COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole Meeting was held on September 13, 2016 at 6:02 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson (arrived at 6:32 p.m.), Mr. Sudler, Mr. Neil, Mr. Hare, and Mr. Hutchison. Mr. Lewis, Mr. Cole, and Mr. Hosfelt were absent. Mayor Christiansen was also present. Civilian members present for their Committee meetings were Mrs. Horsey (*Parks, Recreation, and Community Enhancement*), and Ms. Arndt and Mr. Blakeman (*Utility*). Mr. Caldwell (*Parks, Recreation, and Community Enhancement*) was absent.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee meeting was held with Chairman Sudler presiding.

AGENDA ADDITIONS/DELETIONS

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

Review of Active Recreation Area Plan - Loockerman Way Redevelopment Master Plan: Two Mixed Use Buildings at 126 West Loockerman Street (Planning References S-16-18 and HI-16-05)

Mrs. Dawn Melson-Williams, Principal Planner, informed members that this project is for the redevelopment of the property at 126 West Loockerman Street (known as Loockerman Way) to include two (2) mixed use buildings. The project is proposed as a Master Plan consisting of two (2) phases for the construction of two (2) mixed use buildings with commercial (retail and/or restaurant) space and a total of 20 apartment units. Phase 1 is to consist of the three-story, 24,960 square foot (S.F.) west building (5,860 S.F.$^{+/-}$ retail and eight (8) apartment units), while Phase 2 is to consist of the four-story 29,272 S.F. east building (6,913 S.F.$^{+/-}$ retail and twelve (12) apartment units). Reconfiguration of the existing plaza on site and construction of additional parking are also proposed with the project.

Mrs. Melson-Williams reviewed the Landscape Plan Phase 1 and Phase 2 Loockerman Plaza, explaining that the two (2) proposed buildings would be located near Loockerman Street, in the grass lawn areas that currently exist on the site. She noted that there is currently a parking lot on the site near North Street and with this project there would be some reconfigurations and an additional parking lot in that area.

Mrs. Melson-Williams advised that the proposal is for two (2) mixed use buildings; the first floor of each of the buildings would provide an opportunity for retail, restaurants, or other commercial uses that would be allowed in the Central Commercial Zone (C-2); and the upper floors are proposed as apartments. She stated that this matter was being considered by the Committee because of the residential use as apartments, explaining that with all residential projects there is a requirement for active recreation which is reviewed as part of the site development plan process as it goes foward

for Planning Commission review. Mrs. Melson-Williams stated that this project had already started the review process, noting that it was considered by the Historic District Commission since the property is located in the Historic District. She explained that the Historic District Commission considered recommendations regarding the architectural review certification, which relates to the building materials, massing, etc.

Mrs. Melson-Williams stated that this project would ultimately include a total of 20 apartment units and, based on the City's active recreation area requirements, those apartment units are required to provide 75 S.F. of active recreation area per unit or a minimum of 2,500 S.F. She advised members that this project would need the 2,500 S.F. minimum of active recreation area. Mrs. Melson-Williams explained that the project is proposing that active recreation area be provided in the form of a walkway that would connect from Loockerman Street to North Street. The central portion of the project area would be a plaza area and walkway that connects those two (2) streets segments. She indicated that the plan also notes that there will be opportunities for seating in the general area near the walkway, including benches and other site features.

Mrs. Melson-Williams stated that staff expects that the site will meet the 2,500 S.F. requirement for active recreation area and they will need to specifically define that area. She advised that the current proposal indicates that the walkway is a minimum of eight (8) feet in width, to be a paved hard surface proposed as concrete. Mrs. Melson-Williams noted that additional detailing elements may be included in the form of brick in some of the plaza areas as the project is further defined. She stated that the proposed walkway would be accessible and provide an opportunity for the public and the residents of the property to move through the space. Mrs. Melson-Williams noted that the project is also required to have bike racks, which would also be an amenity to serve both the general public as well as the residents of the site.

Referring to the Data Sheet for Recreation Plan Review, Mrs. Melson-Williams reviewed the Staff Recommendations. She advised that staff recommended approval of the active recreation component in the form of the walking pathway system with the adjacent amenities, including bicycle parking and bench seating. Mrs. Melson-Williams stated that there were some things that will need to be clarified on the plan; however, this is to be expected as a site plan moves through the review process. She noted that some advisory comments regarding procedures were also included in staff's report.

Staff recommended approval of the active recreation area plan with the comments and conditions provided.

Mr. Neil noted that this was the area used for the Santa House and asked if that would still be available for use. Responding, Mrs. Melson-Williams stated that the Santa House is currently located in the plaza area at Loockerman Way. She explained that with the redevelopment of this project site, there is a change in ownership and the new home for the Santa House would be part of the deal made with the sale of the property. Mrs. Melson-Williams advised that the Santa House is related to the Downtown Dover Partnership (DDP), which is the current owner of this parcel of land, and the developer is a new purchaser. She stated that staff had identified a number of amenities or elements, including the Santa House, that will need to be addressed in terms of a new location and/or disposal, if they are no longer going to be located on Loockerman Way.

Mr. Neil noted his presumption that the movies and other events that were held on Loockerman Way in the past would also be subject to change to a different location. In response, Mrs. Melson-Williams explained that Loockerman Way is currently a public plaza that the DDP manages, including events and activities. She expressed her opinion that the DDP would certainly be looking for other opportunities and locations to relocate some of those activities to, if need be.

Responding to Mr. Hare, Mrs. Melson-Williams stated that there would be a total of 20 apartment units. She explained that the west building would be a three-story building and contain eight (8) apartment units. The east building would be a four-story building and contain 12 apartment units.

Mr. Hare felt that the DDP is advocating putting up more apartments downtown and building up residential rather than business uses. In response, Mrs. Melson-Williams stated that the DDP is the property owner and they are in the process of selling this parcel of land for development. She informed members that, as part of the Dover Transit Neighborhood Plan, this property was looked at and two (2) buildings were envisioned being developed on this site at some future time, and that future time is being proposed now. Mrs. Melson-Williams noted that the current public plaza was an intervening step.

Mr. Hare questioned if, when the DDP sells this property, they would be using any of the money to pay back what they owe the City. Responding, Mrs. Melson-Williams stated that she could not speak for the DDP and explained that, since the DDP is the property owner, he would have to direct that question to them specifically.

Referring to Mr. Hare's question regarding apartments versus retail, Mrs. Ann Marie Townshend, Director of Planning and Community Development, informed members that both the Transit Center Neighborhood Plan and the Restoring Central Dover Plan specifically emphasize retail on the first floor with apartments above because all of the studies that have been done for downtown emphasize the importance of having people living downtown to have a vibrant round-the-clock downtown. She stated that the bottom stories would be restaurants or retail, not residential, the upper stories would be residential, and this is consistent with the plans that the City has adopted for the downtown.

Mr. Hutchison asked if there would be parking onsite and offsite. In response, Mrs. Melson-Williams stated that two (2) parking lots are proposed for this project. She explained that, as part of their application to the Planning Commission, the developer will be seeking a waiver to reduce the overall parking requirement for the site, noting that parking is related to the apartment units. Mrs. Melson-Williams stated that the concept here is to provide at least one (1) parking space per apartment unit and then provide the balance of the parking available to general parking that could be managed in some fashion. She noted that there is certainly parking and this site is near other modes of transportation for pedestrians, bicyclists, and transit options.

Mr. Neil moved to recommend approval of the active recreation area plan with the comments and conditions provided, as recommended by staff. The motion was seconded by Mr. Hutchison and unanimously carried.

Re-Evaluation of the Need for the Blue Light Phones in City Parks

During their Regular meeting of July 11, 2016, Council approved the Safety, Advisory, and Transportation Committee's recommendation that this matter be referred to the Parks, Recreation, and Community Enhancement Committee with a comparison and analysis of data regarding blue phone usage versus the number of emergency cell phone calls received over the last five (5) years.

Captain David Spicer, Dover Police Department, informed members that, following the Committee meeting of June 28, 2016, he was tasked with trying to obtain information regarding the emergency cell phone calls that came in from the City park. He stated that he asked the City's 911 Manager to obtain this information; however, there were some concerns regarding obtaining the information because cell phones are often not accurate. Captain Spicer explained that even current technology cannot depict the actual location where a cell phone call comes from. Captain Spicer advised that he went to dispatch earlier this evening and they received a 911 phone call from a young lady who was involved in an accident and, although she said that she was on Walker Road, her cell phone was actually providing an address that was in the Baytree Development. He stated that the 911 Manager explained to him that dispatchers take a lot of calls at a given time, and there are drop-down menus to reflect whether the call is from a cell phone or a land line. The dispatchers obtain each caller's name, the nature of their complaint, and their address. Additionally, when time permits, they select whether the call is from a land line or cell phone from the drop-down menu and dispatch or transfer the call to fire, EMS, or police. Captain Spicer informed members that, with the understanding of the inaccuracy of cell phone locations, he requested the 911 Manager to provide the emergency calls from Silver Lake Park. He apologized that this was not the exact information that members requested; however, he explained that technology did not allow him to provide that information.

Captain Spicer stated that the 911 Manager researched the Priority 1 emergency calls for Silver Lake Park and there were many different types of calls, including medical situations, the closure of the park gates, etc. He advised that he reviewed all of the calls and picked out the most serious, Priority 1 calls. Captain Spicer reviewed several lists, charts, and graphs regarding the Priority 1 calls for Silver Lake Park over the past five (5) years, noting that 300 Washington Street is on the west side of Silver Lake and 1 Lewis Mill Drive is on the east side. He indicated that the incident type reflected the type of complaints and explained that there were 911 cellular, 911 land line, disorderly conduct, domestic, and medical complaints.

Referring to a chart depicting Actual Blue Phone Calls for Service, Captain Spicer advised that the these calls for service for a five-year period reflected two (2) calls for service from the Silver Lake Beach area, one (1) in 2013 and one (1) in 2014. He stated that there were also 57 other Blue Phone calls for service, which reflect the number of malfunctioning calls that were received from those units because there was some type of mechanical issue with the phone. Captain Spicer informed members that there was a total of 59 calls for the five-year period, and 97% of those calls were malfunctions coming from Silver Lake.

Captain Spicer stated that the Police Department wanted to bring this matter to members' attention because they realized there were some mechanical issues with the blue phones. He explained that this is old technology, and it would take a significant amount of money to refurbish the technology

to current standards. Captain Spicer stated that the Police Department did not believe that the City was getting enough value for the money in this technology.

Staff recommended discontinuing the Blue Light Phone program in City parks, due to the significant increase in personal cell phone ownership and use since 2007, as well as the historical low use of the phones.

Mr. Hare moved to recommend approval of staff's recommendation. The motion was seconded by Mr. Hutchison.

Mr. Slavin stated that many constituents had indicated to him that they understand that the technology has not kept up; however, they like the presence of the blue light in the park because it signals that there is some type of public safety presence nearby. He noted that whether people know that the phone is working or not, if the blue light is lit they may assume it is something. Mr. Slavin asked if there are other methods that the City can utilize to ensure that kind of presence is available in the parks so that people feel at least that comfort level. In response, Captain Spicer stated that he does not want to give someone a false sense of security by providing just a phone. He advised that his recommendation would be to install some cameras in the east side and west side of Silver Lake when the Department is expanding their camera system. Captain Spicer reminded members that there is a significant amount of activity, of all types, at these parks and the Department does its best with the cadets and officers, noting that they do proactive enforcement at Silver Lake Park all the time, apprehending drug users, drug dealers, etc. He reiterated that he would recommend trying to purchase extra camera equipment and expand that program.

Mr. Slavin asked if Captain Spicer was aware of other jurisdictions that point a camera at the vehicles entering a park, noting that he had seen this before. Mr. Slavin indicated that there would not be an invasion of privacy regarding what people are doing while they are in the park; however, it would provide a visual record of every vehicle that has entered the park during that day. He questioned how helpful this would be and how much of the crime is committed by pedestrians versus bicyclists or people driving vehicles. Responding, Captain Spicer stated that it is hard to say and distinguish where the crime is actually coming from, whether it is pedestrians or vehicular traffic. He advised that there is technology available that will read tags and record them, noting that the City has a mobile unit that does this and the software to keep it up and running is expensive. Mr. Slavin indicated that he did think that the City should go as far as recording, but could have the ability to run the tape back to determine a time range when an incident occurred. In response, Captain Spicer indicated that if the cameras are positioned in strategic locations, the City could capture a description of the vehicle and the tag number.

Mr. Slavin and Captain Spicer agreed that the City wants its parks to be safe and people to use them without feeling that their privacy is being invaded.

Mr. Sudler asked for Captain Spicer's opinion regarding having a camera and a panic button that individuals could press and then look at the camera, to show that someone may be in distress. He stated that the camera could be able to capture the individual's face as well as anyone who may be around them. Mr. Sudler asked if this option might be less expensive and whether it might work.

In response, Captain Spicer expressed his opinion that it may be less expensive; however, he was not aware of the technology. He noted that if Mr. Sudler was thinking about it, somebody had probably already created it and if it could be tied together with the camera system, this could be another option as well.

Mr. Hutchison asked if the cameras were purchased or leased. Responding, Captain Spicer stated his understanding that the cameras are purchased with a service agreement. He advised that the Department had just purchased 14 more and was in the process of completing that project. It was his belief that the Department has a service agreement for a couple years for each camera.

Mrs. Horsey stated that she likes the idea of having some measure of protection in parks, especially after dark. She indicated that, although the blue phones really do not work today, she would be in favor of some other method. Mrs. Horsey felt that instead of just taking them out, the City could possibly replace them with cameras, some type of a panic system, or something else. She noted that the last thing you are able to do is to reach for your cell phone and call 911, and some people do not have cell phones. In response, Captain Spicer stated that a lot of the people that the Police Department come in contact with today, from young children to adults, do have cell phones. He indicated that a lot of people start at a very young age, explaining that their parents purchase them cell phones because they want to know where they are. Captain Spicer noted that he was a road sergeant not long ago and made sure that the park gates were locked at dark every evening and reopened every morning. He stated that the Department cannot prevent pedestrian traffic from walking in there and committing a crime and they cannot afford to leave an officer in there at all hours of the night. However, he thought that the implementation of at least a couple of cameras, maybe at the entrance and exit areas of the park, would definitely help solve crime if there was an issue, and the panic button would also be a good idea.

Mr. Neil asked how members would facilitate making sure that the City has the additional cameras in the budget in order to move on this suggestion. He questioned whether the funding would come from the Police Department's budget or if it would be something extra that the City would need to do. Responding, Captain Spicer stated that he did not want to speak on behalf of Police Chief Paul Bernat or Mr. Scott Koenig, City Manager. He was uncertain whether the Department could obtain some type of grant in the future, noting that they do become available sometimes, or if the City would be willing to look at expanding the project. Mr. Koenig stated that Advantech is the City's vendor and they had been good about coming out and providing proposals for different ideas. He advised that he did not have any concerns with obtaining an actual proposal essentially for the entrances to various parks. Mr. Koenig explained that this could either be part of future budget amendments, or it could be part of the FY 18 draft budget for Council consideration. Mr. Koenig stated that the general discussion was that the technology the City currently has is not working and is at the end of its service life. He explained that if there are other things that would do the same job or an even a better job, the City would need to evaluate those options. Mr. Koenig advised that his only caution would be that the cameras would probably be an increased cost over what the City was now doing because there would be maintenance costs on the cameras. He also noted that the number of cameras was currently in the 80s, and individual dispatchers or officers do not sit at the Police Department watching the individual cameras, they see a display of many cameras. Mr. Koenig stated that this would be a security tactic because people would know that

cameras were present because the City would post that the area is being videoed; however, the footage is not constantly watched. He felt that this measure would give some people comfort but if something happens, the City would have to go back and look at the video to search for license plates for a certain period of time, and there would not be an instantaneous response. Mr. Koenig explained that this would change the type of security in the park. He noted that if someone picks up the phone, that call is very quickly received by the dispatch center and they can dispatch someone. This would be a different method of security; however, it would probably be more effective than what the City has currently.

Mr. Hutchison noted that, with winter approaching, staff would have until next summer to look at the new technology and make a recommendation.

The motion to recommend approval of staff's recommendation to discontinue the Blue Light Phone program in City parks, due to the significant increase in personal cell phone ownership and use since 2007, as well as the historical low use of the phones, was unanimously carried.

Proposed Land Swap - Capitol Baptist Church/Mayfair Park

During their Regular meeting of August 22, 2016, Council approved the Parks, Recreation, and Community Enhancement Committee's recommendation to authorize the City Manager and other City staff to negotiate a proposed land swap which is mutually beneficial to the property owners and the City of Dover, including any necessary research and legal expenses necessary to determine the terms and conditions of a potential land swap that involves the public open space known as Mayfair Park with four (4) caveats, as follows: 1) that staff would come back and present at least three (3) alternatives on the proposed land swap that include maps and drawings; 2) that there would be commentary from the Parks and Recreation Department on what the potential effect would be on the future uses of the park for the land swap; 3) that it would include an estimate of costs, and a proposed cost sharing arrangement with the church would be identified, and 4) that staff was not authorized to expend any funds at this point without further approval.

Mr. Scott Koenig, City Manager, advised members that he and Mrs. Ann Marie Townshend, Director of Planning and Community Development, met with the Pastor and representatives of Capitol Baptist Church on Thursday, August 25, 2016 to discuss this matter. Representatives of the church presented three (3) hand drawn concepts of potential revisions to property lines to satisfy Council's request. Mr. Koenig stated that these hand drawn sketches were provided to the City's GIS Department for digital plotting so they can be further evaluated as viable options. He explained that staff will map the concepts to determine whether they are one-to-one swaps or how the City can get to a one-to-one swap. Mr. Koenig advised that once the maps have been digitized, staff will meet again with the church representatives to discuss the pros and cons of each potential layout of the park. He stated that staff has not spent any funds regarding legal issues or anything like that and has no intent to do so. Mr. Koenig noted that no further action has occurred at this time; therefore, no formal discussion on the topic is necessary.

Mr. Koenig anticipated that staff would be bringing this matter back before the Committee in the next month to six (6) weeks with several layouts including comments from staff regarding the pros

and cons, as well as additional information regarding whether this swap could be in conflict with grant funds or is reasonable under grant funding.

Mr. Koenig stated that staff had a good meeting with representatives from the church who shared some interesting ideas. He noted that they brought members that had been involved with the church for 50 years, who are familiar with when things happened in the neighborhood, including when construction was done on various facilities. Mr. Koenig stated that the representatives shared pros and cons about different layouts and he did not believe that they have a fixed concept for the best alternative at this time.

Mr. Hare stated that the public in that area of the City needs to be involved in the discussion because they also have input. He thought that, once staff gets all of the recommendations from the church, the City needs to have them come back for public input.

Mr. Hare asked if the church was going to take down their no parking and private property signs in their parking lot, noting that they made an agreement that people could park there and use the park after the City paved their parking lot. Responding, Mr. Koenig stated that this was not discussed at the last meeting with representatives of the church. Mr. Hare suggested that someone call the church to find out if they are going to take those signs down, noting that he had received a few calls about it. Mr. Koenig stated that he would have to ask them.

Mr. Hare stated that there are a lot of people that live around the park who are not very excited about having the church in their backyard and moving everything over their way. He asked if the church has plans for the property they own on New Burton Road. In response, Mr. Koenig explained that he thought that the church had plans for this property because expansion of parking into that lot was one of the items that they wanted to discuss. Mr. Hare questioned if the easement would work there and Mr. Koenig stated that it would.

Review of New Castle County Disorderly Premises Ordinance (Deferred during the meeting of August 9, 2016 due to time constraints)

Mr. Sudler informed members that he requested that the Committee review Chapter 22 - Offenses and Miscellaneous Provisions, Article 2 - Offenses Generally, Section 22.02.006 - Disorderly Premises of the New Castle County Code in hopes of using it as a blueprint for a new City ordinance. He suggested that the Planning Department also review the language for future discussion and orchestration of new ordinances.

Mr. Neil noted that the City has an ordinance which was created to provide the City leverage in areas where the City experiences a lot of problems. He stated that he thought the New Castle County ordinance looked very good; however, he questioned how this would fit in with the current ordinance.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that there appeared to be some duplication of the City's Safe Communities ordinance in the New Castle County ordinance. She advised that the City's Safe Communities ordinance is more detailed in how the City deals with the residential side; however, it only addresses rental dwellings, it does not

address owner occupied homes or businesses. Mrs. Townshend stated that there are elements of the New Castle County ordinance that would fill some of the gaps in the City's current ordinance, explaining that the City does not currently have a structure for fining individuals who own their home or business and allow people to do bad things in and/or around the property.

Mr. Slavin informed members that he and Mrs. Townshend recently had a conversation regarding a liquor store and concluded that the City does not have the tools needed to close down businesses. He felt that the City needs to have these tools and if this is the moment where members discover the better tool through New Castle County, they need to get it in place. Mr. Slavin suggested that members move forward with this and put it on the floor for debate. He stated that there are a number of businesses in the City that are the root cause of a rippling effect of bad things that are happening in neighborhoods. Mr. Slavin expressed his opinion that if the City were able to get to those businesses and get rid of them, it would help to clean up whole sections of the City where there are problems. Mrs. Townshend indicated that these are the places where trash most often accumulates.

Mr. Sudler referred to Chapter 22 - Offenses and Miscellaneous Provisions, Article 2 - Offenses Generally, Section 22.02.006 - Disorderly Premises, Subsection D of the New Castle County Code, noting that it states that "Any person convicted of a violation of this Section shall be fined no more than one thousand dollars ($1,000.00) for any offense but no less than one hundred dollars ($100.00) for the first offense. . . ." Mr. Sudler expressed his opinion that if the fine is $1,000 or more, people would pay more attention to how their property is being managed, how people are congregating on their property, and how that affects the City. He stated that the Elks Lodge on Kirkwood Street was pretty much the driving force for considering the language in this ordinance, explaining that it was provided to him by the Department of Justice.

Mr. Hutchison asked if the Police Department had reviewed this. Responding, Captain David Spicer, Dover Police Department, stated that, to his knowledge, the Police Department had not reviewed this ordinance. Mr. Hutchison stated that, in fairness, he would like to see the matter referred to the Police Department for review and recommendation. Mr. Sudler noted that Police Chief Paul Bernat and Deputy Police Chief Marvin Mailey were aware of this ordinance, explaining that they were present when he met with representatives from the Department of Justice regarding the Dover Elks Lodge 1125 located at 217 Kirkwood Street, and the Department of Justice provided the ordinance to everyone at the meeting. He stated that he would not object to the Police Department reviewing the ordinance.

Mr. Hutchison stated that the ordinance seemed very good to him, noting that it would give the City some teeth to get things accomplished.

Mrs. Townshend advised that the New Castle County ordinance could not be used verbatim, but staff would use elements to craft a draft ordinance for the City and staff would work closely with the Police Department. She stated that the Planning and Inspections Department would work with the Police Department because this would be jointly enforced, like the Safe Communities ordinance.

Mr. Anderson moved to recommend requesting that staff create a disorderly premises ordinance for consideration by the Committee within 60 days. The motion was seconded by Mr. Neil and unanimously carried.

Discussion of Survey Results Regarding Programs, Activities, and New Building at Dover Park
(Deferred during the meeting of August 9, 2016 due to time constraints)
Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that when the City of Dover Recreational Needs Assessment was done, this particular assessment was designed to be a City-wide assessment looking at all of the parks and recreation areas across the City. She informed members that the Mt. Zion A.M.E. Church's Social Action Commission (SAC) 2014 East-side Assessment Report focused principally on Dover Park and whether the existing recreation center, which is no longer there, should be demolished and, if so, should be rebuilt and what types of programming it would hold.

Mrs. Townshend advised members that she was currently in the process of writing a Request for Proposals (RFP) to hopefully bring on a landscape architect/engineering joint effort to do a master plan for Dover Park. She explained that at that point the City would pull in the information from the Recreation Needs Assessment, specifically the Dover Park questions, as well as the results of the SAC Assessment Report. Mrs. Townshend stated that as the City is doing the scope, the City will want to make sure that the process for developing a master plan for Dover Park brings in the public, the resources available through both of the assessments, and also addresses the safety issues that have been expressed regarding Dover Park. She explained that the vegetation at Dover Park provides a lot of opportunities for people to not be seen if they do not want to, and staff wants to develop a plan for vegetation management. Mrs. Townshend stated that the City would also address the location of a building. She reminded members that when the City demolished the recreation center, the utilities continued to be stubbed and are still available.

Mrs. Townshend advised that the idea is that staff would develop a plan that would allow for a building at whatever point in time Council deems it necessary or desirable, and also deal with issues of a multi-use path, explaining that the biggest activity in the park is walking and jogging, and people are currently only using the road. Mrs. Townshend stated that the plan would also address vegetation management, lighting, and how to deal with the sports area in the back, which could use some sprucing. She explained that once all of these issues are addressed, that will lead into and drive the programming.

Mr. Sudler reviewed the Mt. Zion A.M.E. Church's Social Action Commission (SAC) 2014 East-side Assessment Report, explaining that the results of the survey reflected some of the programs and activities that were deemed necessary by residents and constituents from the Third Council District, the Fourth Council District, and that surrounding area. He explained that the SAC provided a list of items that the survey applicants would be most interested in and then tallied and prioritized the responses.

Responding to Mr. Sudler, Mrs. Townshend confirmed that summer camps were provided at Dover Park at one point.

Mr. Anderson suggested that one way to achieve these efforts is to be open to public-private partnership, noting that the Mayor had mentioned the possibility of partnership with organizations that might fill some of the programming gaps.

Mr. Anderson asked about the order of priority, noting that one of the most important things people seem to want is indoor restroom facilities at the two (2) parks that do not currently have them. Responding, Mrs. Townshend stated that for Dover Park and Silver Lake Park, indoor restroom facilities were the highest ranked request.

Mr. Anderson asked what the order of priorities would be as staff looks at the RFP and takes into account the information from the assessments. In response, Mrs. Townshend stated that she thought the City would start to develop the order of priorities through the public process. She noted that the Recreation Needs Assessment was at a high level and now the City would be getting down deeper and, through the Master Planning process, the City would bring the public out. Mrs. Townshend advised that having a meeting in the park would provide an opportunity for people to look at what they like and do not like, and the priorities would start to come out of that dialogue. She stated that this was just done for Schutte Park and, in that case, the City had done a land survey about a year-and-a-half ago and were using in-house staff to do the design work. However, in this case, the City would be bringing in someone from the outside. Mrs. Townshend explained that through that process and engaging the public in the dialogue the City will be able to get a better sense of what people really want, noting that there is only so much you can get from a survey. She stated that the City will want to make sure that those who attend the White Oak/ Towne Point meetings know what is happening, as well as Dover Housing Authority so the residents of Manchester Square can participate and the City can really engage the public.

Mr. Anderson asked about holding meetings at White Oak/Towne Point and Manchester Square, noting that there is not an indoor facility at the park. In response, Mrs. Townshend stated that it was not a bad idea; however, she explained that the City would definitely want to have at least one (1) meeting in the park because it gets people out, and people think differently when they are in that surrounding. She suggested that the City could attend a White Oak/Towne Point meeting to provide a presentation and get input, and also encourage them to come to the park when a meeting is held there.

Mr. Neil noted that the City's Recreational Needs Assessment was very well done. He stated that this assessment dealt with parks and outdoor areas, and the types of outdoor activities people want, which he thought the City has to encourage people to do, for health reasons. Referring to the SAC Assessment, Mr. Neil noted that there were a lot of social interactive issues that would need a facility or a building. He stated that it struck him that the City has a marvelous Library that is holding activities and many of these things could actually take place without waiting. Mr. Neil stated that the Library can provide the skills and mentoring activities suggested, and it is certainly close enough to the Third and Fourth Council Districts for them to be able to utilize and the City would not have to build a building or a gym now. He advised that members need to consider what the cost would be for all of the programs and activities that people would really like to have. Mr. Neil expressed his opinion that there are certain things in the SAC Assessment that can be done now since they are separate from the outside activities or indoor plumbing, which is known to be a problem.

In response to Mr. Neil, Mrs. Townshend stated that some of the programs mentioned in the SAC Assessment are currently offered at the Library. She advised that the Library has money school type programs, as well as financial literacy, and they also have the Job Center, noting that it may just be a matter of addressing how to get more people into these programs.

Mr. Sudler stated that the Committee would be looking forward to an update as things progress.

Community Development Block Grant (CDBG) Program Quarterly Update (April, May, and June) (Deferred during the meeting of August 9, 2016 due to time constraints)
Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the Community Development Block Grant (CDBG) Program Quarterly Update for April, May, and June 2016. She explained that the Status of FY-15 Program Funds Spent - Fiscal Year 7/1/15 - 6/30/16 chart depicts the funds expended and unencumbered balances for 2015 grant projects. Mrs. Townshend stated that additional funds have been expended since June, noting that Milford Housing had applied for reimbursement. She believed that funds had also been expended for Habitat for Humanity associated with the partial rehabilitation of one (1) of their projects. Mrs. Townshend stated that everyone was diligently moving forward with their CDBG projects. She informed members that staff was getting ready to start the next round, and it was her understanding that Mrs. Tracey Harvey, Planner I, had just finished the funding agreements.

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

Meeting adjourned at 7:06 p.m.

UTILITY COMMITTEE

The Utility Committee meeting was held with Mr. Hutchison presiding in the absence of Chairman Cole.

AGENDA ADDITIONS/DELETIONS
Mr. Neil moved for approval of the agenda, seconded by Mr. Sudler and unanimously carried.

Dedication of Rights-of-Way and Public Infrastructure - Crawford Carroll Avenue
Mr. Scott Koenig, City Manager, advised members that the City Manager's Office was requesting that all public infrastructure improvements related to the construction of Crawford Carroll Avenue from West Rustic Lane to KW Boulevard be dedicated to the City of Dover for permanent ownership and maintenance. He stated that this is the standard format that the City uses to dedicate roads and infrastructure. Mr. Koenig informed members that these improvements were constructed a number of years ago using Delaware Department of Transportation (DelDOT) standards for road construction. He noted that the discussion regarding construction of a service road, now named Crawford Carroll Avenue, probably began at least 20 years ago with Mr. Greg Kramedas and would, hopefully, eventually be fully extended south and tied into U.S. Route 13, potentially at the current location of Produce Junction.

Mr. Koenig advised that this road was initially constructed on an easement that Mr. Kramedas negotiated with DelDOT and a number of others to develop the service road concept. He stated that, through a number of discussions with DelDOT over the last two (2) or three (3) years, this road has appeared on the City's Municipal Street Aid (MSA) listing, so the City is actually getting MSA for the road section. Although this road segment is listed on the City's inventory for MSA, the improvements were never dedicated to the City of Dover.

Mr. Koenig explained that with the land transfer of the Sheraton Hotel from the Kramedas family to Delaware State University, a deed was recorded for this right-of-way on December 11, 2015. Since the recordation of a plat now shows this right-of-way and it has a parcel number, a small tax bill is being generated to the Kramedas family for this land, which was intended to be the right-of-way of Crawford Carroll Avenue. Mr. Koenig advised that formal dedication of the right-of-way to the City of Dover will resolve the tax billing issue and align the City's MSA inventory with the City's ownership and maintenance obligations for this road. He stated that the value of the infrastructure, including the roads, the water system improvements, and the storm system improvements, is approximately $300,150. Mr. Koenig explained that once Crawford Carroll Avenue is fully extended to the south and tied into U.S. Route 13, ownership and maintenance of the entirety of Crawford Carroll Avenue will be transferred to DelDOT. He stated that this was an interim step of infrastructure ownership with the long-term goal of transferring it to DelDOT. It was noted that no construction as-built plans are part of this dedication and the infrastructure is not covered by a bond.

Staff recommended acceptance of dedication of rights-of-way and public infrastructure for Crawford Carroll Avenue from West Rustic Lane to KW Boulevard. The dedication is to include all of the referenced public improvements.

Mr. Hare moved to recommend approval of staff's recommendation. The motion was seconded by Mr. Neil and unanimously carried.

Water Production Well #6 Fencing Upgrade

Mr. Scott Koenig, City Manager, informed members that the City currently owns, operates and maintains a water production well on the south side of Charles Polk Road, in Rodney Village. He stated that this site contains a well house and all necessary utility infrastructure and equipment to provide potable water to the customers. Mr. Koenig advised members that the water production well #6 fencing upgrade had come up since the initial budget submissions for the FY 2017 budget. He reminded members that the Delaware Department of Transportation (DelDOT) was heavy into the construction of the West Dover Connector, which is a major road improvement that begins on the south end of Rodney Village, will transfer across New Burton Road and run to the Eden Hill Farm, and will substantially change the traffic patterns in this area of the City. Mr. Koenig expressed his belief that the Rodney Village Shopping Center was built in the mid-1950s. He stated that water production well #6 was constructed at that time and this is the southern end of the City's water production system. Mr. Koenig informed members that this well remains a very large producer of water for the City's system, explaining that it pushes water up from the southern terminus of the system and has been quietly tucked back off of a residential road for many years.

Mr. Koenig advised that to provide security to the infrastructure, the site has a locked chain link fence around the perimeter; however, due to vegetation overgrowth and age, the fence has started to fail. He reviewed photographs depicting the current condition of the site, noting that the vegetation growth to the south side of the property is from the trees that are owned by Kent County, as this site is adjacent to the Brecknock Park property. He stated that the condition of the existing trees that surround the fence are an operational hazard, as the size of these trees could prohibit the function of the well if they were to fall on the well house. Mr. Koenig advised that, with the upgrade of the road, staff would like to upgrade to more secure fencing like the fencing that surrounds the new well constructed at Schutte Park, the St. Jones Substation, and the Bayard Avenue water tower. He stated that this is a more industrial strength security fence for the City's utility facilities.

Mr. Koenig advised that the City currently has an approved fence contractor to install new fences and repair existing fences. He stated that staff recommends that the existing vegetation and fence be removed and that approximately 450 linear feet of eight-foot high black iron fence be installed on this site. Mr. Koenig reiterated that this was not a Capital Improvement Project in the Fiscal Year 2017 budget. He explained that the project would require an approximate expenditure of $40,000, which was proposed to be funded from the Water Quality Improvements budget. Mr. Koenig stated that, upon Council approval, the fencing project would be initiated and staff would time the installation of the fence with the completion of the road. He explained that this is a very innocuous facility; however, the fencing is important for security reasons and would provide an aesthetically pleasing City site to the public, especially with the installation of the new West Dover Connector road by DelDOT.

Staff recommended authorization to secure a contract with Duck's Quality Fence to replace the existing security fence with a new iron fence, for the amount of $40,000.

Mr. Anderson asked what would be deferred in order to complete this project. Responding, Mr. Koenig explained that the funds for this project would come out of water quality improvements. He stated that no specific project would be delayed; however, the amount of money available for water quality improvements would be reduced by $40,000. Mr. Koenig advised that this is the same fund that will be used to pay for the South New Street water main upgrade which will be considered by Council again once the new bids are received. He advised that this is a facility that the City needs to protect as much as all others. Mr. Anderson agreed, stating that in today's world, security of a major water supply is not something to take lightly.

Ms. Arndt asked whether staff obtained other estimates, noting that she thought $40,000 sounded high. In response, Mr. Koenig stated that Duck's Quality Fence was the City's approved vendor on file for this type of service.

Ms. Arndt questioned if the fence needed to be iron or whether staff considered other materials that might be cheaper. Responding, Mr. Koenig advised that the proposed fencing was aluminized steel, although it looks like wrought iron.

Ms. Arndt asked if the City coordinated with DelDOT to ensure that construction with the West Dover Connector would not impact the fence. In response, Mr. Koenig stated that the fence would

not be installed until after DelDOT is finished. He advised that the timing is important and, once Council authorization is received, the installation of the fence will be coordinated with staff engineers and the DelDOT field engineers and their contractors.

Mr. Hare noted that the price seemed a little high and asked whether the City could see if there are other contractors who could do this project for less, even though Duck's Quality Fence is the City's approved contractor. Responding, Mr. Koenig advised that this would be an eight (8) foot tall fence. He stated that the City typically uses the approved contractor and does not bid each of these projects individually; however, he supposed that staff could put this project out for bids.

Mr. Hare questioned whether the City would use the approved contractor for $40,000 if someone else was able to do this project for $25,000. In response, Mr. Koenig explained that this project was not put out for bids; staff only requested a quote from the approved contractor.

Mr. Hare asked if staff could simply get quotes for this project without bidding it out. He explained that he wanted to ensure that the City was getting the best deal, not just using the approved contractor. Responding, Mr. Koenig stated that staff could request quotes if that was what Council wanted.

Mr. Slavin asked if quotes could be obtained by the time this matter is considered by Council, so that Council can consider them when they make their decision and no time is loss. In responding, Mr. Koenig believed that $40,000 would be the top end of the quotes, so any quote received that is cheaper would be a savings. He stated that he could not guarantee that he could have the information by the Council meeting on September 26, 2016, explaining that due to the amount of money, staff would probably have to do sealed bids to comply with the purchasing policy.

Mr. Slavin asked what the threshold was on the purchasing policy for sealed bids. Responding, Mr. Koenig stated that it is either $10,000 or $25,000. Mr. Slavin thought that this was another issue and suggested that he and Mr. Koenig meet to discuss this. He stated that there seemed to be a need for the City Manager to have the ability to obtain three (3) quotes rather than three (3) sealed bids for a capital project over $10,000. Mr. Slavin expressed his opinion that it seemed that the City was spending an awful lot of time doing bidding when it could be doing quoting.

Ms. Arndt stated that if she had her choice between specific water quality improvements and spending more money on a really nice, attractive fence, she would lean more toward saving that money for water quality improvements.

Mr. Blakeman requested clarification regarding whether the approved contractor was acquired through the bidding process and the City chose preferred contractors. In response, Mr. Koenig stated that he believed that the purchasing agent put out annual contracts, and that this was the same contractor that the City used for the fences at the Kirkwood Street park and the Bayard Avenue water tower. He explained that this is one (1) of the blanket contracts that the City puts out for fencing services because the City has fence repairs that happen on a frequent basis.

Mr. Blakeman requested confirmation that any contractor could submit a bid to be the preferred fencing contractor, and that the City did not just select someone. Responding, Mr. Koenig stated that anyone could submit a bid, explaining that staff did not just select someone. He advised that it may be a rider on the State contract; however, he believed that the City actually bid this contract separately.

Mr. Neil questioned how asking for bids for this project will affect the timing of the project in terms of the West Dover Connector. In response, Mr. Koenig stated that, if he understands the policy correctly, this is a two-step recommendation. The first step is to actually create the project and a project budget of $40,000, and the second step is to either accept the bid of Duck's Quality Fence or go out and get other bids. He explained that if Council adopts the project and the project budget, it would become part of the Council-enacted City Budget and, as long as the quotes or bids are within the project budget, he can approve the bids because staff has authorization to enact the City's Budget in accordance with the approved policies. Mr. Koenig did not believe asking for bids would affect the timing of the project itself.

Mr. Anderson moved that this matter be forwarded to Council with no recommendation, seconded by Mr. Blakeman.

Mr. Neil asked if this motion was made with the intent that staff will get another bid or have a Request for Proposals (RFP) sent out. In response, Mr. Anderson reminded members that Mr. Koenig stated that he would be researching it during the intervening time, and Mr. Anderson was sure that Mr. Koenig would at least have some clarification. Mr. Anderson stated that part of his concern pertained to timing, explaining that this is not that large of a project and, even if the City bids it out, there will not be any savings once the staff time to prepare it, scope it out, advertise, etc. is taken into account. He noted that by the time all of that is done, the City may not receive a lower bid since this was a service that was already bid. Mr. Anderson stated that the City has two (2) more weeks to get more information, and he believed that Council would be able to make a clear decision by that time. He did not want to see this matter delayed in Committee because it would then take another month to make a decision.

Mr. Hare reminded members that this project had not been bid out but that this was an approved contractor indicating that they would do this project for $40,000. He suggested that the City did not have to do an RFP but that staff could just call somebody to get the bids. Mr. Hare noted that this would only take a few hours and offered to make the calls. He indicated that this fence had been in disrepair for a long time and that two (2) to four (4) weeks would not make a big difference.

Mr. Koenig explained that the request was really to create the project at a budget of $40,000. The fencing estimate was actually $33,600. He noted that if Council wanted staff to obtain additional quotes, that would be fine and staff would do it. Mr. Koenig emphasized that he was really only asking to get the project and the project budget approved.

Mr. Sudler stated that he was a little confused with no recommendation or no action, noting that he liked what Mr. Koenig said about at least getting it approved and if staff finds something that is less then he will bring it back at that time and thought that the Committee could go with that. Although

he did not believe there was a big urgency, Mr. Sudler felt that members needed to move forward with the understanding that due diligence research would be done and if there is a lower cost or a lower bid from a contractor that is willing to do the project, then money could be saved.

Responding to Mr. Sudler, Mr. Anderson stated that the idea was not to take no action because then the item would stay in Committee. He reminded members that the Committee cannot technically approve matters, it can only make recommendations to Council. If the Committee recommends that this matter passes or makes no recommendation, the matter will still move forward to Council. Mr. Anderson explained that the motion, with no recommendation, will move this item forward to Council for discussion, and hopefully in that time more information will be provided which will give Council a clearer picture.

The motion that this matter be forwarded to Council with no recommendation was unanimously carried.

(City Clerk's Office Note: Subsequent to the meeting, Mr. Koenig provided additional information regarding New Project - Water Production Well #6 Fencing Upgrade, in a memorandum dated September 16, 2016 ***(Attachment #1)****.)*

Mr. Sudler moved for adjournment of the Utility Committee meeting. The motion was seconded by Mr. Blakeman and unanimously carried.

Meeting adjourned at 7:28 p.m.

By unanimous consent, the Council Committee of the Whole meeting was adjourned at 7:28 p.m.

Timothy A. Slavin
Council President

TAS/TM/dd
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Attachments
Attachment #1 - Memorandum from Mr. Scott Koenig, City Manager, regarding New Project - Water Production Well #6 Fencing Upgrade, dated September 16, 2016

Memorandum

Office of the City Manager
PO Box 475
Dover, DE 19903
Phone: (302) 736-7005
FAX: (302) 736-7002
E-mail: skoenig@dover.de.us

To: **City Council**

From: **Scott D. Koenig, P.E.**
City Manager

Date: **September 16, 2016**

Subject: **New Project – Water Production Well #6 Fencing Upgrade**

At the Utility Committee meeting on Tuesday, September 13, 2016 staff introduced a request to upgrade the fencing around the existing Water Production Well #6 located adjacent to the West Dover Connector just south of Rodney Village. Concerns were raised regarding the fencing quote included as an attachment to the action form. After further conversations with the City's Purchasing Agent, Mr. Peter Gregg, staff has been directed to bid the fence replacement as a separate project. Our blank fencing contract focused on chain link fencing. The technical specifications for the security fencing being requested for this project are outside of the baseline bid specifications for the blanket contract previously awarded to Duck's Quality Fencing; therefore, sealed bids will be requested from qualified vendors for the replacement of the fencing.

The recommended action should be amended as follows: Authorize staff to create a Capital Improvement Project titled, Water Production Well #6 Fencing Upgrade, with a project budget of $40,000. The project budget will includes expenses related to the removal and disposal of the existing fence, purchase and installation of the new fence, and any miscellaneous concrete expenses to install sidewalk or curbing to protect the fencing. The funding of this project will be transferred from the Water Quality Improvements Project. Approval of the bids will be done in accordance with the City's purchasing policy.

sdk/SDK

cc: Sharon Duca, P.E., Public Works Director
Jason Lyon, P.E., Water/Wastewater Manager
Donna Mitchell, Controller

ACTION FORM

PROCEEDING: Utility Committee	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works	**DATE SUBMITTED:** 8/26/16
PREPARED BY: Sharon Duca, P.E., Public Works Director/City Engineer	
SUBJECT: Water Production Well #6 Fencing Upgrade	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller	
EXHIBITS: Attachment A – Aerial Map, Attachment B – Estimate, Attachment C – Capital Investments Plan	
EXPENDITURE REQUIRED: $40,000 (Estimate)	**BUDGET REMAINING:** $645,800
FUNDING SOURCE (Dept./Page in CIP & Budget): Department of Public Works- Water Management, Project Name: Water Quality Improvements Account No.: 417-6800-568.40-31.	
TIME TABLE: Notice to proceed to be issued within thirty (30) days of Council approval. Project anticipated to be completed in sixty (60) calendar days.	
RECOMMENDED ACTION: Authorize staff to secure a contract with Duck's Quality Fence to replace the existing security fence with a new iron fence, for the amount of $40,000.	

BACKGROUND AND ANALYSIS

The City of Dover Department of Public Works currently owns, operates and maintains a water production well on the south side of Charles Polk Road, in Rodney Village. This site contains a well house and all necessary utility infrastructure and equipment to provide potable water to the customers. To provide security to the infrastructure, the site has a locked chain link fence around the perimeter. Due to vegetation overgrowth and age, the fence has started to fail, depicted by site pictures below:





Please note that the vegetation growth to the south side of the property is from the trees that are owned by Kent County, as this site is adjacent to the Brecknock Park property. The condition of the existing trees that surround the fence are an operational hazard, as the size of these trees could prohibit the function of the well if they were to fall on the well house.

Currently, the City has an approved fence contractor to install new fences and repair existing fences. Staff recommends that the site have the existing vegetation and fence removed and install approximately 450 linear feet of eight-foot (8') high black iron fence on this site (example of fence provided below). This site is adjacent to current road improvement project by DelDOT, the State is under contract to replace the road fronting portion of the fence with similar material to match the existing fence. The new portion of the fence would not match the existing fence, due to its age and disrepair. The new fence would be a security upgrade, and with the installation of the new West Dover Connector road by DelDOT, provide an aesthetically pleasing City site to the public.



This was not a planned Capital Improvement Project in the Fiscal Year 2017 budget. An overview of the funding source is provided below:

FUNDING SOURCE	DESCRIPTION	BUDGET	SPENT / ENCUMBERED	SAVINGS / REMAINING	REQUIRED FOR PROJECT
					$40,000
Water	Water Quality Improvements	$645,800	-	$645,800	-

Attachment A

Water Production Well #6 Fencing Upgrade



0 50 100 200 Feet

N

Date Printed: August 25, 2016
File: m:\gis_data\projects\tech_mxds
\jason_lyon_maps\caf_maps
\caf_well_6
Department: Public Works GIS
City of Dover, Delaware

Legend

Location

Site Location: Well #6

Parcel Lines

Well #6

Duck's Quality Fence

Estimate

Estimate No: 216
Date: Jul 14, 2016

399 Sawmill Rd
Townsend, De 19734

3026539197
3024235197
3026530575
dqf1955@gmail.com
www.ducksqualltyfence.com

For: City Of Dover
Public Works

Description	Quantity	Rate	Amount
	1.00	$33,600.00	$33,600.00

* Indicates non-taxable item

Install 450 feet iron world guaridan plus 3 rail 8 feet high
Install 1 12 foot gate with 4 inch post

Subtotal	$33,600.00
TAX (0.00%)	$0.00
Total	**$33,600.00**

Capital Investments Plan

FY 16 thru FY 20

City of Dover, Delaware

Project #: WD1703

Project Name: Water Production Well #6 Fencing Upgrade



Type:	Improvement	**Department:**	**Water Management**
Useful Life:	**15 Years**	**Contact:**	**Public Works Director**
Category:	**Water/Wastewater**	**Priority:**	**7**
New Project:	**Yes**	**Account #:**	**417-6800-568.40-31**
Time-Line:	**FY17**		

Total Project Cost: $40,000

Description

The proposed project, identified by staff will replace the existing fence that surrounds water production well #6, located on the southern side of Charles Polk Road, in Rodney Village.

Justification

The existing fence is failing and existing trees are threatening the functional use of the existing well. This increases the Cities liabilities and should be corrected in an effort to provide adequate amounts of water to the customers of the City. Design and construction will occur in FY17.

Prior	Expenditure	FY 17	FY 18	FY 19	FY 20	FY 21	Total	Future
	Construction/Maintenance	40,000					40,000	
	Total	**40,000**					**40,000**	

Prior	Funding Sources	FY 17	FY 18	FY 19	FY 20	FY 21	Total	Future
	Water / Wastewater Fund	40,000					40,000	
	Total	**40,000**					**40,000**	

Budget Impact/Other

Budget Items	FY 17	FY 18	FY 19	FY 20	FY 21	Total
Total						