REGULAR COUNCIL MEETING
AGENDA

SEPTEMBER 12, 2016 - 7:30 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 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 L. HOLSEY

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN HOSFELT

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**
   - **A. SPECIAL COUNCIL MEETING OF AUGUST 22, 2016**
   - **B. REGULAR COUNCIL MEETING OF AUGUST 22, 2016**

2. **PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2016-18**

   THE FIRST READING OF THE PROPOSED ORDINANCE WAS ACCOMPLISHED DURING THE COUNCIL MEETING OF JULY 25, 2016. THE ORDINANCE IS AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS OR ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT."

   - **A. PROPOSED ORDINANCE #2016-18 AMENDING APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 27 - CORRIDOR OVERLAY ZONE 1 (COZ-1), SUBSECTION 27.66 - BUILDING HEIGHT**

3. **PUBLIC HEARING - PROPOSED RESOLUTION NO. 2016-10 APPROVING THE ABANDONMENT OF THE TOPAZ CIRCLE STUB STREET**

4. 90-DAY PROGRESS REPORT - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 1032-1058 SOUTH DUPONT HIGHWAY, OWNED BY BMDR LLC

* **5. COUNCIL COMMITTEE OF THE WHOLE REPORT - AUGUST 23, 2016**

A. SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

(1) VIABILITY OF THE SHOTSPOTTER GUNSHOT DETECTION AND LOCATION SERVICE

(COMMITTEE TOOK NO ACTION)

(2) DEBRIEFING/POST-MORTEM ON FIREFLY MUSIC FESTIVAL (PRESENTATIONS BY THE DEPARTMENT OF PLANNING AND INSPECTIONS AND THE DOVER POLICE DEPARTMENT)

(COMMITTEE ACTION NOT REQUIRED)

(3) PRIORITIZATION OF CITY OF DOVER STATE CAPITAL TRANSPORTATION PROGRAM (CTP) PROJECTS

(COMMITTEE RECOMMENDED APPROVAL OF THE PRIORITY RANKING FOR THE COMING YEAR, AS RECOMMENDED BY STAFF)

B. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

(1) ADDITION TO THE DOVER POLICE DEPARTMENT VEHICLE FLEET

(COMMITTEE RECOMMENDED ALLOWING THE POLICE DEPARTMENT TO TAKE OWNERSHIP OF THE VEHICLE AND ADD IT TO THE FLEET, AS RECOMMENDED BY STAFF)

(2) REVENUE POLICY FOR EXTRA DUTY/VOLUNTARY OVERTIME

(COMMITTEE RECOMMENDED APPROVAL OF THE REVISED REVENUE POLICY - EXTRA DUTY/VOLUNTARY OVERTIME, AS RECOMMENDED BY STAFF)

(3) APPLICATION FOR RURAL ECONOMIC DEVELOPMENT GRANT THROUGH U.S. DEPARTMENT OF AGRICULTURE (USDA)

(COMMITTEE RECOMMENDED AUTHORIZING STAFF TO PROCEED WITH THE APPLICATION FOR FUNDS AND THE ESTABLISHMENT OF A LOAN FUND, AS RECOMMENDED BY STAFF. IF COUNCIL WOULD LIKE FURTHER REVIEW OF THE FUNDING RECIPIENTS FOR THE FIRST ROUND OF FUNDING, STAFF REQUESTS THAT THIS ROLE BE ASSIGNED TO THE ECONOMIC DEVELOPMENT COMMITTEE.)

(4) REQUESTS FOR ADDITIONAL EXTENSIONS

(A) BANKING AND CASH MANAGEMENT SERVICES AGREEMENT

(COMMITTEE RECOMMENDED AUTHORIZING THE CONTROLLER/TREASURER TO EXTEND THE WSFS BANKING AND CASH MANAGEMENT SERVICES AGREEMENT THROUGH AUGUST 2017, AS RECOMMENDED BY STAFF)

(B) ADP CONTRACT

(COMMITTEE RECOMMENDED AUTHORIZING THE CONTROLLER/TREASURER TO EXTEND THE ADP CONTRACT THROUGH DECEMBER 1, 2018 OR DECEMBER 31, 2018)

* **5. COUNCIL COMMITTEE OF THE WHOLE REPORT - AUGUST 23, 2016 (CONTINUED)**

B. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE (CONTINUED)

(5) EVALUATION OF REQUEST FOR PROPOSALS - ELECTRONIC BILL PRESENTMENT AND BILL PAYMENT SERVICES (EBPP)

(COMMITTEE RECOMMENDED AWARDING A ONE-YEAR CONTRACT TO INVOICECLOUD FOR AN ESTIMATED FIRST YEAR ANNUAL COST TO THE CITY OF $67,000. THIS FIRST YEAR ESTIMATED ANNUAL COST INCLUDES A 14% GROWTH IN CUSTOMER USE. THE PROPOSED CONTRACT FOR ELECTRONIC BILL PRESENTMENT AND BILL PAYMENT SERVICES INCLUDES AN OPTION TO RENEW EACH YEAR FOR FOUR (4) SUBSEQUENT YEARS.)

(6) UNCOLLECTIBLE RESERVE ADJUSTMENTS AND DEMOLITION COST RECOVERY

(COMMITTEE RECOMMENDED AUTHORIZING THE CONTROLLER/TREASURER TO RECORD AN ADJUSTMENT OF $300,000 EACH AS A RESERVE FOR ESTIMATED UNCOLLECTIBLE RECEIVABLES FOR FISCAL YEAR 2016, THEREBY REDUCING THE BUDGET BALANCE IN THE GENERAL FUND AND THE INVENTORY RESERVE BALANCE IN THE ELECTRIC FUND, AS RECOMMENDED BY STAFF)

(7) DISCUSSION OF DUTIES AND ASSIGNMENTS OF CITY PERSONNEL

(COMMITTEE DEFERRED UNTIL SEPTEMBER 27, 2016)

(8) DESIGNING AND EXPANDING RECRUITMENT FOR CITY COMMITTEES, COMMISSIONS, AND BOARDS

(COMMITTEE DEFERRED UNTIL SEPTEMBER 27, 2016 TO ALLOW THE IDEAS TO BE SOLIDIFIED, MR. LEWIS AND MR. ANDERSON TO REVIEW AND REFINE IT FURTHER, AND FOR MRS. SASS AND THE CITY CLERK'S OFFICE TO WORK TOGETHER)

* **6. ECONOMIC DEVELOPMENT COMMITTEE REPORT - AUGUST 16, 2016**

A. DISCUSSION OF PROPOSED RESOLUTION FORMALLY ESTABLISHING THE ECONOMIC DEVELOPMENT COMMITTEE

(COMMITTEE RECOMMENDED ADOPTION OF THE PROPOSED RESOLUTION, AS AMENDED)

B. ECONOMIC DEVELOPMENT COMMITTEE TRANSITION DISCUSSION

(1) PROVIDE AN ORIENTATION TO THE INITIATIVE

(COMMITTEE ACTION NOT REQUIRED)

(2) REVIEW PURPOSE OF TEAM

(COMMITTEE ACTION NOT REQUIRED)

(3) ADOPT A GOAL/VISION

(COMMITTEE DEFERRED THE FOLLOWING ITEMS: ADOPT A GOAL/VISION; IDENTIFY CHALLENGES TO THE GOAL/VISION AND DEVELOP STRATEGIES; REVIEW TEAM MEMBERSHIP TO DETERMINE IF OTHERS ARE NEEDED TO ACCOMPLISH THE GOAL/VISION; IDENTIFY MEETING ROLES; AND DISCUSS AND ADOPT GROUND RULES FOR FUTURE MEETINGS)

C. SETTING THE NEXT AGENDA AND SCHEDULING THE MEETING

(COMMITTEE SCHEDULED THE NEXT MEETING FOR TUESDAY, SEPTEMBER 13, 2016 AND FUTURE MEETINGS FOR THE SECOND AND FOURTH TUESDAYS OF EACH MONTH AT 4:00 P.M.)

* **7. MONTHLY REPORTS - JULY 2016**

- **A. CITY ASSESSOR'S REPORT**
- **B. CITY PLANNER'S REPORT**
- **C. CONTROLLER/TREASURER'S BUDGET REPORT**
- **D. FIRE CHIEF'S REPORT**
- **E. POLICE CHIEF'S REPORT**

* **8. 2016/17 STAFF APPOINTMENT - CITY COUNCIL - FIRE MARSHAL - JASON A. OSIKA**

9. CLARIFICATION OF COUNCIL ACTION OF AUGUST 8, 2016 - PROPOSAL FOR DOVER PUBLIC LIBRARY TO ADOPT A SMOKE-FREE POLICY (DEFERRED DURING THE REGULAR COUNCIL MEETING OF AUGUST 22, 2016)

10. CITY MANAGER'S ANNOUNCEMENTS

11. COUNCIL MEMBERS' ANNOUNCEMENTS

12. ADJOURNMENT

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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;

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

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on August 22, 2016 at 6:30 p.m. with Councilman Hare presiding in the absence of Council President Slavin. Members present were Mr. Anderson (arrived at 6:34 p.m.), Mr. Cole, Mr. Hosfelt, Mr. Hutchison (arrived at 6:34 p.m.), Mr. Lewis (arrived at 6:31 p.m.), Mr. Neil, and Mr. Sudler. Mayor Christiansen was absent.

Council staff members present were Mr. Koenig and Mrs. McDowell. Other staff members present were Police Chief Bernat and Mr. Hudson.

ADOPTION OF AGENDA

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

Mr. Neil moved to recess into Executive Session pursuant to 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 (§10002 (l)(1) Any personnel, medical or pupil file, the disclosure of which would constitute an invasion of personal privacy, under this legislation or under any State or federal law as it relates to personal privacy). The motion was seconded by Mr. Cole and unanimously carried.

The Special Council Meeting recessed into Executive Session at 6:30 p.m.

Mr. Sudler moved to adjourn the Executive Session, seconded by Mr. Neil and unanimously carried.

The Executive Session adjourned at 6:41 p.m.

ACTION RESULTING FROM THE EXECUTIVE SESSION

Request for Approval of Extension of Pay Benefits

During the Executive Session, members of Council considered a request for approval of an extension of 100% pay for Corporal Thomas Hannon, in accordance with Section 12, On-the-Job Injury, of the Fraternal Order of Police (FOP) contract.

Mr. Neil moved to extend 100% pay for Corporal Hannon to September 26, 2016, at which time the extension of benefits will again be reviewed if necessary. The motion was seconded by Mr. Sudler and unanimously carried.

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

The Special Council Meeting adjourned at 6:42 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Special Meeting of August 22, 2016 are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on August 22, 2016 at 7:44 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 (departed at 7:43 p.m., and returned at 7:58 p.m.), Mr. Cole, Mr. Hosfelt, and Mr. Hutchison.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Fire Chief Carey, Deputy City Solicitor Pepper, and Mrs. McDowell. Mayor Christiansen was also present (departed at 7:45 p.m., and returned at 8:56 p.m.).

OPEN FORUM

The Open Forum was held at 7:15 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.

Mr. Ken Abraham, 430 Kings Highway, Suite 414, stated that he supported the Tiny Houses Village Project, and praised the Dover Interfaith Mission for Housing as the best homeless shelter east of the Mississippi River. He informed members that he is the head and founder of Citizens for Criminal Justice, which is helping a lot of people with issues with the criminal justice system in Delaware and all over the country. Mr. Abraham read the following statement:

> Letter to the Editor or Op Ed Submission - I Smell a Serious Problem - 8/17/16 - For several years now I have written about the need for state employees [most particularly the out-of-control employees of Delaware Department of Corrections (DOC) who commit numerous crimes on a daily basis] to be monitored in a meaningful way, and to be held accountable for wrongdoing.
>
> A recent article about the Dover Housing Authority reminds us that D O C is not the only state agency which may need a closer look. Retaliation against tenants who dare to complain to the city about the agency? Unfair, biased "hearing" procedures? Illegal forging of DHA participants' names on documents in eviction proceedings? And more. The explanation and comments by the agency director were non-responsive, vague, and weak.
>
> From that article, it seemed to me that the complaints mentioned may well be valid, so I called two friends whom I thought might know more, and asked them if they had heard complaints about Dover Housing Authority and its director. Boy, did I get an earful! Not only are the tenants subjected to the shoddy/illegal machinations of the boss, but employees who may be tempted to disclose the truth about her conduct dare not speak out, for fear of losing their jobs.
>
> Given that the people under the care of DHA are poor, often desperate for housing, and therefore understandably fearful of "making waves", I suspect that the issues discussed in the article may be the tip of the iceberg. Hats off to the Mayor and to the City Council members named, Roy Sudler and Fred Neil, but because DHA is under the State Housing Authority and is a state agency, they lack power to do much.

> I suggest that the Delaware State Housing Authority crack down on DHA, and perhaps the Attorney General or the U S Department of Justice should investigate DHA. Some of the activity mentioned clearly is criminal.
>
> Though not as helpless as inmates, those in the jurisdiction of DHA, because they are poor, often are ripe targets for abuse. They lack power. I write this because they lack a voice, and because nobody should be "pushed around" or have their rights trampled by government employees who forget who they work for, are comfortably entrenched in their wrongdoing, and think they can get away with continued misconduct. I call upon those who can to "get to the bottom" of this problem.

Councilman Sudler stated that Councilman Cole had been just as instrumental as Councilmen Sudler and Neil had been in the Dover Housing Authority initiative.

Pastor Aaron Appling, Victory Church, called on the audience to raise their hands if they were homeless, or had recently been homeless, and many people raised their hands. He explained that he was representing a group of people that he had gotten to know deeply over the past six (6) months. Pastor Appling acknowledged that some would ask why he was addressing City Council when his problem with the homeless was related to Kent County. In response to this, he stated that most of the homeless he had encountered live in the City. Pastor Appling advised that they had been on the streets feeding the homeless seven (7) days a week for the past six (6) months with no riots, problems, or violence. He referred to a homeless awareness event that was held about a month ago, where they camped out in tents set up at the corner of Division and State Streets for six (6) days and asked lovingly and kindly for help. Pastor Appling mentioned that Councilmen Sudler and Anderson came by the event; however, other than a few, the highest ranking officials in the community never even said hello, which disturbed him morally. He felt that those who are given a responsibility are supposed to do certain things and, although some things had been done, there was more to do, stating that there was very little outreach from the officials who work for the taxpayers. Pastor Appling noted that the County had advised them that it was illegal to house homeless people where their church is because the soil was not good enough, due to zoning laws, etc. He stated that he did not care about these issues because he was coming from a moral standpoint and believed it was morally wrong for the homeless to be on the streets. Pastor Appling advised that some of the homeless sleep in front of City Hall every night and asked that they be given access to the dozens of abandoned houses around the City so they could fix them up and put people in them within a month or two (2). Pastor Appling advised that they were not asking for money but just for red tape to be removed. He asked for those present who agreed with his comments to respond by saying “aye”, and many of those present did so.

Ms. Sue Harris, Chair and Co-Founder of Port Delaware, Inc. and Tiny House Villages for Homeless, informed members that she was present to make plea for help. She wanted it to be understood that they would never criticize the efforts of the City or any other caretaker on behalf of the homeless up to this point or into the future. Ms. Harris asked members to listen and really hear what they were saying, noting that it was an understatement to say that the homeless population in the area was becoming overwhelming. She stated that each day the homeless providers and service organizations in Kent County go above and beyond to try to accommodate and deal with this growing problem. Ms. Harris indicated that non-profits search for solutions to serve a growing

population with dwindling dollars. Churches and citizens take to the streets to bring food and water to increasing numbers of people who wait for welcome relief of sustenance and love, and efforts still fall far short of solving the problem. Ms. Harris advised that, report after report, research and case studies show that, without all the pieces to the puzzle, the cycle of homelessness will continue. She acknowledged that Code Purple provides help for cold weather emergencies and year-round assistance with needs, resources, and housing when they can. Ms. Harris noted that the Dover Interfaith Mission for Housing, Shepherd's Place, and Whatcoat are good providers that take people in and give them the opportunity to feel secure for a month or two (2) to get started on the right path. She explained that there are a few transitional beds to move men from shelters into the next level of self-support, but it seemed that there was a missing piece of the puzzle. Ms. Harris felt that those who can be taken out of the State system and moved to permanent housing are unable to do so because there is nothing available that is affordable. She explained that if there was affordable housing available, these people would no longer cost taxpayers thousands of dollars to house, would finally be able to take care of themselves, and in doing so would make room for someone else in a shelter bed so that they, too, could begin to end their cycle of homelessness. Instead, Ms. Harris stated that these individuals return to the streets or to housing that is unsafe, and to situations that threaten their new-found independence, since the need for affordable housing far exceeds the availability.

Ms. Harris indicated that those individuals speaking on behalf of the homeless were present to encourage the City, as well as the County, to help them with their piece to the puzzle. She noted that the City had made efforts to help, as was obvious in the City's annual action plan, which highlighted the need for affordable housing. Ms. Harris stated that the problem of affordable housing was not close to being solved, and they desired to help the City to solve it. She advised members that advocates had beaten their heads against walls researching properties in the area and looking over coding and zoning laws, when the officials already had all those answers. Ms. Harris indicated that they spend endless hours reading articles, news stories, white papers, and testimonials of the experiences of other tiny house villages throughout the country. Ms. Harris provided a written statement on tiny house communities, a handout including information on homelessness in Delaware, as well as a binder containing research regarding tiny house communities *(as on file in the Office of the City Clerk)*.

Ms. Harris felt that the most frustrating part of this issue was that only one (1) piece of this puzzle was needed to move forward with putting these villages together, and this was the piece that the County and/or City could provide. She advised that they had the support, volunteers, and donations to make this happen, but continued to look for an opportunity for a site from the City or the County. She noted that Kent County could presently provide this by granting a permit for the Village of Victory. Ms. Harris informed members that they would continue to advocate and encourage innovative solutions for affordable housing for those most in need to provide a smoother path for villages in the near future. She asked members to consider putting some thought into how to make this happen together instead of concentrating on convincing them why it should not and would not work. Ms. Harris stated that this concept had worked in many places throughout the country and would work here if given a fair opportunity. She felt that efforts being put forth in the community to support the homeless each and every day with food and water were unmatched, stating that their dedication was humbling and showed what they could put into this village. Ms. Harris hoped to hear from Council and to feel their support through action, especially help with locating a site. She

indicated that they would continue to plead for the City to help in their search for answers to this complicated and diverse problem. Ms. Harris expressed the desire to work together with every homeless organization, stating that there was much that could be done if it did not matter who gets the credit.

Mr. Eric Cooper informed members that he is a pastor who had been working in this community since 1995, having come from Syracuse, New York with a ministry that went to New Street to help clean up the problems there. He stated that they worked inside the Kent and Colonial Apartments. Since then he had worked with several different ministries in this area; however, he felt that his efforts and the efforts of those he worked with had been opposed when trying to help homeless people. Mr. Cooper stated that he was working with Mr. Appling, Ms. Harris, and Ms. Cathi Koppera to solve a problem in the community that he felt could easily be solved. He believed that if everyone worked together and not against each other, the City could teach them how to work within the code instead of shutting and pushing them out. Mr. Cooper stated that 30 to 40 people were living in two (2) buildings on Division Street and were on their way to becoming good citizens in the community; however, the people had been put out of a place to live and the buildings were no longer standing due to code violations. He expressed the desire to bring awareness to this problem in the community, asking members to look around at the kind of people that they see on a regular basis. Mr. Cooper advised that they help those from the age of 18, who are on the streets after coming out of foster care, to those up to the age of 70. He explained that young people coming out of the foster care system do not know the first thing about what to do when coming out of the system or how to find housing. Mr. Cooper stated that they are being found in tents, living on the street, or hiding in back yards, in the woods, and in restaurants. He felt that something needed to happen now.

Mr. Doug Drummond, 2110 White Oak Road, stated that he came to the Council meeting over three (3) years ago to speak in favor of the Calpine Project at the Garrison Energy Tract that was constructed. He expressed his opinion this had been a good project for the surrounding neighbors, with the exception of a few weeks when there were steam leaks that woke everybody up at 4:00 a.m. Mr. Drummond stated that it is a very quiet and friendly neighborhood; however, the trees that were promised three (3) years ago were lacking. He advised members that trees were planted; however, A-Del Construction did a project on the southeast corner of the Garrison Tract and, when digging up the sewer tie-in, they took down two (2) big, thick pine trees and never replaced them. Mr. Drummond stated that there is a need for trees in the front by the neighbors' houses, rather than along the drive on the way into the complex. He suggested that members take a ride to assess the job that was done with planting trees in this area, noting that he felt that the more trees that were planted there, the better.

The invocation was given by Councilman Sudler, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

Mr. Sudler requested that items #2-A-4 - Update-Residential Appeal Process and Non-Compliant/ Non-Conforming Uses/Review of Physical Data (53% completed), and #2-A-6 - Discussion of Survey Results Regarding Programs, Activities, and New Building at Dover Park, be removed from the Consent Agenda.

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

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF AUGUST 1, 2016 - VIOLATIONS OF THE DANGEROUS BUILDING ORDINANCE

The Minutes of the Special Council Meeting of August 1, 2016 - Violations of the Dangerous Building Ordinance were unanimously approved by motion of Mr. Neil, seconded by Mr. Cole and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF AUGUST 8, 2016

The Minutes of the Special Council Meeting of August 8, 2016 were unanimously approved by motion of Mr. Neil, seconded by Mr. Cole and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF AUGUST 8, 2016

The Minutes of the Regular Council Meeting of August 8, 2016 were unanimously approved by motion of Mr. Neil, seconded by Mr. Cole and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF AUGUST 9, 2016

The Minutes of the Special Council Meeting of August 9, 2016 were unanimously approved by motion of Mr. Neil, seconded by Mr. Cole and bore the written approval of Mayor Christiansen.

COUNCIL COMMITTEE OF THE WHOLE REPORT - AUGUST 9, 2016

The Council Committee of the Whole Meeting was held on August 9, 2016 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Sudler, Mr. Neil, Mr. Hosfelt, Mr. Hare (departed at 6:57 p.m. and returned at 7:07 p.m.), and Mr. Hutchison. Mr. Anderson, Mr. Lewis, and Mr. Cole were absent. Mayor Christiansen was also absent. Civilian members present for their Committee meetings were Mr. Caldwell and Mrs. Horsey (*Parks, Recreation, and Community Enhancement*), Ms. Arndt and Mr. Blakeman (*Utility*), and Mr. Shevock and Ms. Stewart (*Legislative, Finance, and Administration*).

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

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

Review of Active Recreation Area Plan - Planned Neighborhood Design: Senior Citizen Housing Option - The Grande - 90 Saulsbury Road (Clubhouse and Pool) (Planning References C-15-04 and C-16-04)

During the Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee Meeting of July 12, 2016, members considered a Review of Active Recreation Area Plan (Request for Cash-in-Lieu) - The Grande, Building 4: Planned Neighborhood Design - Senior Citizen Housing Option (Planning Reference C-15-04). During the Regular Council meeting of July 25, 2016, City Council approved the Committee's recommendation for acceptance of a $22,914 cash-in-lieu of recreation area construction donation.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, referred to the Site Plan for The Grande - 90 Saulsbury Road, stating that the cash-in-lieu donation was still in the process; however, the site plan would be reviewed by the Planning Commission the following week and, if approved, would replace the cash-in-lieu donation. She noted that The Grande, formerly known as Dove View, was preparing to construct a fourth building. Mrs. Townshend advised that there were currently three (3) buildings of senior apartments and there would be a total of 192 units at the corner of Saulsbury Road and Route 8 behind the TD Bank. She explained that the applicant wanted to build a pool and clubhouse for residents' use.

Staff recommended approval of the Active Recreation Area Plan with the comments and suggestions provided.

The Committee recommended approval of the Active Recreation Area Plan, as recommended by staff.

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

Proposed Land Swap - Capitol Baptist Church/Mayfair Park

Mr. Scott Koenig, City Manager, stated that a request had been received from Pastor Terri Moore of the Capitol Baptist Church located at 401 Kesselring Avenue. He indicated that he met with Mr. Moore more than six (6) months ago to talk in general terms about potential access across the back edge of the Mayfair Park property into land owned by the church to the north. He advised that the church would like access to additional parking and to potentially expand their venues to undeveloped land.

Mr. Koenig explained that in the intervening months, concerns had been raised about the former basketball court at Mayfair Park and the long-term disposition of the park. He advised that staff was seeking direction from Council regarding engaging with Capitol Baptist Church, and potentially expending funds, to determine if a land swap to allow them access to the undeveloped land and to potentially modify the boundary of Mayfair Park in a mutually beneficial manner is feasible. Mr. Koenig noted that the amount of land that would potentially be swapped had not yet been determined

because there had not been a detailed discussion about whether there is a 20-foot-wide or 24-foot-wide driveway across the edge of the property. Given the discussions that had occurred and correspondence that was received, staff was looking for direction from City Council as to whether members would like for staff to expend City resources to try to facilitate the land swap or if they would like to defer or reject the request.

Staff recommended authorizing 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. This authorization will include 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.

Responding to Mr. Caldwell regarding issues between Mayfair Park and the Capitol Baptist Church, Mr. Koenig stated that the issues he was aware of mostly related to claims of illegal activity in the park. He advised that he had not heard of any issues with the church using the park. Referring to the excerpt from the minutes of the City Council meeting of September 13, 1971, he informed members that the City had worked with the church years ago to improve the parking lot to provide parking to visitors to the church and the park. Mr. Koenig indicated that he was unaware of this condition until the issue was recently researched.

Mr. Koenig advised that one of the concerns with modifying the park was that federal funds were used to improve the park and any modification would require assurance that the conditions of obtaining those funds were not violated. He stated that he preferred not putting the City in a position of having to repay the funds.

Mr. Neil, noting that this park is not heavily used, questioned if the park area would be expanded and, if so, if it would allow for the City to replace the basketball court or make other improvements. Referencing the map of the Outdoor Recreation, Parks and Trails Program - Formerly known as Delaware Land and Water Conservation Trust - LWCF 10-001 42 Park improvements (1988), Mr. Koenig explained that the land that he discussed with Pastor Moore was the pointed end to the left. He noted that Mayfair Park touches City-owned land where a substation is located and that an improvement was constructed at the west end of the park adjacent to the church.

Mr. Koenig explained that the discussion he had with Capitol Baptist Church related to adjusting the property lines of the triangular area at the end so that a drive isle could be constructed to allow access to the land that the church owns immediately to the north. He noted that this area is depicted as grass on the map. Mr. Koenig advised that modification to the top property line would be required to swap a specific number of square feet of land with land that the church currently owns. He stated that the dimensions had not been determined and the discussion had been only conceptual to this point. Mr. Koenig explained that the church would have to go through the required site planning process and build according to zoning, building, public works, and utility codes.

Referring to the basketball court, Mr. Koenig stated that it was his understanding that the rims and posts had been removed from the basketball courts and only a macadam area remained at this point. He stated that, although the playground to the west is used, the park is otherwise rather passive and not used by many people.

Mr. Hare stated that the basketball courts had been a constant problem for the neighbors living around the park, noting that people had been playing basketball at 1:00, 2:00, or 3:00 a.m. and cars would double-park along Alder Road with people hanging around the cars making noise. Mr. Hare stated that the police would come and everyone would leave and then return. He stated that it was a drug dealer's haven. Mr. Hare stated that, for this reason, it was decided to take the basketball poles and baskets down toward the end of April. He advised that he and Mr. Slavin had discussed this, stating that they would address complaints when they were received; however, they heard no complaints and plenty of praise. Mr. Hare felt that, to maintain the park, the macadam should be removed because water builds up there and it was becoming infested by bugs.

In regard to the land swap, Mr. Hare explained that he had not been aware that when the playground equipment was installed, it was placed in that corner so that the church's school would have access to the equipment. He noted that the City had repaved the parking lot, with the understanding that citizens could park there and use the equipment, as long as it did not interfere with church activities, which were basically on Wednesday evenings and Sundays. Mr. Hare stated that he had been told that the church was telling people that they could not park there. He indicated that Pastor Moore may not have been aware of this situation since he was relatively new. Noting that the City had paid to pave the parking lot, Mr. Hare suggested that something, such as an easement, be put in place. He stated that he felt the equipment could then be moved a little more inland.

Mr. Slavin requested that Mrs. Ann Marie Townshend, Director of Planning and Community Development, comment on the potential future for the park, which was largely unprogrammed space. Mrs. Townshend advised that staff was planning a community meeting with the neighbors to determine what they would like to see in the park and develop a plan based on their comments. She noted that there was currently a backstop and Little League practices or pick-up baseball-type games are held at the park; however, other than the playground, there was no heavy use of the park. Mrs. Townshend stated the need to enter into discussion with the neighbors about what they want in the park. She indicated that everyone seems to want trails, stating there might be an opportunity for a multi-use path that could connect one side to another for a nice walking loop. Mrs. Townshend stated that some people had also mentioned dog parks, so there were a lot of things that could be done once it is determined what the community wants.

Responding to Mr. Hutchison, Mrs. Townshend advised that the current zoning was ROS (Recreation and Open Space), which would allow for parks and recreation uses. She indicated that if there were a change, it could require rezoning and may require

a minor amendment to the City's Comprehensive Plan. Mrs. Townshend stated that this could be addressed if there was a land swap. She noted that apartments could not go in the ROS zone and that the vacant property owned by the church was zoned R-10, which is a One-Family Residence Zone. In response to Mr. Hare, Mrs. Townshend advised that houses could be built on individual lots in the land beyond the park.

Mr. Sudler asked Mrs. Townshend if the proposal was financially conducive or feasible for the City and what modifications she would make knowing all of the variables and facts presented. Responding, Mrs. Townshend indicated that, at this point, what was being considered was whether or not City Council wanted staff to proceed with investigating a land swap, which could expend legal and other resources. She noted that there would have to be discussion with the Delaware Department of Natural Resources and Environmental Control (DNREC) Division of Parks and Recreation to determine the process for a land swap. Mrs. Townshend stated that looking into a land swap would certainly be feasible, stating that if this occurred, the City could absorb the expenses in the existing budgets. If there was additional development to the park, it would be a future capital project.

In response to Mr. Sudler, Mrs. Townshend advised that no discussions had been held with the church or its leaders regarding sharing the cost of legal resources, DNREC fees, or other fees that the transition would cost City taxpayers, since the first step was to bring this matter forward to City Council. Mr. Sudler requested that staff note that this may be something to consider.

Mr. Neil stated that he would like to hear from those who were present to address the issue. He stated that he did not see a problem with this proposal, except for the cost.

Mr. Hare stated that members did not know what land they were looking for. He stated that he had no problem with the easement; however, if this were to come to fruition, he did not believe there should be a cost for the City because the City does not care if this happens or not. Mr. Hare felt that any expenses should be paid by those who wanted to have it done.

Mrs. Horsey questioned what the City would get from the church and if Council would take on this study. She stated her thought that a swap would involve land for land. Responding, Mr. Koenig stated that the church would need to give the City a conceptual or dimensional plan showing how much land they need to build a drive access. At that point, the City would have to determine whether it should be a land swap, easement, or whatever would be the best fit. Mr. Koenig advised that the church had proposed a swap, and if they needed a specific amount of square feet and there was a one-to-one swap, a property line would have to be modified. He stated that if it were only an easement, a simple easement document would have to be drafted and recorded, although there may be associated legal research to make sure that the City does not violate any of the covenants of the grants. Mr. Koenig advised that the number of hours of legal research had not been specified; however, he stated

that he preferred that staff not complete hours of work if Council was not in favor of the concept. He noted that, if Council was in favor, they could allow staff time to be expended but not out-of-pocket resources unless they are reimbursed by the church, and this would be a condition that staff could work with. Mr. Koenig indicated that, other than the letter received from the church and the discussion that occurred more than six (6) months ago, he did not have a concrete concept of what the church would like to do. He stated that there had been at least one (1) and possibly two (2) community meetings where the park was discussed, and that was why this was brought forward. Mr. Koenig reiterated that he did not want to see staff spending a lot of time coming up with a concept and have it not even remotely favored by the Committee or Council.

Pastor Terri Moore, Capitol Baptist Church, informed members that, over the years, the church had experienced a lot of problems because of the location and setup of the park. He indicated that there were issues like those already mentioned, including hanging out and late hours, noting that most of the activity was coming from the south side of the church. Pastor Moore pointed out the entrance to the park on Alder Avenue to the east of the two (2) homes next to the church. He stated that he did not understand the idea of paving the parking lot to let people use the park because the City, along with the church, had put up a fence there that did not have an entrance, meaning that people would have to climb over the fence.

Pastor Moore explained that people were coming through the three (3) properties, not only the church but the other two (2) as well. He noted that there was evidence of drugs use and sexual activity in the park. Pastor Moore advised that the fence had been repeatedly destroyed, noting that the fence that was in place when he got there was four (4) feet tall and it was crushed. The church teamed up with the City to put in a higher fence, and the church and the City each paid for half of the fence. Pastor Moore indicated that the church and the two (2) properties had been experiencing a lot of damage to fences and to their vehicles, noting that people come through when they have services, often to get to the basketball court. He stated that both the church and the neighbors who they spoke to at community meetings believe there are two (2) contributors to this problem. The first was the current, L-shaped layout of the park, which had an entrance at the corner on the map that was labeled "Alder." Pastor Moore noted the other contributor is that the portion tucked behind the church is hard for police to monitor, and the basketball courts and other activity cannot be seen from Kesselring Avenue. He felt that the layout needed to be changed and the design made more conducive to more desirable activities.

Pastor Moore advised that the church wanted to be a help to the community, noting that this would also help the church in that they own nine (9) acres near the park. He indicated that they would like to expand their parking lot, if possible. Pastor Moore thought, in order to solve the whole problem, that perhaps they could take the park behind the church and make it more square so that it would be possible to see right into it. The church would have access and the City could redesign the park. Pastor Moore reiterated that the current layout had caused this park to be a nuisance to many

because of what was going on there. He felt that it was not doing what it was designed to do, which was to be a nice place to take families and enjoy time with kids, etc. Pastor Moore stated that the church would be open to changes and working with some of the costs, which could be negotiated. They felt that removing the L shape would help the two (2) houses to the east also, which would take care of a bad design that tucks people behind and makes it hard to get to things.

Referring to the Outdoor Recreation, Parks and Trails Program - Formerly known as the Delaware Land and Water Conservation Trust Fund - DTF 05-004 Playground installation (2005) depicting Park Improvements, Mr. Slavin indicated that this map showed the boundary of the park.

Pastor Moore reiterated his belief that the design of the park was creating the problem. He noted that there had been discussion at community meetings about problems related to traffic cutting through. Pastor Moore reiterated that they had worked with the City to put the six-foot fence up, but it was destroyed by people tearing it open to get into the park He noted that they had repaired the fence many times.

Responding to Mr. Sudler, Pastor Moore advised that the church had absorbed the cost of the fence repair. In response to whether they had made this known to the City, Pastor Moore advised that they were in a quandary because they are a church that wants to reach and work with the community, and not to be known as complainers who do not want anyone coming through. He noted, however, that they did not want their fence torn up.

Mr. Sudler stated that he would think that the City would be willing to absorb or help the church absorb the cost of repairing the fence, since it is part of the City's responsibility. He expressed the desire to have a healthy park that is conducive to the constituents of the City of Dover and the neighbors, stating that the City would work with the church as much as possible.

Pastor Moore stated that he understood, because of the grants and all that was given to the park, that the area of the park had to stay the same so as to affect the funds. He indicated that the church was there to work with the City to solve the problems that were taking place in Mayfair Park, and if the land swap would help everyone, including the neighbors, it seemed to be the best solution.

Ms. Janice Sibbald, Blue Beach Drive, Crossgates, advised that she had been living on Blue Beach Drive, just four (4) houses from the edge of the park, since 1968, so she was well aware of the activity in the park. Ms. Sibbald indicated that Pastor Moore neglected to inform members that there was an entrance to the park still in use in the high corner, so there is not just one (1) entrance. She pointed out that the 1971 grant to pave the church's parking lot was a help to both the City park and the church, because the church had to agree to allow the public to go through that parking lot to enter the park, except during the church activities. Ms. Sibbald advised that she had

pictures of Mayfair Park area depicting what the church had been doing since that agreement was made. She explained that, since 1971 when this arrangement was made, church people had tried to discourage people from going through their property to get to and from the park. Ms. Sibbald indicated that she did not know that parking was supposed to be allowed there. She stated that when people had gone into the park and gone to use the playground equipment, church teachers had told them that they could not use the park when the school was using it. Ms. Sibbald indicated that the school did not have to have a playground because they had use of the City park, which saved the church a lot of money. She noted that the City had maintained all of that property and the church had benefitted from this arrangement for 45 years and had discouraged the use of the park by others. Ms. Sibbald stated that the Parks Department got another grant in 2005 to replace the equipment and it was again placed by the church so that small children would not be injured by anybody playing softball in the park.

Ms. Sibbald indicated that there used to be frequent use of the basketball court, and a lot of people walk their dogs and take their children there to walk and run around. She noted that the church also uses the park frequently for their school children to exercise on. Ms. Sibbald felt that the church had benefitted far more than the City ever did by putting out $2,500 to pave that parking lot, and this fact was totally being ignored. She reiterated that the church had stopped people from using it.

Ms. Sibbald stated that she did not feel that the City should be in the position of taking public property to provide parking lots for churches, noting that there was supposed to be a separation of church and state. She stated that she did not like the idea of setting a precedent by deciding to do something that the church wanted and changing the park, which she felt could be used for other things, especially since the basketball court was no longer in use.

Ms. Sibbald stated that she did not feel it was the park's fault that people had been misusing it, stating the need for the City to address the problems occurring there. It was her opinion that people should be reporting these things so the police could go in and take care of them. She noted that people around the park would like to continue using it and that many things could be done, such as a bocce ball park, tennis courts, or other enhancements. It did not make sense to Ms. Sibbald to give away property and try to redesign a park. She indicated that this had been going on for six (6) months and no one in her neighborhood had been contacted about it, noting that she did not find out until the day of the meeting at the church that there was going to be a meeting. Ms. Sibbald stated that she and others did not know that the meeting would address the problem. She expressed concern that all of this work had already been done by the City without addressing whether or not those in the neighborhood thought it was a good idea. Ms. Sibbald asked that the City not set a precedent like this. She noted that there were churches downtown that did not have enough parking and questioned if the City would get into helping them as well.

Mr. Hare stated that this matter had not been in the works for six (6) months, nothing had been planned, and no work or drawings had been done. He noted that the City Planner's Office had existing drawings and advised that there had only been some contact with the City Manager's Office, which he had not even been aware of.

Mr. Slavin asked if the parking lot had been repaved since 1971. He stated that he felt that this was part of the due diligence that the City would have to understand. Mr. Slavin commented that the agreement was for the initial paving of the parking lot, and once it was paved, depending on who paid for it, that agreement may have been invalidated.

Mr. Slavin stated his understanding that the City Manager was simply asking for authorization to proceed with doing due diligence and that anything else further would have to come back through the Committee and then Council. Responding, Mr. Koenig stated that he met with representatives of the church and discussed a concept, recalling that he had one (1) meeting and it was left with the church to submit something in writing if they wished to proceed. He stated that the date of the church's letter was roughly the date that staff received this information. Mr. Koenig indicated that, because there had been other discussions about the park, he wanted some clear direction from the Committee and Council as to whether they would like City staff to engage this concept and move forward. Mr. Koenig stated that he believed that if this matter moves forward, the City would have to go through the process of declaring a certain amount of land as excess and then authorizing a land swap. He stated that it would be Council's decision to do a land swap versus an easement. Mr. Koenig explained that current consideration was the first step in moving forward if Council and the Committee wished to do so. If they do not wish to move forward, the City would respond to Pastor Moore's letter stating that it was discussed during this meeting and the City was not interested in pursuing the concept.

Ms. Sandy Kinkus, 365 Fiddlers Green, advised that she had been a resident of Crossgates since 1970. She advised that, over the years, she had heard the statement that the playground equipment was moved back as a safety issue because there was a lot of baseball being played at that time. Ms. Kinkus noted that a statement was made that before the City moves forward to study this, they must have approval from Council; however, she noted that the cost of the research was not known. She felt that the cost could be thousands of dollars or $500, and she did not think that the City should be paying any of the cost. In addition, Ms. Kinkus indicated that she was unclear about what would be swapped and she would like to know more about that. She stated her understanding that, with what the church wants, the playground equipment would have to be moved, which would be an expense, and she questioned who would pay for the equipment to be moved. Ms. Kinkus stated that the City had paid most of the money, believing that the cost of the parking lot was $2,500, $300 of which the church paid and the City paid the rest in around 1970. She acknowledged that the park was not being used the way it had been because of dynamics in the neighborhood, and because children were busy on iPads and electronics instead of playing outside like they used to. Ms. Kinkus stated that she

believed that there was still a viable park there, noting that younger families with younger children were moving in because it is still a pretty good neighborhood with affordable houses. She stated that, due to the fact that the playground was back there and use of the parking lot had been denied, it was not easily accessible. Ms. Kinkus also noted that the back lot is not mowed.

Ms. Kinkus expressed concern about the precedent that a land swap would set, reminding members that Dover is the capital of Delaware and the major city in Kent County; therefore, a precedent would be set not only for them but, more or less, for Kent County, and Dover would be the example. Ms. Kinkus stated that, in order for the park to be used, something must be done with it.

Ms. Kimberly Latch, 1315 New Burton Road, recommended that the City look into the land swap because it was likely that the people that attend the church are also residents of the City of Dover and they are looking for a land swap to access their property. Ms. Latch indicated that she personally knew what it was like to be landlocked, noting that this was not a nice feeling and there are not a lot of options. Ms. Latch stated that she was not advising the City to absorb the expense, indicating that she was sure that the church would absorb part or most of it. She stated that, if the playground equipment had to be moved, she thought that the church would be agreeable so that they could access their property and build a parking lot for their parishioners. Ms. Latch acknowledged that there were residents there; however, there was also a church there that was in her backyard. She noted that she prefers having a church in her backyard, which is part of a community and makes a strong community.

Mr. Simon Lowe,140 Blue Beach Drive, advised that he had resided at that address since 1996. He stated that he felt that there was not enough information about a land swap. Mr. Lowe informed members that he was getting a picture that the park would be straightened out and the playground might be moved further behind the houses. He indicated that he would like to see a proposal so that they could speak to what is proposed, noting that there may be several proposals. Mr. Lowe requested to see more information before deciding whether he would be for or against a land swap.

Mr. Brad Schmidt, 375 Alder Road, advised that he and his wife, Sunny, have resided in the house closest to the park, where the park cuts off to go into the basketball court, since 2003 when they moved here with the military. After listening to what people had to say, it seemed to Mr. Schmidt that the problems mentioned by some of the residents who had lived there since the inception and construction of the neighborhood, related to $2,500 from 1971. He stated that they failed to realize that, over the last 13 years that he had lived there, people had accessed that park illegally at night after dark. They had trashed the place, graffiti'd the Schmidt's home, and broken into their cars. In Mr. Schmidt's opinion, if the church wanted half of the land and wished to do a land swap, it would be better for him as a homeowner to get people out from behind his home. He stated that it would also get rid of the basketball court pad that was still there, where there was standing water and

mosquitos. Noting that the softball field had been mentioned, Mr. Schmidt advised that the softball field had been used maybe once or twice this entire year. He failed to see how anyone who did not live by the park and did not pay attention on a routine basis could stand there and say that the land swap was a bad idea. In Mr. Schmidt's opinion, the church should be given what they want if they were willing to help out with the cost, stating that this would benefit the residents of the community, especially those who own their own homes behind the church and in front of the basketball court.

Mr. Schmidt noted that, since the basketball poles were removed, the area is quiet, there are no cars on the road, no one double parked, no illegal trafficking, and people are not there past dark. People walk their dogs, pick up after them, and pick up after their kids. Mr. Schmidt stated that this was great as it had been turned back to the community instead of the people that came there to play basketball.

Ms. Elaine Kesselring stated that she had lived across from the property, off New Burton Road, for years and noted that Mr. Larry Kesselring had lived there since he was three (3) years old and was now 76. She indicated that they had seen all this develop. Ms. Kesselring stated that she could not see a problem with what the church was asking, stating that she sits out on their screened porch and nobody uses that property. She advised that, once in awhile, when the playground equipment was not as worn is it is now, the kids were using the equipment; however, she was unsure if it was the church school kids or kids from the neighborhood. Ms. Kesselring indicated that she would much rather have a church in her backyard than the other things that could be there if the church decided to sell their property and build a church someplace else outside the City. She indicated that she had seen this develop and is the resident that sees all of this because everyone else has fences.

Ms. Lani Lowe, 140 Blue Beach Drive, agreed with those who preferred to have a church in their backyard; however, she stated her concern as a resident about not having enough information. She advised that she would prefer to see a drawing of the proposed layout and what could potentially be behind their house. She expressed sympathy for the frustration of other residents and requested being given an actual picture of what they want to do with the swap.

Mr. Hare stated that he agreed with Mr. and Mrs. Lowe that more concrete information was needed, such as options from the church, and expressed the need to see something in terms of projected costs. He stated that he felt that this concept would benefit the church and that the costs should be incurred by those who wanted it. Mr. Hare suggested deferring this matter until there was more information.

Mr. Hosfelt stated that, by approving staff's request, members would be giving staff approval to start looking at this, design something, and come back with recommendations. He felt it would benefit some of the homeowners to be able to see the proposal. Mr. Hosfelt stated that, to get to that point, staff'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, must be approved.

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

In regard to staff's recommendation, Mr. Hutchison asked if, when this came back, it would include both the request from the church itself and input from the neighborhood so that members would obtain a clear understanding of what the needs were.

Mr. Hare questioned if the motion would authorize staff to negotiate a proposed land swap or would just authorize them to come back with proposals and costs, and that nothing concrete would happen prior to the Committee's review.

For clarification, Mr. Slavin explained that this matter would come back to the Committee and he hoped that everyone else would come back as well.

The Committee recommended approval of staff'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.

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

Proposed Mural - Kirkwood/Division Street Park

Members were informed that the Restoring Central Dover Resident Engagement Work Group had requested that a wooden fence be installed along the east boundary

of Kirkwood Street Park (at the corner of Division and Kirkwood Streets) and painted with a mural. Staff recommended acceptance of the proposal to allow the Restoring Central Dover Resident Engagement Work Group to install a wood panel fence, as proposed, and paint a mural.

Mr. Joshua Nobiling, Visiting Assistant Professor of Art, Wesley College, advised that the mural was proposed through collaboration between Wesley College and Restoring Central Dover. He reviewed pictures depicting the site where the mural was proposed, stating that there was an existing chain link fence that, although in a bit of disrepair, was structurally all there. Mr. Nobiling proposed replacing this fence with an approximate six-foot privacy fence. He noted that there would be collaboration with members of the community to decide what they would like to see on the mural. Mr. Nobiling indicated that they planned to use the Philadelphia Mural Project process, which gets the surrounding community involved in every stage of the mural creation process. Mr. Nobiling advised that the community would determine what imagery would be used, if there were any individuals to be commemorated, etc. He indicated that he would be working closely with the students using Wesley College facilities to teach them how to design and paint the mural. Mr. Nobiling advised that they would be painting the mural on separate panels housed at Wesley College, rather than on the fence itself, so that it could be completed in a timely manner without having the weather dictate their progress. He indicated that the project would take until approximately the beginning of December, to coincide with the Wesley College semester and a freshman seminar mural painting class. Mr. Nobiling advised that the project would get students out into the community and engaged in the project.

Mrs. Horsey noted that wood fences can deteriorate over the years and suggested that if the chain link fence was in fairly good repair, they might want to consider adhering the wood panels in front of the chain link fence, rather than removing the fence. Responding, Mr. Nobiling stated that it was a valid point.

Ms. Maggie Cook-Pleasant, Housing Development Specialist with NCALL (National Council on Agricultural Life & Labor Research Fund, Inc.), stated that the fence was not tall enough. Responding, Mrs. Horsey suggested placing the wood in front of the chain link fence to make it taller, noting that this might strengthen the fence as well, depending on how the poles are installed. Ms. Cook-Pleasant indicated that this could be assessed. Mr. Nobiling stated that he liked the idea, noting that it would just be a different mechanism for attaching the mural panels.

Responding to Mr. Hosfelt, Ms. Cook-Pleasant stated that the project would be supported by monies from the Wells Fargo grant or NCALL, as well as through volunteers. Mr. Nobiling noted that, since Wesley College was using this as a course, they would provide the paint and supplies.

Responding to Ms. Cook-Pleasant, Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that she was unsure if the chain link fence was owned by the City, noting that it is right at the property line. She advised that staff would reach out to the adjacent property owner to determine ownership.

In response to Mr. Sudler, Mrs. Townshend stated her belief that the fence was right at the property line; however, since staff did not have a survey that showed exactly where the fence was located, they would research it to be sure. Responding to Mr. Sudler, Mrs. Townshend indicated that the height of the fence, beyond the front setback, would be a maximum of 6.5 feet.

In response to Mr. Sudler regarding how feedback would be solicited from the community regarding the mural, Mr. Nobiling stated that he usually goes door-to-door in the immediate surrounding area as well as using flyers. He indicated that a meeting would be held at Wesley College in the studio space after generating some interest. Mr. Nobiling advised that people could come by some afternoon, discuss the project, and brainstorm to generate some ideas. He indicated that he would not want to have more than three (3) such sessions, since most of the time would be needed to execute the mural and do the painting.

Ms. Cook-Pleasant explained that there is a Resident Engagement Committee that has approximately 15 people who live in the Kirkwood Street, Queen Street, New Street, and Governors Avenue area, and that committee would also be part of getting the rest of the community involved and deciding what should be on the mural.

Mr. Sudler questioned what the process would be for determining what would be on the mural, and if votes would be tallied to see if people would like former City Council members Reuben Salters, John Pitts, or Sophia Russell; former Mayor Crawford Carroll; or other individuals to be portrayed. Ms. Cook-Pleasant stated that she did not feel that there would be a problem of not including the community, given the size of the fence, which Mr. Nobiling stated was around 85 feet. Mr. Nobiling indicated that there would definitely be voting with the individuals who comprise the group. He advised that, once they hone in on a final design, they would like to present it to the Committee.

Mr. Sudler stated that he was in support of the initiative; however, his biggest concern was the process and the integrity of the process.

Mr. Neil advised that the sample murals were more abstract and, rather than depicting individuals, he suggested painting an abstract or something meaningful to the City of Dover, noting that the 300th anniversary of the City of Dover was coming up in 2017. Mr. Neil stated that the theme would be their decision and he felt that whether or not City figures were included was not terribly important; however, he felt that the times could be a theme.

Ms. Cook-Pleasant advised that they would be meeting at the Solid Rock Center with the neighborhood watch groups for the Simon Circle and Kirkwood Street areas. She noted that they would also meet with former Councilman Reuben Salters' group, so there would be a lot of input. Ms. Cook-Pleasant noted that if anyone on Council wanted to provide the input, they would be welcome, especially since she just learned that this would be Dover's 300th anniversary.

Responding to Mr. Sudler, Ms. Cook-Pleasant advised that she was not part of the neighborhood watch groups and would have to email him regarding the dates of these meetings. She explained that she is part of resident engagement, but not neighborhood watch.

The Committee recommended acceptance of the proposal to allow the Restoring Central Dover Resident Engagement Work Group to install a wood panel fence as proposed, and paint a mural, as recommended by staff.

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

Update - Residential Appeal Process and Non-Compliant/Non-Conforming Uses/Review of Physical Data (53% completed)

During the Regular Council Committee of the Whole/Parks, Recreation, and Community Enhancement meeting of June 14, 2016, members were reminded that the Planning Office was creating an inventory of all non-conforming uses in residential zones within the City using a mobile Geographical Information Systems (GIS) application to collect data on the non-conforming use locations.

Mrs. Ann Marie Townsend, Director of Planning and Community Development, advised that staff had checked 2,287 of the 4,333 parcels that they needed to evaluate and found 113 non-conforming uses. She noted that most of these were multi-family and two-family homes in the downtown area where they are no longer permitted. Mrs. Townshend indicated that there were six (6) retail and office, four (4) homes that were manufactured or mobile homes, and two (2) parking lots. In some cases, the parking lots were associated with an adjacent church, which may be able to be addressed through parcel consideration. Mrs. Townshend stated that one (1) property had a stand alone shed, which also may be brought into conformance by consolidating parcels. She noted that there was one (1) membership club that did not meet the provisions of a membership club within the residential zones. Mrs. Townshend indicated that 124 uses were identified as permitted as conditional uses in the zone but may or may not have gone through the process.

Mrs. Townshend recommended leaving those uses that were permitted as conditional uses alone until such time that they wish to expand. In regard to those that are not permitted by the zoning district, a notice would be sent to the owners of non-residential, non-conforming uses, informing them that they have a non-conforming

use that would expire December 31, 2016. She indicated that, in some cases, they may end up applying for rezoning, but there would need to be some way of complying by December 31, 2016. In relation to residential, non-conforming uses, which would be conversions of single-family homes into multi-family, Mrs. Townshend advised that staff would issue notice to those that are registered as vacant that they cannot re-establish the multi-family use. She explained that there are a couple such properties that have active permits, and there would be less ability to sunset them; however, if they were registered as vacant and sitting vacant, they could be sunsetted. Mrs. Townshend noted that occupied residential uses would be phased out as they become vacant. She stated that this was her recommended strategy, noting that staff was continuing to collect data and would go through a similar process when the remaining 47% of the properties were complete.

Mr. Slavin stated his understanding that a path forward had been identified with non-conforming uses and the conditions that would provide an opportunity to become either conforming or something other than conditional. He noted that some thriving businesses had been caught in this process, noting that Mrs. Townshend had mentioned one (1) of them to him that he would not mention by name. Mr. Slavin questioned the path forward for a good business that had been active in the community serving the local area. Mrs. Townshend stated that there were two (2) locations where there were such active businesses on corner lots in the RG-1 zone and noted, in regard to those cases, that the C-1 zone is a neighborhood commercial zone that is allowed in the areas identified as residential in the Comprehensive Plan. She believed that there were three (3) cases of existing businesses where a letter would be sent out laying out options for conforming, and one (1) of those options would be to apply for rezoning.

In response to Mr. Slavin, Mrs. Townshend advised that the cost for this option would depend on the acreage and, based on the small size of these properties, she estimated the fee may be $500.

Mr. Slavin advised that this may be something that Council may want to know before the letters go out, noting that Council may consider waiving the fee. Mr. Slavin felt that Council may be inviting trouble, noting that someone who had been a good neighbor and was doing everything that they thought they were supposed to do would be suddenly told that they must pay $500 to stay in business and that their zoning would be changed.

Mrs. Townshend informed members that there would be a public notice requirement, noting that she could not administratively say that the City would perform the public notice or waive the fee; however, if Council wanted to do so, staff could take care of the public notice for those identified in this process who need to apply for rezoning.

Responding to Mr. Slavin regarding how close staff was to sending letters out to residents, Mrs. Townshend advised that this could be done at any time, noting that

she had been waiting until this meeting because she wanted to be sure she was going down the right path.

Mr. Slavin mentioned the need to do due diligence to make sure that businesses that may be affected by this are identified to head off any problems. He felt that things would be missed and there would be noise, so he requested that members bear with the process. Mr. Slavin encouraged members to work with Mrs. Townshend, her office, and the property owner to get through this. He stated that the goal was to clean things up; not to harm anyone.

Responding to Mr. Hutchison, Mrs. Townshend confirmed that 53% of the properties were completed. In regard to the timetable for full completion, Mrs. Townshend anticipated that it would take less time for the area yet to be canvassed, which included places like Fox Hall and more suburban areas of town. She explained that the downtown area was the toughest area because there were a lot of parcels close together and staff had to go look at how many electric meters were there. Mrs. Townshend felt that the more labor intensive portion was over and she expected that this would be finished before the end of the year. She stated that the second batch would be done shortly after the beginning of the year, and a similar amount of time would be given to comply.

Mr. Sudler asked how the Dover Elks Lodge would be affected, stating that dissatisfaction had been expressed by constituents in the Fourth District regarding non-conforming use activity from that business. Mrs. Townshend advised that this property was identified as a non-conforming use and they would be receiving a letter. She noted that some of the businesses were located on corners and rezoning to a C-1 zone could be easily justified; however, the Elks Lodge use would not be permitted in the C-1 zone and Mrs. Townshend believed they would have fewer options than some of the other property owners.

Responding to Mr. Sudler, Mrs. Townshend anticipated that staff would work on the letters and have them ready to go out on September 23, 2016, the day after Council's approval of this report; therefore, they would have a letter in hand in three (3) weeks. She indicated that they would be advised that they are non-conforming and would have until December 31, 2016 to come into conformance with the Zoning Ordinance. Mrs. Townshend did not believe that rezoning would necessarily help the Elk's Lodge property.

The Committee recommended providing some direction for Mrs. Townshend and that any existing business not be unduly affected by a potential rezoning so that the application fee would be waived and the public notice requirement would be conducted by the Planning Office.

Mr. Sudler stated, as new Chairman of the Parks, Recreation, and Community Enhancement Committee, he wanted to give the City of Dover constituents, especially the Kirkwood community and neighborhood watch, a brief understanding this item and how it would pertain to the Dover Elks'

Lodge. Responding, Mrs. Townsend stated that Planning Department staff had been going through all of the residential zones to inventory the non-conforming uses, were about 53% complete, and had identified a number of such uses. She advised members that staff had letters prepared to be mailed tomorrow, provided this item is approved. The letters would notify property owners that they had a non-conforming use and would need to come into compliance with the zoning ordinance between now and December 31, 2016. Mrs. Townshend stated that the letter would also provide information regarding various paths of conformance, which could be a rezoning application, a conditional use application, or ceasing of the use. She explained that there are a variety of options depending on the use.

Mrs. Townshend advised that the Elks' Lodge on Kirkwood Street was one (1) of the non-conforming uses that had been identified, so they would receive a letter and have until December 31st to come into compliance with the zoning ordinance. She stated that they would have to determine what their options were; however, at this point, it was not one (1) of the properties that would be a clear candidate for a rezoning application.

Mr. Hutchison asked whether the City had personally reached out to the leadership term of the Elks' Lodge to share the concerns which would be included in the letter. Responding, Mrs. Townshend stated that staff had not reached out to the Elks' Lodge. She explained that there are a number of property owners that would be getting similar letters and she expected that a number of people would be very concerned. Mrs. Townshend advised that the letter would encourage people to contact the Planning Office to discuss the various options for coming into conformance with the zoning ordinance.

Mr. Hutchison stated that there had been some change in leadership at the Elks' Lodge and suggested personally reaching out to them to share the concerns. He questioned how many of the issues, concerns, and complaints pertaining to the Elks were actually coming from within the Elks' Lodge versus how many have nothing to do with them and are taking place outside, noting that as the City approaches this issue, everyone needs to be sensitive to this.

Mrs. Townshend stated that staff had not planned to make specific phone calls or other specific contacts because staff believed that it is important to do this consistently and not treat different property owners differently through the process. She explained that the letter that was drafted really puts the emphasis on encouraging the property owners to contact staff, so that staff can talk to them. In response, Mr. Hutchison stated that this was a good approach.

Mr. Neil moved for approval of the Committee's recommendation of providing some direction for Mrs. Townshend and that any existing business not be unduly affected by a potential rezoning so that the application fee would be waived and the public notice requirement would be conducted by the Planning Office. The motion was seconded by Mr. Anderson and unanimously carried (Mr. Lewis and Mr. Slavin absent).

Review of New Castle County Disorderly Premises Ordinance

The Committee deferred this matter due to time constraints.

Discussion of Survey Results Regarding Programs, Activities, and New Building at Dover Park
The Committee deferred this matter due to time constraints.

Mr. Sudler stated that he wanted the City of Dover constituents to know that there will be discussion in regard to a new facility at Dover Park. He noted that there are some constraints and restrictions, and requested Mrs. Ann Marie Townshend, Director of Planning and Community Development, to elaborate on some of the challenges that the City may face in the new efforts of programs and activities for the White Oak/Dover Park.

Responding to Mr. Sudler, Mrs. Townshend stated that this matter was not discussed at the Committee, so she was not exactly sure what Mr. Sudler wanted her to share. She advised that the biggest issue is that the City is somewhat confined to the same square footage. Mrs. Townshend explained that if the City is going to build a new facility, it would be confined to the size of the footprint of the prior building because of the grant funds that had been used there in the past. She stated that the State had indicated that the City could have a facility of the same size footprint and it would not have to be the exact footprint.

In response to Mr. Sudler, Mrs. Townshend confirmed that the exact building footprint means the exact blueprint of the old building.

Community Development Block Grant (CDBG) Program Quarterly Update (April, May, and June)
The Committee deferred this matter due to time constraints.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

Disposal of Excess Property

Silver Lake Drive (East Lake Gardens)
During the Regular City Council Meeting of July 27, 2015, City Council considered the Disposal of Excess Property - Silver Lake Drive (East Lake Gardens), at which time Council approved the Committee's recommendation that a certain portion of right-of-way adjacent to property located at 107 Silver Lake Drive in the East Lake Gardens Subdivision, owned by Bruce and Della Parham, be determined to be excess property, and that the City Manager be authorized to convey the excess property in accordance with Exception C of the Procedures for Sale and Disposition of Real Property, provided local property owners were surveyed and there were no problems.

Mr. Scott Koenig, City Manager, advised members that a follow-up to the request initially received and discussed last year had been received from Dr. Bruce Parham and Mrs. Della Parham. The Parhams requested that the City consider disposal of the excess right-of-way. Referring to the map depicting the area, Mr. Koenig advised

that the area in red was discussed last year. He stated that Dr. Parham returned after last year's discussion and indicated that he was interested in pursuing the full potential disposal of the right-of-way south of Lakeview Drive, shown in the highlighted area. Mr. Koenig stated that the City Manager's Office delivered notices to property owners but not to the entire subdivision, noting that nine (9) notices were mailed out, eight (8) notices were delivered by hand, and one (1) property was undeveloped so it was impossible to post the property by hand. He explained that the request related to Mr. Parham's interest in expanding his lot and potentially his house.

Mr. Koenig informed members that initial discussions were about expanding a garage; however, there was currently a garage under construction on the other side of the property. From a City maintenance standpoint, he indicated that the area cross-hatched in red and the highlighted area were rights-of-way that the City did not intend to improve over time, noting there were no plans to extend Silver Lake Drive to the lake or build a dock or boat ramp. Mr. Koenig stated that, from a transportation standpoint, the City did not need the right-of-way. He explained that, from a utility standpoint, the overhead and water/sewer lines were existing, and there was a storm sewer line running through the middle of the highlighted area; therefore, if the disposal moved forward, this would have to be encumbered with an easement.

Mr. Koenig explained that, if Council wished to dispose of this property under the disposal methods because it was not a buildable lot, he would propose that the red area be granted to the Parhams. It would become part of their deed once the deed is modified and the land is surveyed. Mr. Koenig advised that the highlighted area would be split down the middle, with half going to the Parhams and the other half to the property known as Swetland at 6 Lakeview Drive through the City's disposal process. Mr. Koenig advised that it would be up to the property owners to have surveys done and the legal deeds prepared, with a caveat that utility easements would be secured for the existing infrastructure. Mr. Koenig reiterated that notices were handed out and mailed, and he had received feedback from several people, including Mr. Bill Webb, whose mailing address is Hazlettville Road and who owns the property at the inside corner of Silver Lake Drive and Lake Drive. Mr. Koenig believed that this was the property labeled as Lot 13 on the map. Mr. Koenig read into the record Mr. Webb's comments from his email dated August 8, 2016 RE: East Lake Gardens - Disposal of Excess Property and comments from Mr. Ivan Yoder from an email dated August 6, 2016 RE: Property Disposal.

Mr. Koenig advised that he also had an email inquiry from Ms. Della Burks, 482 Sunset Drive, who did not make a specific statement to be read into the record. Mr. Koenig noted that he tried to call Ms. Burks before he left the office and had to leave a voice message, so he did not have formal comments from her.

Mr. Koenig informed members that there was some discussion that there may be a reference to the right-of-way in deeds. He stated that he briefly reviewed a few electronic deeds provided by the Tax Office and did not see such a reference in those

deeds; however, if there was such a reference, the City would not be able to vacate and dispose of the property. Mr. Koenig reiterated that, from the City's standpoint, there was no intent to improve the area beyond its existence today or build any parking or access to the lake beyond the grass access there now. The City had no interest in keeping the property from an ownership standpoint; however, if Council wanted to maintain any or all of this area, Mr. Koenig stated it would be understandable based on the testimony received. He requested that the floor be opened for public comment to see if a compromise position could be reached on the request. Mr. Koenig advised that Dr. and Mrs. Parham were not available to attend since they were out of town, noting that they spend their time between Dover and New York, where they work. He explained that another option would be to defer this matter, after public comment, to a night when they could be present to articulate their request.

Staff recommended: 1) determining that the property is excess property, and 2) authorizing the City Manager to convey the excess property in accordance with Exception C of the Procedures for Sale and Disposition of Real Property.

Mr. Neil advised that a copy of the deed was given to him by the neighbors. He read from the deed dated August 24, 1979 between George William and Constance Marie Farrell and Samuel A. and Anne K. Swierc as follows:

> "It is understood that parties of the second part, their heirs, executors, administrators and assigns, shall have perpetual access to Silver Lake, in common with other owners of lots comprising East Lake Gardens development, by and through what is known as a continuation of Lake View Drive, lying between Lots Nos. 58 and 59."

Mr. Neil thought there may be a legal question, stating that advertisements back in that era basically stated that there were lake privileges for homes in this area with a dock on a 90-foot beach, which are no longer there. He believed there was a considerable question about the legality if there were no access, whether the area is owned by the City or someone else. Mr. Neil also questioned if this land would be sold or given away, noting that members had already been accused of giving away or swapping land. Responding, Mr. Koenig advised that he had not seen the referenced language, stating that if Council desired to vacate any of this property, a five (5) or 10-foot strip could be left to give perpetual access. He did not believe the language described the access as being 10, 25, or 30 feet wide and he felt it could be modified. Mr. Koenig stated that he was unsure where Lot 58 was located.

Responding to Mr. Koenig, Mr. Neil stated that the deed referenced Lakeview Drive.

Mr. Koenig advised that there had been changes to the plat in this area over time, with the development of East Lake Gardens, and there was also a vacation of right-of-way years ago at the end of Garden Lane that was considered by Council.

Mr. Hare noted, after going out and looking around, it was not a grassy field. He advised that trees had been torn out and it was a big mud pit. Responding, Mr. Koenig noted that they had cleared the property. Mr. Hare questioned if they had permission to clear property that they do not own. In response, Mr. Koenig indicated that he had given them permission to clear the right-of-way, noting that they had not cut down any major trees or shrubs, to his knowledge. Mr. Hare suggested that Mr. Koenig ride out and look at the property, which Mr. Koenig indicated he had done. Mr. Hare stated that a lot of trees were removed. Mr. Hare noted there were some trees along the lake, but before getting there, it was just one big dirt pit.

Mr. Thomas Webb, 959 Hazlettville Road, stated that although his mailing address is in Hartly; he lives next to Wild Quail. He indicated that his son owns the corner lot, and Mr. Webb's wife's father built the second house constructed in East Lake Gardens, so this community had always been a tender spot in their hearts. Mr. Webb stated that when the corner lot opposite this right-of-way became available, his son immediately bought it, as well as the house behind it, which he had since sold. It was his understanding that when Mr. Webb's father-in-law built his house, it was originally set up by Judge Keith that there was supposed to be a right-of-way for all the people in the community to have a way to the water. Mr. Webb explained that there was a small dock there that they used to swim off for the beach; however, it was not maintained since no one thought it was their responsibility. Mr. Webb stated that they would prefer not to have it subdivided, broken up, and done away with. He stated that he thought that most of the people do not realize that they have a connection to this and he suggested that a homeowners association be created with a small fee to maintain and fix up that piece of property so they could all enjoy it. He indicated that they opposed the request.

Ms. Della Burks, 482 Sunset Drive, stated that she also opposed the current proposal. She advised that when she went to settlement on her property, it was her understanding that she had lake access, and she remembered reading that language and knew it existed; however, she noted that the information had been packed away for many years and she would have to root around in some boxes to find it. She indicated that she was able to find information from 2015 regarding this issue and several things stood out. Ms. Burks questioned whether the community had been canvassed to see how they felt, noting that, to her knowledge, it had not. She advised that when she arrived home Thursday evening last week, she found a document taped to her door and she received another in the mail on Friday. When she asked some of the neighbors immediately around her, no one had received notification and she was under the impression that she was the only one. As far as the actual property and information from 2015, the only thing Ms. Burks could find regarding this issue was that a garage was to be constructed. She suggested that the City afford some sort of exception, rather than giving away actual property that belongs to the community to enlarge their property. In addition, Ms. Burks advised that they walk their grandchildren down in this area and enjoy seeing the water and ducks. She stated that for them to enforce their property right, it would mean that at some point they would have to violate the law and trespass for something that was supposed to be

their property rights. Ms. Burks indicated that they were opposed to the request, noting that this is an entry to Silver Lake and once it is gone and becomes privately owned, there will be no other access on that side of the lake since this was the final little parcel. She stated that anybody who had lived there longer than them had remembered that it was a beachy area with sand and a dock, which had already been lost to a massively ugly tube that juts out to drain water now. She noted that something had already been lost, and felt that to now make it private property and lose the ability to walk to the lake would be pushing it a little bit.

Ms. Elisa Vassas, 478 North East Avenue in East Lake Gardens, stated that she had mentioned during the Regular City Council Meeting of August 8, 2016 that her mother purchased the house that she lives in now and had lived in since 1968. Ms. Vassas advised that she had just learned of the request from Ms. Burks at the end of last week and had not received any kind of letter. She was rather upset that she found out this discussion started with some folks that do not live in the area and are very seldom at that house. Ms. Vassas understood that they work in New York; however, she felt it upsetting that they came into the community and thought they were going to buy or take access from those who had lived there for 40 plus years. She indicated that she tried to get out and walk to as many neighbors as she could to see if anyone had a letter, and no one else did. Ms. Vassas was unsure if people that do not spend much time there were randomly selected to receive a letter; however, the neighbors that she ran into before yesterday's meeting did not know about it and were definitely opposed, and some questioned whether they needed to prepare a petition or something to that effect. Ms. Vassas stated that they remembered what it was like and what had been taken from them, expressing her hope that this small parcel would not be taken away. She stated that she had offered the copy of the deed from one of the neighbors, which she stated mentioned the residents.

Mr. Joseph Swiski, 481 Sunset Drive, stated that, like the other presenters, he did not receive notice either by mail or on his door and he found out about the request from Ms. Burks, who lives across the street. He felt that the tree removal looked disgusting, stating that they formerly walked by and there were beautiful trees lining the side of the lake, and all of a sudden it was devastated and they were gone. Mr. Swiski was now finding that it was agreed that the City would allow them to remove the trees and this would be open space. He felt it sounded like the decision was already made that it would be their property and he hoped this was not the case. Mr. Swiski viewed this as taking away one of the pleasures he has of walking down to the lake and enjoying it in order to provide them the ability to expand their home. He did not think this was a fair trade and felt that a 10-foot pathway was not a good idea, thinking that it would be lined with fencing since there would be no other way to make sure that people do not step on their property. Mr. Swiski stated that he was vehemently opposed to the request.

Mr. Neil suggested that this matter be tabled because the deed, which had been handed to him, had to be verified. If the deed was valid, he did not see how someone could be allowed to have the land, whether through a giveaway or a sale. Mr. Neil

stated that he believed that promises made should be kept, whether made by the City or someone else, unless there was some earthshattering reason to go back on their word. Mr. Neil stated that the promise that access would be there had to be carried on as the houses are sold.

Mr. Neil moved to table this matter so that the deed could be verified, seconded by Mr. Slavin.

Mr. Slavin stated that as long as there was one (1) deed that guaranteed access to the lake, Council's duty was to protect and preserve that access, believing that this was Council's role as elected officials. He felt that there may be a need to investigate if the previous action taken by Council was legal, given that there were deed restrictions in that area.

Mr. Koenig advised that the previous action by Council was never completed and the deeds were not modified; therefore, the deeds as they exist today are the same as before the original request was made. Mr. Slavin stated that members, as a Council, may need to go back and undo that action.

Mr. Koenig expressed his belief that the original action was contingent upon notification of everybody and getting comment back. Noting that people were indicating that they did not receive notice, Mr. Koenig advised that the notices were delivered to the two (2) parcels that abut the lake, the four (4) parcels that include Ms. Burks, Mr. Yoder, Mr. Webb, and a fourth property in the corner, and two (2) properties going north on Sunset Avenue. The east side of Sunset Avenue was not noticed.

Mr. Shevock stated that he believed that when this area was developed, one of the stipulations was that those who bought a lot would be guaranteed access to the lake. It was his feeling that if each of these properties were researched, that language would be found in the deed, stating that access could not be given away and would be there for life.

Mr. Hosfelt stated that if the City made the mistake and the adjoining property owner had removed some trees, then the City would bear the responsibility to try to put the area into the condition it was before to help the neighborhood, noting that it was a comment rather than a motion.

Responding to Mr. Sudler regarding the notification process, Mr. Koenig stated that, to his knowledge, there was no prescriptive process in the code. A letter was hand delivered to eight (8) of the nine (9) properties, and there was a mailing to nine (9) properties, which were the most immediate properties around the area that was being discussed. Mr. Koenig indicated that there was a hand delivery taped to the door and a mailing.

Mr. Hare questioned what Dr. Parham was told about the property and if he was permitted to start tearing down trees. Responding, Mr. Koenig stated he thought that Dr. Parham sent him an email requesting permission to clean up the property. Mr. Koenig was unsure if the wording referred to trees or small trees, stating that he would have to go back and look. Mr. Hare stated that he would like to see what that entailed.

Mr. Hare stated that there was a motion to table until the deed could be verified.

The Committee tabled this matter pending verification of the deed.

Mr. Slavin requested that the residents of East Lake Garden be notified if this matter appears on a Council agenda.

106 and 110 South New Street - Offer from NCALL Research, Inc.

Mr. Scott Koenig, City Manager, informed members that the properties at 106 and 110 South New Street, on the west side of South New Street, were part of a purchase and donation related to the House of Pride in 2015. He noted that these properties are currently vacant lots. Mr. Koenig advised that the City had been approached by NCALL Research to sell them the properties for $10,000 each, explaining that the City did not intend to improve them and would like to see them go back on the tax rolls. Mr. Koenig explained that NCALL intended to build owner-occupied housing for low and moderate income households on this area. He stated that the City had $21,902.75 in expenses for the property at 106 South New Street and $37,015.50 for 110 South New Street, noting that these expenses related to demolitions of prior structures on the properties. Assuming that the City received an offer price of $10,000 per property, the City would be taking a loss of approximately $39,000 for the two (2) properties; however, this would put them back on the tax rolls with owner occupied housing. Mr. Koenig noticed that this was a goal of Restoring Central Dover, as well as a goal of City Council, for the downtown area. He indicated that the City would be very close to recovering the assessed land value of $13,100 for 106 South New Street and $11,600 for 110 South New Street, which staff believed was a good proposal for Council to consider.

Staff recommended: 1) determining that these properties are excess properties; and 2) authorizing the City Manager to complete a final agreement of sale to NCALL Research, Inc. For $10,000 per property.

In response to Mr. Shevock, Mr. Koenig advised that the assessed values provided were strictly the values of the land. In regard to the value of the properties once the houses are built, Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised that the houses that Habitat for Humanity had built on South Kirkwood Street had appraised for $160,000 and it was expected that these houses would be in the same range.

Mr. Sudler expressed concern that the City would still be taking a loss, stating his opinion that, if sold to NCALL, the properties should at least be sold for approximately $13,100 for 106 South New Street and $11,600 for 110 South New Street. Mr. Sudler questioned if consideration had been given to putting the land on the market for feedback from potential buyers apart from NCALL.

Mr. Koenig reiterated that the assessed values, according to the Tax Assessor's Office, were $13,100 for 110 South New Street and $11,600 for South New Street. He advised that the City had not put those properties for sale on the market and did not have a market bid on the properties; however, the transactions with Habitat for Humanity ranged from as low as $7,500 to as high as $15,000. He felt that the $10,000 offer seemed reasonable from what staff had seen from the non-profit sector.

Mr. Slavin stated that the City had partnered with NCALL and Habitat for Humanity, who had proven that they were good partners, turning bad places in the City into good places and doing this quickly. He felt that if the City went to the open market to allow people to purchase these properties, they would run the risk of ending up with empty lots and bad places in the City. Mr. Slavin stated that he appreciated Mr. Sudler's concern about the bottom line; however, his own bottom line was not about dollars but about getting families living in these neighborhoods and getting the streets back.

Mrs. Townshend wished to add to the record how this proposal would fit in with some of the other things happening in the immediate area. She indicated that Habitat for Humanity had purchased a lot at 67 South Queen Street, believing that the City received $7,500 for this lot, and NCALL or Habitat had ownership of 101 South Queen Street, noting that those properties back up to the properties being discussed. Mrs. Townshend advised that NCALL has 112 South New Street under contract, which is just south of the property at 110 that is owned by the Downtown Dover Partnership (DDP), and 108 South New Street, located between 106 and 110 South New Street. She explained that this transaction would take both the Queen Street and New Street sides of the block that have had a lot of problems over the years and put this block in the hands of organizations that are going to build homes that will be owner occupied. Mrs. Townshend stated that these organizations would bring in homeowners, noting that home ownership was a goal. She reminded members that this is was an area of the City with a rental rate that is higher than what is needed for the community. She stated that she felt this proposal was very much in line with all the plans for downtown, whether they were for the Downtown Development District, City of Dover Consolidated Plan, or Restoring Central Dover.

Mr. Hutchison stated that he very strongly supported staff's recommendation and appreciated the efforts of the City Manager and City Planner in working with NCALL and Habitat for Humanity. He stated that identifying and putting people in homes in the target area means they are there to stay and it spoke well of their commitment.

The Committee recommended: 1) determining that these properties are excess properties; and 2) authorizing the City Manager to complete a final agreement of sale to NCALL Research, Inc. for $10,000 per property.

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

Consulting Services for Enterprise Resource Planning (ERP) Technology Upgrades

Members were advised that the Finance Department solicited proposals for consulting services to assist the City with an Enterprise Resource Planning (ERP) project and eight (8) proposals were received. Mrs. Donna Mitchell, Controller/Treasurer, explained that the project would consist of two (2) phases, with the first phase consisting of an ERP needs assessment, software Request for Proposal (RFP) development, vendor selection, and contract negotiations. She advised that this would be a 32-week process and it was hoped that Phase I would be complete just before the budget process in 2017, when staff should be able to provide a cost/benefit analysis for moving forward and an estimated timeline for completion.

Referring to the FY 2017 Capital Investment Plan (CIP) project sheet for the ERP Solution, Mrs. Mitchell stated that, at this time, staff should also be able to provide an idea if the current cost estimate for the project would have to change. She advised that, based on the schedule provided by the consultant, it would be necessary to stay as closely to the schedule as possible in order to provide the cost estimate in time for the budget.

Mrs. Mitchell stated that the City Manager had suggested that there be assistant project managers, noting that there were quite a few staff members that are close to retirement and it is important to have institutional knowledge regarding the project. Mrs. Mitchell explained that a team was being put together on that basis.

Staff recommended that the Controller/Treasurer be authorized to enter into a contract with Berry Dunn McNeil & Parker, LLC (Berry Dunn) for Phase I of an Enterprise Resource Planning (ERP) needs assessment, software development, vendor selection, and contract negotiations.

Responding to Mr. Hosfelt, Mrs. Mitchell stated that the project was budgeted in the CIP in the electric fund with an allocated contribution coming from the Water/Sewer and General Funds.

Mr. Slavin stated that this would be a very important project, noting that getting the right information into the hands of the right people would be like making sure that there is oxygen in the building. He also noted that the ERP is important to what will be done in the City and that switching over systems would be a critical moment. Mr. Slavin questioned what types of business practices would need to change in order

to avoid modifications to the system and whether they would include such things as modification speed, cost overruns, and project scheduling problems. In response, Mrs. Mitchell indicated that she did not know at this time; however, she felt the needs assessment that would be conducted should indicate what business practices may need to be changed.

Mr. Slavin felt that someone on the City's team must be the guardian of the project and recommended that someone be the gatekeeper for the changes and modifications and it must be someone who can say "no" a lot. Mrs. Mitchell advised that she is the project lead, as recommended, so she felt these bases would be covered, stating that she has five (5) assistants under her and that staff was trying to ensure the success of the project.

The Committee recommended authorizing the Controller/Treasurer to enter into a contract with Berry Dunn McNeil & Parker, LLC (Berry Dunn) for Phase I of an Enterprise Resource Planning (ERP) needs assessment, software development, vendor selection, and contract negotiations, as recommended by staff.

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

UTILITY COMMITTEE

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

Request for Street Abandonment (Improved) - Topaz Circle Stub Street/Adoption of Resolution No. 2016-08 Setting a Public Hearing for September 12, 2016 at 7:30 p.m.

Mr. Scott Koenig, City Manager, advised members that, during the Regular Council meeting of June 27, 2016, City Council waived the normal process for street abandonment and initiated a request to abandon the Topaz Circle stub street located in the Emerald Pointe subdivision. He noted that it had been the subject of discussion at committee meetings and other venues earlier in the year.

Mr. Koenig advised that the abandonment was reviewed by staff and Ms. Marie Anne Florendo, the property owner at 402 Topaz Circle, expressed interest in participating in the abandonment request.

Mr. Koenig advised that, for at least the last two (2) decades of City Planning, the City had encouraged the interconnection of developments through the planning and engineering processes. He explained that the Emerald Pointe subdivision has two (2) stub streets, one to the south leading to College Road, known as Topaz Circle, and one to the west known as Opal Place. He stated that a number of City subdivisions, such as the Village of Westover, Village of Cannon Mill, Lexington Glen, and

Independence Village were planned with the requirement of interconnection, noting that Pin Oak Drive in Hidden Oaks is stubbed to potentially connect to undeveloped land north of it. Mr. Koenig advised that the City's subdivision code indicates that multiple points of access are required beyond 20 lots, and this is a component of planning for residential subdivisions. He stated that, from a planning and engineering standpoint, this had been a successful component of development in the City; however, the City is sometimes challenged on the issue of interconnectivity and the discussion of potential cut-throughs.

Mr. Koenig stated that the undeveloped property to the south known as The Arbors had come before the Planning Commission as many as three (3) times over the past 10 or more years, and each time there had been a discussion of a stub street connecting to College Road as a component of the development. There had been discussions many times at the Planning Commission level, and probably at the conceptual subdivision levels, about interconnectivity and staff's interest in interconnectivity to give people multiple options to get into developments and allow them to traverse from one development to another by car, bicycle, and walking path. Mr. Koenig stated that in the staff review, every department recommended maintaining interconnectivity for very different reasons: from the engineering standpoint, for safety and utility purposes; from the Fire Marshal for emergency response and multiple accesses to different areas; from planning, and as the basis of good community planning.

Staff recommended that the subdivision code be kept intact and that this stub street not be abandoned due to emergency vehicle access to the Emerald Pointe Subdivision. If the Utility Committee and/or City Council is in favor of proceeding with the proposed abandonment, the following actions were recommended: 1) the abandonment be conditional upon utility easements that would be recorded with the deed modifications; and 2) that City Council adopt a resolution setting a public hearing regarding the proposed abandonment for September 12, 2016.

Mr. Koenig advised that if the overwhelming community response and Council's request was that the stub street be abandoned, staff felt the need to make everyone aware of the potential consequences of abandonment. He noted that interconnection would also have potential consequences, including the potential for people cutting through the development; however, from the overarching premises of community planning, staff supported the interconnection. Mr. Koenig stated that the Public Works Department recommended, if it is abandoned, that the utility easements be recorded correctly with any deed modifications. Mr. Koenig indicated that if it is abandoned, the question would become whether the street that had been constructed would have to be removed at some point in the future. Mr. Koenig indicated that the big issue was whether multiple points of access, emergency access, and community planning were being weighed at the legislative level with the negative reaction of the community to interconnectivity, and he questioned which of those arguments would carry the weight. He reiterated that staff supported the stub street ultimately being connected to the proposed development and that a thruway be allowed. Mr. Koenig

stated that, in reality, the people who live in the subdivision have a right to make decisions on this subdivision; however, that if those who bought into the subdivision looked at the overall plat, the stub streets were shown and were actually constructed almost to the property line when the curb lines were put in, not included as a future right of way. Mr. Koenig advised that it is done that way so that people would see it as a potential future interconnection to something when they are evaluating the residence. The people who are evaluating whether they want to live there typically know that there is potential for that street to be connected to either the next community or the next street at some point.

Mr. Sudler questioned if this was the same issue that was discussed when over 30 community members came from Emerald Pointe and stated that they did not want this interconnection. Responding, Mr. Koenig stated that he did not have a number, but there were people who came in and spoke against it, commenting that these were the same people that bought into a subdivision that had that interconnectivity constructed to the property line. He indicated that this was certainly true for the people who bought in the back area, since the curb lines were put in when they were laying out the roads in each section of the subdivision.

Mr. Sudler advised that the minutes would reflect that members voted not to provide the interconnection that Mr. Koenig was advocating and had said that they would find another avenue to do this. Mr. Sudler was disturbed that the same proposal was coming back when they said they would find another way to do this. He felt this undermined the constituents of the First and Fourth Districts, since Emerald Pointe is in the First District and is next to College Road, which is in the Fourth District. Mr. Sudler felt it was not right to come back with the same suggestion.

Mr. Koenig explained that Council listened to what was being said and then asked staff to go through the process, which is to abandon the right of way. Staff was recommending that it not be abandoned because of community planning and the other things that had to be laid aside to do this. Mr. Koenig advised that if Council felt that the residents' request overrides the subdivision code and the pre-recorded plats for this subdivision, and makes the recommendation to abandon the right of way, staff was requesting that there be a reservation of easements. Staff also requested that Council adopt a resolution setting a public hearing for the abandonment for September 12, 2016. Mr. Koenig stated that it was completely up to the Committee and Council to make that recommendation.

Noting the Fire Marshal's concerns about safety and only one way in and out of the neighborhood, Mr. Hosfelt questioned if there were any recorded incidents in Dover where this had been an issue. Responding, Mr. Koenig indicated that while there had been a significant number of runs for Robbins Hose Company, there had not been a significant number of front page accidents or tragedies to report. He knew of no examples where there was an accident in the throat of a subdivision and emergency services could not get in.

Mr. Blakeman advised that he lives in a neighborhood with one (1) access. He explained that there was an accident at the entrance and no one could get in or out for four (4) hours, noting that they would have been stuck if there had been an emergency. Mr. Blakeman stated that he realized that people on the stub street do not want traffic going by; however, he stated that their houses may catch fire. He indicated that he sat for a half hour to 45 minutes trying to get past that development, noting that emergency responders would have difficulty getting in. He felt that abandonment would put the whole development at risk and expressed 100% support for not abandoning the right of way.

Mr. Hosfelt stated that this was similar to an old argument about not having speed bumps because fire apparatus has to respond, noting that he had heard the argument for years from the Fire Department. He informed members that he had driven an emergency vehicle for over 34 years and never had a problem getting into a development with one (1) access and one (1) entry control point. Mr. Hosfelt stated that he believed the greater safety point was the children and the residents of the neighborhood that would have to put up with all the traffic that usually uses College Road. As soon as it is learned that this is a shortcut to McKee Road and Route 1, he could not imagine what they would go through, and what members would go through when they have to hear about it.

Mr. Hosfelt moved to recommend moving forward with the abandonment of the Topaz Circle stub street, taking into consideration the request to follow the actions listed in staff's recommendations that the abandonment be conditional upon utility easements and that Council adopt a resolution setting a public hearing regarding the proposed abandonment for September 12, 2016. The motion was seconded by Mr. Sudler.

Referring to Mr. Blakeman's comments, Mr. Koenig stated that if Mr. Blakeman's subdivision had been built out completely, it would have had two (2) accesses, because the farm that represents the other side of the planned subdivision was bought and put into preservation. He believed that a stub street was constructed to the actual property line of Cranberry Run.

In regard to the issue that Councilman Hosfelt alluded to, Mr. Koenig stated that, years ago, when planning the Village of Westover, the entrance and the exit were made wide because of discussion about the possibility of an accident in the entrance that would prevent or close one (1) side of it. He noted that the opposite side was built wide enough for two-way traffic on a temporary basis. Mr. Koenig indicated that this was prior to the construction of the Village of Cannon Mill, and this was the only discussion he could recall on this issue.

Mr. Sudler stated that if it is believed that one (1) entrance access is not sufficient, Councilpersons or constituents should recommend that planning and zoning no longer approve having only one (1) entrance, but require emergency access, such as a road that is only used for emergencies and not for general traffic. He stated that he

felt that both views were valid; however, since Emerald Pointe was not even 10 years old and was approved for only one (1) entrance, he believed that the City should allow it. Mr. Sudler stated that if there was a second entrance, it should be for emergency access only and not public traffic.

Mr. Neil expressed concern about the distance that a fire engine would have to go around if there was no access to the entrance. He stated that the residents do not want the additional access, and if they did have a problem with firemen getting in or getting in on time, it would be on the residents. Mr. Neil noted that he would vote for the motion because it still has a process to go through where members can express second thoughts.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that, in regard to multiple accesses on a major road, most of the major roads in the City of Dover are Delaware Department of Transportation (DelDOT) roads. Access to those roads is granted by DelDOT in accordance with their subdivision regulations. Mrs. Townshend explained that DelDOT would not grant multiple accesses directly to a road because their subdivision regulations also rely on interconnection. She indicated that how DelDOT governs access to roads, as well as the engineering practices and planning practice throughout all of staff's collective professions, relies on interconnections and limited access points to the major roads. Mrs. Townshend explained that the reason for this is to ensure that there are not too many access points to primary roads, which causes congestion and safety issues. She stated that this was planned with one (1) access to Scarborough Road, but also two (2) stub streets, with the anticipation that these properties would develop. Mrs. Townshend advised that those stub streets were seen as additional access points to public roads, and they helped the development to comply with the subdivision regulations. Mrs. Townshend stated that members could proceed as they wish; however, she reiterated that the land planning process is very much intertwined with the State and DelDOT's regulations for road access, and this changes how some of those dynamics work.

Mr. Hare noted that one (1) of the properties was zoned R-20 and one (1) RG-2 and questioned if there were proposed communities going in there. Responding, Mrs. Townshend indicated that an active development application on the RG-2 property spurred this issue, because this application was to build senior apartments on that property. She stated that a road was dedicated during a previous application that would be built and would connect with the Topaz Circle stub street, and that is what brought this matter forward. Mrs. Townshend explained that the R-20 property was wooded and, to her understanding, was very wet and likely not developable. She noted that if a development application for this area is received at some point in the future, staff would review it.

Mr. Hare questioned if the Pin Oak Drive development would continue to have one (1) entrance and exit. Mrs. Townshend stated that it may, stating that she did not

know if a wetland delineation had been done on the R-20 property, reiterating that it is very wet.

In response to Mr. Hare, Mrs. Townshend advised that one (1) 48-unit senior apartment building was proposed for the RG-20 property.

Mr. Blakeman stated that if the stub street was not allowed, another 48-unit development with single access would be created, two (2) developments would be isolated, and the people who want to buy there may not be happy about it. He believed that if the other parcel was developed, the same neighbors would come back saying that they do not want that stub street abandoned because this is what happened the first time. Responding, Mr. Blakeman advised that any possibility of secondary access would be eliminated to at least two (2) developments, and maybe three (3). He felt that members would have a hard time denying others if this was approved.

Mr. Hare stated that this would not be any different from some of the other apartment complexes all over the City, and Mr. Blakeman concurred; however, he stated that the planning scenario indicates that the City should not be doing this.

The Committee recommended moving forward with the abandonment of the Topaz Circle stub street, taking into consideration the request to follow the actions listed in staff's recommendations that the abandonment be conditional upon utility easements and that Council adopt a resolution setting a public hearing regarding the proposed abandonment for September 12, 2016. *(City Clerk's Office Note: In accordance with the City's Procedure for Street and Alley Abandonments, Resolution No. 2016-08 setting a Public Hearing will be presented to Council for consideration.)*

Mr. Hare advised that the Council Committee of the Whole/Utility Committee recommended moving forward with this matter, and reminded members that this matter had been previously discussed and residents had attended the Council Committee of the Whole/Safety Advisory and Transportation Committee meeting of April 26, 2016.

Mr. Sudler asked if the community had been notified that there will be a public hearing on September 12, 2016 at 7:30 p.m. Responding, Mr. Hare stated that once Council sets the public hearing, notice would be provided in the newspaper on Wednesday, August 24, 2016. Mr. Hare suggested that members could also call their constituents to let them know.

Mr. Sudler moved for approval of the Committee's recommendation to move forward with the abandonment of the Topaz Circle stub street, taking into consideration the request to follow the actions listed in staff's recommendations that the abandonment be conditional upon utility easements and that Council adopt a resolution setting a public hearing regarding the proposed abandonment for September 12, 2016. The motion was seconded by Mr. Neil and by a unanimous vote (Mr. Lewis and Mr. Slavin absent), Resolution No. 2016-08 was adopted. *(City Clerk's Office Note: Subsequent to the meeting, Resolution No. 2016-08 was revised to reflect that Topaz Circle stub street is improved and to correct the dimensions of the property being abandoned* ***(Exhibit #1)***.

Electric Department Federal Regulatory Audit Report (Informational Only)

Mr. Scott Koenig, City Manager, advised that the City of Dover Electric Department underwent a mandated compliance audit between April 18 - 29, 2016. This audit was performed by Reliability First (RF) and was evaluated using applicable North American Electric Reliability Corporation (NERC) Standards for the City of Dover's current registration as a Distribution Provider (DP). Mr. Koenig informed members that this was a complex technical audit with industry experts who come and look at the system, processes, and documentation. He advised that the last audit was completed in 2010.

Mr. Koenig informed members that, based on the summarization letter dated July 15, 2016, there were no violations noted by RF, and only one (1) prior Open Enforcement Action was in place when they did the audit; however, Open Enforcement Action was directly related to a mitigation plan that was active while the Audit Report was still active. Mr. Koenig advised that the mitigation plan was completed and approved on May 31, 2016; therefore, this Open Enforcement Action was cleared.

Mr. Koenig stated that, based on the outcome of this audit, the City of Dover was in compliance and no fines will be imposed on the City of Dover relating to this compliance audit. Additionally, no fines were imposed for the previously Open Enforcement Action related to the mitigation plan.

Mr. Koenig explained that Mr. Harry Maloney, Electric Director, and his staff worked diligently to get the City into compliance with the standards. He expressed pride in the work that they did to get to this point, and, on behalf of the City Manager's Office, he thanked them for their efforts.

Mr. Koenig noted the importance of maintaining the standards and audit compliance because public power is important to all.

Quarterly Review of Utility Related Capital Investment Plan (CIP) (Electric and Water/Wastewater) (April, May, and June) (Pre-Audit)

Mr. Scott Koenig, City Manager, stated that he had no additional comments regarding the Quarterly Review of the Utility Related Capital Investment Plan and offered to respond to any questions.

Mr. Blakeman stated that there were projects that had not been completed in the previous four (4) years that totaled approximately $14M. He questioned if these funds were rebudgeted in the current budget year or retained in an account to be paid out when the projects are completed. Responding, Mr. Koenig stated that there are projects, such as the Denney's Road water tower, that have a project budget that carries forward and the expenses for that project are paid from the current year.

Mr. Blakeman asked if the money was in the budget or if it is money that has been budgeted and retained to pay the expenses when they are incurred. Mr. Koenig

responded that when the first budget ordinances are prepared, any projects that have not been started that have a project budget that will continue are rebudgeted as part of the budget ordinance.

Mr. Hutchison moved for acceptance of the Council Committee of the Whole Report. The motion was seconded by Mr. Anderson and unanimously carried (Mr. Lewis and Mr. Slavin absent).

EVALUATION OF BIDS - EAST WATER STREET BRICK PROJECT (SIDEWALK REPLACEMENT ADJACENT TO CHRIST CHURCH)

Mr. Scott Koenig, City Manager, informed members that the need for upgrading the existing sidewalk and small retaining wall located along the south side of East Water Street, adjacent to Christ Church, was identified a number of years ago. Community Transportation Funding (CTF) was requested for the project from area legislators. Mr. Koenig advised that the existing sidewalk and retaining wall were in disrepair and in need of replacement due to age and settlement. The work under this project generally would consist of mobilization and demobilization to the site, establishment of maintenance of traffic, establishment of sediment and erosion controls, as well as the removal, disposal and replacement of approximately 114 linear feet of brick-faced retaining wall, brick sidewalk, and concrete curb. Mr. Koenig stated that this project would provide pedestrians within the City of Dover a safer means of egress along East Water Street. East Water Street is a State maintained right-of-way, so there would be additional construction controls in place during the project. Mr. Koenig explained that, even though this is a State maintained right-of-way, the City, under a blanket maintenance agreement, is required to maintain the infrastructure behind the face of curb, so this was a City project for which several legislators had committed Community Transportation funds.

Mr. Koenig stated that the bid was advertised to the public as an Invitation to Bid in accordance with the City's Purchasing Policy by the City's purchasing agent under ITB #17-0001PW. Bids were opened on August 9, 2016 and one (1) bid was received from Sam's Construction LLC, located in Wilmington, DE. Mr. Koenig informed members that the base bid was $80,700.00 and staff reviewed the bid, found that Sam's Construction LLC met all of the bid requirements, and recommended the award to Sam's Construction LLC. Mr. Koenig stated that $65,000 in Community Transportation funds were authorized for this project. He advised that staff had submitted an additional request to the legislators, and at least one (1) legislator had indicated interest in funding the balance of the project; therefore, the entire project would be paid for through CTF. Mr. Koenig stated that this project had been requested for a significant amount of time and would benefit the general public.

Staff recommended awarding the contract to Sam's Construction LLC for the East Water Street brick project, Bid #17-0001PW, for the amount of $80,700.00.

In response to Mr. Hosfelt regarding whether the wall being replaced belonged to the church, Mr. Koenig advised that the small knee wall/retaining wall immediately behind the sidewalk had tilted in some places; therefore, some rehabilitation would potentially have to be done as part of the project. He explained that the large wall belongs to the church, but this very small, knee-height wall was located in front of the church's wall and within the right of way.

In response to Mr. Sudler, Mr. Koenig stated that the wall is brick and is approximately four (4) inches thick, 18 to 24 inches high, several hundred feet long, and extends beyond the project area. He stated that the City had received only one (1) bid, which was from Sam's Construction LLC. Mr. Koenig advised that bids were solicited in accordance with the City's Purchasing Policy and the project was advertised for at least 10 days.

Mr. Sudler moved for approval of staff's recommendation to award the contract to Sam's Construction LLC for the East Water Street brick project, Bid #17-0001PW, for the amount of $80,700.00. The motion was seconded by Mr. Cole and carried by a unanimous roll call vote (Mr. Slavin absent).

In response to Mr. Hutchison, Mr. Koenig expressed his hope that work would start in 30 days, noting that the contract must be signed. He stated that the project was given 90 days; however, it was in the contractor's best interest to shorten this. Mr. Koenig hoped the project would be completed within the next 60 to 75 days.

EVALUATION OF BIDS - SOUTH NEW STREET WATER MAIN REPLACEMENT

Mr. Scott Koenig, City Manager, advised that the Fiscal Year 2017 Capital Improvement Plan includes a project called Water Quality Improvements. Staff identified the need for upgrading the existing four-inch water main located in South New Street, between Loockerman Street and Water Street. The existing undersized main was installed in approximately 1960 and was made of unlined cast iron pipe. Mr. Koenig explained that the project would replace this main with a new eight-inch, cement-lined, ductile iron pipe water main. He stated that the road in this area was in extreme disrepair and, once the water main is replaced, there would be a separate paving project to rehabilitate the pavement, curb, and sidewalk. Mr. Koenig indicated that the new water main would provide City of Dover customers with improved water quality, increased system reliability and improved fire protection.

Mr. Koenig indicated that the bid was advertised to the public as an Invitation to Bid in accordance with the City's Purchasing Policy by the City's purchasing agent under ITB #17-0002PW, and bids were opened on July 27, 2016. The City of Dover received two (2) bids; however, the bid from Aztech Contracting, Inc. was deemed non-responsive because they did not submit the required paperwork. He advised that, based on the submissions submitted, Teal Construction, Inc. met all bid requirements and qualifications for the project.

Staff recommended awarding the contract to Teal Construction, Inc. for the City of Dover New Street Water Main Replacement Project, Bid #17-0002PW, for the amount of $292,500.00.

Mr. Anderson asked if some of the budgeted expenditures would be saved for the road work or if the project came in under budget. Responding, Mr. Koenig explained that the road work would be funded separately. He stated that funds would be sought through the Community Transportation Fund (CTF) or the project would become part of the FY 18 street program. Mr. Koenig stated that staff would not propose to pave and/or do concrete rehabilitation until approximately one (1) year after the waterline is complete.

Mr. Anderson noted that the original budget was $645,800 and this expenditure would be $292,500. He questioned if this was the full expenditure for this project or if more spending was expected. In response, Mr. Koenig stated that the umbrella water quality improvement project in the FY 17 budget was $645,800 and this project was the segment that was going to construction. The balance of the $645,800 was intended for another pipe replacement project that would be brought to Council.

Mr. Anderson asked if the City had previously had work performed by Aztech Contracting, Inc. and if it was unusual for them not to provide all of their paperwork. Responding, Mr. Koenig stated his understanding that an Aztech staff member filled the paperwork out incorrectly and City staff had contacted them to tell them that the City needed exactly what was in the bid documents. He explained that they had submitted a bid but did not submit the necessary documentation to make the bid responsive.

In response to Mr. Sudler regarding what was not submitted, Mr. Koenig indicated that all contractors submitting bids were to include an acceptable experience record, acceptable equipment schedule, references, and business documentation as identified in the Statement of Qualifications within the Bid Specifications. He explained that because Aztech Contracting, Inc., did not submit the necessary documents for the bid, they were deemed non-responsive and their bid was not accepted.

Mr. Sudler asked if Aztech's experience was not known. Responding, Mr. Koenig stated that staff knew their experience, but they still had to fill out the paperwork and submit it as part of the bid package. He noted that Aztech had worked for the City before, but it was not up to the City to fill out the correct paperwork and submit it as part of the bid. Mr. Koenig stated that it was the responsibility of the contractor to fill out the contract bid documents as requested, and they failed to do this. Mr. Sudler asked if the City had the document with this information on file since this company had worked for the City before. Mr. Koenig stated that there were multiple documents involved and more than just one (1) issue.

Responding to Mr. Sudler, Mr. Koenig advised that two (2) bids were received for the project and Aztech Contracting, Inc., who had a base bid in the amount of $206,088.66, was deemed non-responsive. Teal Construction, Inc. had a bid in the amount of $292,500.00, which was deemed a responsive bid because it contained all of the required documentation.

Mr. Hare felt that the $90,000 gap between the two (2) bids seemed like a large difference and questioned if Aztech Contracting, Inc. had done good work for the City previously. Responding, Mr. Koenig indicated that they had done acceptable work; however, if the City accepted a bid without the proper documentation, there would be challenges from everyone else who had submitted bids.

Mr. Anderson asked if refusing the bids and reopening them would be an acceptable option. In response, Mr. Koenig stated that the entire bid package would have to be re-advertised. While he noted that this might be prudent, it would reset the entire process by approximately three (3) months. Mr. Koenig stated that this would put this project into the winter; however, he believed that the project would be constructed over the winter anyway.

Mrs. Donna Mitchell, Controller/Treasurer, stated that Mr. Koenig was following the City's Purchasing Policy, and she believed that doing anything different from what he had done would be in violation of the Policy, which had been approved by Council.

Mr. Sudler questioned the reason that it would take three (3) months to reset the process and if there was a constraint that stated that the City must wait three (3) months to award a bid. Responding, Mr. Koenig explained that if Council rejected the bids, staff must reformulate the advertisement, all the bids that are received must be reviewed, and the bids must then come before Council for award. He indicated that this might take six (6) weeks or two (2) months rather than three (3) months; however, the entire bid process would be reset.

Mr. Sudler asked how long it took to process all of the information for the bid. Responding, Mr. Koenig stated that he did not have that information.

Mrs. Mitchell expressed concern about rejecting a bid in order to rebid the project in hopes of obtaining a lower bid. She noted that the lower bidder had not followed the Policy and the other bidder had, even though their bid was higher. Mrs. Mitchell felt that Council would be opening themselves to a court challenge by rejecting the current bids.

Mr. Lewis asked if this matter was at Council's discretion since it was the City's money. Responding, Mrs. Mitchell felt that if one bidder followed the Policy and provided all the bid documents they were supposed to provide, and Council decided to reject this bid and penalize this bidder, Council would be challenged on this.

Mr. Lewis noted that more bids might be received if the project was rebid. Responding, Mrs. Mitchell felt that if more bids were received, there may not be a problem, but if the same two (2) bids were received, this would be a problem because the second submitter would then have the ability to correct their submission. She explained that typically those who do not follow major guidelines in terms of meeting deadlines, etc., are rejected, so that the City remains clean on all transactions, and this practice is followed by the City's purchasing agent.

Mr. Sudler requested a legal opinion from Deputy City Solicitor William Pepper as to whether the City would be subject to legal ramifications if Council decided that they did not like either of the present bids. Responding, Mr. Pepper indicated that this would depend on what the bid package said regarding the ability of the City to reject the bids. He stated that if the City reserved the right to reject all bids for any reason, the bids could be rejected. Not having seen the bid package, Mr. Pepper stated that he could not provide any more than general advice.

In response to Mr. Hare, Mr. Koenig advised that he did not have the documentation with him and was unsure if this statement was included in the bid package. He indicated that by rebidding the project, the City would be subject to receiving no bids, or even higher bids. Mr. Koenig stated that there would be a 50/50 chance of receiving bids over $300,000 next time since bidders would know what the floor was. From an administrative standpoint, he felt it was frustrating that the bidder had not filled out the paperwork; however, that was what happened.

Mr. Lewis asked if it was possible that the company that submitted a responsive bid would lower their price if Council decided to rebid based on their belief that the price was astronomically high. In response, Mr. Koenig indicated that he did not believe the price was exorbitant, noting that the project would involve the replacement of three (3) blocks of water main from Loockerman Street to Water Street. He noted that a lot of work was being done around the State in public water and sewer systems and the City does not control the bidding environment. Mr. Koenig explained that by rejecting the bids, it would be made known what bid may have won. A bidder may see that the next lowest bidder was $80,000 more than the lowest bid and decide to add $80,000 to their own bid, while still undercutting the competition. Mr. Koenig noted that the person who should have been awarded the contract, based on the lowest responsive bid, may decide not to deal with the City or put in a bid, which would put the City at a competitive disadvantage. Mr. Koenig stated that he was not happy about the differential between the bids or that the City had to throw out the low bid; however, this is the environment in which the City works. He advised that he must keep an arm's length away from the bidding process and cannot influence it, and by rejecting bids, members would potentially be influencing the bidding process. Mr. Koenig reiterated that the City had a qualified bid to do the work that was higher than the non-responsive bid.

Mr. Cole noted that members were mentioning changing the process and asking for legal opinions, etc. He felt that if members wanted to look at changing the process in the future, he would agree with this; however, as of right now there was a process, a proper bid, and a recommendation, and he felt that Council should move forward.

Mr. Sudler advised that, as a contractor, he was concerned about the vast difference of almost $100,000 in taxpayers' dollars between the bids for the same job. He understood Mr. Cole's comments about a process; however, when it comes to the constituents who trust Council with taxpayers' dollars, he wants to make the right decision and save the money that can be saved. Mr. Sudler indicated that he is not always in favor of accepting the lowest bid, noting that you get what you pay for; however, he was not happy with the amount of approximately $292,000. He indicated that he would not support this recommendation, not because the company with the lower bid did not provide what was needed but because of the vast difference in the bids. Mr. Sudler felt that another company would be willing to do the work for a lower price, acknowledging that he might be wrong.

In response to Mr. Neil regarding whether the City might receive a higher bid as a result of rebidding, Mr. Koenig stated that he does not control the bidding environment and there was a chance for lower, the same, or higher bids to be received.

Mr. Hosfelt felt that there was a very good chance that the City could receive higher bids, and there could be legal fees related to challenges because Council did not follow policies and procedures. He felt that, whether members liked them or not, these policies were in place and had been followed for years. Mr. Hosfelt agreed with Mr. Cole that if members wished to change the policies, this was a discussion for another day. He did not believe that there was a choice and felt that members should do the right thing, noting that contractors would not want to deal with the City if the City does not comply with its own bidding process.

Mrs. Mitchell stated her belief that the City's purchasing agent does put a clause in the bid documents that Council has a right to reject any and all bids.

Mr. Sudler stated his understanding that Council would not be putting themselves in harm's way legally by rejecting the bids and had a right to do so. Responding, Mrs. Mitchell stated that she thought Council had that right and believed this was in the bid document.

Mr. Hosfelt stated that Mrs. Mitchell is a wonderful finance director; however, he did not believe that she had a law degree. Responding, Mrs. Mitchell confirmed that she did not. Mr. Hosfelt stated that, although members had heard from Mr. Pepper, this would not keep the City from being sued for not abiding by what its own policies and procedures say to do.

Mr. Sudler stated that he had heard Mr. Pepper say before that anyone can sue the City, but this did not mean that they would win.

Mr. Hutchison indicated that he would not vote on this matter because he has a family member who works for the company; however, he questioned turning away from the proper procedures that the City had followed after the bids had been put in and accepted. He felt that this would send a terrible message to anyone who submits a bid. Mr. Hutchison noted that this contractor had been in business for years, had done a good deal of work for the City, and had every right to believe that he was number one on the list and would receive the bid. He felt it would be wrong for the City not to award the contract.

Mr. Lewis stated that this was at Council's discretion.

Mr. Sudler concurred that this was at Council's discretion, and stated that just because a contractor had done a lot of work for the City did not guarantee that they would get the job. In his opinion, it was not about a process being in place but that Council had a right to reject or approve. Mr. Sudler stated that rejection would not mean that the City did not like someone's work or that they could not work for the City anymore, it just meant that Council was not satisfied with a bid proposal.

Mr. Neil moved to accept staff's recommendation to award the contract to Teal Construction, Inc. for the City of Dover New Street Water Main Replacement Project, Bid #17-0002PW, for the amount of $292,500.00. The motion was seconded by Mr. Cole and failed by roll call vote of three (3) yes (Mr. Neil, Mr. Cole, and Mr. Hosfelt), four (4) no (Mr. Anderson, Mr. Sudler, Mr. Lewis, and Mr. Hare), one (1) abstention (Mr. Hutchison), and one (1) absent (Mr. Slavin).

Mr. Sudler moved to defer this matter for a legal opinion and to be brought back to the Legislative, Finance, and Administration Committee for further discussion, seconded by Mr. Anderson.

Mr. Koenig noted that he did not have the documents in front of him, but informed members that the City had only a certain amount of time to accept bids. He advised that the next meeting of the Legislative, Finance, and Administration Committee would be in three (3) weeks.

Mr. Hosfelt questioned what would be discussed during this Legislative, Finance, and Administration Committee meeting. Responding, Mr. Sudler suggested obtaining a legal opinion

regarding whether there would be any legal ramifications or loopholes and proceed from there. In response, Mr. Hosfelt indicated that this information had been provided earlier in the meeting and there was a legal opinion that the City could be sued.

Mr. Hare felt that as a result of Council's discussion, the project needed to be rebid.

Mr. Hosfelt expressed his opinion that Council's discussion had created a problem. Responding, Mr. Hare stated that he did not disagree; however, he did not understand the price discrepancy. He noted that the City may or may not receive more or higher bids if the project were rebid.

Mr. Koenig requested, if Council was not happy with the bids, that they reject the bids and the entire project would be reset for advertisement.

Mr. Sudler rescinded the motion to defer this matter for a legal opinion and to be brought back to the Legislation, Finance, and Administration Committee for further discussion, and Mr. Anderson withdrew his second.

Mr. Sudler moved to reject the bids and open the project for another bid solicitation, seconded by Mr. Anderson. The motion carried by a roll call vote of six (6) yes (Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, and Mr. Hare), one (1) no (Mr. Hosfelt), one (1) abstention (Mr. Hutchison), and one (1) absent (Mr. Slavin).

EVALUATION OF BIDS - MALLARD POND MULTI-USE PATH

Mr. Scott Koenig, City Manager, advised that, in concurrence with the City of Dover's plans for improvements at Mallard Pond Park, the Public Works Department developed bid specifications for an eight-foot wide multi-use path to connect from the sidewalk that enters the park off North Caroline Place, which is in Mallard Pond, and extend the sidewalk south to the southern boundary of the park near the end of Marsh Creek Lane. He explained that there were two (2) sources of funding, the Delaware Land and Water Conservation Trust Fund in the amount of $50,000 and $50,000 from Community Transportation Funds (CTF). Bids were opened on Thursday, July 28, 2016 and six (6) contractors submitted unit price bids for the proposed work to be performed. Mr. Koenig indicated that the low bid amount was $62,462.40.

Staff recommended awarding a unit price contract, based upon Bid #17-0003PW, for the Mallard Pond multi-use path to Diamond Materials LLC based on the without prevailing wage unit prices for each work item submitted. Work will be performed in strict accordance to the bid specifications.

Mr. Sudler moved for approval of staff's recommendation, seconded by Mr. Neil and carried by a unanimous roll call vote (Mr. Slavin absent).

EVALUATION OF BIDS - MCKEE RUN UNIT 3 STACK REPAIRS

Mr. Scott Koenig, City Manager, advised that a request with respect to the power plant was submitted by the Electric Department and was reviewed by North American Energy Services (NAES) and Mr. Harry Maloney, Electric Director, and his staff. This would address the McKee Run Unit 3 Stack Repairs (Project# EG1613) to allow the performance of the outlined stack work per the bid specifications. The stack lining was inspected in 2012 and determined to be

deteriorating and in need of repair and/or replacement. Mr. Koenig stated that submissions were completed by five (5) chimney repair companies and the best qualified contractor was selected to be awarded the stack repair contract.

Staff recommended approving award of the contract to NAES Power Contractors - Chimney Division in the amount of $223,852.00. McKee Run Unit 3 Stack repairs are to begin on October 3, 2016, and be completed on or before November 16, 2016.

In response to Mr. Lewis, Mr. Koenig explained that five (5) contractors submitted bids and the recommended bid was the lowest in price. He stated that the bids were evaluated for a number of other components, in addition to price, and submissions were satisfactory for the rest of the package.

Mr. Neil moved for approval of staff's recommendation to award the McKee Run Unit 3 Stack repairs contract to NAES Power Contractors - Chimney Division in the amount of $223,852.00. McKee Run Unit 3 Stack repairs are to begin on October 3, 2016, and be completed on or before November 16, 2016. The motion was seconded by Mr. Hosfelt and carried by a unanimous roll call vote (Mr. Slavin absent).

ADDITIONAL APPOINTMENT TO THE ECONOMIC DEVELOPMENT COMMITTEE - CHAIR OF THE UTILITY COMMITTEE

During the Special Council Meeting - Budget Review of May 26, 2016, City Council dissolved the City's Economic Development Office and created an Economic Development Committee within the City, with the Mayor to serve as the Committee Chair and the other members to consist of the City Manager, or the City Manager's designee, the Chair of the Legislative, Finance, and Administration Committee, a designee of the Downtown Dover Partnership (DDP), and the City Planner.

Mr. Hare advised that during the Economic Development Committee Meeting of August 16, 2016, members recommended that the Chair of the Utility Committee be appointed to serve on the Economic Development Committee. He explained that, since the Mayor serves on the Committee but has no voting privileges, the Committee currently had four (4) voting members, which could result in tie votes. Additionally, Mr. Hare indicated that under the current composition of the Economic Development Committee, if two (2) members spoke together outside of a formal Committee meeting, this would result in a violation of the Freedom of Information Act (FOIA). Members thought it was imperative to have a fifth voting member and recommended the Chair of the Utility Committee, since many utility issues will arise in economic development.

Mr. Sudler moved for approval of the Committee's recommendation to appoint the Chair of the Utility Committee to serve on the Economic Development Committee, seconded by Mr. Lewis.

Mr. Anderson stated that he favored this addition; however, he believed that this was not the only addition needed, explaining that an entire segment of the community, comprising approximately 57% of the community, was being left out. He indicated that he would support this motion; however, he would be recommending a couple of amendments to Proposed Resolution No. 2016-09, formally establishing the Economic Development Committee, which will be considered by Council during the latter part of the meeting.

Mr. Sudler stated that there was a large segment of the community that would like to be on the Committee, and he felt that they needed to be taken into consideration. He advised that, if he was not mistaken, according to that segment of the community, the Mayor had recently guaranteed them a seat at the table. Mr. Sudler indicated that he would support the recommendation; however, he would like to see more representation in the form of at least two (2) additional Committee members who reflect the community and are not part of City Council or an existing committee of the City of Dover.

Mr. Hosfelt requested clarification regarding the percentage of the community that was being discussed. In response, Mr. Anderson explained that the demographics of the City reflect that the City is 57% minority from various groups. He stated that many people, including several business people, some from the downtown area, had contacted him and felt there was a lack of representation of the various minority communities. Mr. Anderson stated his intent to bring an amendment forth in that regard during discussion of Proposed Resolution No. 2016-09, formally establishing the Economic Development Committee. He expressed support for adding the Utility Committee Chair to the Economic Development Committee.

Mr. Sudler informed members that the intent was to bring to the table others that had not been there in the past, including not only African-Americans but also Asian, Hispanic, and Native American minorities.

The motion for approval of the Committee's recommendation to appoint the Chair of the Utility Committee to serve on the Economic Development Committee was unanimously carried.

PROPOSED RESOLUTION NO. 2016-09 FORMALLY ESTABLISHING THE ECONOMIC DEVELOPMENT COMMITTEE

During the Special Council Meeting - Budget Review of May 26, 2016, City Council dissolved the City's Economic Development Office and created an Economic Development Committee within the City, with the Mayor to serve as the Committee Chair and the other members to consist of the City Manager, or the City Manager's designee, the Chair of the Legislative, Finance, and Administration Committee, a designee of the Downtown Dover Partnership (DDP), and the City Planner.

During consideration of the previous item, Additional Appointment to the Economic Development Committee, Council approved the Economic Development Committee's recommendation to appoint the Chair of the Utility Committee to serve on the Economic Development Committee.

Mr. Hare advised members that Resolution No. 2016-09 would formally establish the Economic Development Committee.

Mr. Anderson moved to amend Line #13 of the Proposed Resolution to include the word "inclusive" following the word "targeted," seconded by Mr. Sudler.

Mr. Anderson advised that the statement would then read, "WHEREAS, the Mayor and Council wish to develop a collaborative, targeted, inclusive, and effective approach to economic development in

the City of Dover." He stated that this would make it part of the vision mandate that everyone is to be served.

Mr. Neil questioned how these individuals would be appointed and who would determine how many females or others would be on this body to make sure that the City is living up to what is supposed to be done. He stated that he had not been privy to any related discussions or promises that were made and he wondered who would control the appointments to the Committee.

As a member of the Economic Development Committee, Mr. Hare stated that he did not believe that this would change the size of the Committee, noting that creation of subcommittees had been discussed and some had already been created, including one (1) for employment.

Mr. Kirby Hudson, Assistant City Manager, stated that he and Mayor Christiansen had been talking to Dr. Michael Casson, Director, University Center for Economic Development and International Trade (UCEDIT) and Associate Professor of Economics, Delaware State University. Mr. Hudson informed members that Dr. Casson had indicated that he would be interested in being part of a subcommittee and would also like to possibly bring in another person from the University. Mr. Hudson stated that this had not been vetted and this information was based on Mr. Hudson's discussions with Dr. Casson. Mr. Hudson believed that Dr. Casson had been to only one (1) meeting, and that Dr. Casson was going to be putting a team together and would then come back to the full body of the Economic Development Committee with a plan.

Mr. Hare concurred with Mr. Hudson's recollection, noting that the Committee was still formulating their plans and developing subcommittees, and the subcommittee that Mr. Hudson described was one that was recommended. Mr. Hare stated that they were waiting for Dr. Casson and Mr. Clay Hammond to come back to the Economic Development Committee.

Mr. Neil stated his understanding that by adding "inclusive," members would be making sure from a mission standpoint that other people would be included. He stated that the basic members of the Committee had been established, including the Chairman of the Utility Committee as a voting member. It was Mr. Neil's understanding that by adding "inclusive," the Economic Development Committee would be able to add as many people and subcommittees as they want.

Mr. Anderson stated that two (2) separate amendments would be offered and he expressed the desire not to merge the two (2) separate issues. He explained that the current amendment focused only on the mission of the organization and had nothing to do with membership.

The motion to amend Line #13 of the Proposed Resolution to include the word "inclusive" following the word "targeted" was unanimously carried.

Mr. Anderson moved to amend Proposed Resolution #2016-09 by adding to Line #8, after "partnership", the phrase "two (2) members that represent minority business interests." The motion was seconded by Mr. Sudler.

Mr. Anderson stated that this line would then read "... a designee of the Downtown Dover Partnership (DDP), two (2) members that represent minority business interests, and the City Planner...".

Mr. Koenig requested, if the amendment was approved, that clear direction be given on how those members would be selected and confirmed. Responding, Mr. Anderson explained that they would be appointed by the Council President and approved by Council.

Mr. Cole asked if these members would be part of the Downtown Dover Partnership (DDP) or two (2) citizens. Responding, Mr. Anderson stated that they may or not be from the DDP, they may or not be from downtown, or one (1) may be from downtown and the other from another portion of the City.

Mr. Hudson stated that some time ago Mr. Sudler had commented that when people are added to any kind of committee, it would be helpful if they have some sort of background. He felt that those selected should have a background beyond just wanting to be a part of something, noting that otherwise they could be a deterrent. Responding, Mr. Anderson expressed agreement and felt that the Council President could achieve this.

Mr. Hare indicated that he could not support this motion because the Economic Development Committee was created as a Council committee, noting that there were subcommittees doing everything that was being discussed. Additionally, he felt that the Committee was still in a formative stage, and growing the Committee would defeat its purpose. Mr. Hare believed that the more people there are, the less that gets done. He explained that he had no problem with having subcommittees, stating that this is what was asked for. Mr. Hare did not agree with adding more members to the Committee until it became more established.

Mr. Lewis concurred with Mr. Hare, stating that baby steps should be taken at this juncture because it was a new committee.

Mr. Hosfelt questioned if there was a reason or issue at the root of this request. Responding, Mr. Anderson stated that Apostle Lott had formed a citizen committee, and one of their major concerns was there had not been a great deal of change downtown because there was no vested interest, particularly for minority business owners, people who live there, etc. Mr. Anderson stated that there was a real concern related to jobs and economic development. He indicated that when this item came up on the agenda, he was contacted by several people, including some downtown business owners who had asked for the proposed amendment. Mr. Anderson advised that Council President Slavin had also received such contacts and that this amendment was suggested by Mr. Slavin. Mr. Anderson felt that the concerns were valid because he believed that something as vital as economic development should be reflective of the different perspectives in the City today, not those from 40 years ago since things had changed. He stated that the concerns from a year ago had not gone away, they were still here and people were much more engaged now. Mr. Anderson advised that one of the reasons Dr. Casson was put on a subcommittee was because he was told that there was no room on the Committee because Council had determined the membership of the Economic Development Committee and any changes must be made through Council, and this was the reason for the proposed amendment.

Mr. Sudler stated that he had received numerous phone calls from Mr. Bobby Wilson and Mr. Hammond. It was Mr. Sudler's understanding that they were somewhat guaranteed a seat at the table or some type of minority representation, not just for the African-American community but also for Hispanic and other communities, by the Mayor. Mr. Sudler advised that Mr. Wilson and Mr. Hammond were disgruntled and had contacted him, Councilman Anderson, and possibly Council President Slavin for the past three (3) or four (4) days because they were very upset with the Mayor and felt that the Mayor had lied to them. Mr. Sudler explained that this was the reason he and Mr. Anderson were bringing forth these concerns, noting it was not their personal issue but was from their constituents and downtown business owners. Mr. Sudler noted that the Mayor was not present to express what he had said to Mr. Wilson and Mr. Hammond; however, Mr. Sudler felt that he had an obligation to bring forth their concerns, noting that downtown Dover businesses are in his district. He noted that he was sure that the Mayor would voice his opinion when he is present. Mr. Sudler felt that there seemed to be an issue between what the Mayor was telling certain people, business owners, or constituents versus what was actually being done.

Mr. Neil advised members that he serves as Council's liaison to Kent County Tourism and he has a totally different vision of what economic development is. He stated that he heard from Kent County Tourism that Milford and Smyrna were aggressively pursuing businesses to bring into their cities, and this had nothing to do with "What are you doing for me?" Mr. Neil noted that Council President Slavin had advised him that Mr. Slavin's wife was approached by Milford to bring Forneys Too to Milford. He felt that if Dover was fighting over chunks of "What are you doing for me?", economic development would not succeed. Mr. Neil voiced the need to fill the places that are not filled and aggressively bring people in. He indicated that the Economic Development Committee would have subcommittees and that he had voted in favor of inclusion, noting the importance of including everyone who wants a stake in economic development. Mr. Neil did not believe that the current discussion was leading to the aggressive pursuit of bringing business into the City, regardless if it was white, black, female, or male, which is what the Economic Development Committee must do. He stated that he would expect those on the Committee to be as aggressive about bringing business into the City as they are about resolving the other problems that they are concerned about.

Mr. Hare reiterated that the Committee was still in its fledgling stage. He advised that Mr. Hammond and Mr. Wilson were present at one (1) of the first Economic Development Committee meetings and expressed their concerns, when members agreed with them and asked them to provide more information. To date, this information had not been provided and Mr. Hare felt they should be given time. He noted that the Committee would be working with realtors regarding filling big box stores and expressed the desire to work with Mr. Hammond, who would be able to develop the workforce to supply these businesses with employees. Mr. Hare stated the desire not to get too far ahead of themselves. He indicated that members may be added in the future but felt the need for the Economic Development Committee to get its feet on the ground first. He stated that the Downtown Dover Partnership (DDP) was founded to address downtown businesses and suggested that those with businesses in that area go to DDP meetings. Mr. Hare noted that these concerned individuals had not attended Economic Development Committee meetings, other than the initial meeting.

Mayor Christiansen stated that he was not accustomed to being called a liar and objected to this. He indicated that he had been very inclusive and had encouraged people to participate in the Economic

Development Committee. He stated that a whole meeting had been dedicated to including the minority community in the Committee and that a workshop had been held at the Duncan Center to work toward including the minority community in the decisions in the DDP. Responding, Mr. Sudler stated that he had not called the Mayor a liar, but this was what was reported to him. Mayor Christiansen believed that the implication was there. He stated that he had worked on behalf of this community his entire life and objected to anyone implying that he had lied to anyone in the community.

Mayor Christiansen asked if Mr. Sudler or Mr. Anderson had previously expressed any concerns about the membership on the Committee to the Mayor. Mr. Anderson stated that he had done so earlier in the evening. Mayor Christiansen indicated that he had told Mr. Anderson at that time that they had asked Dr. Casson to head up a committee on minority inclusion in the business community, and Mr. Anderson stated that this was correct.

Mayor Christiansen asked Mr. Anderson and Mr. Sudler if they had asked the Mayor about this at any time before, and Mr. Anderson stated that he could not recall doing so. Mr. Sudler stated that he did not have to express his concerns because the concern was brought to Mr. Sudler about what the Mayor had supposedly told Mr. Hammond and Mr. Wilson. Mr. Sudler stated that these concerns were reported to him and that he had a right to convey what his constituents had said.

Mayor Christiansen apologized to Mr. Sudler; however, he stated that he would not have the impression made that he had not acted in good faith to include the members of this community.

Mr. Hutchison moved to take a five-minute break, seconded by Mr. Lewis.

Mayor Christiansen stated that there was a motion on the floor and offered to leave the room; however, he stated that he would not be called a liar or represented as someone who was not working in the best interest of the entire community across the board.

The motion to take a five-minute recess failed, with Mr. Neil voting yes.

For clarification, Mr. Anderson explained that he had heard not just from the two (2) people mentioned but that 10 people had expressed some concern. He indicated that many of these related emails and calls were received over the weekend, on Saturday and Sunday, and for this reason a meeting took place earlier in the day at 3:00 p.m. without a lot of notice.

Mr. Hare stated that maybe these parties would relay their thoughts in writing and submit them to the City Clerk's Office. Mr. Sudler stated that he would be sure to forward his emails to the Mayor.

Mr. Anderson noted that these parties had submitted their concerns to a councilman, and Mr. Hare asked if he had submitted them to the City Clerk's Office to provide to Council for review. Responding, Mr. Anderson stated that he was submitting them right now. Mr. Hare felt that submitting the actual emails would be better. Mr. Anderson stated that he hoped that would not be better.

Mayor Christiansen apologized to members of Council for his outburst.

The motion to amend Proposed Resolution #2016-09 by adding to Line #8 after "partnership" the phrase "two (2) members that represent minority business interests" failed by a roll call vote of two (2) yes (Mr. Anderson and Mr. Sudler), six (6) no (Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hosfelt, Mr. Hare, Mr. Hutchison), and one (1) absent (Mr. Slavin).

Mr. Lewis stated that, although he supported Mr. Sudler's and Mr. Anderson's proposal, he felt that the Economic Development Committee was in a stage of baby steps and felt this could be done at a later date.

Mr. Anderson moved for adoption of the Resolution, seconded by Mr. Sudler and, by a unanimous vote, Resolution No. 2016-09 was adopted, as follows:

A RESOLUTION FORMALLY ESTABLISHING THE ECONOMIC DEVELOPMENT COMMITTEE

WHEREAS, during the Special Council Meeting - Budget Review of May 26, 2016, City Council dissolved the City's Economic Development Office and created an Economic Development Committee within the City, with the Mayor to serve as the Committee Chair and the other members to consist of the City Manager, or the City Manager's designee, the Chair of the Legislative, Finance, and Administration Committee, the Chair of the Utility Committee, a designee of the Downtown Dover Partnership (DDP), and the City Planner; and

WHEREAS, a strong and robust local economy is essential to the quality of life of all residents of the City of Dover and its surrounding community. It is vital that the City pursue sound and innovative strategies to promote growth, attract investment, create and protect jobs, and support existing businesses and enterprises; and

WHEREAS, the Mayor and Council wish to develop a collaborative, targeted, inclusive, and effective approach to economic development in the City of Dover.

NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DOVER HEREBY FORMALLY ESTABLISH THE CITY OF DOVER ECONOMIC DEVELOPMENT COMMITTEE, WHICH SHALL:

1. Promote the economic interests of the City of Dover, formulate recommendations to Council and staff, and coordinate with staff, other government bodies and institutions, the business community, and the public on economic development matters.

2. Provide monthly reports to City Council.

ADOPTED: AUGUST 22, 2016

CLARIFICATION OF COUNCIL ACTION OF AUGUST 8, 2016 - PROPOSAL FOR DOVER PUBLIC LIBRARY TO ADOPT A SMOKE-FREE POLICY

During the Regular City Council Meeting of August 8, 2016, members considered a Proposal for Dover Public Library to Adopt a Smoke-Free Policy. Members accepted the Legislative, Finance, and Administration Committee's recommendation to authorize the City Manager to implement a smoke-free policy on the campus and grounds of the Dover Public Library, as amended to include all parks and recs facilities and within 25 feet of City buildings.

Mr. Sudler moved to defer the clarification of Council action on this item until the return of Council President Slavin, noting that Mr. Slavin had asked for this item to be placed on the agenda. The motion was seconded by Mr. Hosfelt.

Mr. Lewis requested an update on the policy, stating that he had missed the August 8, 2016 meeting due to being on vacation.

Mr. Scott Koenig, City Manager, stated that the request had originated from the Dover Public Library since the Library had experienced some specific problems related to their facility. There had been at least one (1) or two (2) occasions when the Dover Fire Department had to be called because of a mulch fire adjacent to the building, and the Library had experienced trouble with smoking around the building. Mr. Koenig explained that, under the Library's Leadership in Energy and Environmental Design (LEED) certification, there was supposed to be no smoking within 25 feet of the building. He advised that it was difficult to enforce exactly 25 feet, and because of the problem with the Fire Department, there had been discussion about replacing the mulch with river rock, which Mr. Koenig felt was not a good solution because it creates the possibility of throwing objects around the Library, potentially leading to property damage. He stated that the Library staff put forward a request to make the library campus smoke free and that the problem that staff wanted to address was patrons and cleanliness at the library facility.

Mr. Koenig stated that, during the Legislative, Finance, and Administration Committee meeting of July 26, 2016, there was a brief discussion about the policy including all City facilities; however, he had not anticipated the discussion about extending it to all City facilities at that point. He indicated that no one had been notified that there was consideration of banning smoking from all City facilities, which would include property, vehicles, and the like. Mr. Koenig advised that during the Council meeting of August 8, 2016, a motion was made on the floor by Mr. Sudler to extend this policy to all buildings. There was discussion about prohibiting smoking within 25 feet from buildings, all parks, and City property, which had created a major problem for implementation for the City Manager's Office. Mr. Koenig explained that staff was not notified that this was being considered, the City had references to smoking areas in the Employee Handbook, and no employee input was obtained from the approximately 360-person workforce. He felt that the motion on the Council floor was a curve ball. Mr. Koenig stated that members of Council expected the ban to start being enforced on the next day; however, no signs were posted because there was a need to determine the number of signs. He informed members that Deputy City Solicitor William Pepper had indicated that an ordinance needed to be updated. Mr. Koenig advised that, while the ban could be in place, the actual enforcement of the smoking ban on City property would be difficult without an ordinance amendment. He stated that there had been comments from a number of staff members who were frustrated that there was no opportunity to comment. For Council's information,

Mr. Koenig explained that "no City property" would include City parks and vehicles. In addition, he stated that there were tenants at 5 East Reed Street, including the State of Delaware, that were not notified ahead of time. Mr. Koenig informed members that the City of Dover owns the Dover Post Office property, and the U. S. Postal Service is a lessee and he had not yet determined how to address that situation. He advised that he had not determined how to make this work at this point.

Mr. Koenig informed members that it was intended that there would be a clarification of the policy on tonight's agenda. He advised that a notice was sent out to all staff stating that smoking had been banned. He expected that this would be a soft ban, since he was unsure how there could be retribution for violating the ban because a progressive policy or ordinance must be in place to identify the fine. Mr. Koenig reiterated that the request had been to start with the Library by addressing a specific issue there. If Council wanted staff to progress to other facilities, staff would be happy to do this; however, a timeline would be needed to implement this rather than doing so immediately because conversations would be needed with staff, the City must purchase signage since parks must be signed correctly in order to outlaw smoking there, and staff had not been prepared for the amendment on the floor.

Mr. Lewis questioned if smoking was banned on City property as of the last Council meeting. Responding, Mr. Koenig stated that this was the consensus of the feelings expressed at the Council President's agenda meeting held two (2) days after the last Council meeting.

Mr. Lewis asked what Mr. Koenig's intentions were in regard to enforcing this. As a State employee, Mr. Lewis stated that smoking is banned in all State facilities and disciplinary action is taken against those who are caught smoking. Mr. Lewis questioned how the City intended to proceed with this. Responding, Mr. Hare stated this was part of the discussion that was intended for this evening's meeting.

Mr. Lewis stated that he had been confused because the agenda title referenced only the Dover Public Library rather than City buildings or properties.

The motion to defer this item until the return of Council President Slavin was unanimously carried.

FINAL READING - PROPOSED ORDINANCE #2016-19 WITH COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE AMENDMENT #1 (CCW/LF&A #1) AMENDING CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS; CHAPTER 46 - FIRE PREVENTION AND PROTECTION; AND CHAPTER 50 - FLOODS (CONSOLIDATION OF CONSTRUCTION CODE APPEALS COMMITTEE AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS)

The First Reading of the Proposed Ordinance was accomplished during the Council Meeting of August 8, 2016. The ordinance is 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. Sudler and unanimously carried.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the Proposed Ordinance would consolidate two (2) existing appeals committees. She explained that the Construction Code Appeals Committee and the Property Maintenance Code Board of Appeals were both created under Chapter 22, which is the building Code. Mrs. Townshend advised that the Property Maintenance Code Board of Appeals Committee hears property maintenance appeals and includes the City Manager and two (2) members of the public, one (1) representing real estate interests and one (1) representing the general citizenry. The Construction Code Appeals Committee hears any other appeals and includes the City Manager and two (2) members of Council appointed by the Council President.

Mrs. Townshend explained that the Proposed Ordinance would merge those two (2) bodies; however, due to an amendment introduced during the Legislative, Finance, and Administration Committee meeting of August 8, 2016, the City Manager would not serve on the consolidated committee. Three (3) members of City Council would be appointed to the Committee, as well as the real estate and general citizenry representatives. Mrs. Townshend advised that consolidation would reduce confusion regarding which board hears which cases and would create a better combination of interests to oversee the appeal process.

Referring to Lines #17 and #18, Mr. Anderson questioned why this committee elects one (1) of its own members as the chairperson, unlike most Council committees, where the chair is appointed by the Council President and approved by Council. Responding, Mrs. Townshend stated that this was in the existing code regarding the Construction Code Appeals Committee and was no change was proposed, although it could be changed. She reminded members that this was part of consolidating the existing code.

Mr. Anderson moved that Line #18 be amended to strike "shall elect one of its members as chairperson" and that replacement language state "shall have a chairperson appointed by the council president and confirmed by city council." The motion failed for the lack of a second.

Mr. Cole moved for approval of Council Committee of the Whole/Legislative, Finance, and Administration Committee Amendment #1 (CCW/LF&A#1), seconded by Mr. Sudler and unanimously carried.

Mr. Neil moved for adoption of Proposed Ordinance #2016-19, as amended, seconded by Mr. Lewis, and by a unanimous roll call vote (Mr. Slavin absent), Ordinance #2016-19 was adopted, as follows:

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

That Chapter 22 - Buildings and Building Regulations, Article I - In General, Section 22-1 - Construction Code Appeals Committee of the Dover Code be amended to read as follows:

Sec. 22-1. - Construction and property maintenance code board of appeals.

(a) Established; composition; appointment. There shall be a committee to be referred to as the "construction and property maintenance code board of appeals," consisting of five (5) members. The council president shall appoint three (3) elected city officials and the mayor shall appoint one (1) city resident generally selected as a representative of homeowners and one (1) representative of the local real estate industry association. Members shall serve one-year terms unless sooner removed. All appointments are subject to confirmation by the city council at its second regular meeting in May. The construction and property maintenance code board of appeals shall elect one of its members as chairperson.

(b) *Appeals*. Whenever any person is aggrieved by a decision of the building inspector with respect to the provision of this chapter, it is the right of that person to appeal to the construction and property maintenance code board of appeals. Such appeal must be filed, in writing, within 30 days after the determination by the building inspector.

(c) *Notice; hearing*. Upon receipt of such an appeal, the construction and property maintenance code board of appeals shall set a time and place in not less than ten, nor more than 30 days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard. The determination by the construction and property maintenance code board of appeals shall be final in all cases.

(Code 1981, § 5-3; Ord. of 4-25-1994)

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article III - Building Code, Section 22-61 - Adopted, Subsection (a) - International Building Code adopted, Section 113 - Board of Appeals of the Dover Code be amended to read as follows:

Section 113 BOARD OF APPEALS. See Chapter 22-Buildings and Building Regulations, Article I-In General, Sec. 22-1 Construction and property maintenance code board of appeals

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article III - Building Code, Section 22-61 - Adopted, Subsection (b) - International Residential Code Adopted, Section R112 - Board of Appeals of the Dover Code be amended to read as follows:

SECTION R112 BOARD OF APPEALS See Chapter 22 - Buildings and Building Regulations, Article I - In General, Sec. 22-1 Construction and property maintenance code board of appeals.

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article VII - Property Maintenance Code, Section 22-221 - Adopted, Subsection (a), Section 111 - Means of Appeal of the Dover Code be amended to read as follows:

SECTION 111 MEANS OF APPEAL See Chapter 22 - Buildings and Building Regulations, Article I - In General, Sec. 22-1 Construction and property maintenance code board of appeals.

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article VII - Property Maintenance Code, Section 22-225 - Property Maintenance Code Board of Appeals of the Dover Code be deleted in its entirety.

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings, Section 22-406 - Appeals of the Dover Code be amended to read as follows:

Sec. 22-406. - Appeal of the 25 percent over market rate.

An appeal of the 25 percent over market rate (from the actively for sale or lease definition) can be considered through an appraisal using accepted appraisal standards to determine market rate. The owner has the option of asking the city tax assessor to perform the appraisal or having one performed (using accepted appraisal standards) at their own expense.

(Ord. of 6-26-2006; Ord. No. 2013-03, 3-11-2013)

BE IT FURTHER ORDAINED:

That Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-125 - Construction Code Appeals Committee of the Dover Code be amended to read as follows:

Sec. 46-125. - Appeal; hearing.

Appeal; hearing. Whenever any person is aggrieved by a decision of the fire marshal with respect to the provisions of this chapter, it is the right of that person to appeal to the construction and property maintenance code board of appeals, as provided for in Chapter 22 - Buildings and Building Regulations, Article I - In General, Section 22-1 - Construction and property maintenance code board of appeals. Such appeal must be filed, in writing, within 30 days after the determination by the fire marshal. Upon receipt of such appeal, the construction and property maintenance code board of appeals shall set a time and place, in not less than ten or more than 30 days, for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard. The determination by the construction and property maintenance code board of appeals shall be final in all cases.

(Code 1981, § 7-60; Ord. of 5-10-1982; Ord. of 11-22-1993)

BE IT FURTHER ORDAINED:

That Chapter 50 - Floods, Article IV - Variances, Section 50-46 - Variances of the Dover Code be amended to read as follows:

Sec. 50-46. - Variances.

The City of Dover construction and property maintenance code board of appeals, as provided for in Chapter 22 - Buildings and Building Regulations, Article I - In General, Section 22-1 - Construction and property maintenance code board of appeals, shall have the power to authorize, in specific cases, such variances from the requirements of these regulations and the flood load and flood load and flood-resistant construction of the building code, not inconsistent with federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) *Application for a variance.*

a. Any owner, or agent thereof, of property for which a variance is sought shall submit an application for a variance to the floodplain administrator.
b. At a minimum, such application shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request. Each variance application shall specifically address each of the considerations in section 50-46(2) and the limitations and conditions of section 50-46(3).

(2) *Considerations for variances*. In considering variance applications, the City of Dover construction and property maintenance code board of appeals shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of these regulations, and the following factors:

a. The danger that materials may be swept onto other lands to the injury of others.
b. The danger to life and property due to flooding or erosion damage.
c. The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.
d. The importance of the services provided by the proposed development to the community.
e. The availability of alternative locations for the proposed use which are not subject to, or are subject to less, flooding or erosion damage.
f. The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.
g. The compatibility of the proposed use with existing and anticipated development.
h. The relationship of the proposed use to the comprehensive plan for that area.
i. The safety of access to the property in times of flood for ordinary and emergency vehicles.

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(3) *Limitations for variances*.

a. An affirmative decision on a variance request shall only be issued upon:

1. A showing of good and sufficient cause. A "good and sufficient" cause is one that deals solely with the physical characteristics of the property and cannot be based on the character of the planned construction or substantial improvement, the personal characteristics of the owner or inhabitants, or local provisions that regulate standards other than health and public safety standards.
2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property.
3. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
4. A determination that the granting of a variance for development within any designated floodway, or special flood hazard area with base flood elevations but no floodway, will not result in increased flood heights beyond that which is allowed in these regulations.
5. A determination that the granting of a variance will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
6. A determination that the structure or other development is protected by methods to minimize flood damages.
7. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Upon consideration of the individual circumstances, the limitations and conditions, and the purposes of these regulations, the City of Dover construction and property maintenance code board of appeals may attach such conditions to variances as it deems necessary to further the purposes of these regulations.

c. The City of Dover construction and property maintenance code board of appeals shall notify any applicant in writing to whom a variance is granted for a building or structure with a lowest floor elevation below the base flood elevation that the variance is to the floodplain management requirements only, and that the cost of federal flood insurance will be commensurate with the increased risk.

(Ord. No. 2014-09, 6-9-2014)

ADOPTED: AUGUST 22, 2016

CITY MANAGER'S ANNOUNCEMENTS

Mr. Scott Koenig, City Manager, advised that school was starting and there was increased activity this week around Dover with school buses and active school walk zones. He stated that there were increased safety issues across the City and asked everyone to be mindful of this, noting that he would also remind staff to be mindful.

Mr. Koenig stated that the City's Fourth of July Celebration had been rescheduled for Saturday, September 3, 2016. Activities would be held on and off all day, but would increase at 8:00 p.m., with the fireworks show at 8:15 p.m. He stated that the full schedule was available at www.dover4thofjuly.com.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Sudler thanked Councilmen Hutchison, Hare, and Neil for serving as celebrity cooks at the Mt. Zion AME Church back-to-school outreach initiative in the Fourth District.

Mr. Hosfelt stated that a Special Safety Advisory and Transportation Committee meeting would be held on September 7, 2016 at 6:00 p.m. in Council Chambers. He stated that members would hear from the agency or group that performed the Public Safety Study - Fire/EMS Operational & Administrative Analysis and would take questions from Council, members of the audience, and probably the Dover Fire Department. He stated that this would cover the Dover Fire Department and the ambulance service, and encouraged everyone to attend.

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

Meeting adjourned at 9:19 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of August 22, 2016, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
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Exhibits
Exhibit #1 - Corrected Council Resolution No. 2016-08 - Proposing the Vacating and Abandonment of a Certain Improved Stub Street Situated in the City of Dover (Setting the Public Hearing) - Topaz Circle Stub Street

City of Dover

MAYOR AND COUNCIL

CORRECTED

COUNCIL RESOLUTION NO. 2016-08

A RESOLUTION PROPOSING THE VACATING AND ABANDONMENT OF A CERTAIN IMPROVED STUB STREET SITUATED IN THE CITY OF DOVER.

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

Section 1. The Council of the City of Dover favors the vacating and abandoning of Topaz Circle stub street, as specified below:

Adjacent to 402 Topaz Circle (ED-05-067.01-01-24.00)
Being a portion of that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an improved public dead end portion of Topaz Circle lying to the southeast of the intersection of Topaz Circle and Aquamarine Court and to the northwest of lands now or late of Richard B. McKee, said portion of Topaz Circle beginning at a point in line of said McKee lands and the southern property corner of Parcel No. ED-05-067.01-01-24.00; thence running South 50 degrees 40 minutes 20 seconds West 30.03 feet along the southerly line to the center point of Topaz Circle; thence running North 36 degrees 48 minutes 41 seconds West 111.46 feet parallel to the westerly property line of Parcel No. ED-05-067.01-01-24.00 to a point; thence running North 53 degrees 11 minutes 19 seconds East 55.00 feet to a point of curvature in the southerly line of Topaz Circle, said point being the northerly end of a 25 foot radius junction curve joining the southerly and easterly lines of Topaz Circle; thence running along said junction curve by the arc of a circle curving to the left, with a radius of 25.00 feet, a distance of 39.27 feet to a point of tangency in the easterly line of Topaz Circle; thence running South 36 degrees 48 minutes East 85.15 feet to a point in the line of said McKee lands and the southern property corner of Parcel No. ED-05-067.01-01-24.00, being the point and place of beginning and containing 0.08 acres (3,460.14 square feet) of land be the same more or less.

Adjacent to 2 Aquamarine Court (ED-05-067.01-01-25.00)
Being a portion of that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an improved public dead end portion of Topaz Circle lying to the southeast of the intersection of Topaz Circle and Aquamarine Court and to the northwest of lands now or late of Richard B. McKee, said portion of Topaz Circle beginning at a point in line of said McKee lands and the southeastern property corner of Parcel No. ED-05-067.01-01-25.00; thence running North 50 degrees 40 minutes 20 seconds East 30.03 feet along the southerly line to the center point of Topaz Circle; thence running North 36 degrees 48 minutes 41 seconds West 111.46 feet parallel to the easterly property line of Parcel No. ED-05-067.01-01-25.00 to a point; thence running South 53 degrees 11 minutes 19 seconds West 55.00 feet to a point of curvature in the southerly line of Aquamarine Court, said point being the northerly end of a 25 foot radius junction curve joining the southerly line

of Aquamarine Court and the westerly line of Topaz Circle; thence running along said junction curve by the arc of a circle curving to the right, with a radius of 25.00 feet, a distance of 39.27 feet to a point of tangency in the westerly line of Topaz Circle; thence running South 36 degrees 48 minutes East 87.78 feet to a point in the line of said McKee lands and the southeastern property corner of Parcel No. ED-05-067.01-01-25.00, being the point and place of beginning and containing 0.08 acres (3,513.42 square feet) of land be the same more or less.

Section 2. The streets and infrastructure of the above described parcels of land have not been accepted by the City of Dover. The above described parcels of land shall be considered public utility easements, reserving the rights of the City of Dover, their agents or assigns to free access for ingress and egress to these premises and every part thereof at all times for purpose of installing, maintaining and operating its existing public utilities.

Section 3. The Council of the City of Dover will sit on Monday, September 12, 2016, at 7:30 p.m., in the Council Chambers at City Hall, Dover, Delaware, to hear the objections of such residents of the City or owners of the property affected as shall attend, in accordance with the provisions of Section 27 of the Charter of the City of Dover (Chapter 130, Volume 77, Laws of Delaware).

Section 4. The Clerk of Council is hereby directed to post copies of this Resolution in five or more public places in the City of Dover.

ADOPTED: AUGUST 22, 2016

S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2016\ADOPTED\RESOLUTION NO. 2016-08 - SETTING PUBLIC HEARING - ABANDONMENT OF TOPAZ CIRCLE STUB STREET\Resolution No. 2016-08 Setting Public Hearing-Abandonment-Topaz Circle Stub St-SIGNATURE-CORRECTED-08-31-2016.wpd

ROBIN R. CHRISTIANSEN
MAYOR

TIMOTHY A. SLAVIN
COUNCIL PRESIDENT

Actions History:

August 31, 2016 - Revised to reflect that Topaz Circle stub street is improved and to correct the dimensions of the property being abandoned

August 22, 2016 - Introduced at City Council

PETITION TO AMEND ZONING ORDINANCE TEXT

Report to the
Dover City Council
September 12, 2016

Proposed Change:	Text Amendment to the *Zoning Ordinance,* Article 3 – District Regulations, Section 27 - Corridor Overlay Zone (COZ-1), Subsection 27.66 - Building Height.
Summary of Amendment:	Within the Corridor Overlay Zone (COZ-1), building height is limited to 35 feet and two stories. The proposed ordinance revision would amend this restriction to make this height restriction applicable only to the first 100 feet in lot depth from right-of-way line. Beyond the first 100 feet of lot depth, building height would be governed by the zoning district of the property.
Recommendation of the Planning Commission:	Following a public hearing before the Planning Commission on August 15, 2016, where one member of the public spoke in support of the proposed ordinance amendment, the Planning Commission voted 6-0 to recommend in favor of the proposed ordinance which allows more flexibility in development along the corridors subject to the COZ-1 while maintaining the height limitation for buildings that are closest to the roadway.
Ordinance Number:	Proposed Ordinance #2016-18
File Number:	MI-16-12


MCKEE RD
WALKER RD
SAULSBURY RD
FORREST AVE
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

CITY OF DOVER PLANNING COMMISSION
August 15, 2016
Excerpt from Meeting Minutes - Draft

MI-16-12 Text Amendment: Height in COZ-1 (Corridor Overlay Zone) – Public Hearing and Review for Recommendation to City Council on a Text Amendment to the *Zoning Ordinance*, Article 3, Section 27.66 – Building Height. The proposed amendment would revise the building height limitation for a defined area on properties within the Corridor Overlay Zone (COZ-1). Specifically, areas within one hundred (100) feet of a right-of-way line of the roadways referenced in the *Zoning Ordinance*, Article 3, Section 27.3 – Zone Boundaries would remain subject to the current two-story, 35-foot height limitation, while areas outside this buffer would have no height restrictions other than those applying to underlying zoning. Ordinance #2016-18. *Final Reading/Public Hearing is scheduled before City Council for September 12, 2016.*

A. A copy of the proposed Ordinance #2016-18 is available on the City's website http://www.cityofdover.com/ under the Government Heading: Ordinances, Resolutions & Tributes.

Representatives: None

Mrs. Townshend stated that this is an amendment to the Corridor Overlay Zone. The area highlighted in green on the display that goes from the railroad tracks along Route 8 to Artis Drive and then up and down Saulsbury Road and McKee Road is subject to the provisions of the Corridor Overlay Zone. The Corridor Overlay Zone is principally design guidelines for how properties are developed. There is quite a bit regarding buildings and what you see from the road, i.e. the location of parking and landscaping. It is just an improvement over what you would see along Route 13. One of the provisions of the Corridor Overlay Zone is that it limits the height of buildings to thirty-five (35) feet and two stories. This proposed amendment would take that restriction of height only to one hundred (100) feet of the lot depth. For a lot that is deeper than one hundred (100) feet from the road, the remainder of that parcel would be subject to the height restrictions of the zone. There are some zones where you might be able to do six (6) stories; some might be three (3) stories depending on the zone. At this point, regardless of what the zoning underneath says because of the way the Corridor Overlay Zone is written everything in the COZ-1 zone is limited to thirty-five (35) feet and two stories. This would simply allow beyond one hundred (100) feet from the road to be taller than that based on whatever the zoning of the parcel is.

Ms. Maucher stated that she was looking at the Kent County Association of Realtors letter and the Corridor Overlay Zone is a twenty-five (25) year old ordinance. Was there a specific request for this or is this just an effort to update the Ordinance all together? Responding to Ms. Maucher, Mrs. Townshend stated that in this case there was a specific request. The Corridor Overlay Zone came about after a study of the Route 8 Corridor and the Saulsbury/McKee Road Corridor back in the early 1990's and then the Corridor Overlay Zone was adopted. They did a pretty significant change in 2007 but there are probably other amendments that are due like this one in particular. As they have tried to urbanize things more, they are less intimidated than they might have been twenty-five (25) years ago by a building that is over two stories. This was actually brought forward by the real estate community and has Council sponsors. This was not Staff's review of the Ordinance; it was

something that was brought forward for practical reasons and had support from members of Council to take it forward. The Planning Office is also in support because it does make sense.

Mr. Tolbert opened a public hearing.

Mr. Phil McGinnis – McGinnis Realty, 555 E Loockerman Street Dover DE 19901

Mr. McGinnis stated that he supports the text amendment because he supports anything that improves the way we do things around town. The Corridor Overlay Zone is actually illegal. You don't have overlay zones; the Chancellery Court has told Levy Court that. They are trying to preserve the first one hundred (100) feet and then after that, let the zoning districts do what the zoning districts are supposed to do which is help develop the City properly.

Mr. Holt stated that this certainly gives a lot more flexibility to the builders and real estate people to develop a property. Responding to Mr. Holt, Mr. McGinnis stated yes, it absolutely does. It actually makes that area with all of the infrastructure that's already in place a little more appealing because you are not limited by an artificial restriction.

Mr. Tolbert stated that Mr. McGinnis cited a legal issue that has been resolved by Kent County. Responding to Mr. Tolbert, Mr. McGinnis stated that Levy Court did an overlay zone out by Route 9 where as you went further east your lot sizes had to be larger and larger. The farmers sued the County about that and the Chancellery Court overturned overlay zones.

Mrs. Townshend stated that the Chancellery Court overturned "that" overlay zone not all overlay zones. No other overlay zones were nullified and the others that were in place at that time are somewhat protected by virtue of the Statute of Repose. It prevents us from enacting additional overlay zones in the future.

Mr. Baldwin stated that looking at the wording where it says "roadways", will that create a problem for people on corner properties? Responding to Mr. Baldwin, Mrs. Townshend stated no more than it already does. When something is on a corner lot it is already treated as having two fronts: so, it doesn't make it any more challenging to lay those properties out than it is now. For instance, if you look at the CVS and the Walgreen's; they are both on corner lots. In Walgreen's case, she thinks they did get a variance but the CVS complies with the requirements of the Corridor Overlay Zone as a corner building.

Mr. McGinnis stated that there are only two intersections in that zone and all four (4) corners are fully developed and no change is expected during his lifetime.

Mrs. Melson-Williams stated that there was a letter dated July 12, 2016 addressed to Tim Slavin, the Council President. It was received from the Kent County Association of Realtors and signed by their current year President, Michael Harrington, Jr. It indicates in the text of the letter that the Kent County Association of Realtors supports to text amendment to the Corridor Overlay Zone which would modify the height limitations.

Mr. Tolbert closed the public hearing.

Mr. Holt recommended approval to City Council for MI-16-12 Text Amendment: Height in COZ-1 (Corridor Overlay Zone) as submitted, seconded by Mr. Holden and the motion was unanimously carried 6-0 by roll call vote. Mr. Holden voting yes; it's a wise update to an older regulation and it makes sense. Mr. Roach voting yes. Mr. Holt voting yes; it's a very much needed addition for the real estate market and to the whole area on the overlay zones. Mr. Baldwin voting yes; it allows some flexibility for new building heights. Ms. Maucher voting yes; it's a modernization of ordinances as well as increases possibility for new development. Mr. Tolbert voting yes; after hearing the comments and the overview the passage will facilitate development in the City for buildings that need this kind of amendment.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JULY 27, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Text Amendments: Height in COZ-1**

FILE #: **MI-16-12**

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 / 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.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 27, 2016

DELDOT

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APPLICATION: Text Amendment: Height in COZ-1 (Corridor Overlay Zone)

FILE#: MI-16-12 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.

FINAL READING

CITY OF DOVER PROPOSED ORDINANCE #2016-18

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 27 - Corridor Overlay Zone 1 (COZ-1), Subsection 27.66 - Building Height of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

27.66 Building height.

(a) ~~**Buildings shall be limited in overall height to 35 feet and shall not exceed two stories.**~~ **Any building or part thereof located within 100 feet of the right-of-way line of the roadways referenced in Section 27.3 hereof shall not exceed thirty-five (35) feet in height or two (2) stories.**

ADOPTED: *

S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-18 APDX B-ZONING, ART 3, SEC 27, SUBSEC 27.66-BUILDING HEIGHT\ORDINANCE #2016-18 APDX B-ZONING, ART 3, SEC 27, SUBSEC 27.66-BUILDING HEIGHT-FINAL READING.wpd

SYNOPSIS

The proposed amendment revises the building height (development guideline) limitation for a defined area on properties within the Corridor Overlay Zone (COZ-1)

(SPONSORS: HARE AND HUTCHISON)

Actions History

09/12/2016 - Scheduled for Public Hearing/Final Reading - City Council
08/15/2016 - Public Hearing - Planning Commission
07/25/2016 - First Reading - City Council
07/12/2016 - Introduced - Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee

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PROPOSED COUNCIL RESOLUTION NO. 2016-10

A RESOLUTION VACATING AND ABANDONING A CERTAIN IMPROVED STUB STREET SITUATED IN THE CITY OF DOVER.

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

Section 1. The Council of the City of Dover hereby vacates and abandons Topaz Circle stub street, as specified below:

Adjacent to 402 Topaz Circle (ED-05-067.01-01-24.00)
Being a portion of that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an improved public dead end portion of Topaz Circle lying to the southeast of the intersection of Topaz Circle and Aquamarine Court and to the northwest of lands now or late of Richard B. McKee, said portion of Topaz Circle beginning at a point in line of said McKee lands and the southern property corner of Parcel No. ED-05-067.01-01-24.00; thence running South 50 degrees 40 minutes 20 seconds West 30.03 feet along the southerly line to the center point of Topaz Circle; thence running North 36 degrees 48 minutes 41 seconds West 111.46 feet parallel to the westerly property line of Parcel No. ED-05-067.01-01-24.00 to a point; thence running North 53 degrees 11 minutes 19 seconds East 55.00 feet to a point of curvature in the southerly line of Topaz Circle, said point being the northerly end of a 25 foot radius junction curve joining the southerly and easterly lines of Topaz Circle; thence running along said junction curve by the arc of a circle curving to the left, with a radius of 25.00 feet, a distance of 39.27 feet to a point of tangency in the easterly line of Topaz Circle; thence running South 36 degrees 48 minutes East 85.15 feet to a point in the line of said McKee lands and the southern property corner of Parcel No. ED-05-067.01-01-24.00, being the point and place of beginning and containing 0.08 acres (3,460.14 square feet) of land be the same more or less.

Adjacent to 2 Aquamarine Court (ED-05-067.01-01-25.00)
Being a portion of that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an improved public dead end portion of Topaz Circle lying to the southeast of the intersection of Topaz Circle and Aquamarine Court and to the northwest of lands now or late of Richard B. McKee, said portion of Topaz Circle beginning at a point in line of said McKee lands and the southeastern property corner of Parcel No. ED-05-067.01-01-25.00; thence running North 50 degrees 40 minutes 20 seconds East 30.03 feet along the southerly line to the center point of Topaz Circle; thence running North 36 degrees 48 minutes 41 seconds West 111.46 feet parallel to the easterly property line of Parcel No. ED-05-067.01-01-25.00 to a point; thence running South 53 degrees 11 minutes 19 seconds West 55.00 feet to a point of curvature in the southerly line of Aquamarine Court, said point being the northerly end of a 25 foot radius junction curve joining the southerly line of Aquamarine Court and the westerly line of Topaz Circle; thence running along said junction curve by the arc of a circle curving to the right, with a radius of 25.00

Draft

feet, a distance of 39.27 feet to a point of tangency in the westerly line of Topaz Circle; thence running South 36 degrees 48 minutes East 87.78 feet to a point in the line of said McKee lands and the southeastern property corner of Parcel No. ED-05-067.01-01-25.00, being the point and place of beginning and containing 0.08 acres (3,513.42 square feet) of land be the same more or less.

Section 2. Since no person has been deprived of property by the vacating and abandoning of the aforesaid stub street, no compensation is awarded.

Section 3. The streets and infrastructure of the above described parcels of land have not been accepted by the City of Dover. The above described parcels of land shall be considered public utility easements, reserving the rights of the City of Dover, their agents or assigns to free access for ingress and egress to these premises and every part thereof at all times for the purpose of installing, maintaining and operating its existing public utilities. All costs of conveyance shall be borne by the property owners.

Section 4. This resolution shall be effective upon the filing of a revised plot plan of the aforesaid stub street.

ADOPTED: *

S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2016\DRAFT\RESOLUTION NO. 2016-10 ABANDONING TOPAZ CIRCLE STUB STREET\Resolution No. 2016-10 Abandoning Topaz Circle Stub Street.wpd

ROBIN R. CHRISTIANSEN	TIMOTHY A. SLAVIN
MAYOR	COUNCIL PRESIDENT

Actions History:
09/12/2016 - Scheduled for Introduction - City Council

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Exhibit A

Topaz Circle
Proposed Stub Street Abandonment



0 75 150 300 Feet

N

Legend

- Dover Parcels
- Storm Sewer Inlet
- Storm Sewer Manhole
- Hydrants
- Storm Sewer Pipe
- Water Main
- Hydrant Line
- Overhead Electric Pole
- Underground Electric Lines
- Overhead Electric Lines
- Sanitary Sewer Manholes
- Sanitary Sewer Line
- Topaz_Cir_Stub

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Department: Public Works GIS
City of Dover, Delaware

COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole Meeting was held on August 23, 2016 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Sudler, Mr. Neil (arrived at 6:03 p.m.), Mr. Lewis (arrived at 6:09 p.m.), Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mr. Anderson was absent. Mayor Christiansen was also present. Civilian members present for their Committee meetings were Mr. Keller and Mr. Shelton (*Safety Advisory and Transportation*) and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*).

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee met with Councilman Hosfelt presiding.

AGENDA ADDITIONS/DELETIONS

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

Viability of the ShotSpotter Gunshot Detection and Location Service

During the Council Committee of the Whole/Safety Advisory and Transportation Committee Meeting of July 26, 2016, members considered the Viability of the ShotSpotter Gunshot Detection and Location Service and deferred this item for further investigation.

Deputy Police Chief Marvin Mailey advised members that he wished to address questions that members had posed during the meeting of July 26, 2016. In regard to the availability of federal grant funding, he explained that he had spoken with Ms. Amanda Wood, Funding Specialist, ShotSpotter, Inc., who outlined a number of funding programs that could cover some or most of the cost of the ShotSpotter program, which would be approximately $195,000 per year. Deputy Chief Mailey stated that there were three (3) programs available through the Department of Housing and Urban Development (HUD), a program through the Department of Homeland Security's State Homeland Security Grant Program, and federal grants through Project Safe Neighborhoods and the Smart Policing Initiative Grant, as well as a technology grant for innovations in public safety. He indicated that grants are awarded annually, and Ms. Wood would be willing to help the Department with the paperwork to obtain them.

Deputy Chief Mailey informed members that he had spoken with Captain James Sarkos, Atlantic City Police Department, who was the organizer or head of the ShotSpotter program in Atlantic City, New Jersey. Captain Sarkos stated that they received grant funding; however, Atlantic City bore a lot of the cost for the program in its first year, which was very expensive, and the grant funding kicked in during the following years.

In response to questions asked by Mr. Hosfelt and Mr. Hutchison during the meeting of July 26, 2016, Deputy Chief Mailey advised that he had spoken to Mr. John Martin, IT Systems Administrator, Wilmington Police Department, who directs this program in Wilmington, in regard to cleared cases pertaining to ShotSpotter and was informed that Wilmington tracks the raw data but does not correlate it to crimes solved. The approval of the Wilmington's chief of police was needed

to obtain the data; however, Deputy Chief Mailey stated that he was unable to receive approval after reaching out to the chief on several occasions. He informed members that the raw data from Wilmington would show only activations and would not correlate to a homicide solved on a particular day, and this was also the case in Atlantic City and in the Camden County Police Department in Trenton, New Jersey.

Responding to Mr. Neil's question during the meeting of July 26, 2016, regarding ShotSpotter technology upgrades, Deputy Chief Mailey indicated that, although he had described the ShotSpotter as a lease program, it is actually a subscription service that is paid for annually. He informed members that ShotSpotter, Inc. would provide new hardware and software as the technology ages so that there would be optimal results from the system.

In response to Mayor Christiansen's questions during the meeting of July 26, 2016, Deputy Chief Mailey stated that ShotSpotter guaranteed full maintenance throughout the service subscription, including replacement and tech support, and they would come to the City to provide onsite training. He indicated that Atlantic City had advised that ShotSpotter was very good about providing service. Deputy Chief Mailey stated that Atlantic City loved ShotSpotter and was very willing to meet or hold a conference call with City of Dover representatives to discuss the program. He advised that Captain Sarkos informed him of an incident when Atlantic City used ShotSpotter to identify a gunshot that was unreported. The police department responded and found a subject who had been shot, and Captain Sarkos believed that this person probably would have expired had they not had the ShotSpotter program to identify the gunshot location. Deputy Chief Mailey advised that the New York City Police Department went to Atlantic City to discuss and observe the Atlantic City ShotSpotter program, and New York City was now using this technology.

Mr. Hosfelt recalled that Wilmington had been having an issue with not receiving calls for 911 service when shots were fired and had no way to track them. It was believed that this technology would help them to respond to those areas, and this was one of the selling points for obtaining ShotSpotter. Mr. Hosfelt noted that the $195,000 cost was not cheap, and he felt that if there was an ability to connect the use of ShotSpotter to cleared homicides or shootings, this would be advertised as a selling point. He questioned if the City of Dover would be better off investing these funds in more security cameras, noting that the results from existing cameras were known and could show cleared homicides or shootings. Mr. Hosfelt believed that the City of Dover still has community involvement and that residents and constituents still make those calls. He was not sure that Dover was at the point that Wilmington was in terms of not receiving calls.

Deputy Chief Mailey stated that ShotSpotter advertises that once their system is put in, there is a decline in gunshots and gun violence. They pointed to Wilmington as showing a 42% drop in gunshots after the technology was initially installed. Deputy Chief Mailey indicated that several agencies had used ShotSpotter in criminal investigations to point them to evidence that was brought into the courtroom as part of probable cause in prosecution of criminal cases. He stated that, personally, if he had the money to spend, he would spend it on equipment, cameras, and officers, which he felt would better serve the City. Deputy Chief Mailey agreed with Mr. Hosfelt that the City of Dover is not a place where people do not report gunshots fired.

Responding to Mr. Hutchison, Deputy Chief Mailey advised that the cost of ShotSpotter would be $65,000 per square mile, with a total cost of $195,000 to cover three (3) square miles. He indicated that shots are fired throughout the City, beyond an area of three (3) square miles, and cited occurrences on White Oak Road, Mayfair, and Autumn Run Apartments. Deputy Chief Mailey indicated that a three (3) square mile footprint is not very large.

In response to Mr. Hutchison regarding statistics for the days and times when more problems are experienced in the City, Deputy Chief Mailey indicated that he did not have this data but could research it and provide information. He stated that Retired Captain Robert Scott, Crime Analyst, analyzes raw data and provides peak times for crime, dates, land locations, and the Department provides enhanced patrols in those areas. Deputy Chief Mailey advised that State funding allowed for extra duty for officers, and this had helped in some of the troubled neighborhoods where there is a lot of violence and drug sales. He indicated that the Police Department is reactive to real time crime data.

Mr. Hutchison stated that the Police Department should be very proud of its men and women, who do an outstanding job, as shown in last year's audit of the Police Department that contained information on response times and clearance percentages. He felt that this was a reflection of training, staffing, and community support.

Mr. Slavin expressed appreciation for the effort put into researching the ShotSpotter service but noted that he had never been in favor of this technology. He thought it was probably useful in some jurisdictions, but perhaps not the City of Dover due to its geography and the frequency of problems. Mr. Slavin felt that $195,000 could be deployed more effectively, noting that this $195,000 had not been budgeted and would be a mid-year addition to the budget. He believed that adding expenses mid fiscal year weakens the discipline in the budget and displaces other things that went through the budget vetting process and were approved, some of which were in the Police Department budget. Mr. Slavin stated the need to be careful about this and be good stewards of public safety, public finances, etc. He indicated that he appreciates grant funding; however, grant funding typically helps start something and then goes away, which inflates the budget in outlying years and causes cycles of desperation with large gaps. Mr. Slavin noted that he was very interested in the use of technology to help fight crime.

Responding to Mr. Sudler, Deputy Chief Mailey advised that he would rate the necessity for the ShotSpotter in 2017 as a very low priority, rating it as a one (1) or two (2) on a 10-point scale, with a ten being the highest priority.

Debriefing/Post-Mortem on Firefly Music Festival (Presentations by the Department of Planning and Inspections and the Dover Police Department)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, referred to the memorandum dated August 17, 2016, regarding Debriefing/Post-Mortem Firefly Music Festival. She explained that this was the first year that the entire festival was held within the City, and staff knew that it would be a learning experience and there would be some things that they would want to improve next year. Mrs. Townshend indicated that 152 man-hours were expended by the Fire Marshal's Office staff, noting that loading of campgrounds was one of the most time intensive

issues. A number of issues were identified during the loading where the fire marshals intervened to ensure that parking allowed for adequate emergency access and that tail pipes were not against tents in the tent camping areas. Mrs. Townshend stated that there were a number of occupancy load checks. The fire marshals went early in the day to inspect all pyrotechnic displays and were on stage for these events. Mrs. Townshend informed members that there was one (1) small fire and a few minor issues that were identified and shared with Dover International Speedway, noting that the Speedway was equally concerned about these issues.

In regard to next year's festival, Mrs. Townshend stated that there was a need to fine-tune the campground layout. She explained that tents and RVs were intermingled but need to be separated to prevent attendees from backing their cars up to their tents. She explained that if someone was sitting in an air-conditioned car and backed up to a tent, this would create a carbon monoxide issue. Mrs. Townshend advised that staff had identified some information that would be helpful to have in the future when permit information comes in, such as the number and type of camping spots. For the most part, she felt that the event went extremely smoothly, and both Red Frog Entertainment and the Speedway worked very well with City staff.

Councilman Hosfelt, who serves as security manager for Dover Motorsports, Inc., noted that Lot 18, which had been annexed into the City, is the largest campground at the speedway and, when full of campers on Firefly Weekend, this area is probably the fourth largest City in Delaware. He offered kudos to Interim Fire Marshal Jason Osika and Deputy Fire Marshal Matthew Brown, stating that they had worked very well with Mr. Mark Hostetter, Fire Protection and Life Safety Technician, Dover Motorsports, Inc. Mr. Hosfelt stated that the Speedway values this great relationship. He indicated that aerial photographs spoke wonders as to what the Fire Marshal's Office staff had done, and the State Police had also spoken volumes about this, stating that the work of the Fire Marshal's Office had helped with the State Police's response time.

Mrs. Townshend stated that Interim Fire Marshal Osika and Deputy Fire Marshal Brown had put a lot of effort into the festival and reminded members that the Fire Marshal's Office was down to two (2) people during the festival.

Mr. Neil stated that he was very impressed and felt, from the standpoint of the internal workings, that the event was absolutely marvelous. He believed that the head of all the multiple police forces for the entire operation showed obvious experience. Mr. Neil advised that this event was held directly across from where he lives and the flow moving in and out was probably the easiest it had ever been for the residents on Persimmon Tree Lane. He explained that getting emergency vehicles through, which had been a major problem, was much better this year. Mr. Neil thanked Dover Downs, Dover Speedway, and whoever served as the head of the effort and suggested that they meet on a regular basis to let all of the neighbors know what is happening. He also felt that directing all traffic through the woodlands up to the northeast Lot 18 entrance near Route 9 would be useful. Mr. Neil applauded the efforts of Dover Downs and Dover Motorsports for their efforts to resolve the issues that neighbors directly across from the event had. Responding, Mrs. Townshend advised that the Delaware Department of Transportation (DelDOT) had a big role in this.

Lieutenant Christopher Hermance, Special Enforcement Unit Commander, Dover Police Department, stated that one of his primary responsibilities is serving as the major events' coordinator for the Firefly Festival. He reviewed a presentation entitled, "Special Preparation Instructions & Debriefing/Post-Mortem on Firefly Music Festival." Lieutenant Hermance advised that the event ran from Wednesday, June 15, 2016 through Monday, June 20, 2016, and one of the unique things about this event was the addition of the Lot 18 and Division 3 area into the City of Dover's jurisdiction. He explained that in years past the Delaware State Police handled this area. This year, the Dover Police Department took full command and worked with the Delaware State Police, who assisted specifically in Lot 18.

Lieutenant Hermance stated that the Dover Police Department had to take on additional positions. Referring to the Grid Map, he explained that in prior years the Dover Police Department handled Divisions 1, 2, and 4, along with traffic and camping positions, and the Delaware State Police had responsibility for Division 3. Lieutenant Hermance advised that Division 3 had now been annexed into the City and falls under the primary command of the Dover Police Department. He explained that Police Chief Paul Bernat's priority was to put Dover officers inside the festival, which meant that Lieutenant Hermance had to employ up to 19 different agencies throughout the State to assist in traffic and camping positions. Lieutenant Hermance indicated that those agencies did a fantastic job. He advised that, in preparing for the festival, monthly and then weekly meetings were held to open lines of communication with the Speedway and Mr. Hosfelt regarding numerous issues, including monitoring threat levels. He stated that there were also training videos shown to officers who are educated about the event because they must respond to many questions.

Lieutenant Hermance advised that officers were brought in at 6:00 a.m. on Wednesday and worked with DelDOT to get attendees to the grounds as effectively and safely as possible. He noted that at any given time there were almost 49,000 people sleeping on the ground. Lieutenant Hermance advised that one of the big changes made this year was to close the Leipsic Road Bridge at 10:00 p.m. to all vehicular traffic, including emergency vehicles. The bridge was used strictly for pedestrians, which allowed a massive flow of pedestrians to come through when clearing out. Lieutenant Hermance explained that the festival is on one side of Route 1 and camping is on the other. Vehicles and personnel were pre-positioned so that they did not have to cross the bridge, and this approach worked very well. Lieutenant Hermance advised that they prepared for weather problems, such as those that occurred in years past; however, there were no weather problems this year.

Lieutenant Hermance noted that the City's Drug, Vice and Organized Crime Unit had lucrative arrests in terms of drugs and counterfeit material, such as shirts. He stated that there were 19 supporting police agencies involved in the festival who expended almost 1,800 man-hours. Including the City of Dover, there were with approximately 1,350 man-hours spent in the camping area and 1,470 in the festival, with a total of 4,662 hours of overtime for officers on the grounds and in the area of the Speedway supporting the event. Lieutenant Hermance reviewed some of the calls for services that were received, as well as items that needed to be addressed and corrected for the 2017 Firefly Festival.

Mr. Sudler stated that he had seen individuals who were drinking while walking to the Firefly Music Festival from State College Road and crossing to the Acme store, and asked if this is heavily or lightly enforced. Responding, Lieutenant Hermance explained that once the officers are inside the festival, they do not have the resources to address the roadways because they have other things that they should be doing. He indicated that City road patrol units, if available, could handle issues on public roadways. Lieutenant Hermance indicated that this matter had not been an issue and they did not see much enforcement there.

In response to Mr. Sudler, Mr. Hosfelt advised that Red Frog Entertainment pays the bill for overtime hours for this event. He explained that Red Frog Entertainment is an extra duty employer who requests extra duty officers, similar to requests received from local nightclubs or for high school basketball games.

Mr. Hutchison extended compliments, stating that this is a major event for the City with approximately 90,000 people attending, most of who are young people. He noted that coordination, training, and leadership is needed to get the job done and stated that every year the City gets better at it. Mr. Hutchison felt that this said a lot about the agencies involved and noted that once the event is over, those involved are already talking about next year. Lieutenant Hermance noted that discussions regarding the next year begin a week after the event, and they are already striving to do better.

Mr. Keller commented that the clean-up was very effective as well, and Lieutenant Hermance indicated that the Police Department was not involved in that effort.

Prioritization of City of Dover State Capital Transportation Program (CTP) Projects

Members were informed that, each year, City Council develops priorities for capital improvements to State transportation infrastructure and shares these priorities with the Secretary of Transportation for consideration as the Delaware Department of Transportation (DelDOT) develops the State's Capital Transportation Plan (CTP). She explained that staff had reviewed the priorities that were set in September 2015 by City Council, stating that the 2016 list was unchanged except for the addition of a North U.S. Route 13 Service Road behind Dover Mall. She explained that the Safety Advisory and Transportation Committee received a presentation on this proposal at their meeting on June 28, 2016. Staff recommended the following priority ranking for the coming year:

1. Construction of Sidewalks within the Walk Zone of the New Dover High School - Now that the Dover High School has been operational for a full school year, the critical sidewalk gaps that were identified in the Dover High Pedestrian Study performed by the Dover/Kent County MPO continue to be a high priority. The critical gaps that are of highest priority to the City and most critical in providing safe access to the school are listed below:

    a. Mifflin Road
    b. South Side of Route 8 West of Mifflin Road

Students are routinely seen walking within the roadway and shoulder on the side of Route 8 between the Dover High School and Mifflin Road and along Mifflin Road. The City is concerned about the safety of pedestrians in this area. While there is currently no funding in place, the City believes that this is a safety issue that must be addressed.

2. Kenton Road Corridor Upgrades - Upgrading Kenton Road, including the addition of sidewalks along the road, continues to be a priority for the City. This project is currently in the Capital Transportation Plan.

3. Loockerman Street/Forest Street Improvements - This project has been a priority for the City to help spur redevelopment and improved traffic flow on the west side of Dover. It was initially identified in the West Side Redevelopment study performed in 2001. This project is currently funded in the Capital Transportation Plan. With the Downtown Development District Program, the implementation of this project is a priority for the City.

4. Garrison Oak Connector Road - Due to the increased activity and interest in the Garrison Oak Technical Park, the planning and construction of this connection to Delaware Route 1 is increasingly important. This project is not currently in the Capital Transportation Plan.

5. North U.S. Route 13 Service Road - The North Route 13 Service Road would run parallel to Route 1 between Leipsic Road and Scarborough Road. It would help to remove some of the traffic from U.S. Route 13 and would provide economic benefit to the Dover Mall and expansion of development on the mall property. This project is not currently in the Capital Transportation Plan.

6. College Road Corridor Upgrades - This project is intended to upgrade College Road to include sidewalks and other road improvements. This project is not currently in the Capital Transportation Plan.

7. Route 8/Hazlettville Road Connector - This is planned to be a north/south access road that was identified in the Delaware 8 Concept Plan and Operations Study. With the construction of the new Dover High School, the construction of this connection is important to providing access to the school without causing additional burden on other roads in the area. This project is not currently in the Capital Transportation Plan.

8. Crawford Carroll Avenue Extension - The extension of Crawford Carroll Avenue south toward the Delaware State University Campus becomes a more critical priority with Delaware State University's lease of the Sheraton Hotel property. The extension of Crawford Carroll Avenue will help avoid use of U.S. Route 13 for local trips between the Sheraton property and the Delaware

State University Campus. This project is included in the Capital Transportation Plan.

9. Kings Highway/Route 13 Intersection Improvements - The intersection of Kings Highway, U.S. Route 13, and White Oak road needs improvement to meet an acceptable level of service standard. The current condition of the intersection hinders redevelopment of properties in this vicinity. This project is not in the Capital Transportation Plan.

10. U.S. Route 13 Service Road Corridor - The construction of service roads along U.S. Route 13 is a project that will help to alleviate congestion on U.S. Route 13. This project is not in the Capital Transportation Plan.

11. U.S. Route 13 Sidewalk Construction - Construction of sidewalks along U.S. 13 continues to be a priority. This project is not in the Capital Transportation Plan. Construction of sidewalks is required when properties develop.

In addition to these projects, the City is also in support of implementation of the Bicycle and Pedestrian Plans developed by the Dover/Kent County MPO and approved by City Council in 2016. The City is appreciative of the construction of Capital City Trail segments by DelDOT and the active participation on the part of DelDOT in our efforts to make Dover more bicycle and pedestrian friendly. The City is also appreciative of DelDOT's support of planning and construction of segments of the Senator Bikeway. These projects will be beneficial to the quality of life of Dover residents.

Mrs. Townshend advised members that prioritizing transportation projects had helped to achieve some of the City's goals. For example, the Loockerman Street roundabout had fallen off the State's transportation list, and through the City's prioritization and advocating through the MPO process, this project was put back on the list and funded.

In response to Mr. Lewis, Mrs. Townshend advised that the City's transportation prioritization list is a wish list of projects to be funded by the State, and many of the projects have no funding associated with them yet.

Mr. Neil moved to recommend approval of the priority ranking for the coming year, as recommended by staff. The motion was seconded by Mr. Hutchison and unanimously carried.

Mr. Hutchison moved for adjournment of the Safety Advisory and Transportation Committee meeting. The motion was seconded by Mr. Neil and unanimously carried.

Meeting adjourned at 6:43 p.m.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held with Chairman Hare presiding.

AGENDA ADDITIONS/DELETIONS

Mr. Sudler moved for approval of the agenda, seconded by Mr. Hosfelt and unanimously carried.

Addition to the Dover Police Department Vehicle Fleet

Deputy Chief Marvin Mailey requested permission to add to the Police Department's vehicle fleet. He advised that a member of the Police Department was assigned to the U. S. Marshal's Task Force and the U. S. Marshals had proposed to give the Police Department a vehicle. This vehicle would be fully paid for by the federal government; however, the City would have responsibility for the ownership and insurance, and it would become a City of Dover vehicle. Deputy Chief Mailey indicated that the City would not bear any of the cost of purchasing the vehicle, which was approximately $31,000; however, the City would have to insure and register it. He indicated that the vehicle would be used for undercover operations and tasks associated with the retrieval of fugitives by this member of the Police Department. Deputy Chief Mailey stated that he had spoken with the officer earlier in the day, and if it was decided to take him off the task force at some point, the City would retain the vehicle.

Staff recommended allowing the Police Department to take ownership of the vehicle and add it to the fleet.

Responding to Mayor Christiansen, Deputy Chief Mailey stated that once the lifetime of the vehicle has expired, it would be the City's asset to dispose of, so there could be potential revenues to the City or it could be available for another use by the City.

In response to Mr. Hutchison regarding the length of time of the City's commitment to the U. S. Marshal's Office, Deputy Chief Mailey indicated that the Police Department had engaged in one-year agreements in the past. Even though the officer would be with the task force, there is an understanding that he can be called if the Police Department has a need for him to perform the normal functions of a police officer. Deputy Chief Mailey indicated that this officer was assigned to the Department's Special Investigations Unit, and his primary duty was to pursue fugitives with the assistance of the U. S. Marshals. This one-year agreement is renewed every year by the Police Chief.

Mr. Hosfelt moved to recommend allowing the Police Department to take ownership of the vehicle and add it to the fleet, as recommended by staff. The motion was seconded by Mr. Lewis and unanimously carried.

Revenue Policy for Extra Duty/Voluntary Overtime

Mrs. Donna Mitchell, Controller/Treasurer, reminded members that Council had adopted a policy for billing for extra duty/voluntary overtime a couple of years ago. She explained that staff

calculates the rates based on the actual cost of service and factors in the overhead cost, as well as the cost of other City staff who work events. Mrs. Mitchell noted that in March 2016 staff presented revised rates to Council based on the Fraternal Order of Police (FOP) contract that was approved, and these rates were approved, but staff held off on the special event rates. After analyzing the actual cost of the special events, it was determined that there was a need to adjust these rates. Mrs. Mitchell reviewed the draft revised Revenue Policy, noting that the changes were mostly administrative.

Referring to the billing rates on page 10 of the draft revised Revenue Policy, Mrs. Mitchell noted that the rate changes would affect only special event rates, stating that the other rates were implemented in March 2016. In regard to the Officer Extra Duty Billing Rates for Special Events, Mrs. Mitchell indicated that she planned to correct the Policy by removing the term "Officer Extra Duty" to state only "Billing Rates for Special Events" because staff was now also billing for dispatchers. She explained that the extra duty was a product of the FOP contract and no other employment contracts. Mrs. Mitchell noted that special event rates were listed for officers, dispatchers at straight time, and dispatchers at overtime, and this would line up with the contractual language. She explained that the rates are calculated by determining the actual cost, the officer rate and the dispatcher rate are the median of the population, and the overhead and other City costs are taken into consideration to calculate that rate. Mrs. Mitchell indicated that in the prior Policy, the overhead included the dispatchers, as well as the Police Chief and the Major, who are also paid for special events. She explained that the in the draft revised Policy, Police Chief and Major had been pulled from the overhead rate and were now included in the Special Event Rate for officers, and the dispatchers would be billed separately. Mrs. Mitchell advised that the only costs in the overhead rate would be some of the cost of insurance, the costs of the Fire Marshal's Office, Mrs. Kay Sass, Public Affairs and Emergency Management Coordinator, and some of the other City staff that have to work these events, such as pump station mechanics. She indicated that the overhead rate also included some overhead costs, operating expenses, and staff expenses and took all of the Police personnel out of the overhead cost and put this into direct billing. Mrs. Mitchell stated that Police Department administrative staff had billed for the dispatchers, the Chief, and the Major at the old rate of $59.00 per hour, even though they were in the overhead rate under the prior Policy. She indicated that the City lost money on the Firefly Music Festival, and noted that had the Police Department administrative staff not billed for those rates and used only the overhead rates, the City would have lost even more money. Mrs. Mitchell advised that the City would direct bill for the Police staff people and the overhead would then include everyone else but Police Department staff. She stated this was a change to the way these rates were calculated for the 2016 Firefly Music Festival.

Staff recommended approval of the revised Revenue Policy - Extra Duty/Voluntary Overtime.

Responding to Mr. Sudler, Mrs. Mitchell stated that the amount of funds lost due to the Firefly Music Festival was approximately $5,500; however, that was with staff billing for the Chief, the Major, the Chief, and the dispatchers at $59.00 per hour.

Mr. Neil moved to recommend approval of the revised Revenue Policy - Police Extra Duty/Voluntary Overtime, as corrected *(Attachment #1)*, as recommended by staff. The motion was seconded by Mr. Hutchison and unanimously carried.

Application for Rural Economic Development Grant Through U.S. Department of Agriculture (USDA)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that she and Mr. Scott Koenig, City Manager, had been in contact with the U. S. Department of Agriculture (USDA) Delaware Office about a grant program that Smyrna had very effectively utilized. She explained that the City would receive a $300,000 grant from the USDA and would have to provide a 20% match. Mrs. Townshend indicated that this money would be used to start a loan fund for economic development. A letter had been received approximately three (3) weeks ago stating that the City would be eligible for this program as a rural utility provider. The City would receive the funds from the USDA, allocate $60,000 of City funds, and establish a loan fund. Mrs. Townshend noted that the application for the funds would be due to the USDA Delaware Office on September 30, 2016, and a number of details would need to be worked out. She explained that the projects to be funded in the first round must be identified in the application. Mrs. Townshend informed members that, as monies are paid back into the loan fund, they can be loaned back out. The first $360,000 must be loaned at 0% interest for a 10-year term, and after that the City can specify an interest amount if desired.

Staff recommended that the Committee and City Council authorize staff to proceed with the application for funds and the establishment of a loan fund. If Council would like further review of the funding recipients for the first round of funding, staff requested that this role be assigned to the Economic Development Committee.

In response to Mr. Shevock, Mr. Koenig advised that this was not a budgeted item and the $60,000 in City funds would have to come out of the first budget amendment when the unapplied balances are brought forward, or an adjustment would have to be made in the City budget for the expense. He indicated that staff would like to make the application because they thought this was a good opportunity to get $300,000 from the federal government. Mr. Koenig indicated that necessary budget adjustments would be made going forward to meet the 20% match.

Responding to Mr. Hutchison, Mrs. Townshend did not believe that this was a new program. She explained that number of years ago, she had inquired about eligibility for USDA programs for housing and received the answer that the City's population was too high, and she assumed that the City did not qualify for USDA funds at all. Mrs. Townshend indicated that after several members of Council went to Washington, DC, Councilman Cole approached her about this subject, which had come up with Representative John Carney's staff. She noted that Mr. Todd Stonesifer, member of the Downtown Dover Partnership (DDP) Board of Directors, had also been in contact with the USDA because he is part of the Destination Downtown Dover group, which is trying to recruit businesses to downtown Dover and had looked at the program's success in Smyrna. Mrs. Townshend informed members that Smyrna had received this grant from the USDA and their initial loan was for the Duck Creek Inn, which was now a very successful restaurant. She stated that over 10 years the business owner would pay funds back at a 0% interest rate.

Mr. Hutchison felt that this was a great idea.

Mr. Slavin stated his belief that the City had reserve funds that were funded above policy levels and questioned if they could be reduced to the policy level to obtain this $60,000. Responding, Mrs. Mitchell confirmed that there were reserve funds that were funded above minimum policy level and Council could do this if they choose to do so. She was unsure if the 20% would be matched as each loan is done or if the entire $60,000 would have to be put in up front, stating that there were a lot of details missing. Mrs. Mitchell stated that she was in favor and thought it was a good program; however, she had questions and wanted to work out the details regarding administering the loan, determine if there were collateral requirements and/or liens, etc.

Mr. Slavin suggested that within the next two (2) weeks, before this matter comes before Council for full consideration, that this all be worked out and the source of the $60,000 be identified. He stated that these are the moments when other people beat the City to the markets, when it takes six (6) to 12 weeks to analyze everything, and hoped that this could be done quickly.

(City Clerk's Office Note: Subsequent to the meeting, Mrs. Mitchell provided a memorandum dated August 24, 2016, regarding the Rural Economic Development Loan & Grant Program ***(Attachment #2)****.)*

Mrs. Mitchell advised that she had talked to Mr. Bruce Weaver, Business and Cooperative Specialist/State Energy Coordinator, USDA, who stated that the chances of the City receiving this money were good.

Mayor Christiansen shared Mr. Slavin's concern that a source of funding must be identified. He also asked what the recourse would be if the loan was defaulted on, and if the City would seize the property. Responding, Mrs. Townshend indicated that these were the details that staff would have to develop as part of a loan program. She stated that this would depend on what the funds were used for, noting that in some cases they may be used for property purchase or construction and it would be easy to place a lien; however, in some cases funds may be used for start-up capital, such as tables and chairs for a restaurant or other operational items. Mrs. Townshend advised that staff was in the beginning stages and must obtain the application and look at how other successful programs had been run. She felt that, based on her knowledge of federal programs, it would take some time for the USDA to review the application and stated that additional legwork could be done during that time.

Mr. Sudler asked Mr. Todd Stonesifer, 115 North State Street, for his opinion regarding the advantages and disadvantages of the program. Responding, Mr. Stonesifer indicated that he and some of his associates had been trying to identify potential businesses that would open and spark economic development and revitalization downtown. He indicated that these program funds would be in addition to Downtown Dover Development (DDD) funds issued by the State. Mr. Stonesifer stated that they thought this program would be a huge driver to encourage businesses to open their doors and had already identified two (2) projects that they would work with City staff on in order to pursue the application.

Mr. Sudler moved to recommend authorizing staff to proceed with the application for funds and the establishment of a loan fund, as recommended by staff. If Council would like further review of the funding recipients for the first round of funding, staff requests that this role be assigned to the Economic Development Committee. The motion was seconded by Mr. Neil and unanimously carried.

Requests for Additional Extensions

Banking and Cash Management Services Agreement

Mrs. Donna Mitchell, Controller/Treasurer, reminded members that the City awarded a three-year contract for bank and cash management services to WSFS Bank in August 2012, and the contract included a provision for two (2), 1-year extensions with Council approval. She indicated that the Finance Department missed the original expiration of the contract in August 2015; however, authorization to extend the contract through August 31, 2016 was approved by Council in December 2015.

Mrs. Mitchell explained that, in reviewing the proposals received for the Electronic Bill Presentment and Bill Payment Services (EBPP), which will be considered by the Committee during the latter part of the meeting, as well as Enterprise Resource Planning (ERP) systems and credit card services, staff felt that there was a good deal of interconnection and interchange on these topics and that it would be a disservice to rush through this matter. She noted that staff was currently completing this analysis and conducting research on best practices for the Government Finance Officers Association (GFOA) and requested approval of the second one-year extension of the City's current banking services contract.

Staff recommended authorizing the Controller/Treasurer to extend the WSFS Banking and Cash Management services agreement through August 2017.

Mr. Hosfelt moved to recommend authorizing the Controller/Treasurer to extend the WSFS Banking and Cash Management services agreement through August 2017, as recommended by staff. The motion was seconded by Mr. Cole and unanimously carried.

ADP Contract

Mrs. Donna Mitchell, Controller Treasurer, advised that in December 2015, City staff requested authorization to negotiate an extension of the City's current ADP contract in light of the City's efforts to evaluate alternative Enterprise Resource Planning (ERP) systems. She explained that an extension was negotiated, and ADP provided the price increases over current cost for the next three (3) years. Mrs. Mitchell advised that she had emailed the vendor to attempt to align this contract with ERP by obtaining an end date of December 31, 2018 for W-2 purposes, but had not yet been able to achieve this. For this reason, she was unsure if the contract would terminate on December 1, 2018 or December 31, 2018. She reminded members that a contract was awarded for the ERP consultant during the Regular City Council Meeting of August 22, 2016 and indicated that she had talked to the ERP consultant and asked if a December 1, 2018 termination date for ADP would be a problem or if they would help the City to negotiate any change, and they were agreeable to this.

Staff recommended authorizing the Controller/Treasurer to extend the ADP contract through December 1, 2018, unless the ERP implementation results in an earlier cancellation.

Mr. Shevock moved to recommend authorizing the Controller/Treasurer to extend the ADP contract through December 1, 2018 or December 31, 2018. The motion was seconded by Mr. Lewis and unanimously carried.

Evaluation of Request for Proposals - Electronic Bill Presentment and Bill Payment Services (EBPP)

Mrs. Mitchell explained that Electronic Bill Presentment and Bill Payment Services (EBPP) relates to customers who review or pay electric bills online via use of a credit card or electronic payment. She stated that staff evaluated proposals for this service, noting that the current service had been previously bundled with the City's banking services agreement. Mrs. Mitchell explained that nine (9) proposals were received and reviewed. Comparisons were difficult because some required merchant/credit card services to be combined while others did not, and pricing structures varied. Mrs. Mitchell indicated that InvoiceCloud was recommended for a one-year contract with four (4) one-year renewals because of the City's ERP implementation. She indicated that she talked to the ERP consultant, who advised that InvoiceCloud would provide much more functionality than other ERP vendors who provide bill presentment.

Mrs. Mitchell informed members that each proposal had been priced out and the proposal from WSFS Bank was over $108,000, PNC was $167,000, Retail Lockbox Merchant Services was $173,000, Value Payment Systems was $69,500 with an implementation fee, eGov Strategies, LLC was $70,800, and Aliaswire was $83,568. She indicated that they were all higher priced than InvoiceCloud and several had implementation and/or set-up fees. Mrs. Mitchell stated that PaymentUS partnered with HTE/Sungard, the City's current software vendor, to do the integration but wanted $9,350 for that cost, over $5,000 of which was an annual cost. She explained that InvoiceCloud had no cost on setup or startup.

Referring to the estimated volume calculations, Mrs. Mitchell explained that a 14% growth rate was applied and the average rate per transaction was $0.56, versus $0.59 for the current vendor. She advised members that representatives from InvoiceCloud had met with the City Manager, Assistant City Manager, and Customer Service staff. Mrs. Mitchell reviewed some of the features of the service, explaining that mobile service would be optimized. She noted that the service sends three (3) alerts for a late bill and provides 27 email templates that can be modified, which would provide more flexibility. Noting that there had been recent discussion about collections, Mrs. Mitchell explained that staff believed that this service would allow for the most customer flexibility since it has many features and would also allow for payment on a mobile phone, iPad, or computer.

Staff recommended awarding a one-year contract to InvoiceCloud for an estimated first year annual cost to the City of $67,000. This first year estimated annual cost includes a 14% growth in customer use. The proposed contract for Electronic Bill Presentment and Bill Payment services includes an option to renew each year for four (4) subsequent years.

Mr. Lewis asked if the system would include a service fee. Responding, Mrs. Mitchell stated that there would be a per unit cost. Credit and debit cards would be $0.60 per item, e-checks would be $0.50, chargebacks for bad credit cards would be $15.00 per unit, and Interactive Voice Response (IVR) would be $0.25 per transaction. She explained that staff took current volumes and increased them by 14%, resulting in a $66,912 annual cost and an average of $0.56 per transaction. She noted that InvoiceCloud tries to market their program for growth and would send emails about the program to those whose email addresses they have.

Mr. Lewis questioned if the cost of the system would be $67,000. Responding, Mrs. Mitchell stated that this was an estimate and the City would pay an average of $0.56 per unit.

In response to Mr. Lewis regarding service fees, Mrs. Mitchell advised that although there is a charge for online bill payment, this is an operating expense that is not charged to City customers.

Responding to Mr. Neil, Mrs. Mitchell advised that anyone who is currently paying their bills automatically will be able to continue this seamlessly.

In response to Mr. Sudler regarding whether this item was budgeted for 2016, Mrs. Mitchell stated that funds for this service were allocated in the current budget as bank and credit card fees. She indicated that each of the fund budgets has a fund expense line item and this is built in, along with lockbox fees.

Mr. Hare noted that he pays his electric bill monthly through his bank, which sends a paper check. Mrs. Mitchell indicated that the City pays bank fees for services such as online banking and e-checks and pays for paper checks sent by the bank through the lock box.

Mr. Neil moved to recommend awarding a one-year contract to InvoiceCloud for an estimated first year annual cost to the City of $67,000. This first year estimated annual cost includes a 14% growth in customer use. The proposed contract for Electronic Bill Presentment and Bill Payment services includes an option to renew each year for four (4) subsequent years. The motion was seconded by Mr. Shevock and unanimously carried.

<u>Uncollectible Reserve Adjustments and Demolition Cost Recovery</u>
During the Special Council Meeting (Budget Review) of June 2, 2015, members referred the review of the demolitions process and some of the issues related to recouping fees to the Safety Advisory and Transportation Committee. During the Safety Advisory and Transportation Committee meeting of June 22, 2015, members deferred discussion of Cost Recovery for Violations of the Dangerous Building Ordinance (Demolitions).

Mrs. Donna Mitchell, Controller/Treasurer, advised members that every year the City must demonstrate to its auditors that the City has enough funds in reserve to handle receivables that are 90 days old or older. Referring to a spreadsheet entitled, "Receivables Over 90 Days - June 30, 2016," ***(Attachment # 3)***, Mrs. Mitchell stated that this document contained an analysis and calculation of these receivables. Referring to the Demolitions FY 2016 Activity as of June 30, 2016, she noted that the cost of demolitions had increased, which was anticipated, and explained that this

cost was written off against the uncollectible reserve, which now had a $28,000 negative balance. She indicated that receivables over 90 days would have to be replenished by approximately $300,000 and this expense must be accrued to FY 16; therefore, the carryforward balance in the preliminary June budget report would decrease by $300,000. Mrs. Mitchell stated that the Electric Fund would also need to be increased and recommended that funds be taken from the Inventory Reserve, which was overfunded. She explained that the Inventory Reserve Fund is used to cover losses due to the disposal of damaged inventory.

Staff recommended authorizing the Controller/Treasurer to record an adjustment of $300,000 each as a reserve for estimated uncollectible receivables for Fiscal Year 2016, thereby reducing the Budget Balance in the General Fund and the Inventory Reserve Balance in the Electric Fund.

In response to Mr. Sudler, Mrs. Mitchell estimated that the balance in the Inventory Reserve Fund was approximately $968,000.

Mr. Neil moved to recommend authorizing the Controller/Treasurer to record an adjustment of $300,000 each as a reserve for estimated uncollectible receivables for Fiscal Year 2016, thereby reducing the Budget Balance in the General Fund and the Inventory Reserve Balance in the Electric Fund, as recommended by staff.

Discussion of Duties and Assignments of City Personnel

During the Council Committee of the Whole/Legislative, Finance, and Administration Committee meeting of July 26, 2016, members discussed the Duties and Assignments of City Personnel and deferred this matter until members had all the information they needed.

Council President Slavin advised that some members of Council had a number of concerns about this topic, noting that it had been discussed last year and again during the FY 2017 budget hearings. He indicated that he had requested that this be put on the agenda as an open discussion item with no end result in mind other than to discuss it. Mr. Slavin felt it likely that the discussion would take place over a couple different meetings as members work through the issues. He felt that two (2) areas had come into focus, the first being the public safety cluster of functions. He noted that a Special Council Committee of the Whole/Safety Advisory and Transportation Committee meeting was scheduled for September 7, 2016 at 6:00 p.m. to consider the Public Safety Study - Fire/EMS Operational & Administrative Analysis. Mr. Slavin advised members that this study included recommendations regarding further clustering safety functions and suggested that members review the study. He also stated the need to look at the collapsing of functions that took place during financial down times that resulted in the Planning and Inspections and the Parks and Recreation Departments being merged into one large department. Mr. Slavin advised that he was not on Council when this occurred and that he would not discredit the decisions that were made then. He thought that the right decision was probably made at the time for the circumstances that were presented; however, he had experienced some issues in this regard. Mr. Slavin stated that he looked forward to an open and frank discussion about whether there might be better ways to create effectiveness in the organization by moving some functions around.

Mr. Sudler indicated that he would like to see the Planning and Inspections Department separated from the Parks and Recreation Department, with individual directors.

In response to Mr. Lewis, Mr. Slavin stated that he believed there would be an opportunity between now and when budget discussions begin in earnest in late March or early April to develop some ideas, establish some scenarios, vet those scenarios, and consider their financial impact. He noted that it is very difficult to take on this task at the same time that members are trying to balance the budget.

Mr. Hare suggested considering responsibility for the budget, noting that this responsibility had fluctuated. He stated the need to decide on whether this would be the responsibility of the Finance Department or the City Manager's Office before moving ahead with determining whether to hire additional people and felt this should be on the agenda.

Mr. Sudler moved to defer this item until September 27, 2016, seconded by Mr. Lewis and unanimously carried.

Designing and Expanding Recruitment for City Committees, Commissions, and Boards

During the Regular City Council Meeting of July 11, 2016, members considered reappointments recommended by Mayor Christiansen and members referred the issue of designing and expanding the recruitment for City committees, commissions and boards to the Council Committee of the Whole. Mr. Hare suggested requesting Councilmen Anderson and Lewis to get together and make recommendations to the Committee in this regard.

Mr. Lewis advised members that he had not spoken with Mr. Anderson and was unsure of his ideas; however, Mr. Lewis had several suggestions, as follows:

1) Advertise or place news briefs through the local media regarding vacancies on boards or committees.

2) Place postings of such vacancies on the City's website or Facebook with information on how to apply for the particular board or vacancy.

3) When applications come in, have the City Clerk or person receiving applications provide Council members with copies of resumes and applications to review before the City Council meeting.

4) Require all individuals interested in serving on a board or commission, including members wishing to be reappointed, to fill out an application with a resume since reappointed members may have new information they need to provide.

5) With respect to training, Mr. Lewis advised that he would inquire through the Delaware League of Local Governments (DLLG) if basic training was offered for individuals who want to serve, for example, on the Planning Commission or

> Dover Human Relations Commission. He explained that, while he was serving as a school board member, the Delaware School Board Association had offered training on how to be a good school board member, including training on finances and various things that Mr. Lewis thought were essential.

Mr. Sudler agreed with Mr. Lewis, believing that this type of training would enhance individuals' understanding of the duties and expectations of committee members, as well as the City of Dover in general.

Mr. Neil indicated that this was not a new idea, noting that the State of Delaware has an entire board for this process. He explained that the State also has forms to be filled out and applicants must have resumes stating their expertise, noting that the City may not need a process that was this extensive. Mr. Neil was unsure if this should be a matter for the City Clerk's Office or Human Resources Department, but thought that in essence it was part of Human Resources. He did not feel there was a need to reinvent the wheel but to style a process for the City and determine who would receive and hold the information. Mr. Neil stated that news releases to the media would get the word out without additional expense.

Mr. Lewis concurred that a process already existed; however, he expressed the need to advance and improve it, particularly in regard to recruiting.

Mrs. Kay Sass, Public Affairs and Emergency Management Officer, stated that everything Mr. Lewis had mentioned could easily be covered and that there were many options with no cost, including use of social media through Facebook. She recommended that a link be placed on the main page of the City's website to the listing of available committee openings, and the application. Mrs. Sass advised that press releases could be done; however, funds would have to be budgeted if other advertising was desired.

With respect to social media, Mrs. Sass recommended a total of five (5) posts in order to issue information with the greatest impact on the community, starting at 10-12 weeks prior to applications being due and with reposting at six (6) to eight (8) weeks, two (2) to four (4) weeks, three (3) to five (5) days, and on the due date. She explained that staff asks for notice of at least two (2) weeks when accepting information from the community to post on Facebook so to allow adequate time to incorporate this in their schedule, since Facebook is not a primary focus of staff's job duties that is done daily.

Referring to the proposed Application for Committee, Commission, or Board Appointment, Mrs. Sass advised that the City Clerk had developed this application, which covered many of the concerns expressed by Councilmen Lewis, Sudler, and Anderson. She noted that the application asked applicants to describe the skills they have that would enhance the productivity of the committee, commission, or board. Mrs. Sass felt that the proposed application was a big improvement from the current application as it was much more thorough and requested applicants to identify their districts, allowing the ability to obtain a cross section from the community. Mrs. Sass commented that many changes would be made to the City's website, hopefully within the next few days.

Responding to Mr. Lewis, Mrs. Sass indicated that it is very easy to have press releases put in the newspaper. Although they are not always guaranteed to be printed, she felt it likely that the media would be more than happy to pick up on them.

Mr. Slavin suggested that this would be an opportunity to pilot Facebook boosts and Twitter ads, which are very inexpensive. He explained that a Facebook boost will boost a message beyond the people who "like" a page or who are from the area. Mr. Slavin indicated that the frequency can be specified, analytics can be received regarding effectiveness, and this would also allow for periodic release, as suggested previously by Mrs. Sass. He indicated that the cost to boost an ad is only $5.

Mr. Shevock questioned who would develop the qualifications and review the applications to determine who is qualified. Responding, Mrs. Sass stated her understanding that Council wanted to start this conversation among the Committee members to establish some guidelines. Mr. Shevock noted that each committee would need different qualifications and felt the qualifications should be advertised before someone completes an application.

Mr. Hare advised that he did not totally agree with the City putting out the qualifications and felt this was a question of what an applicant feels they can bring to a committee, such as a former parks and recreation director or someone with experience in public utilities. He believed that members would limit the committees by requiring utility experience for members of the Utility Committee. Mr. Hare believed there were individuals who do not have a financial background but would make very good Legislative, Finance, and Administration Committee members because they had run a business, etc. In his opinion, members should let the applicant tell them what they can bring to the committee.

Mr. Neil advised that the State application includes recommendations from at least three (3) individuals endorsing or supporting the application. He felt it would be up to the councilmen who would review the application, recommendations, and skills that an applicant brings and hopefully the district representatives could get together to make an appointment. Mr. Neil did not believe that the City would be deluged with applications.

For clarification, Mr. Slavin noted that the Council President or Mayor makes appointments and Council approves appointments.

Mr. Hare noted that civilian members of standing City committees are paid a stipend.

Mr. Sudler felt that, although a detailed job description was not needed, a statement could be included that experience is preferred. He believed that applicants need to know exactly what will be expected of them and make an educated decision on whether or not a committee suits them. He suggested perhaps providing a summary of what the committee does so applicants could know whether or not they are eligible. Responding, Mrs. Sass pointed out that this information is currently available on the website for each committee.

Mr. Hare felt that it was up to Council members to actively reach out and find individuals in their districts that they believe would do well on committees and recommend them to the Mayor and Council President. Responding, Mr. Lewis stated that he had recommended individuals with

experience who were not appointed. Mr. Hare stated that he shared this experience; however, the individuals who were appointed were also good people.

Mr. Lewis stated that he would like to see a better recruitment tool, which he felt could be accomplished through Mrs. Sass. He reiterated that he planned to check with the DLLG to see if they offer training for individuals that do not have the experience. In Mr. Lewis's opinion, it would behoove applicants to have some experience to serve on committees.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that her department staffs three (3) boards and commissions, and she believed that a bigger pool of interest was needed. She expressed concern about waiting until there is a vacancy to solicit for it. Mrs. Townshend felt that an application could be made available, people should be encouraged to apply, and they should be allowed to self-select what they feel they are qualified for and interested in. She expressed concern with waiting to advertise until there is a vacancy since there may not be an applicant from the district with a vacancy. Mrs. Townshend noted that the Planning Commission, like Council, has two (2) representatives from each district and one (1) at-large member. She suggested a rolling application process so there would not be a large expanse of time while trying to find someone to serve.

Mr. Slavin felt that a rolling application process would create a large expanse of time if people submit an application and there is no spot for them. He stated that they would then have a legitimate complaint that they tried to serve and the City never took them up on their offer. Responding, Mrs. Townshend noted that many appointments are made at the same time of year. Mr. Slavin stated the need to be sensitive to this issue and felt that a solution could not be created without looking at all angles.

Mrs. Townshend explained that the Planning Commission, Board of Adjustment, Historic District Commission, and standing Council committees are all appointed between May and July, and suggested having a window that the application process is open with lead time. She noted that there was currently a vacancy on the Planning Commission, and that members are sometimes unable to attend meetings. Mrs. Townshend advised that approximately a year ago a Planning Commission meeting had been canceled because there was no quorum. She stated that this was the first time that this had happened since she had been with the City and expressed concern that perpetuating vacancies could create an operational issue.

Referring to Mr. Lewis's comment that current members should submit an application when their term is expiring, Mr. Hare suggested that they submit a shorter application and a letter of interest.

Mr. Neil moved to defer this matter to allow the ideas to be solidified and brought back. He stated that a very good start had been made with the application prepared by the City Clerk and felt that Mr. Anderson and Mr. Lewis should review this matter, refine it further, and bring it back. The motion was seconded by Mr. Lewis.

Mr. Lewis reiterated that he would like to hear Mr. Anderson's ideas, noting that they were supposed to collaborate together. He stated that he liked Mrs. Sass's suggestions and would like to see them initiated.

Mr. Hare thought that Mrs. Sass had summarized the entire issue.

Mr. Sudler asked if Mrs. Sass and the City Clerk's Office would work together on this and if this would be part of the motion or if members would leave this open, and questioned if this item would be brought back in 30 or 60 days. Responding, Mr. Hare indicated that they would work together and the matter would be brought back at the second meeting in September.

The motion to defer this matter until September 27, 2016 to allow the ideas to be solidified, Mr. Lewis and Mr. Anderson to review and refine it further, and for Mrs. Sass and the City Clerk's Office to work together was unanimously carried.

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

Meeting adjourned at 7:44 p.m.

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

Meeting adjourned at 7:44 p.m.

Timothy A. Slavin
Council President

TAS/DD/js/dd
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Attachments
Attachment #1 - Draft Revised Revenue Policy - Police Extra Duty/Voluntary Overtime, as corrected
Attachment #2 - Memorandum from Mrs. Donna Mitchell, Controller/Treasurer, dated August 24, 2016, regarding the Rural Economic Development Loan & Grant Program
Attachment #3 - Spreadsheet - Receivables Over 90 Days - June 30, 2016, reviewed by Mrs. Donna Mitchell, Controller/Treasurer

CITY OF DOVER
REVENUE POLICY
POLICE EXTRA DUTY / VOLUNTARY OVERTIME

I. POLICY

The City of Dover Police Department recognizes the need for individuals and businesses to have the services of police officers for special events or other functions that would not be part of routine patrol. The Department will ensure that these needs are met by permitting officers to work for these employers in their capacity as Dover Police Officers. Additionally, the Department shall seek to secure grant funding to compensate officers for voluntary patrols in and around specific areas of the city, supplementing the normal activities of the Department.

II. PURPOSE

It is the purpose of this document to outline the extra duty billing rates and procedures to our customers and granting agencies.

III. RESPONSIBILITIES

The Special Enforcement Unit Commander will be the Extra Duty Coordinator and will assign clerical support as well.

The Extra Duty Coordinator shall be responsible for ensuring that all requests conform to this Procedural Notice, City ordinances, and to oversee compliance with departmental regulations.

The Chief of Police will determine if an extra duty request is a “must fill” position, due to safety concerns to the public or to police. When this occurs, and no one has volunteered to work the position, the Extra Duty Coordinator will be responsible for assigning this extra duty job to an officer.

The Extra Duty Coordinator will be responsible for determining the adequate number of officers to staff an event.

In cases where the staffing was underestimated the on-site supervisor or working shift commander, at an event may, at his discretion, notify the employer and the extra duty coordinator that additional officers are needed. Regardless of whether or not the employer was able to be notified, the on-site supervisor may call in additional officers and the employer will be billed accordingly.

Examples of “Special Events” requiring extra duty assignments include, but are not limited to, events:

1. That require a City of Dover permit
2. Involve temporary road closures
3. Require right of way closures
4. Bicycle or foot races or walks
5. Active traffic control- where an officer is actively/physically engaged in directing vehicular or pedestrian traffic
6. Other special events

IV. REQUESTS FOR EXTRA DUTY OFFICERS

Any individual or private firm may request extra duty officers for work within the city limits of Dover. Requests must be received between the hours of 8:00 am and 4:00 pm Monday through Friday and can be mailed, emailed, faxed or brought in person to the Dover Police Department. Applications must be received seven (7) days before the event. Any requests made less than seven (7) days in advance are only processed with the understanding that the assignment may not be filled. These requests will be directed to the Extra Duty Coordinator, who will ensure that the requesting party understands the payment and cancellation procedures.

The Extra Duty Coordinator will try to accommodate any schedule requests made by the employer if made within one hour prior to the time of the event.

It shall be the responsibility of the Extra Duty Coordinator to review all requests and the work required. The extra duty request will be denied if:

A. The employment is prohibited by State Law, City Ordinance, or Dover Police Department Rules & Regulations.

B. The employment presents a potential risk of injury due to the lack of officers being requested for the assignment.

C. The request requires the officer to act in any capacity other than a law enforcement official.

D. The final determination of whether a permit is approved rests with the Extra Duty Coordinator. While efforts will be made to comply with the assignment duties as defined by the business representatives, the Dover Police Department maintains exclusive rights in determining the number of officers required in order to maintain a safe environment for all and dictate placement and duties.

E. On occasion, specific staffing levels and officer placement are influenced by City of Dover Ordinances and unique circumstances identified by the City of Dover Council regarding zoning approval for individual establishments and land parcels.

F. Major re-occurring special events within the City of Dover may involve more defined and detailed staffing and planning processes that may be outlined in a memorandum of understanding at the discretion of the Chief of Police or his designee. Any separate agreements must adhere to the requirements of the Extra Duty Revenue/Voluntary Overtime Policy and all other City of Dover personnel and financial policies and procedures as promulgated by the City Council, City Manager, or Controller Treasurer.

V. PAYMENT METHODS

Billing and processing for all extra duty accounts will be handled in accordance with current City of Dover finance policies.

A. Non-Recurring permits

Employers who are using the extra duty services one time, or are determined by the Extra Duty Coordinator as a high risk customer, must pay for services before the assignment commences.

Officers can work additional hours with permission granted by the shift commander or extra duty coordinator. If this should occur, the extra duty employer must pay the additional charges on the next business day to the Extra Duty Coordinator. To prevent this, the employer may pay for extra hours and if unused, will be reimbursed.

No officer is allowed to accept monies from an extra duty employer.

B. City Sponsored Events

The cost of police personnel to maintain safety for the actual event, those officers assigned to traffic and/or crowd control, will be absorbed by the City of Dover.

City sponsored events will be staffed by officers scheduled during the hours of the event. For events that required additional staffing levels, regular overtime will be schedule and paid to those officers that actually work overtime.

C. Extra Duty for Non City Sponsored Events

The Extra Duty Coordinator will schedule officers to work non-city sponsored events. The expense associated with this extra duty will be the responsibility of the event organizers. The Coordinator may also arrange for additional requests for police services, such as money escorts or overnight security.

VI. REPORTING PROCEDURES

The officer may elect to go directly to the job site and report to the point of contact identified on the assignment worksheet. That contact (or his/her designee) will be responsible for completing the time-on-duty and time-off-duty sections, along with the Extra Duty Employer section of the assignment worksheet. If the officer elects to do this, he/she must contact the on-duty Shift Supervisor by telephone to be input into the CAD system.

VII. FAILURE TO APPEAR FOR EXTRA DUTY

An employer, upon realizing that the officer failed to appear, should notify the extra duty coordinator at (302)- 736-7145 immediately and also call the on duty shift commander at (302)736-7111.

VIII. CANCELLATIONS OF EXTRA DUTY

A. Extra duty assignments will not be canceled less than one hour prior to the scheduled start time, except as authorized by a Unit or Division Commander, during regular duty hours, or after regular duty hours, the On-Call Lieutenant.

B. In the case of a departmental need or community emergency, the Chief of Police or designee may cancel any extra duties assignments. The extra duty officers would then be immediately available for service to the department.

IX. PROCEDURE FOR CANCELLATIONS OF EXTRA DUTY ASSIGNMENTS NOTIFICATIONS

A. Cancellations by the extra duty employer should be made at least one hour before the time the assignment is scheduled to begin. If cancellation is made in less than an hour (with the exception of a natural disaster) the customer will be charged and the assigned officers will be paid a minimum of 3 hours as per the FOP Union contract. When an extra duty assignment is canceled by an extra duty employer the following procedure will be followed:

1. The person who receives the cancellation notice will document in the extra duty book, the date and time the cancellation call was received, and they will initial next to this entry.

2. The person will then notify the officer who had signed up for the extra duty assignment.

    a. This notification will be by leaving the officer a voice mail message stating the particular extra duty assignment was canceled.

    b. If the cancellation notice was received after normal working hours and the assignment is for the next business day the person receiving the notification will comply with the above steps but they will also attempt to contact the officer at the officer's residence.

3. The person's initials next to the entry will signify that his person did in fact notify the officer.

B. When an extra duty assignment is canceled for inclement weather the following procedure will be followed:

1. The officer who has signed up for the extra duty assignment will be responsible for contacting the On Duty Supervisor at least one (1) hour prior to the start of the extra duty assignment. The On Duty Supervisor will make the determination if an extra duty assignment will be canceled due to inclement weather at this time.

2. If extra duty assignments are going to be canceled due to inclement weather in advance of the assignment, the officer making the decision to cancel the assignment will ensure that the officers are notified in advance if possible. (ie: leaving the officer a message at his residence if possible, if not then a voice mail message)

3. Officers are required to check their voicemail one (1) hour prior to the scheduled start time of all assignments unless notified previously.

C. A phone message will be left for the Extra Duty Coordinator advising of the cancellation and that the officer(s) were in fact notified.

D. Some extra duty assignments will be canceled regularly due to inclement weather where others such as grant-related extra duty assignments are generally not canceled for inclement weather, unless such weather is severe. Officers are expected to be prepared to adapt to existing weather conditions.

X. DISCONTINUATION OF SERVICE

If the Chief of Police or his designee or the Extra Duty Coordinator, determines that it is in the best interest of the department to discontinue an extra duty service, the customer employer will be immediately notified.

XI. BILLING POLICY

A. Billing rates for Fiscal Year ~~2015~~2016 are as indicated in Attachment 4.

B. Officers pay rates for extra duty assignments, regardless of type, are governed by the Collective Bargaining Agreement.

C. The City of Dover will pay the officers wages as well as pay for worker's compensation and general liability insurance, administrative resource costs, automobile fuel, maintenance and insurance. An overhead rate is added to the contractual Extra Duty rate to cover these cost.

D. Officers working an extra-duty assignment will be paid a 3-hour minimum. If the assignment is not canceled according to policy, or if the officer is released from the assignment less than 3 hours from the start time, he/she will receive three (3) hours pay at the extra duty rate.

E. If an officer is late to the assignment for any reason, the officer will be paid only for actual hours worked.

F. Officers are held strictly accountable for their extra duty assignment worksheets, as this is the source document by which officers are paid. The customer or designee must sign the worksheet upon completion of the assignment. For large assignments, the customer must sign the master worksheet that covers all the officers on that assignment. Officers will be compensated for extra duty assignments during the pay period in which the worksheet is submitted to payroll.

G. If an officer must work additional hours on an extra duty assignment, the customer is responsible for payment of the additional costs, as long as the overage is due to the extra duty assignment and is necessary.

H. At the conclusion of the extra duty assignment, the officer should place the assignment worksheet in the payroll mailbox, but no later than the officer's next scheduled workday.

Loss of an extra duty assignment worksheet may result in a delay of payment to the officer, or may cause the officer to forfeit pay. Reproduction of assignment worksheets may be done with the approval of the Extra Duty Coordinator. The officer will have sole responsibility for obtaining the proper signatures/dates/times. All employees working extra duty are required to submit accurate assignment worksheets. The accuracy of these assignment sheets is critical in ensuring appropriate employee compensation. The employee's signature must match the printed name of the employee assigned the duty. The editing of extra duty worksheets by the employee is permitted for the purpose of adding accurate information.

G. Any officer who falsifies any portion of the extra duty assignment worksheet will be subject to discipline under General Order 26, Code of Conduct.

XII. WORKERS' COMPENSATION/LIABILITY

The City of Dover is self- insured for general liability and statutory workers' compensation coverage. Police officers assigned to extra duty work are afforded workers compensation coverage.

XIII. EFFECTIVE DATE

This Procedure shall become effective upon adoption of City Council. Rates will be reviewed on an annual basis and revised upon Council approval ~~during the adoption of the annual budget.~~.

Attachment 1

NOTICE TO CUSTOMERS

The officers are at all times subject to the policies and procedures of the City of Dover -and the rules and regulations governing employees of the Dover Police Department (DPD). A customer has no authority over police personnel and is restricted to providing only a general assignment of duties to be performed by the officer. Those duties never supersede DPD policy or procedures and employers of the extra duty officers should so be advised. Extra duty officers remain under the exclusive control of the department and accountable for strict adherence to departmental rules and regulations. Any conflicting rules of employers of extra duty officers will be disregarded. The officer shall refuse to perform any duties deemed to be in conflict with the guidelines established by the Dover Police Department. As determined by the Department, officers may be recalled from extra duty to on-duty status.

This permit is for Law Enforcement work only and does not exempt customers from obtaining other necessary permits for this event.

The City of Dover Police Department is NOT obligated to provide extra duty services. A permit will not be issued to any person, firm, or organization whose offices, members, business, or operations are questionable or for any event of a potentially compromising nature. The billing rates quoted are subject to change based on Cost of Service approved rates at the time the service is rendered.

Dover Police Department officers are NOT permitted to receive cash from customers for any reason whatsoever.

The undersigned customer agrees, individually and on behalf of the named applicant, to promptly pay for extra duty services rendered. Further, the undersigned agrees, individually and on behalf of the named applicant to pay all costs, expenses and attorney's fees incurred in the collection of any sums due hereunder.

Paul M. Bernat.
Chief of Police

I have read and understand the "Extra Duty Conditions of Permit" and "Notice To Customers"

_____
Customer-Individually and as Authorized Representative Date

_____
Federal ID

Attachment 2

DOVER POLICE DEPARTMENT
BILLING INFORMATION FORM

TO: ~~DEPARTMENT OF FINANCE~~ **CUSTOMER SERVICES**

FROM: Dover Police Department **Date:** 8/26/16

THIS SECTION TO BE COMPLETED BY THE FINANCE DEPARTMENT	**PLEASE BILL AS FOLLOWS**		
	TYPE OF ACCOUNT	**CODE**	**ACCOUNT NUMBER**

THIS SECTION TO BE COMPLETED BY THE OPERATING DEPARTMENT

VENDOR:

WORK DONE ON:

LOCATION: As Requested

DESCRIPTION OF WORK DONE: Police services

 # HOURS:

DETAIL OF CHARGES

LABOR:

OVERHEAD:

VEHICLE:

TOTAL BILL:

MAILED PAYMENTS REMIT TO: P.O. Box 475, Dover, DE 19903
MANUAL PAYMENT INTRUCTIONS: Take this invoice to the City of Dover Customer Services Department located at 5 East Reed Street, Dover DE 19901. *Only cash, money order or certified funds payments will be accepted.*

AUTHORIZED SIGNATURE

CUSTOMER SERVICES

RECEIVED BY _____ **RECEIVED ON** _____

KEYED BY _____ **VERIFIED BY** _____

Attachment 3

Dover Police Department Extra Duty Request Form

Type of Event: _____

Number of people attending: _____

Location of event: _____

Dates & Times Requested: _____

Billing Information:

Name: _____

Address: _____

Phone #'s: Cell #_____ Work #_____

Contact person at the event: _____

Contact person cell #: _____

Person(s) requesting officer(s): _____

Signature of requesting person: _____

The responsible party will be charged a 3-hour minimum (per officer) if the assignment is not canceled one (1) hour before the assigned start time. If the officer(s) are released from the assignment less than three (3) hours from the start time, he/she will receive three (3) hours pay. To cancel an assignment, dial (302) 736-7111.

Official use only, do not write below

Number of officers assigned: _____

Times officers assigned: _____to_____

Approved: _____

Return this form or fax it to: Special Enforcement Unit Commander.
Fax # (302) 672-1842, any additional questions, dial (302) 736-7145

Attachment 4

City of Dover			
Officer Extra Duty Billing Rates for Grant Related Events			
	~~Officer~~		
	~~Billing~~		
~~Rank~~	~~Rate~~		
~~Patrolman~~	~~$43.00~~		
~~Patrolman 1st Class~~	~~$53.00~~		
~~Corporal~~	~~$64.00~~		
~~Master Corporal~~	~~$69.00~~		
~~Sergeant~~	~~$75.00~~		
~~Lieutenant~~	~~$80.00~~		
~~Captain~~	~~$87.00~~		
~~*When applicable,~~Grant related events are billed for actual ~~wage~~wages and ~~benefit rates will be billed.~~benefits			
Officer Extra Duty Billing Rates for Office of Highway Safety Grants			
Federal Approved Rate		$50.00	

City of Dover			
~~Officer Extra Duty~~ **Billing Rates for Special Events (~~Spectator's~~Spectators over 5,000)**			
	Officer		Total
	Billing	Overhead	Hourly
~~Rank~~	Rate	Rate	Rate
Special Event Rate – Officers	$~~57~~62.00	~~$2~~$3.00	$~~59~~65.00
Special Event Rate – Dispatchers S/T	$23.00	$3.00	$26.00
Special Event Rate – Dispatchers O/T	$34.00	$3.00	$37.00

City of Dover

Officer Extra Duty Billing Rates for Non-Special Events

~~Rank~~	Officer Billing Rate	Overhead Rate	Total Hourly Rate
Extra Duty Rate	$59.00	$8.00	$67.00

Vehicles Actively Used on Extra Duty Jobs - Hourly Rate	$ 16.25

City of Dover
Finance Department
PO Box 475
Dover DE 19903-0475
Phone: (302-736-7018
FAX: (302) 760-4930
E-Mail: dmitchell @dover.de.us

MEMORANDUM

To: Ann Marie Townsend, City Planner
Scott Koenig, City Manager

From: Donna Mitchell, Controller/Treasurer

Copy: City Council, Mayor Christiansen and City Clerk

Date: August 24, 2016

Subject: Rural Economic Development Loan & Grant Program

After reviewing the preliminary financial results for Fiscal Year Ending June 30, 2016, I concur the City has sufficient funds to match $60,000 to start the Rural Economic Development Loan Program (REDL). The rough calculation of the favorable revenue budget is approximately $700,000, after recording a couple of recently received June receipts.

I propose when we bring the 1st Budget Amendment for approval to City Council, the favorability over budget in revenues would be transferred to the Capital Asset Reserve as per our Policy, net of the $60,000. We will also include in the Budget Amendment the appropriation of the $60,000 to the loan program. Once the grant award has been completed and we are ready for start-up, we will transfer these funds to the account(s) set up for the loan program.

Many of my concerns were not related to the funding of the match, in so far as the operations of the program. Based on past experience and some pitfalls we encountered in 2002/2003 with the Neighborhood Stabilization Program, I offer up the following recommendations.

- The Program Administrator, Finance, and the City Manager will need to have a complete understanding of the program compliance requirements and loan application process.
- We will most likely need to budget some minor dollar amounts for administrative cost, such a legal document reviews, collateralization requirements, liens, audit requirements by the federal agency or the City's federal grant audit.
- The Program Administrator will need to stay on top of program requirements, loan payments, delinquencies, and keep management abreast of any concerns.
- One last concern was the comment in the handout you provided, that the grant funds must be repaid to the USDA upon termination of the RLF. If we have collected all the outstanding loans upon termination this should not be a problem.

Please let me know if either of you have any concerns with the proposal for funding. Thank you.

City of Dover
Receivables Over 90 days
June 30, 2016

General Fund	Over 90 days	Total Due	%
Curbside Recycle	$ -	$ 30.00	0.0%
Bulk Trash	25.00	375.00	6.7%
Residential Trash	16,634.83	108,225.13	15.4%
Commercial Trash	558.20	17,043.52	3.3%
Internet Service	79.50	87.50	90.9%
Grass Cutting	90.00	90.00	100.0%
Police Fines	-	2,800.00	0.0%
Fire Marshal	-	-	
Subtotal CIS	17,387.53	128,651.15	13.5%
Demolition	140,068.35	181,546.25	77.2%
General Billings	4,793.45	4,793.45	100.0%
Grass Cutting	41,473.01	45,230.39	91.7%
Police General Svc	24,102.32	115,113.82	20.9%
Trash Receivable	71.50	71.50	100.0%
Vacant Buildings	50,940.00	72,065.00	70.7%
Robbins Hose	-	1,039.05	0.0%
Subtotal Misc Rec	261,448.63	419,859.46	62.3%
Property Taxes	104,177.02	104,177.02	100.0%
Total General Fund	$ 383,013.18	$ 652,687.63	58.7%

Water/Wastewater Fund	Over 90 days	Total Due	%
Sewer Impact Fee	$ 13,672.50	$ 13,672.50	100.0%
Water Impact Fee	-	-	
Water Service	35,591.96	398,363.52	8.9%
Wastewater Service	29,856.00	220,190.13	13.6%
Kent County Sewer Adj	24,997.73	174,901.76	14.3%
Groundwater Adj	10,575.92	107,362.04	9.9%
Misc Water/Sewer	135.00	135.00	100.0%
Sewer Penalty	919.09	1,628.49	56.4%
KCSA Penalty	981.57	1,549.41	63.4%
Water Penalty	1,109.33	1,900.23	58.4%
Water Service Charge	-	-	
Subtotal CIS	117,839.10	919,703.08	12.8%
General Billings	14,911.01	16,534.69	90.2%
Special Assessments	5,554.83	11,425.47	48.6%
Subtotal Misc Rec	20,465.84	27,960.16	73.2%
Total W/WW Fund	$ 138,304.94	$ 947,663.24	14.6%

Electric Fund	Over 90 days	Total Due	%
Residential Energy	$ 544,232.74	$ 1,860,315.96	29.3%
Comm Util Tax 2.0%	9.38	174.09	5.4%
Comm Util Tax 4.25%	3,160.69	42,414.03	7.5%
Comm O/D Lighting	782.02	35,280.23	2.2%
Res O/D Lighting	854.58	4,664.75	18.3%
Comm Energy	87,369.81	1,330,892.36	6.6%
Primary Energy	46,920.91	1,323,501.60	3.5%
Primary Energy Adj	7,293.11	7,293.11	100.0%
Misc Elec	4,129.69	20,402.37	20.2%
Dover AFB	-	449,792.01	0.0%
Kraft	-	272,749.26	0.0%
Procter & Gamble	-	90,319.04	0.0%
Prim Util Tax 2.0%	1,832.89	8,153.11	22.5%
Prim Util Tax 4.25%	-	23,340.62	0.0%
Trans UT Tax 2.0%	-	8,175.42	0.0%
Electric Penalty	19,060.14	24,874.67	76.6%
Electric Return Ck Fee	4,141.55	6,023.26	68.8%
Electric Service Chg	22,340.32	37,243.91	60.0%
Billed Deposit	-	14,260.49	0.0%
First State Power	-	35,330.43	0.0%
White Oak Solar	-	10,475.19	0.0%
Green Energy Adj	1,058.96	9,806.09	10.8%
Trans Elec W/O to Acct	34.20	34.20	100.0%
Subtotal CIS	743,220.99	5,615,516.20	13.2%
General Billings	276,557.69	340,063.24	81.3%
Total Electric Fund	$ 1,019,778.68	$ 5,955,579.44	17.1%

Current Reserve Balance 6/30/16	**$ (28,212.85)**
Over 90 days w/o Property Taxes	$ 278,836.16
FY16 Budget Appropriation	50,000.00
FY16 Write-offs	(278,230.61)
Recommended adjustment	300,000.00
Adjd Reserved Balance 6/30/16	**$ 271,787.15**
Reserve Balance 6/30/15	$ 200,017.76

Current Reserve Balance 6/30/16	**$ 106,519.07**
Over 90 days	$ 138,304.94
FY16 Budget Appropriation	-
FY16 Write-offs	(1,734.69)
Recommended adjustment	-
Adjd Reserved Balance 6/30/16	**$ 106,519.07**
Reserve Balance 6/30/15	$ 108,253.76

Current Reserve Balance 6/30/16	**$ 660,622.96**
Over 90 days	$ 1,019,778.68
FY16 Budget Appropriation	200,000.00
FY16 Write-offs	(81,142.73)
Recommended adjustment	300,000.00
Adjd Reserved Balance 6/30/16	**$ 960,622.96**
Reserve Balance 6/30/15	$ 541,765.69

ECONOMIC DEVELOPMENT COMMITTEE

The Economic Development Committee met on August 16, 2016 at 4:32 p.m. with Mayor Christiansen presiding. Members present were Councilman Hare; Mr. Koenig, City Manager; Mrs. Ann Marie Townshend, Director of Planning and Community Development; and Mr. Gregory Moore, President, Downtown Dover Partnership (DDP) Board of Directors.

Staff members present were Mr. Hudson, Mrs. Mitchell, and Mrs. McDowell.

AGENDA ADDITIONS/DELETIONS

Mayor Christiansen reserved the right to terminate this meeting at 5:00 p.m. and consider any remaining items on the next meeting agenda.

By unanimous consent, the agenda was approved as presented.

Discussion of Proposed Resolution Formally Establishing the Economic Development Committee

During the Special Council Meeting - Budget Review of May 26, 2016, City Council dissolved the City's Economic Development Office and created an Economic Development Committee within the City, with the Mayor to serve as the Committee Chair and the other members to consist of the City Manager, or the City Manager's designee, the Chair of the Legislative, Finance, and Administration Committee, a designee of the Downtown Dover Partnership (DDP), and the City Planner. Members reviewed a Proposed Resolution that would formally establish the Economic Development Committee

Mr. Scott Koenig, City Manager, expressed concern regarding Item #2, which stated that the Committee shall "Authorize the City Manager to enter into contracts with respect to economic development on behalf of the City with a majority vote of its members." He stated that it was not his understanding when the Committee was originally created that it would enter into contracts. Mr. Koenig thought the Committee was to make recommendations regarding contracts that would go to Council through the Council Committee of the Whole (CCW). He indicated that there was no budget associated with the Economic Development Committee. Mr. Koenig explained that the recommendation approved by Council regarding the dissolution of the City's Economic Development Office increased the City's payment to the DDP from $75,000 to $150,000, and this differential came from the Economic Development Office's FY 17 budget of approximately $240,000. He noted that there were expenses related to the closing of the Economic Development Office for staff and other things, and the balance of the money for FY 17 was to go into the Mayor's budget for unspecified economic development activities. Mr. Koenig could not recall any discussion at the Council level indicating that the Economic Development Committee would enter into contracts or direct the City Manager to do so without further Council oversight.

Mr. Hare agreed with Mr. Koenig and noted that the Committee's purpose, as stated in Item #1 of the Proposed Resolution, was to "Promote the economic interests of the City of Dover, formulate recommendations to Council and staff, and coordinate with staff, other government bodies and institutions, the business community, and the public on economic development matters." Mr. Hare indicated that he would not want to authorize the City Manager to enter into any contracts that had not been approved by Council.

Mr. Koenig noted that, in accordance with the City of Dover Purchasing Policy, the City Manager has the ability to enter into small contracts; however, contracts over $25,000 must to go to Council for approval. Within the range of $7,500 to $25,000, staff must obtain competitive quotes or send requests to two (2) providers and ask them to reply, although they can decline. Mr. Koenig stated that the economic development team would not have the ability to issue a contract, for example, for $50,000, without going through the Council approval process.

Mr. Hare noted that, with the proposed language, the City's agreement with Calpine would not have had to come before Council. Mr. Hare did not feel that the Economic Development Committee should make these types of decisions but should make recommendations to Council, as the standing Council committees do, and Council would grant authorization to the City Manager to enter into contracts.

Mr. Koenig stated that he did not want to give the impression that the Committee had the ability to enter into contracts or the authority to commit to a particular piece of property before purchase; although they may want the ability to enter directly into a marketing plan.

Mrs. Townshend advised that she shared the concerns that were stated and felt that the language in the Proposed Resolution regarding contracts was extremely vague and broad. She thought that the nine (9) members of Council would probably interpret "contracts with respect to economic development" in nine (9) different ways, and she did not want the Economic Development Committee to go beyond Council's expectations. Mrs. Townshend suggested that the Committee could be granted the ability to initiate Requests for Proposals (RFP) without requiring permission; for example, the RFP to list the Garrison Oak property. She explained that the Committee could then bring the results directly to the Committee, which would allow the City to be a little more nimble and reduce processing time. Mrs. Townshend stated that any contract with respect to economic development would involve public dollars. Mayor Christiansen believed that it was the fiduciary responsibility for Council, as the legislative body, to make ultimate decisions regarding dollars and cents.

Mr. Koenig advised that Councilman Slavin had specifically talked about this language and suggested that if a recommendation was to be made to Council, members should get clarification from Mr. Slavin.

Mr. Moore stated his belief that the Proposed Resolution indicated that the Economic Development Committee could make recommendations and that Mr. Koenig, as City Manager, would be responsible for taking them to Council. He felt that members were becoming caught up in the details.

Mr. Hare suggested that perhaps Item #2 of the Proposed Resolution should read, "Authorize the City Manager to enter into contracts with respect to economic development on behalf of the City with a majority vote of Council" rather than a "majority vote of its members." He did not believe the Committee should authorize entering into contracts.

Mrs. McDowell advised that during the Council Committee of the Whole/Legislative, Finance, and Administration Committee Meeting of July 26, 2016, members considered a Request to Solicit Real Estate Services - Garrison Oak Technical Park. Mr. Slavin had questioned why the Economic Development Committee was not authorized to enter into these contracts and indicated that language should be developed to give them that authority. Mr. Hare concurred, noting that entering into a contract with a commercial realtor would not cost the City anything. He stated, however, that this could become a blanket approval, enabling the Committee to enter into a multi-million dollar contract without Council's approval. Mayor Christiansen reiterated his belief that approving contracts was the ultimate responsibility of Council as the legislative body that has ultimate financial responsibility to the citizens.

Mrs. Townshend stated that there was uncertainty when discussions began about the scope of the Committee and reiterated that if the Economic Development Committee had the authority to do legwork and take matters to Council for final decision and approval, this would provide a little more versatility to be able to react. For example, Mrs. Townshend explained that they had requested permission from Council to issue an RFP for real estate services for Garrison Oak and would now have to do the RFP and then return to Council. She felt that members could meet with Council President Slavin to request this authority, and she believed they would not need the authority to enter into contracts.

Mr. Hare stated that commercial realtors could come to the Committee and give presentations with respect to the RFP and, as a Committee, members could make a recommendation to Council regarding the selection of a commercial realtor.

Mr. Moore stated that he could see both sides of this issue, stating it was better to be more nimble and be able to write a contract, a newspaper advertisement, or attend an important convention they believe they need to attend.

Mr. Koenig stated that the Economic Development Office was closed in the FY 17 budget process, and the Economic Development Committee had stated that they would like to do a radio spot for the City of Dover at a cost of $5,000. He indicated that funds were available for the radio spot in the Mayor's budget and, as long as the Committee followed the guidance in the City's purchasing policy, there was no question in his mind that he could sign the purchase order and move forward with the radio spot because these funds were budgeted.

Mr. Hare stated the need to use common sense. He felt that if $5,000 was to be spent for two (2) or three (3) members to go to an economic development convention in Philadelphia and there were funds available in the Mayor's budget, it could be done. However, Mr. Hare stated that if there was a contract to sell property at Garrison Oak for $43M it would need to go to Council. He felt that members know what they can and cannot do. Mr. Hare felt members should be able to move forward with items in the Committee's or Mayor's budget; however, they should not be able to enter into a contract of purchase or sale.

Mrs. Townshend noted, for example, that staff receives requests from parties who state that the costs for downtown development projects are too high and they want the City to help defray the costs. She felt this would be fine if there was a process; however, she believed that Council, as elected representatives, should approve this type of request.

Mr. Koenig suggested that Item #2, Authorize the City Manager to enter into contracts with respect to economic development on behalf of the City with a majority vote of its members, be stricken from the Proposed Resolution.

Mr. Hare moved to recommend that Item #2, Authorize the City Manager to enter into contracts with respect to economic development on behalf of the City with a majority vote of its members, be stricken from the Proposed Resolution. The motion was seconded by Mrs. Townshend and unanimously carried.

Mrs. Townshend moved to recommend adoption of the Proposed Resolution, as amended *(Attachment #1)*. The motion was seconded by Mr. Koenig and unanimously carried.

Economic Development Committee Transition Discussion

Provide an Orientation to the Initiative

Mr. Kirby Hudson, Assistant City Manager, stated that members were trying to determine what the responsibilities and direction of the Economic Development Committee would be. Since the Economic Development Office was no longer in existence, he felt that clarity was needed in regard to the direction and responsibilities of the Committee. Mrs. Townshend stated that one of the concerns was who will answer the phone when it rings, and Mr. Hudson questioned who the leader would be.

Mr. Hudson assumed that Item #1 of the Proposed Resolution, Promote the economic interests of the City of Dover, formulate recommendations to Council and staff, and coordinate with staff, other government bodies and institutions, the business community, and the public on economic development matters, would tell the Committee what their charge was and answer the question regarding an Orientation to the Initiative.

Mr. Hare stated that if Mayor Christiansen or a member of the Committee received a call from IBM stating that they want to build a multi-million dollar complex in the City, the information should be conveyed to the Committee and discussed during a meeting. He believed that these issues should be brought not just to a person but to the Committee.

In response to Mayor Christiansen, Mrs. McDowell explained that the time frame required to post a special, non-emergency, meeting agenda would be 24 hours. Mr. Koenig noted that if there were only 24 hours to react to this type of situation, there would be a special meeting of Council to obtain full authorization.

Mr. Moore asked what would happen if such a call was received and the company indicated that they wanted the information to remain confidential. Responding, Mrs. Townshend indicated that an executive session would be scheduled for a discussion of proprietary information.

Mr. Hare noted that the Committee may decide if this is a matter that needs to go to Council right away or if there needs to be a Council executive session, and he reiterated that more than one (1) person would need to know. Mr. Moore stated that most of the time these entities will not walk these proposals through Council. Mr. Hare indicated that there would be an executive session.

Mr. Hudson commented that the Economic Development Committee would be working hand in hand with the Downtown Dover Partnership (DDP) and questioned if they would be acting separately. Responding, Mrs. Townshend noted that a representative of the DDP was on the Committee. She stated that this representative may be the DDP's executive director rather than Mr. Moore, or it may be that they would both attend.

Mrs. Townshend stated, for example, that both the City Manager and Assistant City Manager were currently present. As long as Mr. Koenig was present, Mr. Hudson would not vote, but he was still present to participate. She indicated that the Executive Director and the President of the DDP could both be present, but there would be a need to determine who has the ability to vote.

Mr. Hare indicated that a designee of the DDP was a member of the Committee, so it would be up to the DDP to decide who would vote. Referring to the Proposed Resolution, Mr. Hare stated that the members consist of the Mayor, who is the Chair; the City Manager or the City Manager's designee; the Chair of the Legislative, Finance, and Administration Committee; a designee of the Downtown Dover Partnership (DDP); and the City Planner. He pointed out that, technically, if Mr. Koenig was on the Committee, Mr. Hudson was not, and he felt that Mr. Hudson should not have been present for an executive session of the Committee. Responding, Mrs. Townshend advised that key staff can be in an executive session.

Mayor Christiansen noted that Mr. Hudson is a member of senior staff and a confidential employee, as the Controller/Treasurer and City Clerk are, and stated that he would want them at the table with members.

Mr. Hare questioned if they would want two (2) people from the DDP for the Committee. Responding, Mrs. Townshend felt that they would not both attend an executive session. Mr. Koenig felt that this would depend upon the subject matter. For example, he felt that if the development of the Garrison Farm was being discussed, the DDP Board President would be included as a member of the Committee, but the Executive Director of the DDP would not need to be there.

Mayor Christiansen felt it very important for the DDP to have a presence at the Economic Development Committee's table and vice versa, since their mutual goal was economic development in the City, and that this presence should be someone that has clout. He stated that jobs, economic development, taxes, and the use of enterprise funds would be beneficial to both groups.

Review Purpose of Team

Mr. Hudson questioned how members would let it be known that the Economic Development Committee was in existence. Responding, Mrs. Townshend offered to raise awareness of the Committee. Mayor Christiansen stated that every bit of electronic media should be utilized to get the word out, including the websites of the City, the DDP, the County, and the Chamber of

Commerce. He suggested using cheap advertising and electronic opportunities and establishing a Facebook page.

Mr. Hudson felt it would be beneficial to get a spot on local television and in local newspapers. He questioned how people would know what the opportunities were and what the Committee is about if no one was aware of their existence.

Mayor Christiansen suggested taking advantage of Comcast public service announcements, the Comcast Spotlight, and announcements during Council meetings.

In regard to the RFP for Garrison Oak Technology Park, Mr. Hare stated there was a need to let commercial realtors know what is available, noting that their business is to talk to people every day. Mr. Hare felt the realtors should be advised that they can contact the Economic Development Committee to be aware of what is happening, what support is available to them, and to know that their calls will be returned.

Mr. Moore indicated that members had previously agreed that commercial realtors would be brought in for a brainstorming session to let them tell members what they should be doing to aid them, since they would be one of the connectors. Mr. Hare stated that this should be on the next meeting agenda.

Mrs. Townshend suggested dividing tasks between members so that work is done between meetings. She concurred with bringing realtors in for a brainstorming session, but suggested doing some follow-up afterwards and having people tasked to do certain things. Mrs. Townshend explained that a series of focus groups had been held at the staff level with the business community before they hiring the LEAN consultant, and from that came a list of improvements that were needed to processes in the City code, many of which were made. Mrs. Townshend suggested assigning people to take the lead on different projects and having them report back to the Committee.

Mr. Moore asked if this was permissible under the Freedom of Information Act (FOIA). In response, Mrs. Townshend stated that it was permissible as long as there was not a quorum of Council or of the Committee members working together. Mayor Christiansen stated the importance of complying with Robert's Rules and the Freedom of Information Act at Committee meetings; however, he indicated that individual meetings could be held. For example, he stated that Mr. Hudson and Mr. Moore could meet with commercial realtors; however, there could not be a meeting of any two (2) members of the Committee, nor a serial meeting, as this would be a violation of FOIA.

Noting that there were four (4) votes on the Committee, Mrs. Townshend questioned if there would be a FOIA violation if she and Mr. Moore talked about economic development. Responding, Mrs. McDowell stated that this would be a violation.

In response to Mr. Hare, Mrs. McDowell explained that the Mayor was a non-voting member of the Committee, noting that the City's charter states that the Mayor shall have no vote on matters involving the City. She advised that the Mayor could chair the Committee but would have no vote.

Mr. Moore commented that he and the Mayor could have a meeting with realtors. Mr. Hare stated that he did not believe that they should because Mr. Moore has a business that deals with commercial

realtors and should avoid the perception that he was promoting his own business. Mr. Moore responded that he felt it would be an advantage to have people who actually understand it and know the questions to ask and understand their response.

Mr. Hare stated that he felt that the Mayor should vote or that another member should be added to the Committee so that there would be five (5) voting members. Mrs. Townshend suggested amending the resolution so that there would be five (5) voting members because, from a practical standpoint, there was no way that she could comply with not talking to Mr. Moore or Mr. Koenig about economic development. Mr. Hare suggested that another member of Council be included. Mayor Christiansen suggested considering what direction members should go in adding another member and consult with the Council President about adding this to an agenda. Mrs. Townshend stated that Mr. Hare had suggested adding the chair of the Utility Committee, noting that the Garrison tract had been an asset to City utilities.

Mr. Hare moved to recommend that the Chair of the Utility Committee be added to the Economic Development Committee. The motion was seconded by Mr. Koenig.

Responding to Mr. Moore, Mr. Hare stated that Councilman Cole was currently serving as Chair of the Utility Committee and that this member of the Economic Development Committee would always be a Councilperson.

The motion to recommend that the Chair of the Utility Committee be added to the Economic Development Committee was unanimously carried.

Adopt a Goal/Vision

Responding to Mr. Moore, Mayor Christiansen advised that Mr. Hudson, Assistant City Manager, was working on the Committee's goals and would be reporting back to the Committee.

Mayor Christiansen suggested deferring the following items to allow Mr. Hudson to provide information seven (7) days prior to the next meeting: Items #2C - Adopt a Goal/Vision; #2D - Identify Challenges to the Goal/Vision and Develop Strategies; #2E - Review Team Membership to Determine if Others are Needed to Accomplish the Goal/Vision; #3A - Identify Meeting Roles; and #3B - Discuss and Adopt Ground Rules for Future Meetings.

By unanimous consent, Items #2C - Adopt a Goal/Vision; #2D - Identify Challenges to the Goal/Vision and Develop Strategies; #2E - Review Team Membership to Determine if Others are Needed to Accomplish the Goal/Vision; #3A - Identify Meeting Roles; and #3B - Discuss and Adopt Ground Rules for Future Meetings were deferred.

Setting the Next Agenda and Scheduling the Meeting

Mrs. Townshend questioned if it made would make sense to meet at 4:00 p.m. on a day that the Council Committee of the Whole meets. Responding, Mayor Christiansen felt that this would make a long day and suggested holding the meetings during the weeks that there are not Council or Committee meetings.

Mr. Hare indicated that he did not have a problem with meeting on the same day as the Council Committee of the Whole. He suggested 4:00 p.m. on the days that the Council Committee of the Whole meets, with meetings to conclude by 5:00 p.m., which would allow time for an executive session if needed. Mr. Hare suggested that a meeting be scheduled for Tuesday September 13, 2016 at 4:00 p.m.

In response to Mrs. McDowell, Mayor Christiansen indicated that members should plan on meeting twice per month for the time being.

Mrs. Townshend suggested that the standard agenda be reviewed during the Council President's agenda meeting.

Mayor Christiansen requested that the Clerk's Office place these meetings on the Outlook calendar.

Mr. Moore moved for adjournment, seconded by Mr. Koenig and unanimously carried.

Meeting adjourned at 5:07 p.m.

Robin R. Christiansen
Chairman

SDK/TM/dd/js
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Misc-Minutes\ECONOMIC DEVELOPMENT COMMITTEE\08-16-2016 Economic Development Committee.wpd

Attachments
Attachment #1 - Proposed Resolution #2016-09 Formally Establishing the Economic Development Committee

City of Dover

MAYOR AND COUNCIL

PROPOSED COUNCIL RESOLUTION NO. 2016-09

A RESOLUTION FORMALLY ESTABLISHING THE ECONOMIC DEVELOPMENT COMMITTEE

WHEREAS, during the Special Council Meeting - Budget Review of May 26, 2016, City Council dissolved the City's Economic Development Office and created an Economic Development Committee within the City, with the Mayor to serve as the Committee Chair and the other members to consist of the City Manager, or the City Manager's designee, the Chair of the Legislative, Finance, and Administration Committee, the Chair of the Utility Committee, a designee of the Downtown Dover Partnership (DDP), and the City Planner; and

WHEREAS, a strong and robust local economy is essential to the quality of life of all residents of the City of Dover and its surrounding community. It is vital that the City pursue sound and innovative strategies to promote growth, attract investment, create and protect jobs, and support existing businesses and enterprises; and

WHEREAS, the Mayor and Council wish to develop a collaborative, targeted, and effective approach to economic development in the City of Dover.

NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DOVER HEREBY FORMALLY ESTABLISH THE CITY OF DOVER ECONOMIC DEVELOPMENT COMMITTEE, WHICH SHALL:

1. Promote the economic interests of the City of Dover, formulate recommendations to Council and staff, and coordinate with staff, other government bodies and institutions, the business community, and the public on economic development matters.

2. Provide monthly reports to City Council.

ADOPTED: *

S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2016\DRAFT\RESOLUTION NO. 2016-09 - FORMALLY ESTABLISHING THE ECONOMIC DEVELOPMENT COMMITTEE\Resolution No. 2016-09 Formally Establishing the Economic Development Committee.wpd

ROBIN R. CHRISTIANSEN	TIMOTHY A. SLAVIN
MAYOR	COUNCIL PRESIDENT

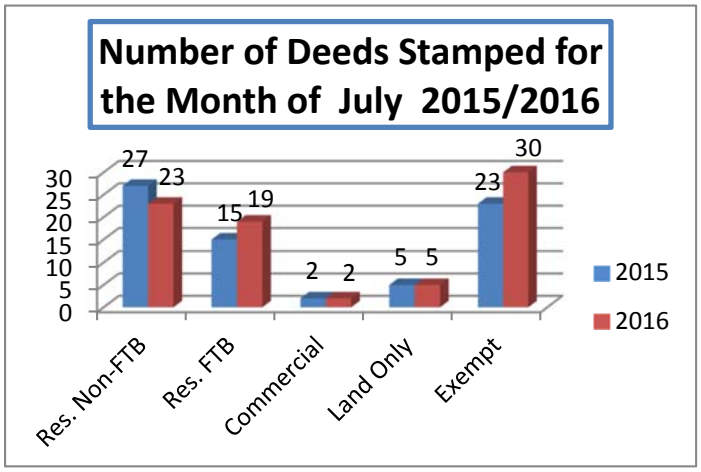
Actions History
08/22/2016 - Scheduled for Introduction - City Council
08/16/2016 - Discussion - Economic Development Committee

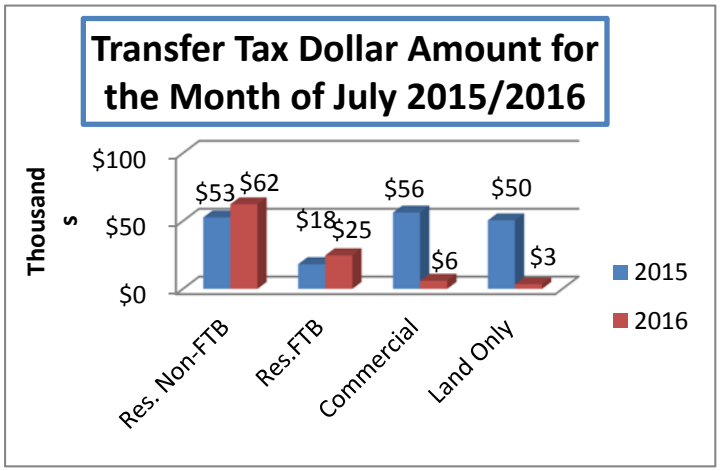
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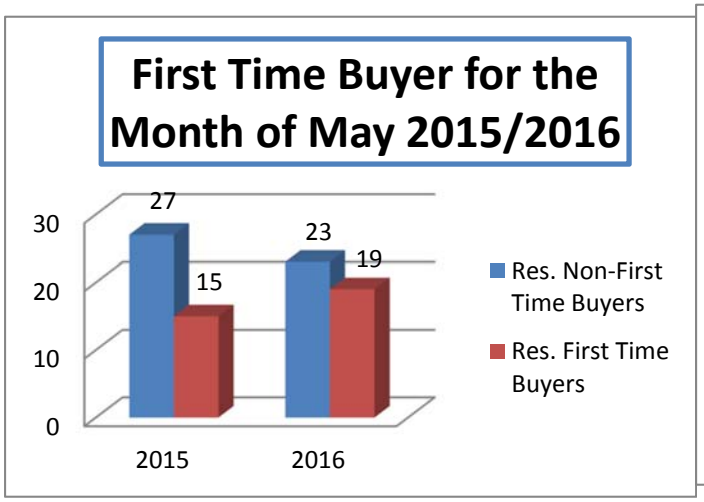
Monthly Report
July 2016

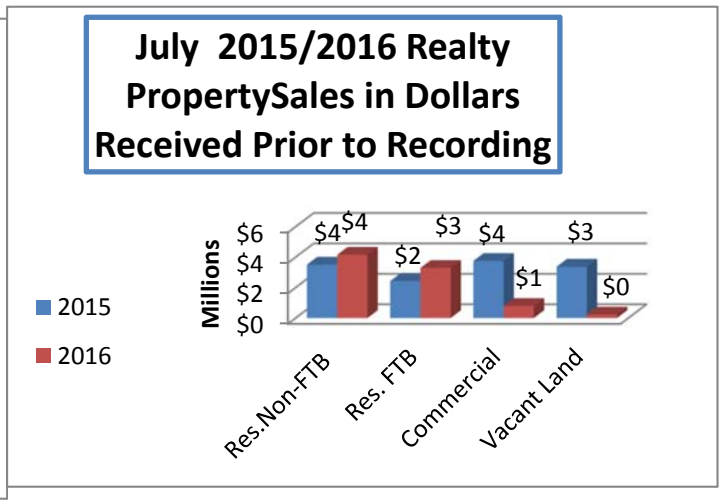


Office of City Assessor









Major Updates

	May-16	June - 16	July- 16
Assessment Change	$1,256,000	$4,247,400	$1,017,900

Residential Sales Ratio Report

Sales in Study	Total Assessed Value	Total Sale Price	Ratio	PRD
21	$3,259,400	$3,496,940	0.93	1.01

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

- 2016 Tax Bills were generated, printed, sorted and mailed.
- Per council approval, the due date for property taxes was extended to August 31, 2016 due to a mailing error.

PARID	NBHD	LUC	ADDRESS	UNITS	STYLE	YRBLT	STORIES	SFLA	GRADE	CDU	TOTAL APPR	SALE DT	PRICE	ASR
009														
ED05-067.01-01-13.00	18	R10	443 TOPAZ CIR	1	5	2007	2	2730	B	AV	245,400	08-JUL-16	235,000	1.04
ED05-067.14-01-21.00	18	R10	16 MERION CT	1	14	1974	1	1732	C	AV	168,400	26-JUL-16	155,000	1.09
ED05-067.14-02-55.00	2	R10	21 FOREST CREEK DR	1	13	1975	2	1443	C-	AV	88,600	26-JUL-16	98,000	.90
ED05-067.14-03-75.00	2	R10	29 MEADOW GARDEN LN	1	16	1976	1	1536	C	AV	136,500	29-JUL-16	158,000	.86
ED05-067.15-02-01.02	2	R10	229 MCKEE RD		1	2016	2	1892	C	AV	176,900	28-JUL-16	189,000	.94
ED05-067.17-01-21.00	3	R10	9 S TURNBERRY DR	1	13	1979	2	1831	B-	AV	136,700	15-JUL-16	155,000	.88
ED05-067.19-03-56.00	17	R10	26 PATRIOT DR	1	5	1990	2	2348	B	AV	206,900	28-JUL-16	239,900	.86
ED05-067.19-04-22.00	17	R10	58 EIGER CT	1	14	2014	1	1864	B+	AV	219,400	12-JUL-16	299,900	.73
ED05-068.13-01-04.24	100	R50	47 CHATHAM CT	1	13	1984	2	2204	B-	AV	133,900	28-JUL-16	164,500	.81
ED05-076.03-02-49.00	14	R10	312 PARADEE DR	1	13	2007	2	1760	C+	AV	126,100	22-JUL-16	147,500	.85
ED05-076.05-07-25.00	3	R10	314 PEBBLE VALLEY PL	1	14	1997	1	2304	B+	AV	225,500	27-JUL-16	200,000	1.13
ED05-076.06-02-08.00	103	R50	9 IVY HALL	1	20	1974	1	945	B	GD	64,400	29-JUL-16	78,000	.83
ED05-076.06-08-63.00	17	R10	24 PERIWINKLE DR	1	13	1995	2	1112	C+	AV	100,100	01-JUL-16	115,750	.86
ED05-076.12-02-18.00	2	R10	119 CHERRY ST	1	5	2006	2	1400	C-	FR	120,100	15-JUL-16	120,000	1.00
ED05-076.20-01-44.00	5	R10	17 KONSCHAK AVE	1	16	1960	1	1846	C+	AV	144,700	29-JUL-16	150,000	.96
ED05-077.06-01-25.00	8	R10	521 GREENHILL RD	1	3	1939	1.5	1411	C+	AV	151,100	01-JUL-16	139,900	1.08
ED05-077.07-01-56.00	6	R10	31 MORIARTY ST	1	8	2007	2	1424	C+	AV	148,000	12-JUL-16	118,000	1.25
ED05-077.07-06-44.00	6	R10	716 MARTA DR		14	2016	1	1272	B-	AV	178,700	05-JUL-16	204,490	.87
ED05-077.18-01-05.00	4	R10	227 PINE ST	1	14	1948	1	1466	C	GD	148,300	29-JUL-16	165,000	.90
LC05-069.00-01-06.01	6	R10	1191 LONG POINT RD	1	1	2009	2	1980	C	AV	171,000	01-JUL-16	184,000	.93

City Planner's Monthly Report

Planning, Inspections & Recreation

JULY 2016

Planning, Inspections & Recreation Highlights

- **Schutte Park Master Plan Workshop.** Wednesday, July 20th about 20 members of the public attended our Master Plan of Schutte Park Workshop. The workshop was hosted to garner input on the future of recreational development and growth. Comments received included additional field development on undeveloped areas, increased storage for equipment, and the highest ranking need was the completion of a looped multiuse trail around Schutte Park. Planning Department staff worked seamlessly with Parks & Recreation staff to offer this interactive workshop.



- **Summer Athletic Leagues.** In 2016 our summer athletic leagues grew to include: Girl's High School Basketball, Youth Basketball, Women's Basketball, Middle School Field Hockey, High School Field Hockey, Women's Field Hockey, Adult Co-Ed Field Hockey, Girl's Lacrosse, High School Football, Men's Softball, Co-Ed Softball, Men's 50+ Softball and Kent County Church Softball. These leagues were both indoors and outside.

- **Concerts on The Green.** July was surely a hot month for the series. Hosting Reptile World was double the fun as they performed for our camp kids and then again that evening on The Green. The Shakers shook a large crowd with pleasing sounds, then The Reunion got together for a great night of entertainment. Evolution Orange was moved inside due to severe thunderstorms; turn out was less normal. Be sure to check out the series on Thursday's at 7 pm. Sponsored in part, this year by Eden Hill Medical Center, Chesapeake Utilities and the YMCA of Dover. Our last performance is scheduled for Thursday, September 1.

PROGRESS IN PICTURES



⇦ DOVER FAMILY PROPERTIES

1084 S STATE STREET

LOOCKERMAN RETAIL: ⇨

MARINER FINANCIAL

222 South DuPont Highway Building 2





⇦ **CHAIYO SUSHI AND THAI CUISINE**

1030 FORREST AVENUE SUITE 116 (GATEWAY WEST)

Planning, Inspections & Recreation Revenue

Revenue Stream	FY '17 Budget		FY '17 Actual	
Business License	$1,425,000	$	1,260,025	86%
Trailer License	$21,000	$	7,740	37%
Building Permits	$600,000	$	118,412	19%
Cert. of Occupancy	$6,500	$	1,735	17%
Public Occupancy	$9,700	$	275	1%
Lodging House	$14,100	$	28	0%
Plumbing/Heating/Air	$75,000	$	9,975	9%
Rental Inspection Fee	$350,000	$	1,328	0%
Miscellaneous	$15,000	$	1,465	5%
Fire Protection Fees	$62,000	$	4,007	6%
Code Enf. Fines	$25,000	$	(12,950)	-37%
Vacant Building Reg.	$100,000	$	12,465	8%
Total P&I Revenue	**$2,703,300**	$	1,404,503	47%
Recreation	$149,800	$	17,884	12%

PERSONNEL AND TRAINING

⇒ On July 21, 2016 Carolyn Courtney took an online webinar, "Amazing Subject Lines." This free webinar gave insight for improving the opening rate of marketing emails sent to our customer database.

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 July 2016, Planning Staff was involved with review of 91 Permits and 18 Certificates of Occupancy permits. (2016 calendar year total of 645 Permits and CO's compared to 549 for 2015). Thus Permit activity is up when compared to previous years. 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 is also involved in the following studies and projects: Restoring Central Dover Community Plan implementation, Transportation Improvement Districts, and the Division Street/Forest Street Design Week Charrette.
- Planning Office Staff is also assisting in developing conceptual plans for improvements to the recreational amenities at Schutte Park. A Public Workshop was held in July.
- The Planning Office continues the use of the mobile GIS application for data collection in the study of "Non-conforming Uses" to identify non-compliant uses in specific residential zones.
- Proposed Ordinance #2016-16 for a series of amendments to the *Dover Code of Ordinances* and *Zoning Ordinance* pertaining to Manufactured Housing began the review process in June. Following a Public Hearing on July 18th the Planning Commission recommended approval of the proposal amendments; two clarifying amendments were offered by the Development Advisory Committee. The proposed amendments update the standards and terminology related to manufactured homes and also implement standards for management and maintenance of land lease communities. The City Council will conduct a Public Hearing and Final Reading for action on August 8, 2016.

Construction Activity

- Construction activities continue at several multi-family residential projects. These include the re-start of construction at the Tall Pines project at 1655 and 1665 Kenton Road (S-14-18) and this first building of Phase 2 at the Blue Hen Apartments Complex.
- The first apartment building (24 units at 100 MacDonald Grove) received a Certificate of Occupancy in mid-July at the Leander Lakes Apartments project south of Forrest Avenue/Route 8 (S-12-18). A series of Temporary Certificates of Occupancy were issued for three buildings in the redevelopment of Walker Woods as the Village of McKee Branch (S-13-18).
- There is also residential construction activity in Clearview Meadows PND, Nottingham Meadows, Senators Lake, Village of Westover Phase VI, and Village of Cannon Mill.
- Permits were issued to begin construction of the following: a public assembly building for the Islamic Society of Central Delaware on South Little Creek Road (S-15-03); construction of a community center building and renovations to apartment buildings for Whatcoat Village (S-16-05); and interior renovations to Buffalo Wild Wings on Bay Road.
- Construction activities for site work improvements began for site area of Apartment Building 4 at The Grande: Planned Neighborhood Design – Senior Citizen Housing Option (C-15-04).

	JULY FY17	TOTAL FOR FY17
New Home Permits Issued	9	9
Value of Commercial Projects	$12,381,393.00	$12,381,393.00
Downtown Incentives (Fees Waived)	$3,581.00	$3,581.00

BOARD AND COMMISSION ACTIVITY

Planning Commission

The Planning Commission met on July 18, 2016. The next Planning Commission meeting is scheduled for August 15, 2016. The following applications were considered:

- **S-16-15 Family Dental Associates at 385 Saulsbury Road: Expansion of Parking Lot—** Commission moved to approve the waiver request for the elimination of upright curbing in the parking lot but to include the installation of parking bumpers as a requirement.

- **US-16-03 Outback Steakhouse Restaurant Signage at Dover Town Center —** Commission moved to recommend approval of the Unified Comprehensive Signage Plan to permit construction and implementation of signage for a pad site restaurant at Dover Town Center. It would consist of five wall signs totaling 219.3 S.F. and a 32 S.F. tenant panel on a previously-approved north pylon sign serving the shopping center.

- **S-16-13 Revised Dunkin Donuts at 1116-1128 Forrest Avenue** — This proposed Site Development Plan was withdrawn at the request of the applicant.

- **S-16-14 Lidl Grocery Store at North DuPont Highway and Kings Highway NE—** Commission moved to recommend approval of the Site Development Plan for construction of a retail grocery store and associated site improvements to include all Staff comments and denial of the Request to eliminate of sidewalk along the residual parcel's frontage on Kings Highway. If DelDOT or the Senator Bikeway Plan comes back with a project that would remove the concerns that they have over the pedestrian's access to other pedestrian ways from the bus stop or from the State facility, then the developer could return to seek removal of the requirement for sidewalk along the residual parcel. As part of the recommendation of approval, Staff is to consider requiring street trees along that sidewalk; not to satisfy the overall site tree count but to provide an aesthetically pleasing element and value to both the parcel and the nearby residents.

- **MI-16-06 Abandonment of Topaz Circle Stub Street at Emerald Pointe—** Commission moved to recommend denial to City Council for MI-16-06 Abandonment of Topaz Circle Stub Street at Emerald Pointe and following the recommendations of the Department of Public Works, the Fire Marshal's Office, DelDOT, Dover/Kent County MPO and Planning Staff.

- **MI-16-10 Text Amendments: Manufactured Homes—** Commission moved to recommend approval to City Council of a series of text amendments pertaining to manufactured homes.

Board of Adjustment

The Board of Adjustment met on July 20, 2016. The next regular scheduled meeting of the Board of Adjustment is scheduled for August 17, 2016. The following applications were considered:

- **V-16-06 - Project at 1310-1324 Forrest Avenue**—The Board moved to table variance application V-16-06 pertaining to the maximum allowed height of buildings located with the COZ-1.

- **V-16-07 - 423 South DuPont Highway, ERG Properties LLC** —The Board moved to approve area variance application V-16-07 from the requirements of *Zoning Ordinance,* Article 4 §4.15 pertaining to the minimum required rear seatback in the C-4 (Highway Commercial Zone).

- **V-16-08—82 Laurel Drive, John W. Warren** —The Board moved to approve variance application V-16-08 from the requirements of *Zoning Ordinance,* Article 4 §4.1 pertaining to the maximum lot coverage permitted in the in the R-10 (One-Family Residence Zone).

- **V-16-09 - 33-35 South Bradford Street, Darlene M. Dillard** —The Board moved to approve variance application V-16-09 from the requirements of *Zoning Ordinance,* Article 3 §1.15(e) pertaining to the minimum lot area and requirements related to keeping of chickens in One-Family and General Residence zones.

- **V-16-10 - 5780 West Denney's Road, Nikolas Dallas on behalf of ENG Properties** — The Board moved to approve use variance application V-16-10 from the requirements of *Zoning Ordinance,* Article 3 §10.1 in order to re-establish the residential use of a property as a single family home in the IO (Institutional and Office Zone).

Historic District Commission

The Historic District Commission met on July 21, 2016. The next Historic District Commission meeting is scheduled for August 18, 2016.

- **HI-16-05 Mixed Use Buildings at 126 West Loockerman Street**—The Commission moved to recommend approval of the Architectural Review Certification subject to conditions for Application HI-16-05 which proposes the construction of two mixed use buildings on the existing site known as Loockerman Way. One four-story building and one three-story building is proposed, with ground floor commercial uses and residential uses on upper floors, and associated site improvements, subject to future Site Development Plan approval processes.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

CDBG FY16 Projects

The Department of Housing and Urban Development (HUD) has approved the FY-16 Action Plan and budget for the City of Dover. The following projects will be underway beginning September 1, 2016.

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. There are three (3) families that are mortgage ready and under contract.

Dover Interfaith Mission for Housing

CDBG funds will be used to provide operations cost for the shelter.

Connections Community Support Program

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

Milford Housing Homeowner Rehabilitation Program

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.

Habitat for Humanity

CDBG funds will be used to rehabilitate 19 North New Street to provide affordable housing to a family in the Downtown Development District area.

Neighborhood Stabilization Program

Settlement assistance was provided for six (6) families who purchased affordable housing in the City of Dover and was able to assist in stabilizing our neighborhoods by purchasing properties that have been vacant for at least 90 days or foreclosed. The following properties were purchased providing NSP settlement assistance:

- ⇒ 40 Spruance Road
- ⇒ 310 Crickle Creek Lane
- ⇒ 155 Periwinkle Drive
- ⇒ 12 Bacon Court
- ⇒ 1231 Harrison Drive
- ⇒ 108 N. American Avenue

Code Enforcement Activity—JULY

Case Type	# cases current month	# cases YTD	% staff initiated current month	% staff initiated YTD
No valid Rental Permit	3	97	98%	99%
No valid Building Permit	6	32	85%	90%
Tall grass and weeds	49	376	67%	78%
Unregistered vehicle	2	30	50%	60%
Abandoned vehicle	7	34	71%	80%
Annual Housing Inspection	20	143	95%	76%
Property Maintenance – Exterior	25	255	64%	76%
Electric Termination	6	73	100%	99%
Dover Code of Ordinances	16	296	69%	81%
Zoning	2	30	100%	77%
Total Cases	**136**	**1502**		
Total # of Inspections For Month	**266**			



145 N. Ann Avenue—Dangerous Building

231 Mifflin Road—Dangerous Pool



Dangerous Buildings, Vacant Buildings & Demolitions

- *35 N. Queen Street*—Property is condemned and a lien search is complete; home has been placed on the market for sale. An adjacent land owner has inquired about purchasing the property and demolishing the structure; they currently are in contact with City Staff.
- *2 S. Queen Street*—Property was brought forward to City Council on December 9th as a dangerous building. Council declared that the owner would have 15 days to submit a contractor's plan for renovations to City Staff and to place the issue back on the City Council agenda for January 11, 216, for further review. Council has ordered that the home be demolished by February 11, 2016. The demolition of the structure has been delayed.
- *53 S. New Street*—A fire occurred within this residence on January 14, 2016. City Staff scheduled an emergency hearing for Dover Council on January 25, 2016, where City Council declared the structure dangerous and ordered it demolished or repaired by February 10, 2016. The property has been sold and the new owners have advised that they are going to demolish the structure and build a new home on the site.
- *234 N. Kirkwood Street*—Property was condemned when the Dover Police Department discovered that a meth lab was being operated in a vacant home.
- *528 Bay Road*—Commercial property is condemned and will be going to City Council in August as City Staff will request permission to have the structure demolished.
- *139 Mitscher Road*—This property was condemned in July of 2015 as unfit for habitation. City Staff had scheduled it to go to City Council on August 24, 2015, to request permission to have the structure demolished, but the property sold and the new owner obtained permits for renovations. Since that date, minimal work has been performed and City Staff will be taking this to City Council in August 2016 to request permission to have the home demolished.
- *126 N. Ann Avenue*—Notice sent to owner advising them that this property will be going forward to City Council on August 1st as a dangerous building.
- *145 N. Ann Avenue*—Notice sent to owner advising them that this property will be going forward to City Council on August 1st as a dangerous building.

- *Vacant Buildings*—During the month of July, sixteen (16) additional buildings were registered as vacant, and $14,464.00 in vacant building registration fees were collected.

Fire Marshal's Office, Building Inspections & Licensing Summary

LIFE SAFETY	Current	July16-June17	July 2015	July15-June16
Inspections	**JULY 16**	**FYTD 17**	**JULY 15**	**FYTD 16**
Annual Fire/Life Safety Inspections	7	7	55	55
Fire/Code/DCO Complaints	18	18	59	59
Inspection Deficiencies from AFI	32	32	106	106
C/O & Acceptance Tests	15	15	15	15
Administrative Walk Thru	14	14	12	12
Plan Review	8	8	14	14
Accidental	$200,000	$200,000	$165,400	$165,400
Incendiary	$0.00	$0.00	$0.00	0.00
Undetermined	$3,000	$3,000	$150,000	$150,000
PERMITTING AND LICENSING				
Permits Issued	**JULY 16**	**FYTD 17**	**JULY 15**	**FYTD 16**
Administrative Permit	1	1	4	4
Building Addition/Renovation Permits	39	39	34	34
Building Permits	25	25	26	26
Demolition Permits	2	2	5	5
Fence Permits	7	7	8	8
Fire Prevention Permits	10	10	19	19
Mechanical Permits	35	35	24	24
Plumbing Permits	38	38	26	26
Sign Permits	18	18	12	12
Swimming Pool Permits	2	2	1	1
Business Licenses	1535	1535	780	780
Merchant Licenses	245	245	196	196
Contractor Licenses	785	785	527	527
Lodging House Licenses	14	14	2	2
Mobile Homes	172	172	103	103
Public Occupancy	18	18	5	5
Rental Dwelling	21	21	29	29
BUILDING INSPECTIONS				
Inspections	**JULY 16**	**FYTD 17**	**JULY 15**	**FYTD 16**
Building	371	371	335	335
Plumbing/Mechanical	397	397	278	278
Certificate of Occupancy	16	16	9	9

Fire Marshal's Office—At a Glance

The Fire Marshal's Office investigated a total of two (2) incidents in the month of July, to include a fire at 23 Riverside Drive which resulted in a large fire loss.

During the month of July, the Fire Marshal's Office conducted several inspections and acceptance tests. The office currently has a vacancy and one employee was out due to knee surgery. This left one person responsible for covering the office duties as well as on call.

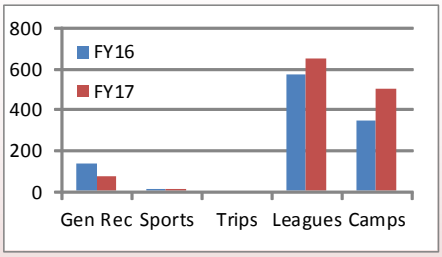


Recreation Division

City of Dover Parks & Recreation

Enrollment Summary

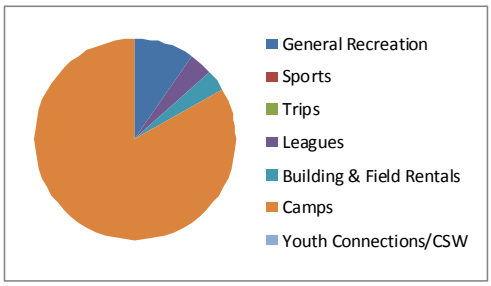
JULY FY16 verses JULY FY15

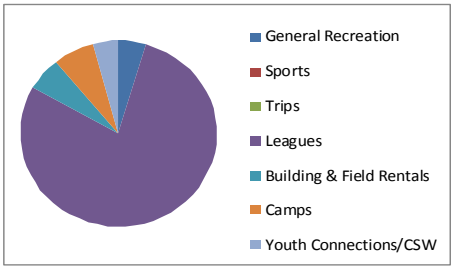




Category	FY15	FY16
General Recreation	113	72
Sports	7	5
Trips	0	0
Leagues	572	650
Camps	344	497

Revenue Breakdown: July 2016 verses July 2015





General Recreation	1628.50
Sports	0
Trips	0
Leagues	625.00
Building & Field Rentals	600.00
Camps	14,072.50
Youth Connections/CSW	0

General Recreation	472.00
Sports	0
Trips	0
Leagues	8,400.00
Building & Field Rentals	612.50
Camps	725.00
Youth Connections/CSW	450.00













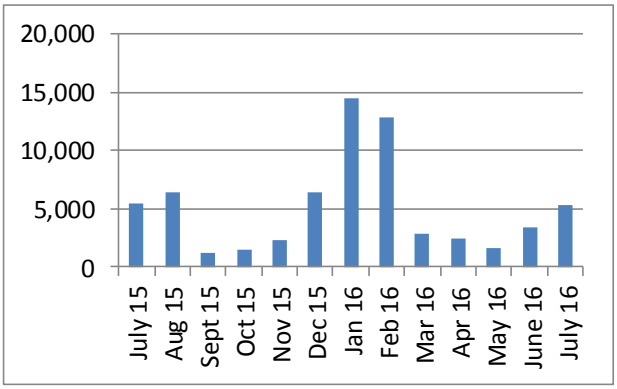




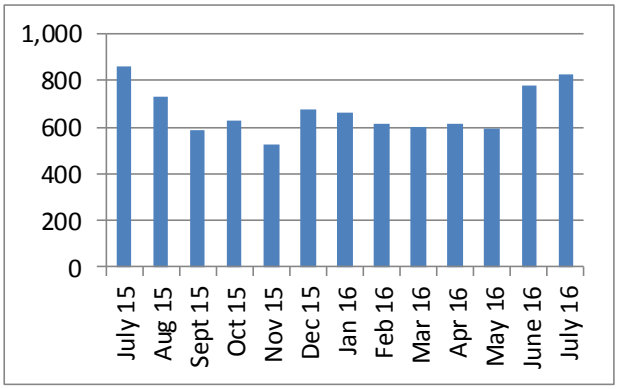


John W. Pitts Recreation Center – JULY 2016

Total Program Attendance



Facility Usage By The Hour



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

Facility Usage By The Hour	JULY 16		FYTD 17		JULY 15		FYTD 16
Open Gym	230.5		4,335.75		357		4,746.5
Fitness Classes	30.5		403		41.5		465.5
Leagues	119.5		1,293.5		42.5		905
Camps	392.5		1,390.5		302		1,066
Sports Classes	0		160.5		12		257
Meetings & Rentals	2		269		12		376
Enrichment Classes	0		27		0		14
Total Facility Usage Hours	775		7,879.25		767		7,830

Daily Program Attendance**	JULY 16		FYTD 17		JULY 15		FYTD 16
Total	5,315		5,315		5,428		5,428
Open Gym	112		112		162		162
Fitness Classes	131		131		184		184
Leagues	4,111		4,111		4,300		4,300
Camps	836		836		443		443
Sports Classes	0		0		0		0
Meetings & Rentals	125		125		339		339
Enrichment Classes	0		0		0		55

Since our opening in late April 2008, we have had 452,168 guests at the John W. Pitts Recreation Center.

July Open Gym Registrations and Packages Sold

Packages Sold:	JUNE	MTD	YTD	FYTD
Daily:	4	$12	4	$12
Individual Quarterly:	0	$0	0	$
Individual Annual:	0	$0	0	$0
Family Quarterly:	0	$0	0	$0
Family Annual:	0	$0	0	$0
Revenue:	**4**	**$12**	**4**	**$12**

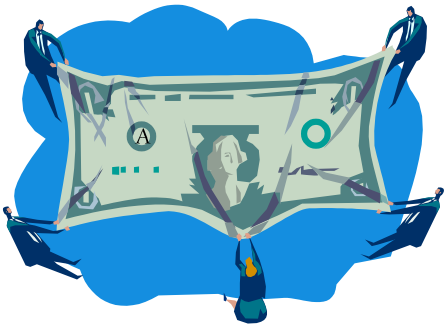


CITY OF DOVER
FINANCE AND PROCUREMENT & INVENTORY DEPARTMENTS
JULY 2016 - MONTHLY BUDGET REPORTS















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
JULY 2016

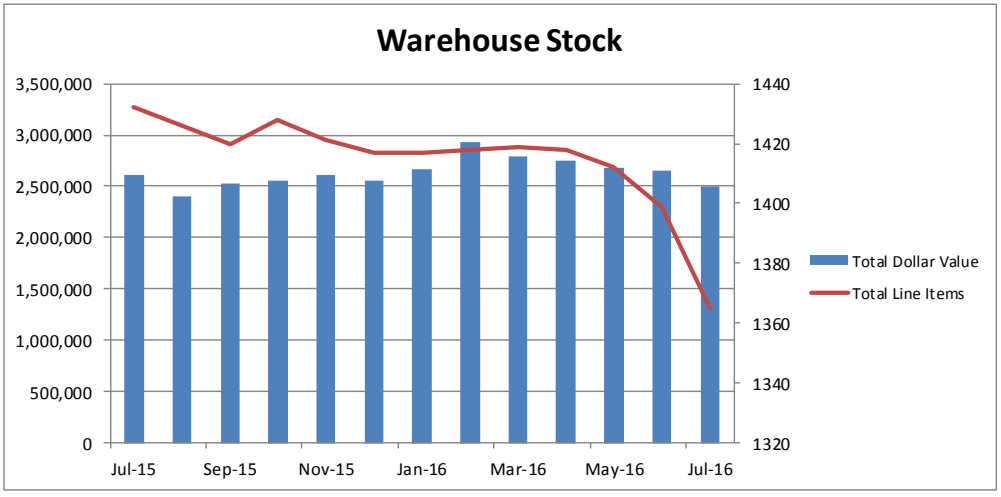
FINANCE DEPARTMENT ACTIVITY LEVELS

	FY16 YTD			FY17 YTD		
BANK TRENDS						
Number of Deposits Made (Hand, ACH & Wire, Lockbox)	643			599		
Total Amount of All Deposits	$ 20,527,375			$ 20,084,847		
PAYROLL						
	Hours	%	Amount	Hours	%	Amount
Gross wages per registers	**72,041**	**100.0%**	**$ 1,749,387**	**71,961**	**100.0%**	**$ 1,753,907**
Wages and Hours Worked						
Regular	55,678	77.3%	$ 1,208,124	57,803	80.3%	$ 1,296,503
All over time	3,733	5.2%	$ 169,879	3,182	4.4%	$ 143,580
Other Paid or Unpaid Wages and Hours						
Vacation	4,680	6.5%	$ 136,298	4,507	6.3%	$ 134,046
Sick	1,101	1.5%	$ 26,225	1,067	1.5%	$ 30,854
Terminal Leave - Retiree Vacation/Sick Payout	3,893	5.4%	$ 142,459	2,454	3.4%	$ 61,638
Comp Time	598	0.8%	$ 17,575	674	0.9%	$ 20,980
Personal	176	0.2%	$ 5,556	581	0.8%	$ 19,434
Leave Without Pay	455	0.6%	$ -	144	0.2%	$ -
Other (description below)	1,729	2.4%	$ 43,270	1,552	2.2%	$ 46,873

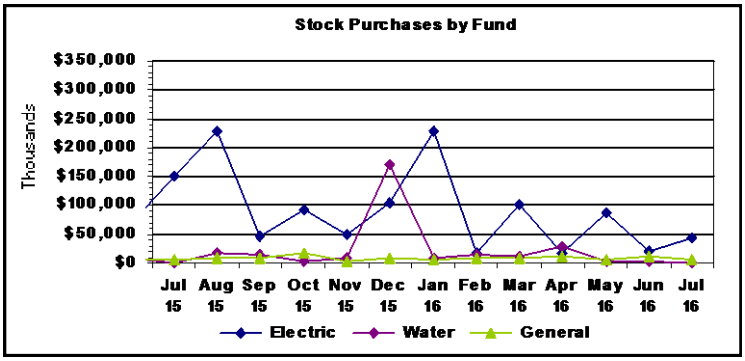
Other includes: pay adjustments, military differential pay, training, committee meetings, worker compensation tracking/adjustments, etc.

Other Activity						
Number of Pay Periods	2			2		
Number of Payroll Checks & Direct Deposits Issued	775			817		
Number of Pension Checks Issued	253			252		
Total Pension Benefits Paid - Defined Benefit Plan	$ 434,785			$ 433,991		
ACCOUNTS PAYABLE						
Number of Check Vouchers	353			315		
Number of EFT Vouchers	123			108		
Vouchers Dollar Amount Disbursed	$ 2,709,009			$ 2,644,507		

PROCUREMENT & INVENTORY ACTIVITY LEVELS



Value: $2,496,091.04 Line Items: 1,365



Fuel Use		
Unleaded:	10,867.3	gallons
Diesel:	6,249.1	gallons
Total Cost:	$ 27,469.67	

City of Dover
Finance Department
Monthly Report - July 2016
General Fund Summary

	Budget	YTD	Balance	8% Budget
Beginning Balance	$ 4,493,900	$ -	$ 4,493,900	0.0%
Revenues				
Court of Chancery Fees	1,100,000	-	1,100,000	0.0%
Police Extra Duty, Fines & Revenue	1,288,300	29,269	1,259,031	2.3%
Franchise Fees	680,000	-	680,000	0.0%
Grants	623,500	-	623,500	0.0%
Intrafund Services	5,218,700	352,309	4,866,391	6.8%
Library & Recreation Revenues	532,900	23,676	509,224	4.4%
Licenses & Permits	3,129,100	1,419,429	1,709,671	45.4%
Property Taxes (Includes BID Revenue) (1)	12,895,100	12,432,332	462,768	96.4%
Miscellaneous Revenues	146,800	1,215	145,585	0.8%
Sanitation Revenues	2,538,300	208,942	2,329,358	8.2%
Garrison Farm Rent Revenue	94,500	15,557	78,943	16.5%
Transfers-In from Special Funds & Utilities				
Municipal Street Aid Fund	673,100	-	673,100	0.0%
Civil Traffic Penalties	496,900	-	496,900	0.0%
Transfer Taxes	1,672,700	-	1,672,700	0.0%
Police Grants/Extra Duty	258,600	-	258,600	0.0%
Water/Wastewater Fund	875,000	-	875,000	0.0%
Electric Fund	10,000,000	833,333	9,166,667	8.3%
Total Revenues	42,223,500	15,316,062	26,907,438	36.3%
Total Beginning Balance & Revenues	**$ 46,717,400**	**$ 15,316,062**	**$ 31,401,338**	32.8%
Expenditures				
City Clerk & Council	$ 553,400	$ 27,624	$ 525,776	5.0%
Mayor, City Manager & Human Resources	1,258,900	65,959	1,192,941	5.2%
Police & Police Extra Duty	16,875,200	785,059	16,090,141	4.7%
Public Services	5,077,600	236,157	4,841,443	4.7%
Engineering	207,000	8,464	198,536	4.1%
Procurement & Inventory, Facilities Mgmt., Fleet Maint.	1,968,500	101,122	1,867,378	5.1%
Planning, Inspections, Life Safety, Code Enf., & Economic Dev.	2,151,000	78,904	2,072,096	3.7%
Finance, Info Tech & Customer Services	2,871,200	293,724	2,577,476	10.2%
Library & Recreation	2,385,900	123,010	2,262,890	5.2%
Fire Department	721,700	88,088	633,612	12.2%
Assessor	244,000	23,143	220,857	9.5%
Contribution to DDP	150,000	-	150,000	0.0%
Miscellaneous Grant Expense	25,000	-	25,000	0.0%
Other Employment Expenses	400,700	-	400,700	0.0%
Bank & CC Fees	15,000	299	14,701	2.0%
Insurance	700,000	-	700,000	0.0%
OPEB - Retiree's Health Care Contribution	2,039,700	169,975	1,869,725	8.3%
Police Pension Trust Contribution - State Grant	670,000	55,833	614,167	8.3%
Appropriation to Police Pension Fund	500,000	-	500,000	0.0%
Street Lights	804,000	68,371	735,629	8.5%
Debt Service	685,300	282,836	402,464	41.3%
Transfers Out				
Inventory Write-offs	10,000	-	10,000	0.0%
Capital Projects Fund	1,859,400	465,000	1,394,400	25.0%
Uncollectibles: Trash & Other	50,000	-	50,000	0.0%
Total Expenditures	42,223,500	2,873,568	39,349,932	6.8%
Budget Balance -Working Capital	4,493,900	-	4,493,900	0.0%
Total Budget Balance & Expenditures	**$ 46,717,400**	**$ 2,873,568**	**$ 43,843,832**	6.2%
Reserve Balances				
Contingency	$ 741,000	$ 733,737		

(1) Property Taxes are the taxes billed and not cash received. The outstanding receivable balance as of 7/31/16 is $1,942,421 as compared to $1,430,828 in July 2015.

City of Dover
Finance Department
Monthly Report - July 2016
Water/Wastewater Fund Summary

	Budget	YTD	Balance	8% Budget
Beginning Balance - Water	$ 566,500	$ -	$ 566,500	0.0%
Beginning Balance - Wastewater	663,200	-	663,200	0.0%
	1,229,700	-	1,229,700	0.0%
Revenues				
Water Services	5,800,000	592,722	5,207,278	10.2%
Wastewater Services	3,800,000	331,653	3,468,347	8.7%
Wastewater Treatment Services	3,000,000	260,880	2,739,120	8.7%
Groundwater Inflow Adjustment	1,938,000	166,996	1,771,004	8.6%
Water Tank Space Leases	366,200	3,491	362,709	1.0%
Miscellaneous Receipts	83,000	6,629	76,371	8.0%
Impact Fees - Water	252,000	69,300	182,700	27.5%
Impact Fees - Wastewater	228,000	68,160	159,840	29.9%
Total Revenues	15,467,200	1,499,831	13,967,369	9.7%
Total Beginning Balance & Revenues	**$ 16,696,900**	**$ 1,499,831**	**$ 15,197,069**	9.0%
Expenses				
Water/Wastewater Operating Divisions				
Engineering & Inspection	$ 516,500	$ 20,809	$ 495,691	4.0%
Water Department	655,400	25,665	629,735	3.9%
Water Treatment Plant	1,727,400	98,413	1,628,987	5.7%
Wastewater Department	962,400	35,076	927,324	3.6%
Kent County Treatment Charge	4,130,000	344,167	3,785,833	8.3%
Intrafund Service Fees	1,653,800	108,478	1,545,322	6.6%
Retiree's Health Care	192,400	-	192,400	0.0%
Debt Service	1,227,200	42,309	1,184,891	3.4%
Other Employment Expenses	21,200	-	21,200	0.0%
Bank & CC Fees	25,000	1,858	23,142	7.4%
Bond Issuance Cost	40,000	-	40,000	0.0%
Transfers Out				
Water I & E Fund	1,000,000	-	1,000,000	0.0%
Wastewater I & E Fund	1,000,000	-	1,000,000	0.0%
General Fund	875,000	-	875,000	0.0%
Contingency Reserve - Water	110,000	-	110,000	0.0%
Contingency Reserve - Wastewater	60,000	-	60,000	0.0%
Electric Improv. & Ext.	231,200	-	231,200	0.0%
Total Expenses	14,427,500	676,775	13,750,725	4.7%
Budget Balances				
Budget Balance - Work. Cap Water	1,103,100	-	1,103,100	0.0%
Budget Balance - Work. Cap WW	1,166,300	-	1,166,300	0.0%
Total Budget Balances	2,269,400	-	2,269,400	0.0%
Total Budget Balances & Expenses	**$ 16,696,900**	**$ 676,775**	**$ 16,020,125**	4.1%
Reserve Balances				
Contingency-Water	$ 249,000	$ 118,039		
Contingency-Wastewater	$ 253,100	$ 214,894		
Impact Fee Reserve - Water	$ 243,200	$ 434,692		
Impact Fee Reserve - Wastewater	$ 1,391,800	$ 3,079,207		
Bond Coverage Ratio (Covenant 1.20)	3.44	8.47		

City of Dover
Finance Department
Monthly Report - July 2016
Electric Revenue Fund Summary

	Budget	YTD	Balance	8% Budget
Beginning Balance	$ 13,302,200	$ -	$ 13,302,200	0.0%
Revenues				
Direct Sales to Customers	77,193,200	7,393,971	69,799,229	9.6%
Utility Tax	1,287,900	117,881	1,170,019	9.2%
Weyandt Hall Rents	223,000	40,507	182,493	18.2%
Miscellaneous Revenues	676,600	48,415	628,185	7.2%
Interest Earnings	47,900	1,464	46,436	3.1%
Total Revenues	79,428,600	7,432,413	71,996,187	9.4%
Total Beginning Balance & Revenues	**$ 92,730,800**	**$ 7,432,413**	**$ 85,298,387**	8.0%
Expenses				
Power Supply & Generation				
Hedged Energy	$ 16,557,600	$ 2,381,223	$ 14,176,377	14.4%
Power Supply Management	996,000	69,583	926,417	7.0%
Capacity Charges	10,160,600	892,224	9,268,376	8.8%
Dover Sun Park Energy	2,313,900	-	2,313,900	0.0%
Renewal Energy Credits (Incl. Solar)	1,036,800	-	1,036,800	0.0%
RGGI	129,300	-	129,300	0.0%
PJM Charges - Energy	12,357,900	755,412	11,602,488	6.1%
PJM Charges - Transmission & Fees	7,603,800	338,292	7,265,508	4.4%
Total Power Supply	51,155,900	4,436,734	46,719,166	8.7%
Plant Operations	6,215,700	644,990	5,570,710	10.4%
Generation Fuels	302,600	-	302,600	0.0%
Capacity Credits	(7,355,100)	(632,737)	(6,722,363)	8.6%
PJM Spot Market Energy	(804,900)	(737,260)	(67,640)	91.6%
PJM Credits	(360,000)	(89,602)	(270,398)	24.9%
Total Generation	(2,001,700)	(814,609)	(1,187,091)	40.7%
Total Power Supply & Generation	49,154,200	3,622,125	45,532,075	7.4%
Electric Operating Divisions:				
Transmission/Distribution	3,605,700	200,390	3,405,310	5.6%
Electrical Engineering	1,247,900	82,244	1,165,656	6.6%
Administration	929,700	24,488	905,212	2.6%
Meter Reading	378,600	23,441	355,159	6.2%
Systems Operations	651,700	30,777	620,923	4.7%
Intrafund Services	3,564,900	243,831	3,321,069	6.8%
Utility Tax	1,287,900	117,881	1,170,019	9.2%
Retirees Health Care	600,000	-	600,000	0.0%
Interest on Deposits	21,000	3,018	17,982	14.4%
Green Energy Payment to DEMEC	128,000	12,105	115,895	9.5%
Accounts Receivable Write-Offs	250,000	-	250,000	0.0%
Other Employee Expenses	58,900	-	58,900	0.0%
Bank & CC Fees	275,000	21,099	253,901	7.7%
Debt Service	1,618,000	138,142	1,479,858	8.5%
Transfers Out:				
General Fund	10,000,000	833,333	9,166,667	8.3%
Electric Improvement & Extension Fund	2,500,000	-	2,500,000	0.0%
Future Capacity Reserve	750,000	-	750,000	0.0%
Depreciation Reserve	750,000	-	750,000	0.0%
Rate Stabilization Reserve	1,250,000	-	1,250,000	0.0%
Total Expenses	79,021,500	5,352,874	73,668,626	6.8%
Budget Balance - Work. Capital	13,709,300	-	13,709,300	0.0%
Total Budget Balance & Expenses	**$ 92,730,800**	**$ 5,352,874**	**$ 87,377,926**	5.8%
Reserve Balances				
Contingency Reserve	$ 848,300	$ 851,028		
Insurance Reserve	$ 762,000	$ 764,456		
Rate Stabilization Reserve	$ 8,511,900	$ 7,278,138		
Bond Coverage Ratio (Covenant 1.25)	4.22	16.51		
Megawatt Hours Sold & Purchased				
Sales to Customers MWh (excluding Street Light MWh)	716,755	67,462		9.4%
Sales per MWh	$ 107.70	$ 107.08		99.4%
Purchased/Generated MWh	747,187	81,224		10.9%
All In MWh Supply & Generation	$ 65.79	$ 44.59		67.8%

City of Dover
Finance Department
Monthly Report - July 2016
General Capital Project Fund Summary

	Budget	YTD	Balance	8% Budget
Beginning Balance - Projects	$ 383,900	$ -	$ 383,900	0.0%
Revenues				
State Grant - Other	105,000	-	105,000	0.0%
Interest Earnings	5,000	58	4,942	1.2%
Transfer from General Fund for Projects	1,859,400	465,000	1,394,400	25.0%
Income from Sale of Assets	-	19,085	(19,085)	0.0%
Transfer from Parkland Reserve	80,000	-	80,000	0.0%
Subtotal Revenues	2,049,400	484,143	1,565,257	23.6%
				0.0%
Total Revenues	2,049,400	484,143	1,565,257	23.6%
Total Beginning Balance & Revenue	**$ 2,433,300**	**$ 484,143**	**$ 1,949,157**	19.9%
Expenditures				
Fire	$ 145,700	$ 145,614	$ 86	99.9%
Grounds Maintenance	58,200	-	58,200	0.0%
Recreation	165,000	-	165,000	0.0%
Life Safety	29,500	-	29,500	0.0%
Police	299,800	-	299,800	0.0%
Streets	1,026,000	36,547	989,453	3.6%
Sanitation	261,500	-	261,500	0.0%
Facilities Management	27,700	-	27,700	0.0%
Fleet Maintenance	31,000	-	31,000	0.0%
Total Expenditures	2,044,400	182,161	1,862,239	8.9%
Budget Balance - Projects	388,900	-	388,900	0.0%
Total Budget Balance & Expenditures	**$ 2,433,300**	**$ 182,161**	**$ 2,251,139**	7.5%
Reserve Balances				
Capital Asset Replacement Reserve	$ 1,266,300	$ 1,255,326		
Parkland/Recreation	$ 247,900	$ 359,807		

City of Dover
Finance Department
Monthly Report - July 2016
Water/Wastewater Improvement & Extension Fund Summary

	Budget	YTD	Balance	8% Budget
Beginning Balance - Water	$ 1,179,900	$ -	$ 1,179,900	0.0%
Beginning Balance - Wastewater	952,600	-	952,600	0.0%
	2,132,500	-	2,132,500	
Revenues				
Interest Earnings	20,000	402	19,598	2.0%
Transfer from Operating Fund for Water	1,000,000	-	1,000,000	0.0%
Transfer from Operating Fund for Wastewater	1,000,000	-	1,000,000	0.0%
Transfer from Impact Fee Reserve - Water	190,800	-	190,800	0.0%
Transfer from Impact Fee Reserve - Wastewater	211,200	-	211,200	0.0%
State Loan-Water	884,000	-	884,000	0.0%
State Loan-Wastewater	2,400,000	-	2,400,000	0.0%
Total Revenues	5,706,000	402	5,705,598	0.0%
Total Beginning Balance & Revenues	**$ 7,838,500**	**$ 402**	**$ 7,838,098**	0.0%
Expenses				
Engineering & Inspection	$ 30,400	$ -	$ 30,400	0.0%
Water	1,338,800	8,437	1,330,363	0.6%
Wastewater	2,021,200	65,243	1,955,957	3.2%
Water Treatment Plant	1,200,000	-	1,200,000	0.0%
Total Expenses	4,590,400	73,680	4,516,720	1.6%
Budget Balance Water - Working Capital	2,226,700	-	2,226,700	0.0%
Budget Balance Wastewater - Working Capital	1,021,400	-	1,021,400	0.0%
Total Budget Balances	3,248,100	-	3,248,100	0.0%
Total Budget Balances & Expenses	**$ 7,838,500**	**$ 73,680**	**$ 7,764,820**	0.9%
Reserve Balances				
Capital Asset Replacement - Water	$ 518,500	$ 520,183		

City of Dover
Finance Department
Monthly Report - July 2016
Electric Improvement & Extension Fund Summary

	Budget	YTD	Balance	8% Budget
Beginning Balance	$ 5,540,500	$ -	$ 5,540,500	0.0%
Revenues				
Interest Earnings	40,000	139	39,861	0.3%
Development Grants	5,000	-	5,000	0.0%
Transfer from Electric Revenue Fund	2,500,000	-	2,500,000	0.0%
Transfer from Water/Wastewater Fund	231,200	-	231,200	0.0%
General Service Billing	900,000	7,888	892,112	0.9%
Total Revenues	3,676,200	8,027	3,668,173	0.2%
Total Beginning Balance & Revenues	**$ 9,216,700**	**$ 8,027**	**$ 9,208,673**	0.1%
Expenses				
Electric Generation	$ 1,842,800	$ 2,752	$ 1,840,048	0.1%
Transmission/Distribution	1,975,000	18,831	1,956,169	1.0%
Electrical Engineering	910,700	2,538	908,162	0.3%
Meter Reading	41,800	-	41,800	0.0%
ERP System	1,000,000	-	1,000,000	0.0%
Total Expenses	5,770,300	24,121	5,746,179	0.4%
Budget Balance Bond - Work. Capital	3,446,400	-	3,446,400	0.0%
Total Budget Balance & Expenses	**$ 9,216,700**	**$ 24,121**	**$ 9,192,579**	0.3%
Reserve Balances				
Depreciation Reserve	$ 10,910,200	$ 10,143,156		
Future Capacity Reserve	$ 10,961,700	$ 10,295,969		

City of Dover
Electric Revenue Fund
FY17 - White Oak Solar Park Incremental Cost

	Original Budget	YTD	Balance
Power Supply & Generation			
Dover Sun Park - Energy	$ 2,446,700	$ 287,915	$ 2,158,786
Dover Sun Park - REC's	362,400	-	362,400
Total Power Supply Cost	2,809,100	287,915	2,521,185
Non-Solar Power Supply Cost	(184,506)	(121,571)	(62,935)
Incremental Energy Cost	$ 2,624,594	$ 166,344	$ 2,458,250
Revenues			
Customer Sales - Electricity	(93,900)	8,808	(102,708)
Rent Receipts	(94,500)	15,557	(110,057)
Total Revenues	(188,400)	24,365	(212,765)
Incremental Sun Park Cost	$ 2,436,194	$ 190,709	$ 2,245,485
MWh Purchased/Generated - Solar	18,159.000	2,145.416	
MWh $ Solar Energy	$ 134.74	134.20	
Solar REC's MWh		334.000	
MWh $ Solar REC (one month lag)*		0.00	

City of Dover
Finance Department
Monthly Report - July 2016
Community Transportation Improvement Fund

	Budget	YTD	Balance	8% Budget
Beginning Balance	$ 92,100	$ -	$ 92,100	0.0%
Revenues				
Grants Revenue	500,000	-	500,000	0.0%
Interest Earned	-	31	(31)	0.0%
Total Revenues	500,000	31	499,969	0.0%
Total Beginning Balance & Revenues	**$ 592,100**	**$ 31**	**$ 592,069**	0.0%
Expenses				
Transfer to Capital Project Fund	$ 500,000	$ -	$ 500,000	0.0%
Total Expenses	500,000	-	500,000	0.0%
Budget Balance - Working Capital	92,100	-	92,100	0.0%
Total Budget Balances & Expenses	**$ 592,100**	**$ -**	**$ 592,100**	0.0%

City of Dover
Finance Department
Monthly Report - July 2016
Police Grant Funds

	Budget	YTD	Balance	8% Budget
Beginning Balance	$ 295,300	$ -	$ 295,300	0.0%
Revenues				
State & Federal Grants Received	319,000	-	319,000	0.0%
Interest Earnings	-	224	(224)	0.0%
Total Revenues	319,000	224	318,776	0.1%
Total Beginning Balance & Revenues	**$ 614,300**	**$ 224**	**$ 614,076**	0.0%
Expenses				
Cadet Program	$ 81,100	$ 3,595	$ 77,505	4.4%
Equipment & Program Supplies	284,000	29,373	254,627	10.3%
Telephone/Fax	16,000	1,527	14,473	9.5%
Training/Conference/Food/Travel	17,000	50	16,950	0.3%
Consulting/Audit Fees	1,000	-	1,000	0.0%
Contractual services	5,000	-	5,000	0.0%
Operating Transfers - Out	82,000	-	82,000	0.0%
Total Expenses	486,100	34,545	451,555	7.1%
Budget Balance - Working Capital (Unaudited)	128,200	-	128,200	0.0%
Total Budget Balances & Expenses	**$ 614,300**	**$ 34,545**	**$ 579,755**	5.6%

City of Dover
Finance Department
Monthly Report - July 2016
Library Grant Fund

	Budget	YTD	Balance	8% Budget
Beginning Balance	$ 17,300	$ -	$ 17,300	0.0%
Revenues				
Grants Received	305,500	25,458	280,042	8.3%
Federal Grants	2,500	208	2,292	8.3%
Total Revenues	308,000	25,666	282,334	8.3%
Total Beginning Balance & Revenues	**$ 325,300**	**$ 25,666**	**$ 299,634**	7.9%
Expenses				
Program Expenses/Supplies-State Grants	$ 27,500	$ 1,611	$ 25,889	5.9%
Program Expenses/Supplies-Federal Grants	2,500	-	2,500	0.0%
Office Supplies	30,800	-	30,800	0.0%
Printing/Duplicating	12,500	785	11,715	6.3%
Postage	100	-	100	0.0%
Books	150,600	162	150,438	0.1%
Furniture	10,500	-	10,500	0.0%
Audio Visual Supplies	77,200	1,117	76,083	1.4%
Training/Conference/Food/Travel	5,300	-	5,300	0.0%
Office Equipment/Repairs & Maintenance	6,300	33	6,267	0.5%
Other Equipment - Lease	2,000	152	1,848	7.6%
Total Expenses	325,300	3,860	321,440	1.2%
Budget Balance - Working Capital	-	-	-	0.0%
Total Budget Balances & Expenses	**$ 325,300**	**$ 3,860**	**$ 321,440**	1.2%

City of Dover
Finance Department
Monthly Report - July 2016
After School Program/Substance Abuse Prevention Fund

	Budget	YTD	Balance	8% Budget
Beginning Balance	$ 60,300	$ -	$ 60,300	0.0%
Revenues				
Grants Received	28,000	7,008	20,992	25.0%
Recreation Revenue	33,000	-	33,000	0.0%
Total Revenues	61,000	7,008	53,992	11.5%
Total Beginning Balance & Revenues	**$ 121,300**	**$ 7,008**	**$ 114,292**	5.8%
Expenses				
Temporary Help/Benefits	$ 60,200	$ 7,631	$ 52,569	12.7%
Program Expenses/Supplies	55,000	3,862	51,138	7.0%
Total Expenses	115,200	11,493	103,707	10.0%
Budget Balance - Working Capital	6,100	-	6,100	0.0%
Total Budget Balances & Expenses	**$ 121,300**	**$ 11,493**	**$ 109,807**	9.5%

City of Dover
Finance Department
Monthly Report - July 2016
CDBG Fund

	Budget	YTD	Balance	8% Budget
Beginning Balance	$ 2,100	$ -	$ 2,100	0.0%
Revenues				
Grants Received	236,500	713	235,787	0.3%
Interest Earnings	-	7	(7)	0.0%
Total Revenues	236,500	720	235,780	0.3%
Total Beginning Balance & Revenues	**$ 238,600**	**$ 720**	**$ 237,880**	0.3%
Expenses				
Closing Cost/Down Payment Program	$ 50,000	$ -	$ 50,000	0.0%
Connection Community Support Program	7,200	-	7,200	0.0%
Dover Interfaith Ministry	22,000	-	22,000	0.0%
MHDC Emergency Home Repair	25,000	-	25,000	0.0%
Habitat For Humanity	30,000	2,953	27,047	9.8%
Milford Housing H/O Rehabilitation	55,000	-	55,000	0.0%
Salaries	47,300	-	47,300	0.0%
NSP Expense	-	6,369	(6,369)	0.0%
Total Expenses	236,500	9,322	227,178	3.9%
Budget Balance - Working Capital	2,100	-	2,100	0.0%
Total Budget Balances & Expenses	**$ 238,600**	**$ 9,322**	**$ 229,278**	3.9%

MONTHLY REPORT



July 2016

Monthly Report

Incident Run Log

Dover Fire Department

Date Range: From 07/01/2016 to 07/31/2016
Company: All Companies
Sorted by: Not selected

Date	FDID	Incident#	Alarm	###	Address	Suite	Type	Lgth
07/01/2016	30046	2016-000598	11:45	2735	FORREST AVE		Smoke detector activation, no fire - unintentional	0.4
07/01/2016	30046	2016-000599	19:07	1202	WHITEOAK RD		Smoke detector activation, no fire - unintentional	0.3
07/02/2016	30046	2016-000600	06:15		W DENNEYS RD		Public service assistance, other	0.7
07/02/2016	30046	2016-000601	08:03	35	COMMERCE WAY	SUITE	System malfunction, other	0.5
07/02/2016	30046	2016-000602	11:27	23	RIVERSIDE RD		Building fire	2.7
07/02/2016	30046	2016-000603	12:50	1365	N DUPONT HWY		Good intent call, other	0.3
07/02/2016	30046	2016-000604	14:52	23	RIVERSIDE RD		Good intent call, other	0.6
07/02/2016	30046	2016-000605	17:09	23	RIVERSIDE RD		Good intent call, other	0.8
07/02/2016	30046	2016-000606	19:54	2497	SHARON HILL RD		Good intent call, other	0.4
07/03/2016	30046	2016-000607	05:01	23	RIVERSIDE DRIVE		Outside rubbish fire, other	0.8
07/03/2016	30046	2016-000608	05:47		GARRISON OAK DRIVE & WHITEOAK		Extrication of victim(s) from vehicle	0.4
07/03/2016	30046	2016-000609	11:33	4601	S. DUPONT HIGHWAY		Dispatched & canceled en route	0.0
07/03/2016	30046	2016-000610	13:15	27	IRONWOOD CIR		Cooking fire, confined to container	0.4
07/04/2016	30046	2016-000611	15:35	3000	LEMAY LANE		Cooking fire, confined to container	0.7
07/04/2016	30046	2016-000612	18:13	20	WESTOVER DR		Outside rubbish, trash or waste fire	0.4
07/04/2016	30046	2016-000613	19:29	400	COUNTRY DR		Dumpster or other outside trash receptacle fire	0.4
07/05/2016	30046	2016-000614	01:40	20	WILLIS RD		Hazardous condition, other	0.5
07/05/2016	30046	2016-000615	02:45	100	BABB DRIVE		Smoke detector activation due to malfunction	0.1
07/05/2016	30046	2016-000616	03:24	834	S GOVERNORS AVE		Smoke detector activation due to malfunction	0.2
07/05/2016	30046	2016-000617	07:58	200	GARRISON OAK DR		Alarm system activation, no fire - unintentional	0.9
07/05/2016	30046	2016-000618	17:47	101	BABB DR		Smoke detector activation due to malfunction	0.5
07/05/2016	30046	2016-000619	19:35	162	OLD FORGE DR		Cooking fire, confined to container	0.3
07/06/2016	30046	2016-000620	01:04	230	E SHELDRAKE CIRCLE		Smoke detector activation due to malfunction	0.5
07/06/2016	30046	2016-000621	11:48	1200	N DUPONT HWY		Detector activation, no fire - unintentional	0.6
07/06/2016	30046	2016-000622	12:01	1420	MCKEE RD	FRON	Smoke detector activation, no fire - unintentional	0.3
07/06/2016	30046	2016-000623	13:24	2800	N DUPONT HWY		Heat detector activation due to malfunction	0.5
07/06/2016	30046	2016-000624	16:10	655	S BAY RD		Malicious, mischievous false call, other	0.8
07/06/2016	30046	2016-000625	18:04	602	PEAR ST		System malfunction, other	0.4
07/06/2016	30046	2016-000626	19:17	654	N DUPONT HWY		Passenger vehicle fire	0.4
07/07/2016	30046	2016-000627	13:34	764	LEIPSIC RD		Good intent call, other	0.2
07/07/2016	30046	2016-000628	15:56	324	E. BROADSTAIRS PLACE		System malfunction, other	0.3
07/08/2016	30046	2016-000629	06:41	200	GARRISON OAK DR		Detector activation, no fire - unintentional	0.4
07/08/2016	30046	2016-000630	08:03	631	RIDGELY ST	7	Alarm system activation, no fire - unintentional	0.4
07/08/2016	30046	2016-000631	14:11	101	BABB DR		False alarm or false call, other	0.5
07/09/2016	30046	2016-000632	07:16	310	W DIVISION ST		Smoke detector activation, no fire - unintentional	0.3
07/09/2016	30046	2016-000633	14:10	1420	MCKEE RD	FRON	Smoke detector activation, no fire - unintentional	0.2
07/10/2016	30046	2016-000634	07:09	44	COURTSIDE DR	B	Unintentional transmission of alarm, other	0.3
07/10/2016	30046	2016-000635	11:51	655	N DUPONT HWY		Smoke detector activation, no fire - unintentional	0.4
07/11/2016	30046	2016-000636	15:09	1062	LAFFERTY LA		Extrication, rescue, other	0.3
07/11/2016	30046	2016-000637	23:19	1365	N DUPONT HWY	2000	Sprinkler activation due to malfunction	0.9
07/12/2016	30046	2016-000638	06:42	47	GLENN STREET		Fire in mobile home used as fixed residence	1.9
07/12/2016	30046	2016-000639	08:25		LAFFERTY LANE		Motor vehicle accident with injuries	0.2
07/12/2016	30046	2016-000640	20:45	216	MILLCREEK DR		Good intent call, other	0.3
07/12/2016	30046	2016-000641	21:20	1788	N DUPONT HWY		Dispatched & canceled en route	0.0
07/13/2016	30046	2016-000642	05:30	37	RIDGELY ST		Unintentional transmission of alarm, other	0.1
07/13/2016	30046	2016-000643	08:15	209	S STATE ST		Alarm system activation, no fire - unintentional	0.1
07/13/2016	30046	2016-000644	10:01	1570	N DUPONT HWY		Alarm system activation, no fire - unintentional	0.5
07/13/2016	30046	2016-000645	11:53	25	W LOOCKERMAN ST		Electrical wiring/equipment problem, other	0.9
07/13/2016	30046	2016-000646	21:12	300	WASHINGTON STREET		Search for person on land	1.0
07/14/2016	30046	2016-000647	08:37		S QUEEN ST		Good intent call, other	0.3
07/14/2016	30046	2016-000648	09:16		S QUEEN ST		Good intent call, other	0.5
07/14/2016	30046	2016-000649	14:27	1084	S STATE ST		Heat detector activation due to malfunction	0.2
07/14/2016	30046	2016-000650	21:56		S GOVERNORS AVE & SOUTH ST		Gas leak (natural gas or LPG)	0.3
07/15/2016	30046	2016-000651	23:37		MCKEE RD		Extrication of victim(s) from vehicle	0.1
07/16/2016	30046	2016-000652	02:23	135	HAMAN DR		Carbon monoxide detector activation, no CO	0.5
07/16/2016	30046	2016-000653	07:20	1200	N DUPONT HWY		Alarm system sounded due to malfunction	0.2
07/16/2016	30046	2016-000654	22:32	125	TRAFALGAR DR		Smoke detector activation due to malfunction	0.6
07/17/2016	30046	2016-000655	09:51	1200	N DUPONT HWY		Dispatched & canceled en route	0.1
07/17/2016	30046	2016-000656	22:32		SCARBOROUGH RD		Motor vehicle accident with injuries	0.6

Date	FDID	Incident#	Alarm	###	Address	Suite	Type	Lgth
07/18/2016	30046	2016-000657	17:56	718	S. Halsey		Good intent call, other	0.3
07/18/2016	30046	2016-000658	23:13	1161	HORSEPOND ROAD		Extrication of victim(s) from vehicle	0.7
07/19/2016	30046	2016-000659	01:50	135	HAMAN DR	103	CO detector activation due to malfunction	0.3
07/19/2016	30046	2016-000660	10:08	1200	N DUPONT HWY		Smoke detector activation, no fire - unintentional	0.0
07/19/2016	30046	2016-000661	10:19	1200	N DUPONT HWY		Smoke detector activation, no fire - unintentional	0.1
07/19/2016	30046	2016-000662	13:02	7	NICHOLAS DR		Service Call, other	0.0
07/19/2016	30046	2016-000663	14:20	1368	ROSE VALLEY SCHOOL RD		Lock-out	0.4
07/19/2016	30046	2016-000664	15:07	5	MCKEE RD		Assist police or other governmental agency	25.1
07/19/2016	30046	2016-000665	15:26	591	S DUPONT HWY		Sprinkler activation, no fire - unintentional	0.5
07/20/2016	30046	2016-000666	06:38	1200	N DUPONT HWY		System malfunction, other	0.1
07/20/2016	30046	2016-000667	17:11	101	BABB DR		Cooking fire, confined to container	0.4
07/20/2016	30046	2016-000668	19:45		S. DUPONT HWY		Motor vehicle accident with injuries	0.5
07/20/2016	30046	2016-000669	22:25	30	CARPENTER ST		Smoke detector activation, no fire - unintentional	0.5
07/21/2016	30046	2016-000670	15:16	1570	N DUPONT HWY		Alarm system activation, no fire - unintentional	0.0
07/22/2016	30046	2016-000671	04:18	58	REPRESENTATIVE LN		Smoke detector activation due to malfunction	0.5
07/22/2016	30046	2016-000672	07:48	1575	MCKEE RD	102	Cooking fire, confined to container	0.5
07/22/2016	30046	2016-000673	08:36	908	WOODCREST DR		Malicious, mischievous false call, other	0.3
07/22/2016	30046	2016-000674	12:45		MARTIN LUTHER KING JR. BLVD		Good intent call, other	0.2
07/22/2016	30046	2016-000675	14:48	1574	N DUPONT HWY		Passenger vehicle fire	0.4
07/22/2016	30046	2016-000676	23:37	400	N DUPONT HWY	H	Electrical wiring/equipment problem, other	0.5
07/23/2016	30046	2016-000677	17:12	2800	N DUPONT HWY		False alarm or false call, other	0.5
07/23/2016	30046	2016-000678	19:05	835	BAY RD		False alarm or false call, other	0.4
07/23/2016	30046	2016-000679	19:31	310	BILLY MITCHELL LA	F	Cooking fire, confined to container	0.5
07/23/2016	30046	2016-000680	20:19		RT 1 SB AT EXIT 95		Dispatched & canceled en route	0.2
07/23/2016	30046	2016-000681	20:33	1478	WYOMING MILL RD		False alarm or false call, other	0.6
07/24/2016	30046	2016-000682	02:30	77	STEVENSON DR		Hazardous condition, other	0.5
07/24/2016	30046	2016-000683	18:28	1175	MCKEE RD		System malfunction, other	0.6
07/24/2016	30046	2016-000684	19:41	316	STONE BROOK PL		Cooking fire, confined to container	0.4
07/24/2016	30046	2016-000685	21:41	1251	WEBBS LN	C	Police matter	0.3
07/25/2016	30046	2016-000686	14:20	2800	N DUPONT HWY		Smoke detector activation due to malfunction	0.5
07/25/2016	30046	2016-000687	22:03	1700	N DUPONT HWY		Good intent call, other	0.6
07/26/2016	30046	2016-000688	01:06	1570	N DUPONT HWY		System malfunction, other	0.1
07/26/2016	30046	2016-000689	04:18	1368	ROSE VALLEY SCHOOL RD		System malfunction, other	0.5
07/26/2016	30046	2016-000690	16:31	1570	N DUPONT HWY		Dispatched & canceled en route	0.1
07/26/2016	30046	2016-000691	20:05	418	N GOVERNORS AVE	F	Cooking fire, confined to container	1.0
07/27/2016	30046	2016-000692	08:31	200	PLAZA DR		Good intent call, other	0.3
07/27/2016	30046	2016-000693	09:22	1570	N DUPONT HWY		Removal of victim(s) from stalled elevator	0.4
07/27/2016	30046	2016-000694	10:00	544	GARTON LANE		Electrical wiring/equipment problem, other	0.3
07/27/2016	30046	2016-000695	10:37	1119	FORREST AVE		Removal of victim(s) from stalled elevator	0.3
07/27/2016	30046	2016-000696	14:21	120	N STATE ST		False alarm or false call, other	0.1
07/27/2016	30046	2016-000697	15:50	415	W LOOCKERMAN ST		Motor vehicle accident with no injuries.	0.4
07/27/2016	30046	2016-000698	17:54	150	LAFFERTY LANE		No incident found on arrival at dispatch address	0.5
07/28/2016	30046	2016-000699	09:54	800	OTIS DR		False alarm or false call, other	0.3
07/28/2016	30046	2016-000700	14:51	1251	BAY RD		Motor vehicle accident with injuries	0.5
07/28/2016	30046	2016-000701	17:13	861	SILVER LAKE BLVD		System malfunction, other	0.2
07/28/2016	30046	2016-000702	17:27		S GOVERNORS AVE & BANK LA		Flood assessment	0.2
07/28/2016	30046	2016-000703	17:29	61	CARNOUSTIE RD		Severe weather or natural disaster standby	0.0
07/28/2016	30046	2016-000704	17:34	955	S STATE ST		Power line down	0.1
07/28/2016	30046	2016-000705	17:56	400	NEW CASTLE RD		Power line down	0.5
07/28/2016	30046	2016-000706	21:27	605	BAY RD		Unintentional transmission of alarm, other	0.6
07/29/2016	30046	2016-000707	06:24	428	SUSSEX AVE		CO detector activation due to malfunction	0.2
07/29/2016	30046	2016-000708	07:45	148	JOHN HUNN BROWN RD		Electrical wiring/equipment problem, other	0.7
07/29/2016	30046	2016-000709	10:24	148	JOHN HUNN BROWN RD		Electrical wiring/equipment problem, other	0.5
07/29/2016	30046	2016-000710	20:05	56	S NEW ST		Smoke detector activation due to malfunction	0.3
07/29/2016	30046	2016-000711	21:56	140	HAYMAN DR		Cooking fire, confined to container	0.5
07/30/2016	30046	2016-000712	09:56	1033	N DUPONT HWY		Unintentional transmission of alarm, other	0.9
07/30/2016	30046	2016-000713	18:51	1175	MCKEE RD		Smoke detector activation, no fire - unintentional	0.4
07/31/2016	30046	2016-000714	21:49	448	S GOVERNORS AVE		Gas leak (natural gas or LPG)	1.2

Total Number of Incidents: 117

Total Length of Incidents: 75.4 Hours

Robbins Hose Company # 1, Inc.
Profit & Loss Detail
July 2016

	Type	Date	Num	Name
Ordinary Income/Expense				
Income				
City Quarterly Deposit				
	Deposit	07/26/2016	247428	
Total City Quarterly Deposit				
Total Income				
Expense				
Apparatus Repairs & Maintenance				
	Check	07/31/2016	1620	Kunkel Auto Supply
	Check	07/31/2016	1620	Kunkel Auto Supply
	Check	07/31/2016	1621	Dover Automotive
Total Apparatus Repairs & Maintenance				
Electricity				
	Check	07/16/2016	1616	City of Dover Utility
Total Electricity				
Gasoline				
	Check	07/31/2016	1619	City of Dover
	Check	07/31/2016	1619	City of Dover
Total Gasoline				
Heating Expenses- Gas				
	Check	07/16/2016	1614	Chesapeake Utilities
Total Heating Expenses- Gas				
Office Supplies				
	Check	07/31/2016	1619	City of Dover
Total Office Supplies				
Program Expenses				
	Check	07/16/2016	1613	Airpower International
	Check	07/31/2016	1618	Alpine Software Corp.
Total Program Expenses				
Telephone				
	Check	07/16/2016	1615	Chief Technologies, LLC
	Check	07/31/2016	1619	City of Dover
	Check	07/31/2016	1619	City of Dover
Total Telephone				
Training & Travel Expenses				
	Check	07/31/2016	1622	Delaware State Fire School
	Check	07/31/2016	1623	DVFA-2016 EMS Conference
Total Training & Travel Expenses				

Robbins Hose Company # 1, Inc.
Profit & Loss Detail
July 2016

	Type	Date	Num	Name
Uniforms				
	Check	07/16/2016	1617	D.E. Williams
Total Uniforms				
Water/Sewer				
	Check	07/16/2016	1616	City of Dover Utility
Total Water/Sewer				
Total Expense				
Net Ordinary Income				
Net Income				

Robbins Hose Company # 1, Inc.
Profit & Loss Detail
July 2016

	Memo	Clr	Split
Ordinary Income/Expense			
Income			
City Quarterly Deposit			
	1st Quarter Deposit		City Fund Account
Total City Quarterly Deposit			
Total Income			
Expense			
Apparatus Repairs & Maintenance			
	Invoice # 056496399- Quik Detailer		City Fund Account
	Invoice # 056496447- Air Guage		City Fund Account
	Invoice # 808511- No Touch Tire Care		City Fund Account
Total Apparatus Repairs & Maintenance			
Electricity			
	Acct # 44255-31966		City Fund Account
Total Electricity			
Gasoline			
	Unleaded fuel- June		City Fund Account
	Bio-Diesel- June		City Fund Account
Total Gasoline			
Heating Expenses- Gas			
	Station 1 from 06/02 to 07/05		City Fund Account
Total Heating Expenses- Gas			
Office Supplies			
	Postage charges- June		City Fund Account
Total Office Supplies			
Program Expenses			
	Rebuilt regulator on Station 1 Air System		City Fund Account
	Red Alert System Support		City Fund Account
Total Program Expenses			
Telephone			
	Web site host		City Fund Account
	Verizon Phone charges-June		City Fund Account
	Cavalier Phone charges- June		City Fund Account
Total Telephone			
Training & Travel Expenses			
	F/F Self Survival- 4 students		City Fund Account
	Neidig, Jacobs, Whitt, O'Connor, carey		City Fund Account
Total Training & Travel Expenses			

Robbins Hose Company # 1, Inc.
Profit & Loss Detail
July 2016

	Memo	Clr	Split
Uniforms			
	Gold Leaf Shields		City Fund Account
Total Uniforms			
Water/Sewer			
	Acct # 44253-31964		City Fund Account
Total Water/Sewer			
Total Expense			
Net Ordinary Income			
Net Income			

Robbins Hose Company # 1, Inc.
Profit & Loss Detail
July 2016

	Amount	Balance
Ordinary Income/Expense		
Income		
City Quarterly Deposit		
	70,325.00	70,325.00
Total City Quarterly Deposit	70,325.00	70,325.00
Total Income	70,325.00	70,325.00
Expense		
Apparatus Repairs & Maintenance		
	22.11	22.11
	8.11	30.22
	35.94	66.16
Total Apparatus Repairs & Maintenance	66.16	66.16
Electricity		
	586.82	586.82
Total Electricity	586.82	586.82
Gasoline		
	214.19	214.19
	556.27	770.46
Total Gasoline	770.46	770.46
Heating Expenses- Gas		
	351.13	351.13
Total Heating Expenses- Gas	351.13	351.13
Office Supplies		
	26.20	26.20
Total Office Supplies	26.20	26.20
Program Expenses		
	546.50	546.50
	4,927.89	5,474.39
Total Program Expenses	5,474.39	5,474.39
Telephone		
	372.00	372.00
	287.06	659.06
	29.89	688.95
Total Telephone	688.95	688.95
Training & Travel Expenses		
	400.00	400.00
	1,050.00	1,450.00
Total Training & Travel Expenses	1,450.00	1,450.00

Robbins Hose Company # 1, Inc.
Profit & Loss Detail
July 2016

	Amount	Balance
Uniforms		
	450.00	450.00
Total Uniforms	450.00	450.00
Water/Sewer		
	33.47	33.47
Total Water/Sewer	33.47	33.47
Total Expense	9,897.58	9,897.58
Net Ordinary Income	60,427.42	60,427.42
Net Income	**60,427.42**	**60,427.42**

FY 16-17 City Funded Account Balance Sheet

ACCOUNT	BUDGET	SPENT	BALANCE
Apparatus Repairs & Maintenance	$ 91,300.00	$ 66.16	$ 91,233.84
Building Maintenace Supplies	$ 1,500.00		$ 1,500.00
Contractual Services	$ 9,000.00		$ 9,000.00
Electricity	$ 45,000.00	$ 586.82	$ 44,413.18
Gasoline	$ 15,000.00	$ 770.46	$ 14,229.54
Heating Expenses- Gas	$ 12,000.00	$ 351.13	$ 11,648.87
Medical Supplies	$ 1,000.00		$ 1,000.00
Office Supplies	$ 1,500.00	$ 26.20	$ 1,473.80
Other Equipment Repairs	$ 1,500.00		$ 1,500.00
Program Expenses	$ 45,000.00	$ 5,474.39	$ 39,525.61
Radio Repairs	$ 2,000.00		$ 2,000.00
Safety & Security	$ 1,500.00		$ 1,500.00
Small Tools	$ 3,500.00		$ 3,500.00
Telephone	$ 9,000.00	$ 688.95	$ 8,311.05
Training & Travel	$ 10,000.00	$ 1,450.00	$ 8,550.00
Uniforms & Firefighting Gear	$ 30,000.00	$ 450.00	$ 29,550.00
Water/ Sewer	$ 2,500.00	$ 33.47	$ 2,466.53

Balance as of: July 2016



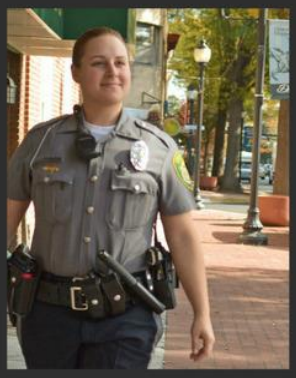




Dover Police Monthly Report

July 2016

Chief Paul M. Bernat




DEPARTMENT OF POLICE

Paul M. Bernat
Chief of Police
F.B.I.N.A.

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

September 12, 2016

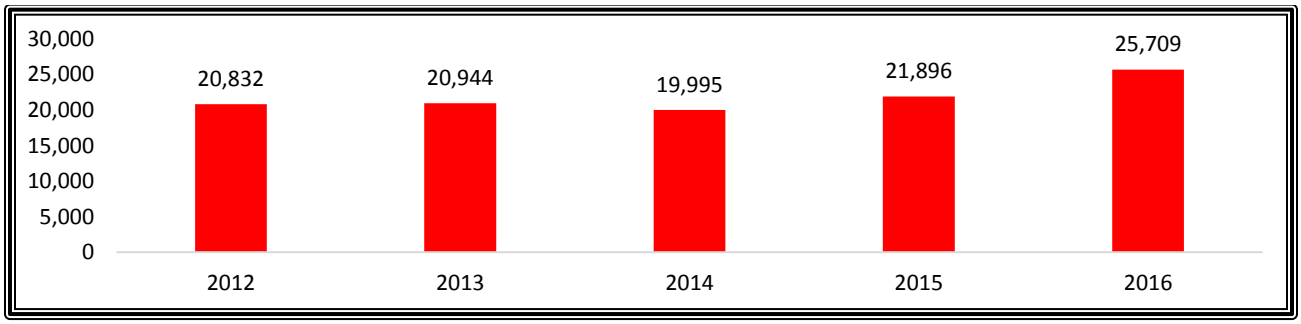
Honorable Robin Christiansen, Mayor
Member of Dover City Council
City Hall
Dover, DE 19901

Mayor Christiansen and Council Members:

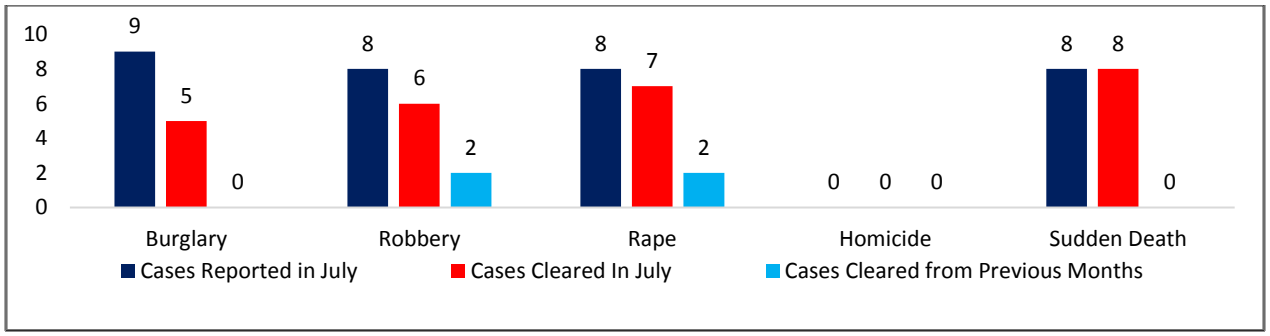
The following is the monthly report for Dover Police Department activities for the month of July 2016:

COMPLAINTS

Total complaints received through July 31st, numbered 25,709, this is an increase of 3,813 complaints over the same period last year.

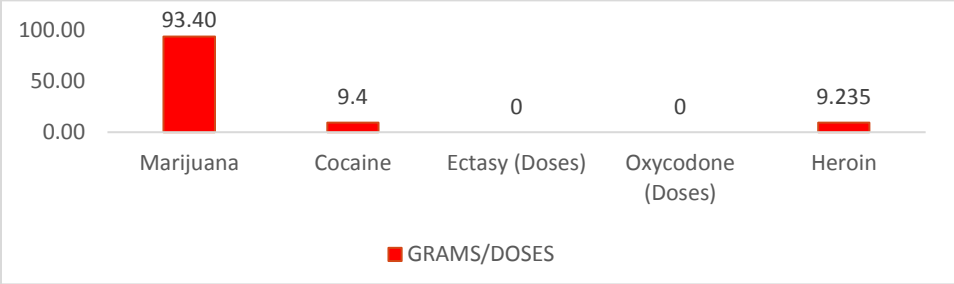


CRIMINAL INVESTIGATIONS

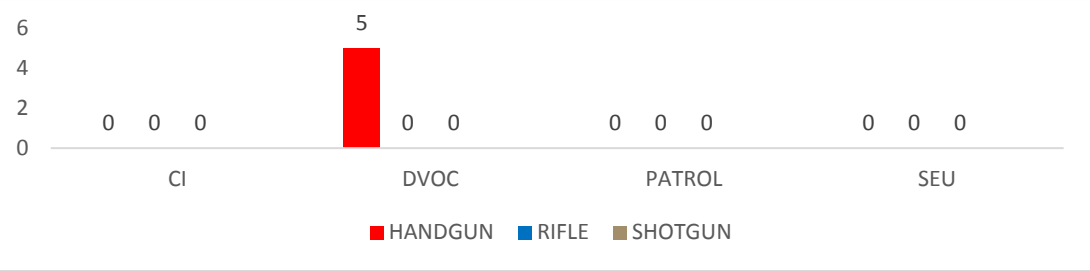


DRUGS, VICE, & ORGANIZED CRIME SECTION (DVOC) SEIZURES

Along with the drug seizures below, the DVOC also recovered $394.00 USD during the month of July.



FIREARM SEIZURES



COMMUNITY POLICING

COMMUNITY POLICING	***CONTACTS***
ABANDONED VEHICLES	*5*
ALCOHOL VIOLATIONS/DUI'S	*0*
ASSIST OTHER	*6*
WARRANTS ON FILE	*0*
CITY PARK VIOLATIONS	*0*
CRIMINAL ARRESTS	*0*
DRUG RELATED ARRESTS	*0*
LOUD MUSIC	*0*
MISCELLANEOUS VIOLATIONS	*0*
PARKING VIOLATIONS	*10*
PEDDLER	*6*
MEETINGS	*109*
CRIME PREVENTION CHECK	*0*
TRAFFIC ARRESTS	*0*
WARNINGS	*4*
FUGITIVE	*0*
DCO	*0*
PROSTITUTION	*1*
TOTAL CONTACTS	***141***

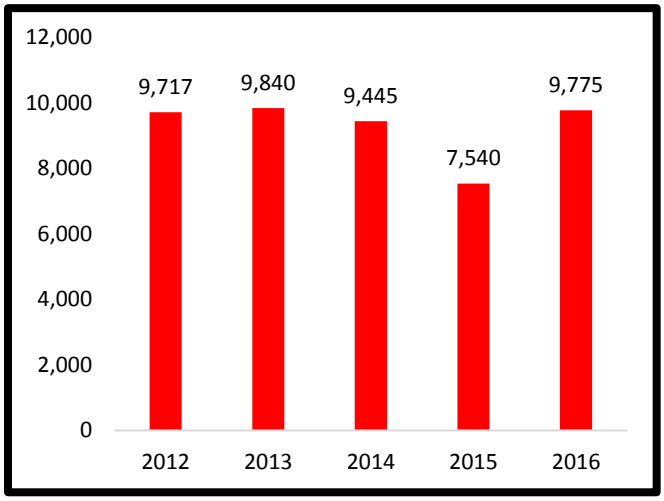
CADETS	***CONTACTS***
PARKING	*33*
DCO'S	*42*
OPEN CONTAINER	*7*
LOUD NOISE	*0*
LEWDNESS	*0*
OTHER	*2*
BUSINESS CONTACTS	*168*
LIBRARY CHECKS	*7*
COMPLAINTS ASSIGNED	*92*
SPECIAL EVENT	*0*
TOTAL CONTACTS	***351***

SAFE STREETS

SAFE STREETS ENFORCEMENT	CONTACTS
ABANDONED VEHICLES	1
ALCOHOL VIOLATIONS/DUI'S	0
ASSIST OTHER	7
WARRANTS ON FILE	0
CITY PARK VIOLATIONS	67
CRIMINAL ARRESTS	32
DRUG RELATED ARRESTS	0
LOUD MUSIC	0
MISCELLANEOUS VIOLATIONS	0
PARKING VIOLATIONS	0
PEDDLER	0
MEETINGS	2
GUNS	4
CURFEW CHECKS	120
CRIME PREVENTION CHECKS	0
TRAFFIC ARRESTS	39
WARNINGS	18
FUGITIVES	12
DCO'S	0
PROSTITUTION	0
TOTAL CONTACTS	302

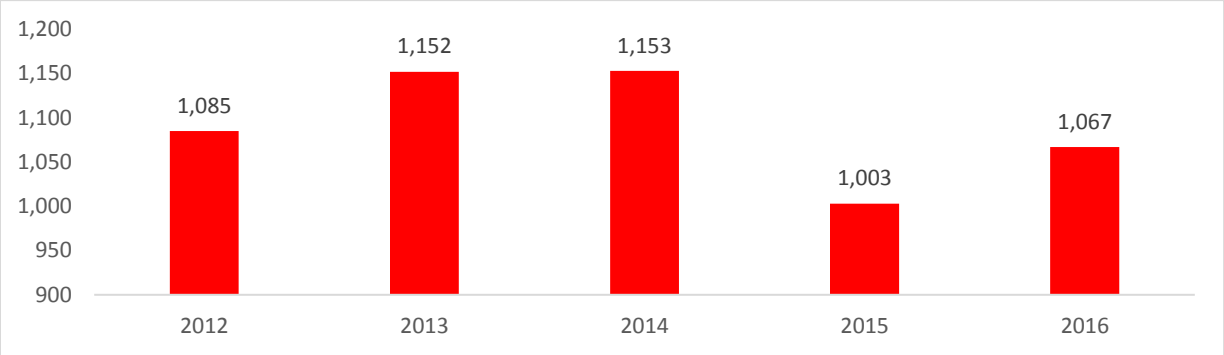
TRAFFIC ARRESTS

The department issued 9,775 traffic citations through this reporting period, this is an increase of 2,235 citations over the number issued during the same period last year.



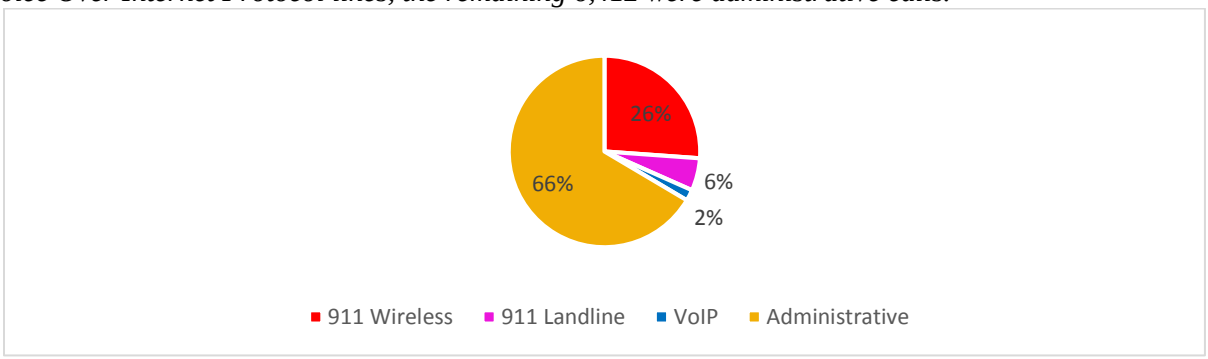
TRAFFIC CRASHES

Through July 31st, the Dover Police investigated 1,067 traffic crashes, an increase of 64 crashes investigated during the same period last year.



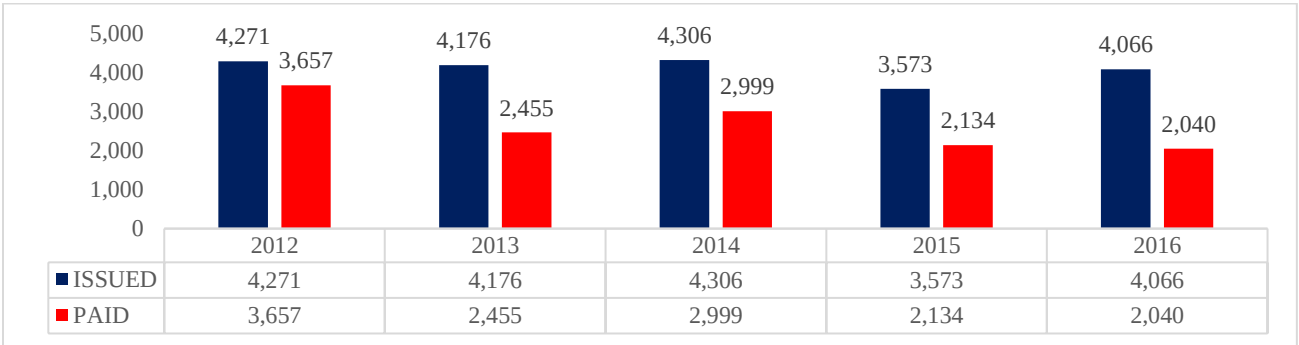
911 Center

During the month of July, the Dover Police Department handled a total of 9,644 calls averaging 312 calls per day. Dispatchers handled 2,521 on the 911 wireless lines, 530 on the 911 landlines, and 181 on the Voice Over Internet Protocol lines, the remaining 6,412 were administrative calls.



CITY ORDINANCE SUMMONS

Through July 31st, we issued 4,066 city ordinance summons, an increase of 493 summonses for the same period last year. Note: Of those summonses issued in July, 14 DCO's were issued for handicapped parking violations and 1 for fire lane parking violations, 121 for false alarms (58, for 1-2 alarms, 29, for 3-5 alarms, 20, for 6-9 alarms, 11, for 10-15 alarms, and 3, for 16 or more alarms) and 6, for noise violations 3, for vehicle violations and 3, for residence violations).

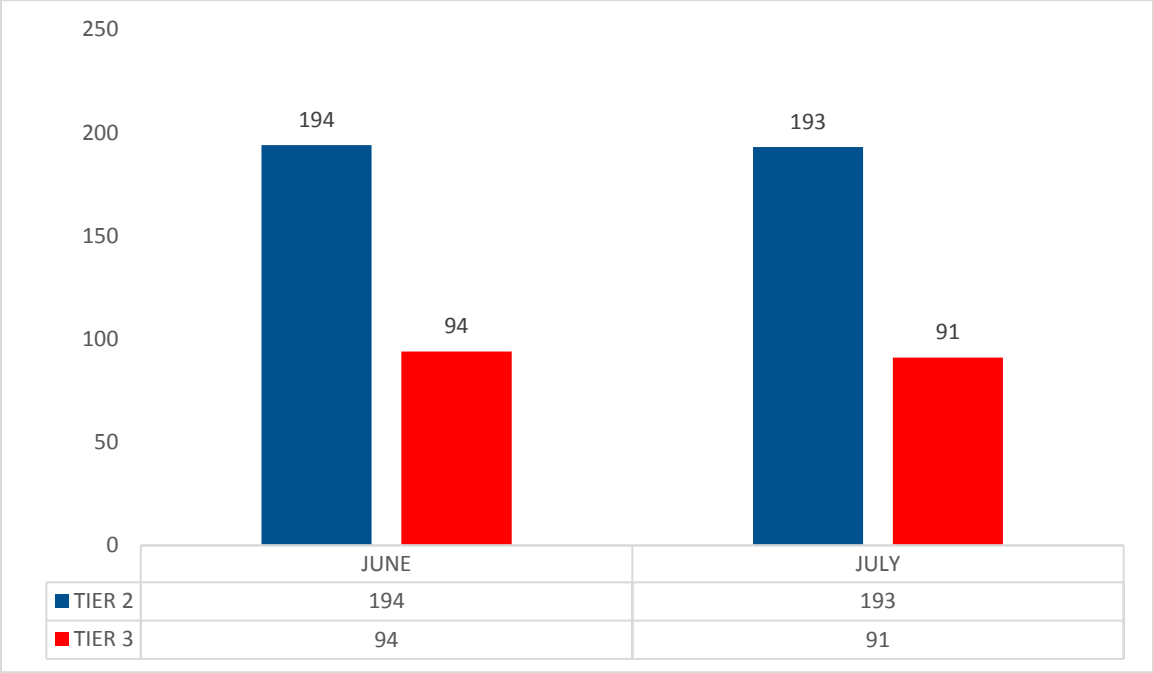


	2012	2013	2014	2015	2016
ISSUED	4,271	4,176	4,306	3,573	4,066
PAID	3,657	2,455	2,999	2,134	2,040

SEX OFFENDER STATISTICS/JUNE

	VERIFICATIONS	NOTIFICATIONS	MONTHLY REVERIFICATIONS	NON COMPLIANT WARRANTS
TIER 1	0	0	0	0
TIER 2	17	1,581	32	2
TIER 3	10	1,170	39	2

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,

Paul M. Bernat

Paul M. Bernat
Chief of Police

ACTION FORM

PROCEEDING: City Council	**MEETING DATE:** 08/22/16
DEPARTMENT OF ORIGIN:	**DATE SUBMITTED**: 08/18/2016
PREPARED BY: Traci A. McDowell, City Clerk on behalf of Council President Slavin	
SUBJECT: Clarification of Council Action of August 8, 2016 - Proposal for Dover Public Library to Adopt a Smoke-Free Policy	
RELATED PROJECT: N/A	
APPROVALS: City Council	
EXHIBITS:	
EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A	
TIMETABLE:	
RECOMMENDED ACTION:	

BACKGROUND AND ANALYSIS

During the Regular Council Committee of the Whole/Legislative, Finance, and Administration Committee meeting of July 26, 2016 members considered the following item: Proposal for Dover Public Library to Adopt a Smoke-Free Policy.

The Committee recommended authorizing the City Manager to implement a smoke-free policy on the campus and grounds of the Dover Public Library.

During the Regular Council meeting of August 8, 2016 the Proposal for Dover Public Library to Adopt a Smoke-Free Policy was removed from Consent Agenda for discussion. Following is a verbatim transcript of the discussion:

Mr. Slavin: I'm going to apologize. I neglected to recognize Councilman Sudler during the consideration of the consent agenda and his request that item 5C3 be pulled off the consent agenda. Is that correct, Councilman Sudler?

Mr. Sudler: Yes, Council President.

Mr. Slavin: We'll go to agenda item 5C3. Councilman Sudler? I'm sorry, Councilman Hare, do you want to introduce this item before Councilman Sudler speaks? As the chair of Legislative, Finance, and Administration?

Mr. Hare: This was on the Legislative, Finance, and Administration Committee, a proposal for the Dover Public Library to adopt a smoke-free policy, and I'll leave it to Mr. Sudler.

Mr. Sudler: I want to ask that my Council colleagues please consider a friendly amendment to adopt staff recommendations with a friendly amendment to include all parks and recs facilities and also city

buildings, city facilities as a whole.

Mr. Neil: Second.

Mr. Slavin: Moved by Councilman Sudler, seconded by Councilman Neil to amend the proposed policy to include all city parks and city buildings. Questions on the motion? By buildings, do you mean the inside of the building, which is already prohibited by state law, or do you mean City property surrounding the building as well?

Mr. Sudler: Surrounding the building, 25 feet from the building.

Mr. Slavin: While on city property?

Mr. Sudler: Yes.

Mr. Slavin: The amendment is to ban, to adopt a smoke-free policy for all parks and all city property?

Mr. Sudler: Yes, sir.

Mr. Neil: I accept the changes.

Mr. Slavin: Discussion on the motion? Councilman Hutchison?

Mr. Hutchison: A question. If, in fact, this matter passes, where do we stand on the enforcement side? And what would the penalties be?

Mr. Slavin: Councilman Sudler?

Mr. Sudler: I would suggest that we follow the State of Delaware's statute in regards to the penalties and enforcement code.

Mr. Slavin: My understanding was when this question was raised on the public library proposal that it was a Dover City ordinance, correct? A DCO? Mr. Koenig?

Mr. Koenig: I believe so. I did not bring the reference with me, but I believe this is something that the cadets can enforce on the library property.

Mr. Slavin: Other questions? All in favor of the amendment, signify by saying "aye."

Group: Aye.

Mr. Slavin: Opposed? Motion carries unanimously. Now we need a motion to accept the item Proposal for the Dover Public Library to Adopt a Smoke-Free Policy. I need a motion to accept the Committee's recommendation as amended.

Mr. Sudler: So moved.

Mr. Neil: Second.

Mr. Slavin: Moved by Councilman Sudler, seconded by Councilman Neil. All in favor, signify by saying "aye."

Group: Aye.

Slavin: Opposed? Motion carries unanimously.

/tm
S:\CAFS\08-22-2016 COUNCIL - Clarification of Council Action of August 8, 2016 - Proposal for Dover Public Library To Adopt a Smoke-Free Policy.wpd