-3574. - Waivers of restrictions and advisory opinions.

(a) Authority of ethics commission. Notwithstanding the provisions of sections ~~30-3320~~ and ~~30-34~~, upon the written request of any city agency or of any individual who is or was a city employee or city official, the ethics commission may grant a waiver to the specific prohibitions contained therein if the ethics commission determines that the literal application of such prohibition in a particular case is not necessary to achieve the public purposes of this chapter or would result in an undue hardship on any employee or official. Any such waiver may be granted only by written decision of the ethics commission. Any person who acts in good faith reliance upon any such waiver decision shall not be subject to discipline or other sanction hereunder with respect to the matters covered by the waiver decision, provided there was a full disclosure to the ethics commission of all material facts necessary for the waiver decision.

(b) Waiver information confidential; exceptions. Any application for a waiver, any proceeding and any decision with respect thereto shall be maintained confidential by the ethics commission, provided that:

- (1) *Applicant's request.* Public disclosure shall be made by the ethics commission upon the written request of the applicant;
- (2) *Violations.* The ethics commission may make such public disclosure as it determines is required in connection with the prosecution of any violation of this chapter;
- (3) *Evidence of crime.* The ethics commission shall report to appropriate federal, state and/or city authorities substantial evidence of any criminal violation which may come to its attention; and
- (4) *Public record.* In the event that a waiver is granted, the waiver decision and the record of all proceedings relating thereto shall be open to public inspection.
- (c) *Advisory opinion authorized.* Upon the written request of any city employee or official, the ethics commission may issue an advisory opinion as to the applicability of this chapter to any particular fact or situation. Any person who acts in good faith reliance upon any such advisory opinion shall not be subject to discipline or other sanction hereunder with respect to the matters covered by the advisory opinion, provided there was a full disclosure to the ethics commission of all material facts necessary for the advisory opinion.
- (d) *Advisory opinion confidential; exceptions.* Any application for an advisory opinion, any proceeding and any decision with respect thereto shall be maintained confidential by the ethics commission, provided that:
- (1) *Applicant's request.* Public disclosure shall be made by the ethics commission upon the written request of the applicant;
- (2) *Violations.* The ethics commission may make such public disclosure as it determines is required in connection with the prosecution of any violation of this article; and
- (3) *Evidence of crime.* The ethics commission shall report to appropriate federal, state and/or city authorities substantial evidence of any criminal violation which may come to its attention.

(Code 1981, § 2-12; Ord. of 7-13-1998)

Sec. 30-~~74~~75. - Judicial review.

In the event that the ethics commission finds that any person has violated any provision of this chapter, said person shall have a right of appeal to the superior court of any such finding, and of any sanctions imposed with respect thereto, by filing a notice of appeal with the superior court within 30 days of the final action by the ethics commission in a particular case. The appeal shall be on the record without a trial de novo. If the court determines that the record is insufficient for its review, it shall remand the case to the ethics commission for further proceedings on the record. The court's review, in the absence of actual fraud, shall be limited to a determination of whether the ethics commission's decision was supported by substantial evidence on the record. The burden of proof in any such appeal shall be on the appellant.

(Code 1981, § 2-15.1; Ord. of 7-13-1998)

BE IT FURTHER ORDAINED:

That Appendix F, Fees and Fines, of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the blue text, as follows:

Chapter 30. Code of Standards of Ethical Conduct and Ethics Commission		Fees and Fines
Article II. Code Standards of Ethical Conduct		
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.		
Sec. 30- 33 20. Prohibitions relating to conflicts of interest		
Subsec. (g) (1e) Criminal sanctions, penalties		Not to exceed \$1,000.00

ADOPTED: *

SYNOPSIS

This amendment adds required financial disclosure reports, acknowledgment of receipt of policies, and required ethics training. It also makes organization changes to Chapter 30.

(SPONSORS: LINDELL, POLCE, AND SLAVIN)

ADOPTED: *

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Actions History:

12/11/2017 – Scheduled for Final Reading – City Council

11/27/2017 – Final Reading Deferred – City Council

11/13/2017 – First Reading – City Council

10/24/2017 – Considered by Council Committee of the Whole/Legislative, Finance and Administration Committee

10/10/2017 – Deferred by Council Committee of the Whole/Legislative, Finance and Administration Committee

1. Definitions for Section 1:

- “**Fair market value**” means, if a security, the quoted price as of January 1 of the year in which the report is filed, or, if not a security, the price at which the public officer would sell as of January 1 of the year in which the report is filed. *29 Del. C. § 5812(g)*.
- “**Instrument of ownership**” includes, but is not limited to common or preferred stock, rights, warrants, articles of partnership, proprietary interest, deeds, and debt instruments, if convertible to equity instruments. *29 Del. C. § 5812(k)*.
- “**Business Enterprise**” means corporation, partnership, sole proprietorship or any other individual or organization carrying on a business or profession. *29 Del. C. § 5812(a)*.
- “**Position of management**” means officer, director, partner, proprietor, or other managerial position in a business enterprise. *29 Del. C. § 5812(l)*.
- “**Professional organization**” means an individual engaged in, or an association organized pursuant to, federal or State law for the practice of medicine, law, accounting, engineering, or other profession. *29 Del. C. § 5812(m)*.
- “**Constructively controlled**” means:
 - (a) a financial interest in the name of another which is controlled by a public officer by virtue of any relationship of the public officer to another person which directly benefits the public officer;
 - (b) any financial interest of a public officer held jointly with the spouse or child of such public officer;
 - (c) any financial interest of the spouse or minor child of a public officer. *29 Del. C. § 5812 (d)*.
- “**Time or demand deposits**” means checking and savings accounts in banks or deposits or share in savings and loan institutions, credit unions, or money market funds. *29 Del. C. § 5812(p)*.
- “**Debt Instrument**” means bonds, notes, debentures, mortgages, or other securities having a fixed yield if not convertible to equity instruments. *29 Del. C. § 5812(e)*.
- “**Equity instrument**” means any ownership interest in a corporation or other legal entity giving the rights to the holder upon liquidation of the entity. *29 Del. C. § 5812(f)*.

2. Definitions of terms in the remaining sections are in those sections.

FINANCIAL DISCLOSURE REPORT
(29 Del. C., Chapter 58, Subchapter II)

NAME:

BUSINESS ADDRESS:

STATE POSITION:

Section 1. **(See instruction sheet for definitions of underlined terms)**. Report any legal or equitable ownership in excess of \$5,000 [fair market value](#) or from which income of more than \$5,000 was either derived during the preceding calendar year or might reasonably be expected to be derived during the current calendar year, in the following:

(A) [Instruments of Ownership](#): (This includes retirement accounts, 401K, IRA, etc. Do **not** include dollar amounts. List name of company, instrument and nature of ownership, e.g., Fidelity, mutual fund, shareholder; IBM, stock, shareholder).

(B) [Business Enterprise](#): (This includes corporations, sole proprietorships, and partnerships. List name, type of ownership & any [position of management](#), e.g., JW Foods, partnership, director)

(C) [Professional Organization](#): (This includes, but is not limited to, law firms, accounting firms, engineering firms. List the name, address, type of professional practice (do not identify individual clients), & any [position of management](#), e.g., ABC Law Firm, 123 Public Rd., Dover, DE, legal services, partner)

(D) Any of the preceding which are [constructively controlled](#). (e.g., ABC Mutual funds, trustee for minor child).

DO NOT LIST: [Time or demand deposits](#) (includes checking or savings accounts) or a [debt instrument](#) (CDs) with a fixed yield unless convertible to an [equity instrument](#).

Section 2. List each creditor to whom you were indebted for 90 or more consecutive days during the preceding calendar year in an aggregate amount in excess of \$1,000. Do **not** list the amount owed.

Section 3. If any of the following were received during the preceding calendar year, or reasonably expected to be received during the current calendar year, **list the source**.

- A. **Any** income (including income from the State) for services rendered exceeding \$1,000 from a single source, unless reported in Section 1. ("Income for services rendered" includes salary, wages, consulting fees and professional services.)
- B. **Any** capital gain exceeding \$1,000 from a single source other than the sale of a residence occupied by the public officer. ("Capital gain" means gains that are reported under Internal Revenue Services laws.)
- C. **Any** reimbursement for expenditures exceeding \$1,000 from a single source; ("Reimbursement for expenditures" means payments to a public officer for expenses incurred by the public officer.)
- D. **Any** honoraria; ("Honoraria" means fees received for speeches, written articles, and participating in discussion groups and similar activities. It does not include reimbursement for expenses.)
- E. **Any** gift with a value in excess of \$250 from any person. **Identify the amount** of each gift. ("Gift" means: payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value unless consideration of equal or greater value is received. "Gift" is not: (1) political contributions otherwise reported as required by law; (2) commercially reasonable loans made in the ordinary course of business; or (3) gifts from: spouse; relatives of the public officer or public officer's spouse within the 3rd degree of consanguinity; or the spouse of any such relative.)
- F. **ELECTED OFFICIAL DISCLOSURE FORM INPUT**

Disclose the name and address of every non-profit organization, civic association, community association, foundation, maintenance organization, or trade group incorporated in the State or having activities in the State, or both, of which you are a council member or board member.

TYPE:

NAME:

ADDRESS:

Section 4. Data in this report is provided as of _____.
(Date)

I HEREBY CERTIFY that I have read the foregoing report, and that, to the best of my knowledge and belief, it is true, correct, and complete. I further certify that I have not and will not hereafter transfer any assets, interests or property while retaining an equitable interest therein for the purpose of concealing said assets, interests or property from disclosure.

Public Officer Signature