REGULAR COUNCIL MEETING

The Regular Council Meeting was held on October 13, 2014 at 7:30 p.m. with Council President Bonar presiding. Council members present were Mr. Anderson, Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Slavin, Mrs. Williams, and Mr. Hutchison. Mr. Hare was absent.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mrs. Townshend, Deputy Fire Chief Hall, Mr. Koenig, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 8:16 p.m.).

OPEN FORUM

The Open Forum was held at 7:15 p.m., prior to commencement of the Official Council Meeting. Council President Bonar declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

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

The invocation was given by Reverend Theodore Henderson, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Council President Bonar requested that the Certificate of Congratulations for Kraft Food's 50th anniversary be deferred until the next meeting.

Mr. Hutchison moved for approval of the agenda, as amended, seconded by Mrs. Williams and unanimously carried.

Mr. Slavin moved for approval of the consent agenda, seconded by Mrs. Williams and carried by a unanimous roll call vote (Mr. Hare absent).

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF AUGUST 25, 2014

The Minutes of the Regular Council Meeting of August 25, 2014 were unanimously approved by motion of Mr. Slavin, seconded by Mrs. Williams and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF SEPTEMBER 22, 2014

The Minutes of the Regular Council Meeting of September 22, 2014 were unanimously approved by motion of Mr. Slavin, seconded by Mrs. Williams and bore the written approval of Mayor Christiansen.

CERTIFICATE OF APPRECIATION - AMY MULLEN

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

CERTIFICATE OF APPRECIATION

presented to

Amy Mullen

for her countless hours spent organizing and managing the Loockerman Way Farmers' Market held during the Summer and Fall of 2014. Beginning preparations early during the previous winter, Ms. Mullen amassed vendors for the market, developed entertainment enhancements to draw visitors to the downtown area, and facilitated and marketed the event. Her energy and enthusiasm have contributed greatly to the success of the Farmers' Market, and her efforts are greatly appreciated by the Downtown Dover Partnership, the City of Dover, and the entire local community.

In grateful appreciation October 13, 2014

On behalf of the Downtown Dover Partnership (DDP), City of Dover, and all of the vendors involved, Mayor Christiansen expressed appreciation and presented the certificate to Ms. Mullen.

Mr. Bill Neaton, Economic Development Director, stated his opinion that the Farmers' Market went from a "ho-hum" event to a "wow" event this year, and this was all due to Ms. Mullen.

On behalf of the Board of the DDP, Mr. Gregg Moore, President, expressed his appreciation to Ms. Mullen for the countless hours put into the Farmers' Market and requested that she return next year.

Mr. Slavin expressed concurrence with the previous comments and thanked Ms. Mullen for the many hours devoted to the Farmers' Market.

Ms. Mullen stated her appreciation for the opportunity to work on the Farmers' Market and thanked the DDP for their patience as she learned the protocol for operating the event.

PRESENTATION - COLONEL ALLEN MCLANE PUBLIC SYMPOSIUM (*TOM WELCH*)

Mr. Tom Welch, Historical Interpreter and Coordinator, Allen McLane Symposium, attended the meeting in period dress and advised members that a group of citizens had planned an all-day symposium at Wesley College on Saturday, October 25, 2014 to honor local Delaware hero Colonel Allen McLane and the other men and women who fought during the American Revolution. Mr. Welch recounted a brief history of Colonel McLane and invited members to attend the symposium, noting that all who attended would receive a copy of a book, entitled, "Allen McLane - Patriot, Soldier, Spy, Port Collector," and that prints of post cards printed in 1975-1976 during the American Bicentennial would also be distributed. He explained that the event would begin at 9:00 a.m. in the Peninsula Room on the second floor at Wesley College, and many outstanding speakers would be attending.

Council President Bonar thanked Mr. Welch for the information presented.

PRESENTATION - 2014 MAYOR'S ARTS AWARDS

The Mayor's Arts Award was established to recognize the importance of the arts in Dover and to honor groups and individuals that have made outstanding contributions to the artistic and cultural life of our great city. The award honors visual and performing artists, arts educators, arts organizations, arts volunteers, and supporters of the arts.

The recipients of this prestigious award exemplify excellence, inspire the community through their artistic pursuits, and ensure a cultural legacy for future generations.

Mayor Christiansen and Mr. Brian Miller, representing the Mayor's Arts Council, presented awards, as follows:

Sharon Crossen

Mrs. Crossen thanked her family and friends for their support and stated that it was a honor and a privilege to work with children, young adults, and parents in a community such as Dover that supports the arts.

The Delaware Friends of Folk

Mr. John Kidd, Co-President, Delaware Friends of Folk, expressed thanks to the Mayor, noting that the Delaware Friends of Folk had been performing folk music in Dover for well over 20 years and they wished more people to be aware of their events. He explained that their next event, a musical performance by Guy Davis, was scheduled for November 22, 2014 at Wesley College Chapel and invited those present to attend.

Gary Knox

Mr. Knox thanked the Mayor, Council, and the Mayor's Arts Council, stating that receiving such an award made getting up "at the crack of dawn," as well as the gas mileage spent going back and forth to Bombay Hook, worthwhile. He noted that residents have a beautiful city, thanks to the groundskeepers, and a beautiful State, and that it was a honor to share what he sees with everyone else.

PRESENTATION - 2014 MAYOR'S YOUTH ARTS AWARDS

Also recognizing the value and importance of young people's contributions to the arts, the Mayor's Youth Arts Award was established to identify, encourage, and honor talented high school arts students. This award highlights the importance of an arts education in fostering future citizens of our great city.

Mayor Christiansen and Mr. Brian Miller, representing the Mayor's Arts Council, presented awards, as follows:

Elizabeth Stant
Alex Brown (unable to attend)
Marius Sander
Tymir Thompkins

By unanimous consent, the meeting recessed for light refreshments.

Meeting recessed at 7:51 p.m.

By unanimous consent, the meeting reconvened at 8:04 p.m.

PRESENTATION - DOWNTOWN DEVELOPMENT DISTRICT PROGRAM (CONSTANCE HOLLAND)

Ms. Constance Holland, Director, Office of State Planning Coordination (OSPC), stated that the idea for a Downtown Development District came from the Governor in January 2013 and that Senate Bill 191 establishing the districts was introduced in April 2013 and passed with no opposition. She explained that in the Application for Designation as a District, local governments must identify proposed Downtown Development Districts in accordance with the Act. She encouraged the City to be sure that the application is filled out completely and offered the assistance of the OSPC staff, including herself and Mr. David Edgell, Principal Planner for Kent County. Ms. Holland reviewed information from a presentation entitled, "Delaware Downtown Development Districts - Application Process for Designation as a District" ***(Exhibit #1)***.

Ms. Holland advised members that the City of Milford had put together a master plan before this program was available. At this point, the area in Milford was "shovel ready" and the municipality would not have to change their Comprehensive Plan, Zoning Ordinance, or site plan, which Ms. Holland stated would be extremely attractive to any developer in Milford.

Ms. Holland explained that the Application for Designation would be due November 1, 2014. The Office of State Planning would review all applications during November and December and they would be scored based on a rubric. She reminded members that the funds would go to the developer rather than the local government, but it is important that the developer goes by the District Plan. Ms. Holland noted that funds had been received from the Secretary of the Delaware Economic Development Office (DEDO) for municipalities. In addition, she suggested if consultants had been contacted in regard to the application, that receipts be saved, as it was hoped that DEDO would provide grants for the local jurisdictions to help with the master plan. She stated that the Cabinet Committee on State Planning would make recommendations for designation and the Governor would designate the Districts in January/February of 2015.

On behalf of Council and staff, Council President Bonar expressed appreciation for the information and for the $7M the legislature had allocated to help communities address their problems with downtown development efforts. He stated that the program was extremely important and hoped that the City would be able to take advantage of it.

PROCLAMATION - NATIONAL COMMUNITY PLANNING MONTH

The City Clerk read the following Proclamation into the record:

WHEREAS, in every community, change is constant and affects all of us however community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be involved in making choices that determine the future of their community; the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our communities and environment; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of the City of Dover Planning Commission and other citizen planners who have contributed their time and expertise to the improvement of the City of Dover.

NOW THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim the month of October 2014 as **NATIONAL COMMUNITY PLANNING MONTH** in the City of Dover, and encourage all citizens to recognize the valuable contributions made by community and regional planners and our partner agencies at the State and county level, and extend our heartfelt thanks for the continued commitment to public service by these professionals.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, expressed her opinion that Delaware was a great place to be a planner because of the relationships formed among planners and because there is less red tape than in other locations. She also felt that it was a good time to be a planner.

Ms. Holland stated that she was very fortunate to have her current job and to work with the individuals that she encounters in her work. She also expressed gratitude for being a part of the City of Dover, State of Delaware, and Kent County, where planners know and respect each other and want the very best for the State.

Council President Bonar stated that the City of Dover has a fine Planning Department and credited Ms. Holland for "bringing along" Mrs. Townshend and Mr. David Edgell, who was formerly employed as a planner with the City of Dover. Mr. Bonar stated that long after Mrs. Holland retires, Mrs. Townshend and Mr. Edgell will exemplify the quality of planning and directorship that Ms. Holland had demonstrated at the county and state levels. He thanked Ms. Holland for making Dover and Delaware better.

PUBLIC HEARING/FINAL READING - PROPOSED ORDINANCE #2014-18

A public hearing was duly advertised for this time and place to consider approval of proposed zoning text amendments to Appendix B - Zoning, Article 3 - District Regulations, Section 24 - Planned Neighborhood Design Option (PND), Subsection 24.62 - Buffers and Article 4 - Zoning Bulk and Parking Regulations, Sections 4.10 and 4.11.

Mr. Slavin moved that the Final Reading of Proposed Ordinance #2014-18 be acknowledged by title only, seconded by Mr. Dixon and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council Meeting of August 25, 2014.)*

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the ordinance would eliminate the requirement for a 40-foot buffer around the perimeter of developments approved under the Planned Neighborhood Design (PND) option. She noted that no structure could be built in this buffer and this provision had not posed a problem in many cases since staff had worked over the years to attain this 40 feet in the open space. However, in a number of places, she explained, houses had been built right to the 40-foot line; therefore residents could not construct sheds, decks, fences, and other types of improvements that are typical in a rear yard. Mrs. Townshend indicated that the buffer requirement was put in place when the PND section was originally developed, possibly due to concerns regarding compatibility with surrounding development; however, it had been shown that PNDs blend to their surroundings and the 40-foot buffer was not needed. She explained that the ordinance would also change front and rear property setbacks but not lot coverage, and this would provide builders more flexibility in laying out lots. She informed members that a public hearing for the ordinance was held before the Planning Commission in September and approval was unanimously recommended.

Mrs. Townshend advised members that, when reviewing the meeting packet materials, she realized that the amendment recommended by the Planning Commission was not included in the packet. She recommended proceeding with the public hearing, tabling the ordinance, and taking final action on the ordinance at the City Council meeting scheduled for October 27, 2014. She stated that Staff Amendment #1 would add language to the ordinance to clarify that it was intended to be retroactive and that developments previously approved with the 40-foot buffer as part of the requirement would not be subject to the buffer. She apologized for the error.

Noting that placement of fences, sheds, and outbuildings was not permitted outside of the setback areas, Mr. Perza questioned why it was not proposed to change the code to permit placement of non-residential structures outside of the setback areas rather than making drastic changes to the code, as proposed in the ordinance. Mrs. Townshend explained that approximately one (1) year ago, staff began reviewing this matter with additional amendments being considered for the PND. Consideration was given to allowing certain things within the 40-foot buffer; however, staff concluded that the buffer requirement did not really add any value. The choice was to provide exceptions regarding what could be put in the buffered area or remove the buffer and allow the setbacks to remain.

Mr. Perza inquired if modifying the setbacks by trimming them back by 10 to 15 feet would provide the value that the people of the community were looking for, versus modifying the entire 40-foot safety zone.

Responding, Mrs. Townshend explained that modifying the setbacks would only address a portion of the problem because, for example, the 40-foot buffer would override a 20-foot setback. As an example, she explained that the Zoning Ordinance would allow for an open deck in the rear setback; however, because of the 40-foot buffer, staff had to deny deck permits.

Mr. Perza questioned if the Planning Commission had considered trimming the buffer from 40 feet to 20 feet. Responding, Mrs. Townshend stated that this was not discussed and the ordinance was sponsored by Council members, drafted, and evaluated based on the way it was drafted.

In response to Mr. Anderson regarding whether City code required a 40-foot buffer for any other type of development, Mrs. Townshend indicated that it did not. Mr. Anderson stated his feeling that this was a unique experiment that did more harm than good and, based on feedback received from individual lot owners, Mrs. Townshend concurred.

Mr. Anderson advised members that during his previous service as a civilian member of the Parks, Recreation, and Community Enhancement Committee, he had some concern about the buffer requirement and stated that he was glad this was being reviewed, as he felt it had harmed using the PND code.

In response to Mr. Anderson, Mrs. Townshend stated she did not recall an instance where an applicant had opted not to pursue the PND designation due to the "red tape" involved; however, she reminded members that there had not been a great deal of PND activity since 2006 when she joined the City. She indicated that the PND classification had been used since that time for senior citizen housing projects and had become an issue in the Village of Cannon Mill and Clearview Meadow, where lots were affected by the 40-foot buffer.

Responding to Mr. Lynn as to whether or not Council should proceed with the public hearing on this matter, given the absence of information from the meeting packet, Mr. Nicholas Rodriguez, City Solicitor, stated that it would be better to hold the public hearing during the next Council meeting.

Responding to Mr. Lynn regarding which subdivisions this ordinance was aimed to address, Mrs. Townshend stated that most of the related issues had been brought up in the Village of Cannon Mill and Clearview Meadow developments. Other subdivisions had kept 40-feet in open space; therefore, there had been no associated problems. To address these subdivisions retroactively, Mrs. Townshend stated that if the ordinance were adopted, affected property owners would be notified in writing that they could record an updated survey which would show the required buffer being removed. She stated that there were no other subdivisions "in the pipeline" that would seek to take advantage of this change.

Mr. Hutchison stated that this proposal was a "housecleaning" matter and concurred with the recommendation to defer consideration of this matter.

Mr. Slavin moved to defer consideration of this item, seconded by Mrs. Williams.

Noting that the public hearing was advertised for this evening and anyone who was interested in being present for the hearing was aware of the deferral, Mrs. Townshend questioned if the City would be in violation of public notice. Mr. Rodriguez stated that there was no violation, in his opinion.

The motion to defer consideration of Ordinance #2014-18 was carried by a unanimous roll call vote (Hare absent).

PUBLIC HEARING/FINAL READING - PROPOSED ORDINANCE #2014-20

A public hearing was duly advertised for this time and place to consider approval of proposed zoning text amendments to Appendix B - Zoning, Article 10 - Planning Commission, Section 2 - Site Development Plan Approval.

Mr. Hutchison moved that the Final Reading of Proposed Ordinance #2014-20 be acknowledged by title only, seconded by Mr. Slavin and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council Meeting of August 25, 2014.)*

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that on July 14, 2014, City Council adopted Ordinance #2014-08, which rewrote the commercial and office zones within the Zoning Ordinance and streamlined processes for zoning administration. One change that helped to streamline processes allowed for an existing building expanding by up to 15% to be reviewed administratively. In drafting the language, staff did not develop similar language for expansion of impervious cover, although that was the intent. The proposed amendment would correct this omission and allow for up to 15% expansion of impervious cover on a site to be reviewed administratively. She explained that the omission was discovered when working with Playtex on a proposed expansion project.

Mrs. Townshend explained that a public hearing was held before the Planning Commission on September 15, 2014, no members of the public spoke regarding the ordinance, and the Planning Commission unanimously recommended approval.

Council President Bonar declared the hearing open.

There being no one present wishing to speak during the public hearing, Council President Bonar declared the hearing closed.

Mrs. Williams moved for adoption of the ordinance, as recommended by the Planning Commission. The motion was seconded by Mr. Hutchison and, by a unanimous roll call vote (Hare absent), Council adopted Ordinance #2014-20, as follows:

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

That Appendix B - Zoning, Article 10 - Planning Commission, Section 2 - Site Development Plan Approval, subsection 2.1 - Required, of the Dover Code be amended to read as follows:

Section 2. - Site development plan approval.

2.1 *Required.* Site development plan approval shall be required for the erection or enlargement of all structures and the establishment of any use for which site development plan approval is required by this ordinance. Site development plan shall be required according to the following criteria:

2.11 *Planning commission site plan review*. Site development plans shall be subject to review and approval by the planning commission if they meet the following thresholds:

(a) *New structures*. Site plans for new structures of 5,000 square feet or greater in floor area; or

(b) *Additions to existing structures*. Site plans for additions to existing structures that (1) constitute 15 percent or more of the existing floor area, and (2) new floor area is greater than 5,000 square feet; or

(c) *Additions of Impervious surface*. Site plans that propose new or additional impervious surfaces that (1) constitute 15% or more of the existing impervious surface area and (2) are equal to or greater than 5,000 square feet of impervious surface; or

(d) *Adjacent to residential*. Nonresidential site plans with site disturbance greater than 2,500 square feet and adjacent to residential uses or residential zones.

2.12 *Site development master plan.* Site development master plans shall be subject to review and approval by the planning commission in accordance with subsection 2.44.

2.13 *Zoning review.* For site development plans involving construction of a single-family detached, single-family attached, or single-family semidetached dwelling; an accessory structure; or a nonresidential change of use for which no building addition or increase in impervious surface is proposed, the city planner or his designee may approve the site development plan in conjunction with building permit review.

2.14 *Administrative site plan.* All site development plans that do not meet the thresholds for zoning review in accordance with subsection 2.13 or planning commission site plan review in accordance with subsection 2.11 shall be reviewed as administrative site development plans.

ADOPTED: OCTOBER 13, 2014

UTILITY COMMITTEE REPORT - SEPTEMBER 22, 2014

The Utility Committee met on September 22, 2014 with Chairwoman Williams presiding.

Amendments to the Lakeland Interconnection Agreement (Tidewater Utilities)

Mr. Scott Koenig, City Manager, informed members that the Lakeland Interconnection is located on South State Street, past Wolf Creek and Highview Avenue, which extend back to St. Jones Commons. He explained that the City of Dover extended water to that area in 2002-2003, and, in May 2004, the City of Dover and Tidewater Utilities, Inc. (TUI) entered into an interconnection agreement for the primary purpose of providing fire protection (water supply) assistance to Tidewater's service territory on South State Street. This interconnection, known as the Lakeland Interconnection, had been functioning in this capacity since the agreement was

signed. Mr. Koenig stated that in late July 2014, TUI submitted a request to City staff to alter the agreement so that domestic water supply could be purchased for this area at the "in city" rate. TUI indicated that the domestic demand in this area had been between 800,000 and 1,200,000 gallons per month.

Having reviewed the request, Mr. Koenig felt that amending the agreement would be in the best interest of both entities. Provided a monthly facilities charge for the existing 6" meter (currently billed at $497.55 per month per Tidewater's tariff) remained in place, Mr. Koenig stated that staff had no objections to extending the "in city" rate, since this would amount to a substantial bulk purchase of water. Mr. Koenig informed members that Mr. Bruce Patrick, Director of Engineering, TUI, advised him that in order for TUI to continue to provide domestic water service, they would be facing significant upgrades, such as putting in an elevated storage tank or additional pumping system.

Mr. Koenig stated that, upon approval of the agreement, the City would bill TUI a monthly facilities charge based on the in-city rate, and TUI would then bill their individual customers. He advised members that the monthly facilities charge was identified in TUI's tariff; therefore, it would fluctuate based on any changes to TUI's tariff, noting that it had gravitated upward significantly over time. Mr. Koenig explained that under the initial agreement with TUI for fire protection, the City billed TUI a facilities charge on a quarterly basis and, if there was a fire, they were also billed on the fire demand. Mr. Koenig stated that under the new proposal TUI would buy domestic supply as well as fire supply.

Mr. Koenig indicated that the relationship with TUI had been well established since around 1997-1998 and noted the profitability that the relationship had brought to the City. He informed members that the City had several existing interconnection agreements with TUI, including Carlisle Village, Winding Ridge, and Lakeland, as well as a two (2) way, stand-by agreement for an interconnection at Wilmington College that would allow TUI to buy water from the City or vice versa in the event of an emergency. Mr. Koenig stated that if the amendments were approved by Council, TUI would expect to open the connection for domestic supply in early 2015. Staff recommended that the City Manager be authorized to amend the existing Lakeland Interconnection Agreement with Tidewater Utilities, Inc., to include the monthly facilities charge allowed in Tidewater's tariff and to also include the supply of both domestic water and fire protection at the meter location.

Responding to Mr. Perza regarding the cost to the City, Mr. Koenig indicated that there would be no additional expense to the City since the interconnection was already in place and the pipe had been in place for 12-15 years. Mr. Koenig said that the only cost was to produce and supply the water; all other costs were imbedded in the already existing agreement.

Mr. Perza questioned whether providing domestic water to Lakeland could drain the City's supply or create shortages in other areas. Responding, Mr. Koenig assured members that this would not create a drain on capacity. He explained that the usage

was between 800,000 - 1.2M gallons per month and the City had been planning for capacity. He noted that TUI was a good customer and a substantial user, the agreement would bring revenue, and only one (1) meter would be required, rather than 25 or 50.

In response to Mrs. Williams regarding whether this expansion would set a precedent, Mr. Koenig stated that this would not be the case, explaining that the interconnection agreement was already in place relating to fire demand using the "in-city" rate. He said that the City had the right to set rates as long as it follows the Council approval process. In addition, Mr. Koenig noted that the facilities charge was unique to this customer and helped to offset the "in-city" rate.

Responding to Mayor Christiansen regarding fire hydrants in the area, Mr. Koenig stated that there were fire hydrants on Highview Avenue and that the feed into the Lakeland Mobile Home Park also had a hydrant. He was uncertain of the number or location of other hydrants in the area. Mayor Christiansen questioned who would bear the expense of additional hydrants, if necessary. Responding, Mr. Koenig assured members the City would not be responsible for adding hydrants in the TUI service territory and confirmed that use of City of Dover fire hydrants would be required if more hydrants were installed.

The Committee recommended approval of staff's recommendation to authorize the City Manager to amend the existing Lakeland Interconnection Agreement with Tidewater Utilities, Inc., to include the monthly facilities charge allowed in Tidewater's tariff and to also include the supply of both domestic water and fire protection at the meter location.

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

By consent agenda, Mr. Slavin moved for acceptance of the Utility Committee Report, seconded by Mrs. Williams and carried by a unanimous roll call vote (Hare absent).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - SEPTEMBER 22, 2014

The Legislative, Finance, and Administration Committee met on September 22, 2014 with Chairman Slavin presiding.

Proposed Financial Reforms - Compensation Policies *(Deferred during the Committee Meeting of August 11, 2014)*

During the Committee meeting of June 23, 2014, Mr. Slavin advised members that during the June 11, 2014 Special City Council Meeting - Budget Review he proposed a series of 14 financial reforms to be addressed over the next six (6) to nine (9) months that would assist in shaping the City's Budget for FY 2015/2016. He stated that the proposed reforms were clustered into four (4) separate areas, as follows: 1) public safety; 2) compensation policies; 3) property tax governance; and 4) restrictions on uses of appropriations. He requested that members consider the

public safety area first and that staff be requested to review the reforms, develop recommendations, and provide information on any financial gap that may result. He explained that the review would allow members to identify whether there was a need to create policy, ordinances, or Charter changes to implement any changes that may result from those discussions.

Mr. Slavin reviewed the three (3) financial reforms related to proposed compensation policies, as follows:

6) Council will not authorize pay raises, bonuses, or other forms of compensation in consecutive fiscal years for any City employee, including Council appointees. A two-thirds vote of Council is required to authorize an exception to this policy.

7) Council will not authorize more than 1% compensation increases (which shall include the total of salary, bonus, and other forms of compensation) for any one fiscal year. A two-thirds vote of Council is required to authorize an exception to this policy.

8) Council will not authorize any compensation package with a bargaining unit which results in a total compensation increase of more than 2.5% in any three-year period. A two-thirds vote of Council is required to authorize an exception to this policy.

In reference to proposal #8, Mr. Slavin requested that the phrase "with a bargaining unit" be stricken, noting that the reforms were intended to address all employees equally. He explained that the reforms were intended to provide policy level guidance to executive branch staff on the compensation of all employees, including both employees who were represented by unions and those who were not. He indicated that his experience had been that there had been some "fairly alarming miscommunication" occurring between the executive branch and the legislative body regarding compensation. He stated that he did not believe that this was the fault of anyone but Council and that Council needed to state its expectations in relation to compensation early in the process. Absent this policy-level guidance from Council, he felt that the City would continue to find itself in situations similar to one that occurred two (2) weeks ago, when the negotiating team returned with results of negotiations and found that they were unacceptable to Council. Mr. Slavin indicated that these reforms were also intended to send a very plain and simple message that the City was not the type of employer that would be able to give annual increases which are out of alignment with its resources and the status of the rest of the economy. He stated that City employees do "a great job," expressed pride in serving with them, and indicated that this was not a statement against employees but merely a statement of fact. Mr. Slavin expressed his opinion that the City could not afford to be the type of employer that it had been in the past.

Mr. Anderson expressed his feeling that this was a well thought out item and stated appreciation that it was brought forward, noting that it would open up a discussion about where the City was going with its budgets. However, he indicated that he was unsure whether he was "on board" with some of the specifics because he felt they may be too restrictive, with inflation. Mr. Anderson expressed skepticism that the rate of inflation would be less than 2% in a year and 6% over the course of three (3) years. Mr. Anderson stated that it would be important to take inflation rates and other realities into account if a cap were to be set. In addition, he stated that he did not wish to preclude negotiations before they begin. Mr. Anderson noted that he definitely believed in fiscal restraint and had a problem with the 9% raises in a one (1) year period and 6% retroactive raises that were recently proposed for the American Federation of State, County, and Municipal Employees (AFSCME) contract. He felt that the City had gotten out of control in the past with raises that became unsustainable and did not want to see the City at that point again, particularly when revenues were not as strong as they could be. However, he was unsure if the proposed numbers were realistic.

Mr. Hutchison stated that he firmly believed that this was about building a policy and a partnership with employees regarding future pay raises and he felt that the City must work with employees to reach some standard or understanding about what could and could not be done. He expressed his opinion that sometimes the City is its own worst enemy, noting that discussions are held about the City's financial matters and then contrary actions are taken, such as building a library or doing other things that are not budgeted for. After having been a part of the City for more than 40 years, he felt that it was "way past time" to clearly establish guidelines in regard to payroll, income, and expenses that everyone could work with.

Referring to his memorandum to members of the Committee, dated August 5, 2014, regarding proposed compensation policies, Mr. Scott Koenig, City Manager, reiterated that he was very concerned about the potential impact of these proposed compensation policies. He stated that the City had been operating in a very contentious union environment since he became City Manager in 2011. He advised members that he realized that the economic conditions facing the City and its citizens were not ideal by any means; however, expressed his opinion that the City's financial issues were still well within the manageable scale. From a recruiting and retention perspective, Mr. Koenig stated that the proposed compensation constraints, especially by individual employee, would likely hinder the City's recruiting and retention efforts. He noted that there were existing wage compression issues that could be further expounded by implementing the policies as written. He advised members that the Consumer Price Index (CPI) had ranged from 1.1% - 2.5% per year from February 2008 - February 2014 and the proposed compensation increases seem unrealistic, especially in a union-dominated environment.

Mr. Koenig stated that, while the implementation of such policies was within the Council's legal authority, he believed that it may not promote good public policy. From a negotiator's perspective, as well as management's perspective, the policies

represented initiatives that would ultimately handcuff the ability to be creative at the bargaining table and would, therefore, not be helpful to the negotiating process. The ability to consider all possible solutions to any given issue at the table is critical to success. While Mr. Koenig agreed that these policies represented a strict adherence to fiscally conservative positions, they would likely increase the City's costs associated with the negotiation process as the unions would be agitated by the restrictions from the start. In addition, he stated that any policy that is limited strictly to bargaining units had the potential to create legal issues for the City. He explained that the National Labor Relations Act (NLRA) protects employees' rights to organize and bargain without employer interference.

Mr. Koenig agreed, from a negotiating standpoint, that staff would like clear and concise direction; however, he believed that this direction should be in the form of strategies discussed in executive session rather than formal policies. He noted that staff needed the ability to be flexible and creative in the negotiation process and a lot of ideas, comments, constraints, and opinions go into this. He indicated that he would gravitate toward direction being provided to the negotiating team as informal and directive comments rather than formal policy.

Responding to Mr. Sudler as to whether his concerns had been discussed with the City Solicitor, Mr. Koenig stated that these policies had not been discussed with the City Solicitor; however, he had provided them to Baird Mandalas Brockstedt, LLC, the City's labor attorneys, who were very careful to say that in an ideal world it is best not to be constrained by any specific policies when entering into negotiations because it limits the ability to be creative at the table. Mr. Koenig reiterated that it would be within Council's legal authority to adopt the policies; however, in some cases it would create additional challenges in the negotiating environment.

In response to Mr. Sudler regarding whether feedback had been received from the union, Mr. Koenig stated that he had not received direct feedback. He expressed his belief that someone from the Fraternal Order of Police (FOP) and a representative from the American Federation of State, County, and Municipal Employees (AFSCME) had spoken to Mr. Glenn Mandalas, Baird Mandalas Brockstedt, LLC, regarding this, but there had been no comments on the record from Mr. Mandalas regarding consideration of this item during the current meeting.

In response to Mr. Anderson regarding the cost of legal fees and staff preparation for arbitration, Mr. Koenig stated that typically these discussions go to mediation first, and costs had ranged from approximately $5,000 to $15,000 in legal fees, in addition to the cost of staff time. He advised members that legal fees for arbitration with the International Brotherhood of Electrical Workers (IBEW) were roughly $20,000, with an additional $15,000 spent for expert witness preparation. Mr. Koenig estimated that the total costs in arbitration, which involves a lot of detailed submissions and expert testimony, would be easily in the $30,000 - $50,000 range. Mr. Anderson noted that there would be additional time spent prior to arbitration in negotiations and mediation.

Responding to Mr. Anderson regarding the percentage of pay that mediation and arbitration costs would represent in an average contract, Mr. Koenig stated that he was unsure of this figure at this time; however, he estimated that approximately 3% of the IBEW contract amount would equate to about $80,000. He indicated that for contracts related to some of the smaller bargaining units, 3% would be in the range of approximately $80,000 - $90,000 for one (1) year, which would be compounded going forward.

Mr. Anderson questioned if successful negotiations could result in a potential savings of 1% per year. Responding, Mr. Koenig stated that the City's legal fees could range $50,000 - $80,000 per year, depending on the intensity of negotiations.

Mr. Slavin inquired if Mr. Anderson's questions regarding the cost of arbitration were based on the assumption that the proposed policies would cause arbitration more often. Responding, Mr. Anderson stated his feeling that the potential for arbitration would exist more often.

Mr. Slavin indicated that the example that was cited (IBEW) referenced arbitration that occurred before the proposed policies were on the table and noted that the City had been in arbitration before.

Referring to the IBEW contract previously referenced, Mr. Anderson stated that a goal of a 0% raise was set at that time for the negotiators, which eventually happened, noting that negotiators did not have a lot of flexibility at the time this contract was negotiated.

Mr. Slavin explained that the compensation policies were put forth not to be strictly prohibitive, noting that the changes were proposed at the policy rather than ordinance level, and that there was allowance for an override by a two-thirds vote of Council. He stated that when an annual 3% increase is discussed, the City is often shortsighted and the cost of the contract is not advertised; it is merely stated that a four (4) year contract was presented with 3% raises in each of the four (4) years and that this is an aggregate 12% increase. However, Mr. Slavin noted that these raises are much more expensive because they carry forward beyond the term of the contract and are added onto by the next contract. These costs are not calculated; only the four (4) year cost is considered, and then it is said that funds will be saved with the retirement benefits that are realized over 20 years. He felt that the true picture would show that some of the raises that had been given by contract were hurting the City's finances because they escalate exponentially as the years go by.

Mr. Matt Knight, past President, Dover FOP Lodge 15, advised members that he had been asked to attend by the current FOP President Dave Gist, and that the FOP was monitoring this matter and was concerned. He felt that the proposed policies would be constraints to contract negotiations and explained that the FOP had reached out

to its attorney, who reached out to Mr. Mandalas. Mr. Knight indicated that the union was "keeping an eye" on this discussion. He stated that he understood the override provided but reiterated that these policies would constrain negotiations.

Mr. Anderson inquired if the FOP, to Mr. Knight's knowledge, was skeptical about the idea of any constraints at all or about the numbers reflected in the proposed reforms. Responding, Mr. Knight stated that the FOP was concerned about "both"; however, he indicated that, based on his knowledge of past negotiations, any constraints at all were a concern going into negotiations. He concurred with Mr. Koenig that these matters could be discussed individually among each union negotiating team.

Mr. Anderson expressed his opinion that there was some merit to the proposed policies and that they needed to be discussed; however, stated that before proceeding he would like to obtain an opinion from the City Solicitor on these items and to determine, if they are moved forward, how this could be done. He expressed a desire to make sure that everything was "on firm legality" before proceeding.

Mr. Anderson moved to recommend that the proposed compensation policies be referred to the City Solicitor for a legal opinion, seconded by Mr. Sudler.

Mr. Slavin stated that this was a prudent step, noting that he felt that there was some discomfort regarding the vehicle by which these proposals could be accomplished but not the intent of the proposals.

The Committee recommended that the proposed compensation policies be referred to the City Solicitor for a legal opinion.

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

Bank Qualified Loan for the Completion of the Street and Storm Water Improvements at the Garrison Oak Technical Park (GOTP), Self-Contained Breathing Apparatus (SCBA) (Fire), and Radios (Fire and Police)

Mrs. Donna Mitchell, Controller/Treasurer, advised members that City of Dover Finance Department solicited proposals from local banks to finance the following projects as presented in the Fiscal Year 2015 Budget presentation:

GOTP - Street & Stormwater Improvements	$2,600,000
Radios - Police	329,500
Radios - Fire	296,800
Self Containing Breathing Apparatus - Fire	292,000
Issuance Cost	61,000
Total	$3,579,300

Mrs. Mitchell explained that she had reviewed the proposals and they were also reviewed by Public Financial Management, Inc. (PFM), the City's financial advisor, and PFM indicated that PNC Bank had the best proposal in terms of financing rates. Mrs. Mitchell stated that the rate proposed by PNC Bank was 66% of the London Interbank Offered Rate (LIBOR), and other proposals were 66% or 67% of LIBOR plus 1%; therefore, there was a vast difference. She indicated that she had asked PFM to request the other submitters to provide a best and final rate, which was done; however, PNC's was still the best proposal.

Staff recommended acceptance of the PNC Bank proposal and adoption of Resolution No. 2014-12 authorizing the issuance and sale of up to $4,135,000 General Obligation Bonds of the City of Dover. *[City Clerk's Office Note: Subsequent to the meeting, the legal authority for the resolution was revised to list the City of Dover Charter rather than the Laws of Delaware. This change was approved by Ms. Emilie Ninan, City of Dover Bond Counsel, as well as Mr. Nicholas Rodriguez, City Solicitor, and Resolution No. 2014-12 was amended accordingly.]*

Noting that the loan was amortized for 20 years, Mr. Anderson inquired if the City was planning to pay it back in seven (7) years. Responding, Mrs. Mitchell stated that the amortization schedule was based on 20 years, which would reduce the payments; however, at the end of seven (7) years, it was planned to refinance the loan, along with an additional loan related to the Dover Public Library. She indicated that these loans would probably be merged together and there would be a bond issue to pay them off, or another loan would be obtained to extend payments on the balance. Mrs. Mitchell stated that this loan was broken into two (2) facilities since the City was also refinancing its 2003 bond issue, which had only two (2) remaining payments; however, the interest rate was so much better that the City would save approximately $15,000 - $20,000 in interest. She noted that this amortization would keep the principle payments at the same level they would have been if the bonds were paid. Mrs. Mitchell indicated that payments would be higher during first two (2) years and amounts would then drop off for the last five (5) years.

Mr. Sudler questioned what the forecast for the loan payoff would be without merging it with the Dover Public Library loan. Responding, Mrs. Mitchell stated that $190,000 per year was forecast for radio and fire equipment in the budget forecast model. The total in the forecast model for this loan was $440,000 per year, without the additional debt service.

The Committee recommended acceptance of the PNC Bank proposal and adoption of Resolution No. 2014-12 authorizing the issuance and sale of up to $4,135,000 in General Obligation Bonds.

By consent agenda, Mr. Slavin moved for approval of the Committee's recommendation. The motion was seconded by Mrs. Williams and, by a unanimous roll call vote (Hare absent), Council adopted Resolution No. 2014-12, as follows:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO [$4,135,000] GENERAL OBLIGATION BONDS OF THE CITY OF DOVER TO REFINANCE CERTAIN PRIOR DEBT; FINANCE STREET AND STORM WATER INFRASTRUCTURE AT THE GARRISON OAK TECHNOLOGY PARK, RADIO EQUIPMENT FOR POLICE AND FIRE OPERATIONS, AND SELF-CONTAINED BREATHING APPARATUS FOR FIREFIGHTERS; AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH

WHEREAS, the City of Dover (the "City") is authorized pursuant to Section 50, Volume 77, Chapter 130, as amended ("the City Charter") to issue general obligation bonds for the municipal purposes of the City as set forth in a resolution authorizing such issuance; and

WHEREAS, pursuant to the City Charter, the City desires to issue general obligation bonds in one or more series for the municipal purposes set forth herein (the "2014 Bonds");

WHEREAS, the City has (I) certain Series of 2003 Bonds that can be refunded for savings (the "Prior Bonds"), and (ii) approved certain capital construction projects and improvements and desires to issue the 2014 Bonds to finance the costs of said improvements, including, but not limited to the following:

1. Street and storm water infrastructure at the Garrison Oak Technology Park
2. Radio equipment for Police and Fire operations
3. Self-contained breathing apparatus for firefighters

(collectively, the "Projects").

NOW THEREFORE THE CITY OF DOVER HEREBY ORDAINS (AT LEAST THREE FOURTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bonds. Acting pursuant to the City Charter, the City shall issue its general obligation bonds in the maximum aggregate principal amount not to exceed [$4,135,000] to finance or refinance a portion of the cost of the Projects.

The monies raised from the sale of the 2014 Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by City Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Projects or any portion thereof; interest on the 2014 Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the costs of issuance of the 2014 Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Projects; and the reimbursement of authorized costs previously expended by the City from other funds.

Section 2. Terms of the Bonds. The 2014 Bonds shall be sold in one or more series to PNC Bank, National Association (the "Lender") pursuant to a proposal dated August 20, 2014 (the "Commitment") which is hereby approved by the City and the other terms and conditions to be contained in a Loan Agreement between the City and the Lender (the "Loan Agreement"). The new

money 2014 Bonds are anticipated to bear interest at a variable rate during the construction period and may be converted to a fixed rate at the end of the construction period or remain at variable rate. The refunding portion of the 2014 Bonds shall bear interest at a fixed rate not to exceed 0.90%.

Section 3. Security for the Bonds. The full faith and credit of the City shall be pledged to pay principal and interest on the 2014 Bonds.

Section 4. Qualified Tax-Exempt Obligation. The Bond is hereby designated as a qualified tax-exempt obligation within the meaning of § 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended (the "Code"). For purposes of § 265(b)(3) of the Code, the Issuer and all entities that issue on behalf of the issuer do not reasonably anticipate issuing more than $10,000,000, inclusive of the Bond, of tax-exempt obligations in calendar year 2014.

Section 5. Details of the Bonds. The Mayor and City Treasurer are authorized to determine the details of the 2014 Bonds including the following: the date or dates of the 2014 Bonds; provisions for either serial or term bond; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the 2014 Bonds; the denominations and designations of the 2014 Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the 2014 Bonds; provisions for the replacement of a lost, stolen, mutilated or destroyed 2014 Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The 2014 Bonds shall be executed by the manual or facsimile signature of the Mayor and City Treasurer, shall contain an impression of the City Seal of a facsimile thereof and shall be attested by the manual signature of the City Clerk.

Section 6. Further Action. Each of the Mayor, the President of the City Council, the City Treasurer, the City Manager and the City Clerk are authorized and directed to take such other action on behalf of the City, as may be necessary or desirable to effect the adoption of this Resolution and the issuance and sale of the 2014 Bonds and to provide for their security and to carry out the intent of this Resolution, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 7. Effective Date. This Resolution shall become effective immediately upon its passage. The City Clerk is hereby directed to publish once in a newspaper published in the City a notice in substantially the following form:

"NOTICE IS HEREBY GIVEN that the City Council of The City of Dover, Delaware on October 13, 2014 pursuant to Chapter 130, Volume 77, Delaware Laws, as amended, adopted a resolution entitled as follows:

"RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO [$4,135,000] GENERAL OBLIGATION BONDS OF THE CITY OF DOVER TO REFINANCE CERTAIN PRIOR DEBT; FINANCE STREET AND STORM WATER INFRASTRUCTURE AT THE GARRISON OAK TECHNOLOGY PARK, RADIO EQUIPMENT FOR POLICE AND FIRE OPERATIONS AND SELF-CONTAINED BREATHING APPARATUS FOR FIREFIGHTERS; AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH"

"The purpose of the issuance and sale of said bonds is to provide funds (approximately $4,135,000) to pay a portion of the costs of certain projects including, but not limited to, (a) refinancing certain prior debt; (b) financing (1) street and storm water infrastructure at the Garrison Oak Technology Park, (2) radio equipment for Police and Fire operations, and (3) self-contained breathing apparatus for firefighters; and © pay costs of issuance of said bonds."

"Any action or proceeding to contest the validity of said resolution or any of its provisions must be commenced within thirty (30) days after publication of this notice. After expiration of such period of limitation, no right of action or defense founded upon the invalidity of said resolution or any of its provisions shall be asserted, nor shall the validity of said resolution or any of its provisions be open to question in any court upon any ground whatsoever, except in an action or proceeding commenced within such period."

By order of the City Council of the City of Dover.

ADOPTED: OCTOBER 13, 2014

Proposed Ordinance #2014-22 - Budget Amendment Related to Capital Investment Plan - Fiscal Year 2014 (FY14) Carry-Forward Balances

Mrs. Donna Mitchell, Controller/Treasurer, advised members that the purpose of the proposed ordinance was to rebudget project carry-forward balances from Fiscal Year 2014 (FY 14) projects. Balances for those projects had been calculated, and the ordinance would incorporate those project balances in the FY 15 budget. She noted that placing these carry-forward balances into the budget by ordinance would save the Finance Department the time and trouble of having to manually place them in the financial systems and ensure that the projects do not go over budget, and that this matter was being moved along sooner than usual this year. Mrs. Mitchell reviewed the City of Dover - General Fund - Major Capital Investment Plan (CIP) Projects - Quarterly Report as of July 1, 2014. She explained that figures listed under the Total Project - Past, Current & Future Budgets (Original Project Budget, Latest Project Budget, Project To Date Expenses, Project Budget Balance, and % Budget Spent) provided information regarding the total project. She noted that the Original Project Budget column included amounts as adopted by Council in the original City budget in the individual CIP sheets. The Latest Project Budget section reflected new project amounts based on any budget revisions brought forth through Council or through staff changes. The columns under Current Fiscal Year (Current Fiscal Year Budget, Revised Fiscal Year Budget, Fiscal YTD Expenses, Budget Balance, and % Budget Spent) applied to the Current Fiscal Year. Mrs. Mitchell explained that rebudgeting the carry-forward balances would result in changes to the Current Fiscal Year Budget and the Revised Fiscal Year Budget columns.

Referring to the City of Dover General Fund FY 15 Project Tracking Report As of July 1, 2014, Mrs. Mitchell explained that this document was an internal schedule used by the Finance Department to track projects to make sure that they stay on budget as approved by Council. She stated that amounts in the Addition (Reduction) column were based on action items brought to Council and were also included in the

Revised Budget column. The Internal Revisions represented project revisions made internally within the budget amendment procedure, for example, savings that may need to be used in other projects. Mrs. Mitchell indicated that this information was provided to show how report numbers change from the original budget to the revised budget.

Noting that projects appeared to be on budget, Mr. Anderson inquired if there were any "red flags" that members should be aware of. Responding, Mrs. Mitchell stated that this process did not indicate that there were any problems at this time. She explained that any projects that were brought forth from July, such as Garrison Oak projects, had been folded into the budget ordinance and that Council was aware of such projects.

The Committee recommended adoption of Proposed Ordinance #2014-22, as recommended by staff.

By consent agenda, Mr. Slavin moved for approval of the Committee's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote (Hare absent). *(The First Reading of the ordinance will take place during the latter part of the meeting.)*

Community Transportation Project - Third-Party Sponsorship - Solid Rock Baptist Church Community Outreach Center

Mr. Scott Koenig, City Manager, informed members that staff had received a request from the Solid Rock Baptist Church for the City of Dover to become a third-party sponsor so that Community Transportation Funds (CTF) could be used on a portion of a parking lot to be constructed for the Community Outreach Center at 113 North West Street. He stated that staff met with members of the church, their contractor, Senator Brian Bushweller and members of the Delaware Department of Transportation (DelDOT) late last week to discuss whether this project would fit into the guidelines of the CTF program. It was agreed that the request from Solid Rock Baptist Church could be brought forward, if endorsed by the City of Dover to enter into a third-party sponsorship agreement, so that approximately $25,000 of CTF funds could be secured. Mr. Koenig stated that this would essentially pay for the paving component of the parking lot, and the church and their contractor would be responsible for the layout, and the stone and base preparation associated with the proposed parking lot. He explained that the church would sign a blanket public easement for the parking area to provide public parking for the next 20 years, as required by DelDOT. Provided that the church the agreed to the 20-year easement, the City, through the City Manager's Office, would agree to put out a Request for Proposals (RFP) for paving, using prevailing wage to comply with all the components of CTF funds. Mr. Koenig stated that the contractor would be selected based on the lowest proposal submitted, and agreements would be put in place before the work could start. There would be no engineering requirements from City staff; however, some administrative time would be required from the City Manager's Office to prepare the solicitation for quotes. Payment would be routed through the City's billing system, as had been done for previous CTF projects, such as Wesley

College. Mr. Koenig indicated that he originally did not want to participate in this project; however, as the components were discussed with the DelDOT representative, he was assured that the City could maintain its status as an entity that diligently processes these funds by signing the agreements and funding a component of the project. The City could also keep the project on the timeline that had been identified. It was expected that all of the work could be completed by the end of the calendar year.

Mr. Koenig stated that the request was for Council to authorize the City Manager to enter into a CTF agreement with DelDOT, process the funding as a third-party sponsor, work with members of the Solid Rock Baptist Church or their designee to get the correct narrative language for the bid document, and complete the project in a timely manner.

Noting that the funding was expected to be $25,000, Mr. Shevock questioned where extra funds would come from if bids were received in excess of this amount. Responding, Mr. Koenig stated that excessive bids would have to be rejected; however, he noted that the scope of work was very narrow and expectations had been discussed with some contractors. Knowing that the prevailing wage rates were considered when developing the project, staff was reasonably confident that bids would come in under $25,000 because the project had been tailored to meet this criteria.

Mr. Shevock questioned if the use of community funds for this project would affect any other funds that come to the City from DelDOT. In response, Mr. Koenig stated that this project would not affect other DelDOT funds. He indicated that each legislator receives approximately $250,000 in discretionary funds to be used for sidewalk, lighting, and paving projects and that associated agreements are project specific.

Mr. Hare indicated that he had no problem with this project. He noted that there was a section of West Street near the recycling facility that needed work and questioned if this project could be tied together with the proposed project. Responding, Mr. Koenig stated that this was a separate project which would be addressed through the City's Street Program and assured members that staff would get this project done.

Mr. Sudler moved to recommend approval of staff's recommendation to authorize the City Manager to enter into a Community Transportation Fund (CTF) agreement with DelDOT, process the funding as a third-party sponsor, work with members of the Solid Rock Baptist Church or their designee to get the correct narrative language for the bid document, and complete the project in a timely manner. The motion was seconded by Mr. Hare.

In response to Mr. Hutchison as to whether the City had entered into a third-party sponsorship with any other entities, Mr. Koenig indicated that the City had completed a handful of similar projects which were not the norm but were somewhat unique

public/private partnerships. He cited projects related to Wesley College, the Inner City Cultural League, and a public easement agreement regarding a portion of the brickwork in front of the Wesley United Methodist Church Fellowship Hall.

Mr. Hutchison inquired if this project had been reviewed by the City Solicitor. Responding, Mr. Koenig stated that this specific project had not been reviewed by the solicitor; however, the Wesley College project did go through the solicitor's office. He reiterated that an easement would be developed to indicate that it is a public parking lot and would be signed by the property owner, recorded, and a copy would go to DelDOT. The City would solicit and review paving proposals and, once the paving was laid, maintenance and any associated agreement would be the responsibility of the property owner.

In response to Mr. Hutchison, Mr. Koenig stated that a 20-year agreement would be developed in relation to this project that would be binding between all parties.

Mr. Anderson stated that he favored this project because it would be an effective way to leverage private money and would cost the City only some staff time. He indicated that this would help the community in the very near future without putting the City's taxpayers "on the hook" for maintenance, building, or anything else. Mr. Anderson noted that the money set aside by the State legislators, if not taken, could end up anywhere else in the legislative district, and he felt that this project would benefit the youth in the community.

Mr. Shevock questioned if any of the associated costs, such as advertising for bids, would come from the $25,000 in CTF funds. Responding, Mr. Koenig stated that advertising had not typically been charged to these funds in the past; however, expressed his understanding that this could be done, noting that all project costs that qualified under the agreement would qualify for reimbursement.

Pastor William Grimes, Solid Rock Baptist Church, thanked members for the opportunity to bring this matter forward. He stated that he met for over an hour with Mr. Koenig and, as stated previously, Mr. Koenig was not initially in favor of the project. However, Pastor Grimes indicated that he left with the opinion "there is someone in the City Manager's Office who is about integrity," because Mr. Koenig's whole focus was to ensure that this approach was legal. He expressed his appreciation that Mr. Koenig took the time to hear the concerns of the church.

Mr. Anderson questioned how much money the church had invested in the project. Responding, Mr. Grimes stated that more than $50,000 of the church's funds had been allocated and that a loan had been secured through the National Association on Life and Labor Research (NCALL) for $625,000.

Mr. Slavin questioned, by show of hands, how many of those attending were in support of the project and 10 members in the audience raised their hands.

The Committee recommended approval of staff's recommendation to authorize the City Manager to enter into a Community Transportation Fund (CTF) agreement with DelDOT, process the funding as a third-party sponsor, work with members of the Solid Rock Baptist Church or their designee to get the correct narrative language for the bid document, and complete the project in a timely manner.

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

By consent agenda, Mr. Slavin moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mrs. Williams and carried by a unanimous roll call vote (Hare absent).

SPECIAL DOVER HUMAN RELATIONS COMMISSION REPORT - SEPTEMBER 23, 2014 WORKSHOP

A Special Dover Human Relations Commission (DHRC) Workshop was held on September 23, 2014 at 5:30 p.m. with Chairman Wilson presiding.

Presentation - Dover Public Library Changing America Exhibit Steering Committee Volunteers

Ms. Michelle Hughes, Head of Adult Services, Dover Public Library, advised members that the Dover Public Library would be presenting a traveling exhibit, entitled "Changing America - The Emancipation Proclamation, 1863 and the March on Washington, 1963," from January 7 - February 20, 2015 and provided members with an informational brochure. She stated that, as a grant requirement, the library would offer an opening event and at least two (2) adult programs related to the exhibit free of charge to the community. Ms. Hughes invited members to volunteer to be part of a steering committee to develop public programs around the exhibit. She explained that the exhibit would focus on the 100-year span between the Emancipation Proclamation and the March on Washington. She indicated that she had a number of programs planned that would target the 19th century; however, she requested support on programs focused on the 20th century and asked members to email her if they had any suggestions.

In response to Mr. McGiffin's request for clarification of the specific needs, Ms. Hughes stated that several scholars had agreed to attend and speak on the abolitionist movement in the 19th century, but there were not as many who could focus on the 1950s and 1960s. If members knew of local scholars that could address this time period, she said that she would gladly take contact information.

Mr. McGiffin inquired if a presentation on desegregation of the Delaware schools would be relevant, and Ms. Hughes affirmed that tying in local history would draw in more people. Mr. McGiffin stated that his wife, Ms. Kathy Doyle, was an expert on the school desegregation issue, had written a book on this topic, and might be inclined to assist.

Mr. Henderson questioned if Ms. Hughes had contacted Delaware State University (DSU) history teachers. Responding, Ms. Hughes stated that staff had worked with DSU teachers on the "Created Equal" film series held from July - September 2014, so she had some contacts from DSU; however, she wanted to reach out to members for other contacts who were not used previously in order to obtain different perspectives.

Ms. Hughes provided her email address and invited members who were interested in serving on the steering committee to contact her, noting that all final program paperwork must be submitted by the end of November. She explained that serving on the committee would involve helping to provide contact information for members of the community who might be willing to give their time to help with the project, including publicity and marketing.

Presentation - Re-Entry Opportunity Program

Mr. Ken Abraham advised members that he was involved in a non-profit group, Citizens for Criminal Justice, but was attending on behalf of the Dover Interfaith Mission for Housing (DIMH). Mr. Abraham explained that he was working with DIMH in a new program assisting men with re-entry into society upon their release from prison, noting that DIMH was the recipient of a three (3) year grant for this purpose. He advised members that he had provided a presentation on this topic to City Council during their meeting held on September 8, 2014. He had requested Council to make a commitment to set an official policy to interview individuals who had been screened by DIMH for appropriate employment opportunities with the City, or to issue a proclamation or statement affirming that the City supported the hiring of qualified convicted felons for appropriate jobs. Mr. Abraham requested that the DHRC recommend that the City respond positively to this request. He also expressed his hope that the City would provide a letter to DIMH, signed by the Mayor, Council, and/or the DHRC Commissioners, to be presented to local major employers, stating that they and other members of the community were encouraged to hire qualified job applicants who may be convicted felons. Mr. Abraham expressed confidence that this would be a win/win situation for those who had made mistakes but paid their dues and for those who employ them in terms of getting good, qualified, responsible employees.

Mr. Wilson stated that, as a Commissioner, he believed in this initiative and that he was glad to see that community support was being offered. He indicated that he, personally, would approve of recommending it to Council; however, his biggest concern was making sure that safeguards were there for the public.

Mr. Henderson complimented Mr. Abraham on the "great" presentation that he provided previously to City Council and questioned if he could provide an example of a success story. Responding, Mr. Abraham stated that one (1) participant was working as a chef at Dover Downs and offered to follow up with other examples.

Mr. Henderson inquired whether the individuals involved were heavily minority, and Mr. Abraham stated this was the case since the prison population was heavily minority; however, individuals were from every background.

Responding to Mr. Wilson as to whether individuals involved were from the local community, Mr. Abraham stated that most were local and others came from Sussex and New Castle Counties, as well as Maryland.

Mr. Ruane stated that he had researched House Bill 167, the so-called "ban the box" legislation which would prohibit public employers from asking applicants to indicate, typically by checking a box on an employment application, if they have been convicted of a crime until after an initial interview. Mr. Abraham felt that this legislation was "progress but very little," stating his understanding that it would apply only to government entities and not private employers. In addition, it was his belief that the ban the box requirement would apply only to the initial employment inquiry.

Noting that he had reviewed the City of Dover job application and that it did not include such a check box, Mr. Ruane felt that it appeared that the City of Dover had no choice but to give fair and equal opportunity and questioned, therefore, what would be gained from a supportive letter. He inquired if DIMH had spoken to the City of Dover Human Resources Department and whether the City was utilizing any practices that were detrimental to the clients being served by DIMH.

Mr. Abraham stated that there were no such detrimental practices to his knowledge and that DIMH had steered individuals toward jobs with the City. He felt that the City's relationship with DIMH was "good but could be a lot better" and reiterated his hope of obtaining a commitment from the City to interview qualified, responsible, dependable applicants after screening for technical or other job skills.

Mr. Ruane stated that he agreed with the intent of the program and hoped for its success; however, that employers, including the City, were bound by other processes, including qualifying applicants before an interview. He stated that ensuring that a particular group would be granted interviews might result in challenges related to discrimination against other qualified applicants.

Mr. Abraham explained that it was not desired that undue favoritism be given to these individuals and stated his expectation that they would go through the normal process.

Mr. Nicholas Rodriguez, City Solicitor, stated that Dover had a city manager/council form of government and the City Manager was responsible for overseeing employment in the City; therefore, he felt that this matter would be up to the City Manager. Mr. Rodriguez advised members that he was not familiar with the City's application process. He indicated that Mr. Abraham had given a very good presentation before Council and that he had told Mr. Abraham that perhaps feedback would be received from the City and staff regarding applications.

Mr. Wilson expressed thanks to Mr. Abraham for his presentation.

Discussion - DHRC Authority and Complaint Process/Formulation of Complaint Process and Form

Mr. Nicholas Rodriguez, City Solicitor, advised members that Chapter 58 - Human Relations, Article II - Human Relations Commission, Sec. 58-32 states that the DHRC is an advisory commission rather than a decision-making commission. He indicated that, in the past, complaints had been submitted to the DHRC, and the Solicitor's Office had stated that the DHRC should not hear such complaints because it is an advisory body that, in his opinion, was "way beyond the application and complaint process." Mr. Rodriguez advised members that Sec. 58-33(e) Functions limited, of the Dover Code states that "the Commission shall not involve itself in activities or functions already assigned by law or decree to other governmental bodies," such as the Department of Labor, the City, and the State. He indicated that the purpose of the Commission was to advise Council, obtain community input, discuss diversity and discrimination, and make recommendations. Simple complaints, in his opinion, were below the role of the Commission.

Mr. Wilson questioned if the DHRC had the authority to develop a complaint form of any nature.

Mr. Rodriguez recommended that a complaint form not be developed because this would result in the receipt of individual complaints that the DHRC could not hear, as had occurred in the past. He stated that he had reviewed the Draft DHRC Strategic Plan 2015-2018 prepared by Mr. Ruane (subsequent agenda item) which he felt looked "fantastic" and that this type of activity was what the City of Dover had wanted the Commission to do when it was enacted.

Commissioner Gail Launay-Tarlecki, Vice Chair, State of Delaware Human Relations Commission (SHRC), advised members that the SHRC's website states that the Commission strives to "promote amicable relationships among the various racial and cultural groups within the State of Delaware" and that the DHRC would attempt to perform this function within the City of Dover. She indicated that not having jurisdiction would not prevent complaints from coming before the DHRC so that the DHRC could look for avenues to assist people. It was her belief that a complaint process would be a legitimate method for logging issues and bringing them to the Commission to discuss and work on as a whole; however, she cautioned members to be careful regarding how such complaint forms are viewed, indicating that she did not have the impression that the DHRC was a hearing body. Ms. Launay-Tarlecki advised members that individuals bring concerns to the SHRC, sometimes repetitively, and although the SHRC does not have jurisdiction over some types of issues, they serve as a point of reference and note on the complaint form that an individual was referred to the appropriate place. This gives the appearance that the SHRC is an active, viable body that is doing work for the community. She questioned if Mr. Rodriguez was referring to legal complaints.

Mr. Rodriguez stated that he was referencing individual complaints, as opposed to those brought forward from groups.

Ms. Launay-Tarlecki explained that there was precedent in other cities for human relations commissions to have a complaint process that is not necessarily to hear cases, noting that the City of Philadelphia's commission has such a complaint process and their commission sits under their state commission.

Mr. McGiffin felt that the existence of a complaint form and acceptance of the form by the DHRC would imply that the Commission could offer some kind of redress, and stated that Mr. Rodriguez had indicated that this was not to be done. He agreed with the City Solicitor that the complaint form could be more trouble than it would be worth since it would suggest a promise that the DHRC could not deliver. However, Mr. McGiffin felt it would be a legitimate and valid function to be open to general information issues, not formal complaints that come to the DHRC's attention, if the DHRC wanted to be an information and referral source.

Mr. Henderson expressed confusion about the role and responsibilities of the DHRC.

Ms. Launay-Tarlecki stated that a complaint form would allow members to learn why someone would be coming before the Commission before they do so, which would provide time to consider the issue so that it could be referred to the appropriate body. This referral could then be noted on the complaint form, even if the matter was out of the Commission's jurisdiction. The complaint form would be an "action document" that showed the work of the Commission. She felt that this would be a way for the Commission to review issues to see if there is a way to provide amicable relations within the City. Ms. Launay-Tarlecki stated that she was not familiar with the DHRC's empowering legislation; however, she indicated that State commissioners regularly receive such complaints and, through experience and the diversity within the SHRC, offer help, usually including a name and phone number of an appropriate agency. This information is recorded on the State form. Ms. Launay-Tarlecki stated that the SHRC had a sunset review by the General Assembly approximately a dozen years ago and, in the course of this review, the forms proved useful as a way of keeping a record of the SHRC's activities and tracking issues.

Mr. Wilson suggested that a draft DHRC complaint form be developed and submitted to the City Solicitor to determine if it would be legal and binding for the City. He stated his understanding that the form would help the public understand the identity of the DHRC and would validate the Commission's existence, as well as the two (2) commissioners in each district who would be receiving complaints. He felt that it was necessary to have an avenue for complaints, even if it this would be just for referral to the State or other agencies that could provide help.

Mr. Rodriguez stated that he did not recommend a complaint form, because this would lead to individual complaints, as had been received in the past, which would be referred to the City Solicitor, who would tell the Commission that it did not have

jurisdiction because the DHRC is an advisory body. By referring individuals elsewhere, perhaps suggesting a private attorney or the State, the DHRC would be giving advice, and this could create problems. He reiterated his opinion that the DHRC should not have a complaint process, noting that it had not worked in the past, and that the role of the DHRC was to go out into the community to find out where problems were occurring.

Mr. Wilson suggested that this issue be further explored and that the DHRC develop a recommendation regarding the complaint process for City Council during the DHRC meeting scheduled for October 28, 2014. He questioned if the functions that the DHRC could and could not perform were already legally in place, and Mr. Rodriguez confirmed that this was the case. Mr. Rodriguez stated that he respectfully disagreed with the State, noting that the State had much more authority than the DHRC and it was his opinion that the DHRC was not created for the purpose of receiving and responding to individual complaints.

Ms. Launay-Tarlecki stated that she had not seen the DHRC's enabling documents; however, she questioned how members would record what they were hearing as the "ears" of their districts, what would be the point of hearing it, and what was desired to occur as a result. She stated her opinion that this is what the form should reflect.

Mr. Rodriguez expressed his opinion that Commissioners would receive verbal complaints, and if individual commissioners received written complaints, Chairman Wilson would bring them before the Commission. He stated that it was desired to move the DHRC away from individual complaints that they have no jurisdiction over.

Mr. Ruane concurred with Mr. Rodriguez that complaint forms should not be developed and the DHRC should not deal with individual discrimination cases. He noted that one (1) of the long-term objectives stated in the draft DHRC Strategic Plan 2015-2018 (subsequent agenda item) was "to define when a diversity, inclusion and or a human relations issue exists and specify the types of these issues that will be accepted by the Commission" and then develop a process for acceptance, which he stated may or may not include a form. He explained that the DHRC's first responsibility was to make sure that the City of Dover administration, government, and Council were favoring and promoting diversity, had policies and programs that reflect that diversity, and did not have a practice, service, or program that had systemically become a human relations issue. If a form were needed to document issues, he felt that it would be a DHRC diversity issue statement and the DHRC would then make a recommendation to City Council to change this program. Mr. Ruane stated that once the focus was on diversity, the Commission would be considering much broader issues than anti-discrimination complaints. He indicated that the first focus would be on the City; then on engaging the community to try to get the same sense of diversity, openness, and inclusiveness in other places in the City; and then supporting and engaging with other groups that are trying to do the

same thing, such as the Hispanic Council, and Inner-City Cultural League, and the Dover Public Library. He felt that there were great challenges in determining the status of diversity of the City of Dover, beginning with programs and government.

Mr. Wilson mentioned that the City was in the process of distributing a Recreational Needs Assessment survey that may be a matter for consideration.

Mr. Wilson thanked Mr. Rodriguez for attending. Mr. Rodriguez expressed concurrence with Mr. Ruane's comments, stating that they articulated the purpose of the DHRC in his opinion.

Ms. Launay-Tarlecki stated that she was not saying that the DHRC would have a court and hear cases; however, she stated that within the function of the Commission, a form or process for keeping track would be the right answer, reiterating that she was not familiar with the DHRC empowering laws.

Mr. Ruane questioned if the State's compliant form could be provided by the City; for example, if the City Clerk's Office could be empowered to refer an individual with an employment discrimination complaint to the SHRC and provide an SHRC form without giving advice. Ms. Launay-Tarlecki stated that a SHRC business card could be provided and that the State's complaint form was available online.

Mr. Wilson stated that, in this event, he would like to meet with the City Clerk and make sure that the Clerk's Office was on the same page as the DHRC and the Council President.

Mr. McGiffin stated that Mr. Rodriguez had recommended against the DHRC providing information and referral, because by doing so the Commission would be accepting responsibility for sending people to the correct entity. He indicated that the City Solicitor had suggested that if the City Clerk's Office were instructed by the DHRC to provide a complaint form but gave the wrong type of referral, this could cause problems. Mr. McGiffin stated that if the DHRC decided to provide information and referral, this would be decided knowing that Mr. Rodriguez would have an issue with it.

Mr. Ruane withdrew his suggestion to provide referral in view of the legal advice provided.

Mr. Wilson suggested that members come forward with their ideas regarding complaint forms at the meeting scheduled for October 28, 2014 and that a decision would be made at that time. He reminded members that the City Solicitor had spoken; however, members could discuss documenting Commission actions, as suggested by Ms. Launay-Tarlecki, and determine what could be developed that was in line with the City's Solicitor's recommendation.

Mr. Henderson questioned where notes regarding complaints in the community should be referred, if the DHRC could not develop a form and did not have jurisdiction.

Responding, Mrs. Traci McDowell, City Clerk, stated that when members take such notes and report comments and issues to the Commission in terms of City programs that the DHRC needs to look at, this would be reflected in the meeting minutes, which are the permanent, formal record on these matters.

Review of Draft DHRC 2015-2018 Strategic Plan

Mr. Ruane stated that developing the identity and function of the DHRC had been a problem for a long time and suggested that this be settled. He reviewed the Draft DHRC Strategic Plan 2015-2018 and requested that members agree to a mission statement and add to or subtract from the objectives included, emphasizing that the document was a draft. Mr. Ruane advised members that the start year for the Draft Plan was stated as 2015 to allow time to establish the plan and suggested that three (3) year, long-term strategic objectives be organized around the components of the DHRC's mission, noting that performance measures or short-term action steps were not included at this time. Once objectives were agreed upon, he suggested that three (3) commissioners and/or citizens help flesh out each objective.

Mr. Ruane explained that he had taken information from the DHRC legislation and placed it in three (3) concise mission components, as follows:

1. Work to ensure that the City of Dover has and utilizes policies, programs, ordinances, organizational practices, specialized resources and appropriately trained employees to support diversity, inclusiveness and cultural competency in its organization and services.
2. By involving all segments of the community, the Commission promotes an understanding and appreciation of the benefits of diversity, inclusion, and positive intergroup relations among residents of varying backgrounds in the city; and, advocates for an environment of fairness and respect.

3. Works with the City Council and the City Administration and other community organizations to strengthen inter-group relationships and to eliminate discrimination; and, to anticipate, prepare for and resolve incidents of intergroup conflicts and disputes within the city.

Referring to the first mission component, Mr. Ruane stated that an example of this function would be for the DHRC to determine if the City's recreation program is diverse.

In reference to the third mission component, Mr. Ruane stated that incidents that had recently transpired in Ferguson, Missouri showed the need to have a plan in place for dealing with conflict at the neighborhood or City level. He proposed that the DHRC determine what type of role it would have in the case of community conflict, noting that training and experience would be necessary for Commissioners to serve in this role.

Mr. Ruane suggested that the major goals of the DHRC be organized around its mission statement and reviewed the proposed vision statement, affirming that, "The Commission's vision is a city whose government, organizations, groups and individual citizens value diversity, inclusion, respect and trust." He recommended dividing members into four (4) committees, as follows: 1) Government Policy, Programs, and Practices Committee; 2) Community Engagement Committee; 3) Education Committee; and 4) Communications Committee. Mr. Ruane proposed that committee members meet and bring specifics, such as timetables and measurement tools for objectives, to the Commission.

Mr. Wilson suggested that two (2) DHRC members serve on each of the committees and that the at-large commissioner and the DHRC Chair rotate among committees if desired. He requested that members review the committees and decide on which committee they would like to serve, noting that they could serve on more than one if they chose to. He stated that he had reviewed the plan, as well as the City's related ordinances and code, and compared it with other cities and that Mr. Ruane had done extensive work on this.

Mr. McGiffin noted that Mr. Ruane had done a great deal of work on the plan, to the DHRC's benefit, and thanked him for his efforts.

Ms. Smith stated that it was evident that Mr. Ruane had put a great deal of time and energy into the Draft Strategic Plan.

Mr. Ruane stated his understanding that committees could assemble before the October 28, 2014 meeting, which could then be dedicated to hearing preliminary specifics on how the larger objectives could be realized during the three (3) year period.

The Commission recommended adoption of the City of Dover Human Relations Commission Strategic Plan 2015-2018.

By consent agenda, the City of Dover Human Relations Commission Strategic Plan 2015-2018 (*Exhibit #2*) was adopted by motion of Mr. Slavin, seconded by Mrs. Williams and carried by a unanimous roll call vote (Hare absent).

Mr. Wilson felt that holding meetings of the DHRC on a quarterly basis would not be often enough to accomplish what must be done, noting that the Commission had recently held additional special meetings.

Referring to Exhibit #1 to the Draft DHRC Strategic Plan 2015-2018, Definition for Diversity CUNY Queensborough in New York City, Mr. Ruane pointed out that the section entitled, "A diversity issue exists when," provided some language that might help members understand when the Commission would be activated. He explained that a diversity issue would not apply in an individual case; however, if a policy, business practice, or service had a different impact on a particular group in the City, the DHRC would go into action. Mr. Ruane stated that the DHRC goes beyond the individual and strives to change the system, based on an analysis of current practices and the development of better practices. If something on the street helps to educate a commissioner, this could be brought to the table when a particular program is being discussed.

Ms. Smith stated her experience that complaints typically start with one (1) person and can lead a group to follow that individual, referencing the individual who was shot in Ferguson, Missouri, and questioned at what point the DHRC should become involved. In addition, she stated that the perception of a diversity issue may differ from one (1) person to another based on their varying experiences and questioned, as a commissioner, whether this determination should be based on the commissioner's perceptions or those of the people being served.

Mr. Henderson felt that all diversity issues start with an individual and expressed his fear that if an overly analytical approach were taken, the DHRC would end up "running after the problem trying to solve it." He felt that the Commission must be proactive.

Mr. McGiffin stated that Mr. Ruane had designed a strategic plan that would allow the DHRC to determine ahead of time whether the potential for an incident like Ferguson existed in Dover so that the Commission could encourage the City to address whatever "tinder was out there that might give rise to a Ferguson blaze before it goes on fire;" therefore, this type of action would be inherently proactive. However, the DHRC would only become aware of potential problems by hearing from the community. He indicated that if City policies were reviewed by the Government Policy, Programs, and Practices Committee and determined to be inadequate, then members would improve them so the City would be prepared should that situation arise. The DHRC would have done its job by advising the City that this was a potential problem and providing ideas on how to solve it.

Mr. Wilson advised members that they would hear things in their communities and would be able to execute actions and advise Council on what to do. He recalled that during one (1) of his meetings with two (2) of the DHRC Commissioners and two (2) Council representatives, a Commissioner stated that they had never seen the Council members in the City districts before. Mr. Wilson asked members to consider how difficult it would be to obtain conflict resolution without a strategic plan, such as the one developed by Mr. Ruane, and if the entities involved did not know one another, it would result in a disservice to the entire City. Mr. Wilson stated his understanding that the City would be reviewing the 1988 Consent Decree that resulted from the

NAACP vs. the City of Dover lawsuit, noting that the City was considering changing its existing type of government and that some would be in favor and others would not. He stated that developing a strategic plan would allow the DHRC to be structured in such a way that the elected officials could be involved in decision making that would advance everyone in the City.

Mr. Wilson stated that the Strategic Plan would be on the agenda for October 28, 2014 for further discussion, and that he wished to hear from the State on the plan as well.

Ms. Launay-Tarlecki stated that she had read the Draft Strategic Plan cursorily and that a lot of good work went into it. She still felt that members might find use for some type of form, although it might not be the complaint form initially envisioned. She thought that the form might convey information in addition to what was stated in the minutes, provide a way to communicate with and obtain contact information for individuals who approach members on the street with issues, and be helpful in recording and reporting. Ms. Launay-Tarlecki felt that the Strategic Plan was "fantastic" and expressed pride in the DHRC for moving quickly to adopt it. She stated that the SHRC had access to training resources through the University of Delaware conflict resolution and public policy programs, which provided education on mediation, negotiation, and hostages and terrorism. She indicated that these resources may be available to the DHRC members. Ms. Launay-Tarlecki felt that the DHRC Strategic Plan 2015-2018 would provide a good foundation for the Commission.

Mr. Ruane questioned if Mr. Wilson intended for members to sign up for a particular committee and meet before the October meeting and provide a report.

Responding, Mr. Wilson inquired if members had made choices in terms of committee assignments.

The Commission recommended committee assignments, as follows: 1) Government Policies, Programs, and Practices Committee - Mr. Ruane (Chair) and Mr. McGiffin; 2) Community Engagement - Mr. Roach (Chair) and Ms. Hicks; 3) Education Committee - Mr. Henderson (Chair) and Mrs. Sadusky; and 4) Communications Committee - Ms. Smith (Chair) and Ms. Stewart.

By consent agenda, Mr. Slavin moved for approval of the Commission's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote (Hare absent).

Mr. Wilson stated that he would serve on all committees and help them as best he could. He advised members that it would be up to the committee chairs to decide when to meet prior to October 28, 2014 and requested that the City Clerk be informed so that emails could be sent regarding the date, time, and place.

Commission Members' Announcements

Mr. Wilson reminded members that Diversity, Respect & Harassment Awareness Training for City of Dover employees was available on October 7, 2014 8:30 a.m. - 9:30 a.m.; 10:00 a.m. - 11:00 a.m. and October 14, 2014 8:00 a.m. - 9:00 a.m. and 9:30 a.m. - 10:30 a.m.

Mr. Ruane advised members that a Hispanic Heritage Celebration was scheduled for October 4, 2014 from 10:00 a.m. - 4:00 p.m. and would conclude with a concert at the Schwartz Center for the Performing Arts at 4:00 p.m. He indicated that the Community Engagement Committee might want to touch base and partner with this group and perhaps the DHRC could partner in putting on this event in the future.

UTILITY COMMITTEE REPORT - OCTOBER 13, 2014

The Utility Committee met on October 13, 2014 with Chairwoman Williams presiding. (*Except for the following time sensitive issue, the Utility Committee Report of October 13, 2014 will be presented to Council during their Regular Meeting of October 27, 2014 for review and consideration.)*

Dedication of Rights-of-Way and Public Infrastructure - Village of Cannon Mill (Phases I, II, III, and IV)

The Utility Committee met on October 13, 2014 with Chairwoman Williams presiding. Except for the following time sensitive item, the Committee Report from October 13, 2014 will be presented to Council during their Regular Meeting of October 27, 2014 for review and recommendation.

Staff submitted a request that all public infrastructure improvements related to the Village of Cannon Mill (Phases I, II, III, and IV) be dedicated to the City of Dover for permanent ownership and maintenance. Members reviewed a list of the public improvements associated with each phase of the development, as well as a map showing the general location and configuration of the subject rights-of-way, broken into phases. The total construction value of the public improvements was $2,602,919.

Mr. Scott Koenig, City Manager, indicated that the original developer of the Village of Cannon Mill filed for bankruptcy, which resulted in work stoppage within the subdivision. The final wearing course and punch list items remained to be completed to meet the City of Dover standards and specifications for Public Works construction and had been outstanding for many years. He assured members that the City was prepared to complete the work required, pending rights-of-way and public infrastructure dedication, as well as acceptance of a paving improvements bid by City Council.

Mr. Koenig reminded members that in 2013, staff had submitted a request for the dedication of a portion of the Village of Cannon Mill. It was his recollection that, although the Committee recommended acceptance, when the matter was presented to City Council for approval there were concerns regarding bonding and a failed letter of credit that needed to be addressed. As a result, the dedication was deferred. At

this time, he stated that staff was requesting the dedication of the entire subdivision's incomplete infrastructure, explaining that the City had been working with legislators to secure funding from the Community Transportation Fund (CTF). Mr. Koenig informed members that Mr. Tony Ashburn, Ashburn Homes, Inc., and Artisans' Bank had pledged funds, either through a letter of credit or letter of commitment, to complete the infrastructure in portions of the development in Phases III and IV; however, Mr. Koenig stated that the City had not been successful with action related to the original letter of credit with the First National Bank of Wyoming. He stated that the City had submitted a bank draft on the letter of credit and there was related correspondence between the attorneys. He noted that there had been several developers since the original developer, Moore Cannon Mill, and that the City did not secure the correct letters of credit to ensure that the protections would carry forward. As a result, the City was currently in the process of completing approximately $800,000 worth of infrastructure in the Village of Cannon Mill and, in order to obtain funding from the State CTF, the City needs to accept the dedication of the infrastructure and sign agreements to complete the infrastructure.

Mr. Koenig stated that there was currently a gap of approximately $300,000 between what is necessary to complete all infrastructure and the funding available associated with the complete paving and concrete finishing for the development.

Staff recommended acceptance of the dedication of rights-of-way and public infrastructure of the Village of Cannon Mill Subdivision, with the dedication to include all of the referenced public improvements.

Mr. Koenig advised members that during the City Council meeting scheduled for later in the evening, members would consider a request for approval of a construction contract that would allow approximately $824,000 of work to complete the rights-of-way and public infrastructure. He explained that the caveat on the bids was that the City would complete only the work which could be done with the funds the City has available. Rather than utilizing City funds, he stated it may be necessary to delay some of the paving until additional CTF funding becomes available from the State. Mr. Koenig noted that approximately $550,000 in non-City funding was available for the project. Since some funding agreements were coming in under budget, he stated that it was the City's intention to move those excess monies, provided the State legislators agree to the project. However, Mr. Koenig expressed the need to first accept the dedication of rights-of-way and public infrastructure of the Village of Cannon Mill Subdivision. He advised members that the subdivision was originally proposed to consist of 375 units and 250-275 units had been constructed, explaining that some residents had lived there since 2005, 2006, 2007, etc. Mr. Koenig explained the difficulty in providing services (snow removal, street sweeping, etc.) since the roads had not been completed.

Responding to Mr. Perza, Mr. Koenig stated that the total value of all infrastructure was $2.6M; however, the only financial risk the City would have if funding were not received from the State would be the costs of paving the roadways, in the amount of $825,000. He explained that the City had received commitment letters from the

legislators and letters of credit totaling $540,000; therefore, the maximum exposure for the City would be $285,000. However, he stated that the City would only complete the work for which the City had obtained funding and then return to legislators to request additional funds during their next funding of CTF projects. Although legislators are provided CTF funds on July 1st of each year, they do not always use all available funding. Mr. Koenig noted that Representative Darryl Scott had committed a large portion of the required funding, in the amount of $250,000, for this project; Senator Brian Bushweller had committed up to $65,000; and Senator Colin Bonini had committed approximately $5,000. Mr. Koenig stated that there may be additional funding available as a result of other agreements coming in under budget between the current time and when the work is actually completed.

In response to Mrs. Williams' question regarding why the letter of credit was not secured, Mr. Koenig explained that typical letters of credit are "evergreen", renewing automatically unless returned by the City. In this instance, the original developer, Moore Cannon Mill, obtained a one (1) year letter of credit from the First National Bank of Wyoming which was very specific in the funding language that it would only be active for one (1) year. In addition, Mr. Koenig stated that Moore Cannon Mill sold the development to another LLC that was associated with the Robino Corporation. As a result, the City did not check the expiration date of the letter of credit since they typically automatically renew until given back. Therefore, although the City had the original letter of credit, it had an expiration date, and no additional letter of credit was provided for the project.

Responding to additional questions of Mrs. Williams, Mr. Koenig stated that the new developer had made promises to complete the infrastructure and request the dedication by the City. However, when the economy declined, there were three (3) developments (Village of Westover, Nottingham Meadows, and Village of Cannon Mill) whose developers claimed bankruptcy. The Village of Cannon Mill was the only development for which the City was not provided protective documentation. He stated that the letter of credit provided to the City was issued by the First National Bank of Wyoming and was unfamiliar to staff, explaining that all other letters of credit were received from Wilmington Trust and had a very specific format that is familiar to staff. Mr. Koenig stated that, as a result, staff made an error in this regard and he took full responsibility for this oversight. He stated that the developers who currently hold property in the development, Artisans' Bank and Mr. Ashburn, had committed funds to pave the roadway in front of their properties and that approximately $95,000 of the $540,000 related to these properties.

Mr. Koenig stated that if the City were unable to obtain the $825,000 necessary to complete the projects and had only $540,000, it would leave approximately one quarter of the paving work incomplete until additional funds could be obtained. He advised members that the extension of Tribbett Street was currently under construction in association with the construction of Leander Lakes Apartments and that there had been several complaints and concerns regarding that connection opening, which was a condition of the Planning Commission approval of the construction of the new Dover High School. He noted that the legislators had quietly

questioned if the opening of this interconnection was best and he explained that any change would require approval from the Planning Commission. Mr. Koenig stated that, although there had been concerns with the possibility of a lot of "cut through" traffic in the Village of Cannon Mill, there had been no test done to make this determination.

Mrs. Williams suggested, if the City does not obtain the necessary funds to complete Phase IV of the development, that the service road be closed to traffic until all roadways have been completed. Responding, Mr. Koenig felt that this was a matter that could be discussed in the future.

The Committee recommended approval of staff's recommendation for the acceptance of the dedication of rights-of-way and public infrastructure for the Village of Cannon Mill, to include all of the referenced public improvements, and contingent upon the City obtaining third-party matching funds, as described by staff, being lines of credit and grants from the Community Transportation Fund; there being the understanding that if it becomes necessary at some point in the future, City Council can remove the contingency.

During the City Council meeting, Mrs. Williams advised members that there were several sources of funding for this project and stressed the need to ensure that it did not affect the General Fund.

Mrs. Williams moved for acceptance of the dedication of rights-of-way and public infrastructure for the Village of Cannon Mill, to include all of the referenced public improvements, and contingent upon the City obtaining third-party matching funds, as described by staff, being lines of credit and grants from the Community Transportation Fund; there being the understanding that if it becomes necessary at some point in the future, City Council can remove the contingency. The motion was seconded by Mr. Dixon and carried by a unanimous roll call vote (Hare absent).

Mrs. Williams moved for acceptance of the Utility Committee Report, seconded by Mr. Slavin and unanimously carried.

MONTHLY REPORTS - AUGUST 2014

By motion of Mr. Slavin, seconded by Mrs. Williams, the following monthly reports were accepted by consent agenda:

City Assessor's Report
City Manager's Report
City Planner's Report
Controller/Treasurer's Budget Report *(July and August)*
Economic Development Office Report
Fire Chief's Report
Police Chief's Report

EVALUATION OF BIDS - VILLAGE OF CANNON MILL PAVING IMPROVEMENTS PROJECT

Mr. Scott Koenig, City Manager, advised members that the original developer of the Village of Cannon Mill had filed for bankruptcy, which resulted in work stoppage within the subdivision. The final wearing course and punch list items remained to be completed to meet the City of Dover Standards and Specifications for Public Works Construction and had been outstanding for many years. As such, the current infrastructure within the subdivision was in disrepair. City Council accepted the Dedication of Rights-of-Way and Public Infrastructure for the Village of Cannon Mill earlier in the evening and the City was in the process of obtaining the funds to correct the infrastructure deficiencies by way of community transportation funds and bonds.

Mr. Koenig advised members that staff had been working for more than a year on trying to get several of the unfinished developments through the process. Staff completed a detailed estimate of all four (4) phases of the Village of Cannon Mill for the bid package. Bids were received from George & Lynch, Inc., Daisy Construction, and A-Del Construction. Based on the evaluation of bids, George & Lynch, Inc., was the lowest responsive bidder at $824,740. This would be a unit price contract to complete the paving and miscellaneous concrete work. The available funding, as of October 2, 2014, was $540,069. It was proposed to award a unit price contract based on the bid documents and to allow staff to adjust unit prices up to the level available funding; therefore, if additional funding were secured, the City would be allowed to add to this up to the lowest bid of $824,740.75. If unable to secure this funding, work would be performed up to the funding secured and staff would return to this project at a later date, through Community Transportation Funds or some other source of funds, so that the General Fund would not subsidize this work.

Staff recommended awarding a unit price contract, based on Bid #15-001PW, for the Village of Cannon Mill Paving Improvement Project to George & Lynch, In. The Public Works Director may add or delete from the contract, up to 35% based on available funding throughout the contract period and inform the City Manager of such additions and deletions. All work will be paid for at the unit prices bid for work completed and accepted by the City of Dover. Work to be authorized will not exceed available funding.

Mr. Lynn stated his recollection that Council had directed that the letter of credit be called from the Village of Cannon Mill or Village of Westover from the First National Bank of Wyoming, now Wilmington Savings Fund Society, and stated that he had not received an update on this. Responding, Mr. Koenig stated that there were two (2) separate letters of credit for these developments and the City had called a letter of credit with the Village of Westover and completed the work. Some funding was still available and would be used in Village of Cannon Mill. In the Village of Cannon Mill, an initial letter of credit was provided from the First National Bank of Wyoming which covered only Phases I and II; however, an expiration clause was included, which was not typical of other such letters of credit. When staff called the letter of credit, the attorney for the First National Bank of Wyoming indicated that they had notified the City of the expiration of the letter of credit. Mr. Koenig explained that this was sent certified versus registered mail, which became an issue. Mr. William Pepper, Deputy City Solicitor, asked staff to obtain hard numbers on all the bids, which was done in August of 2014; however, Mr. Pepper felt that too much time had lapsed and the distinction between registered and certified mail was not strong enough to initiate any proceeding beyond the transfer of correspondence.

Mr. Lynn stated that this matter had not returned to Council after Council gave instructions to call the letter of credit, noting that this was not criticism of Mr. Koenig. He indicated that this matter had been discussed on the floor by himself, Mr. Perza, and others who knew the difference between registered and certified mail, and instructions were given to Mr. Pepper to file a lawsuit or do what needed to be done to ensure that this money would not come out of taxpayer pockets but from the bank. Mr. Lynn indicated that it was vexing to hear a year or two (2) later that Council's instructions were not followed.

Mr. Koenig stated that he understood Mr. Lynn's frustration, however, unfortunately, his personal opinion was that he had made a mistake regarding this letter of credit, which would not happen again because staff had refined the process. He stated that 250 plus residents had been dealing with a difficult situation in this development since approximately 2009 and the legislators had been assisting staff with trying to get out of this problem. Staff was trying to finish the development and had been receiving complaints for the last three (3) years about not being able to provide service to the residents because the roads were unfinished and there were difficulties during the winter months. Mr. Koenig and Mrs. Townshend had talked to various people in regard to getting the homeowners association up and running so that the community could be brought back to where it needed to be so that property values could begin accelerating again versus declining. Mr. Koenig stated that this was the one (1) development where staff did not "have a good grip" on the letter of credit; however, the City was fortunate in that, to his recollection, when Council originally considered this matter a couple of years ago, exposure to the City at that time consisted of the Village of Westover Phase VI, Clearview Meadow, the Village of Cannon Mill, and Eden Hill. Since that time, the City had finished the Village of Westover, a developer had completed all of the work in Clearview Meadow for the City, and the City had an active letter of credit from a developer for Eden Hill.
Mr. Lynn stated his opinion that it was not necessary for Mr. Koenig to take blame, indicating that Council knew many of the facts that he discussed and instructed staff to pursue the matter with the First National Bank of Wyoming and questioned why this did not occur.

Mr. Koenig stated that after this meeting, a call letter on the letter of credit was sent. The attorney for First National Bank of Wyoming responded to Mr. Koenig and Mr. Pepper. Mr. Pepper requested additional cost estimates, which took quite a long time due to staff availability. When these were obtained earlier this summer, Mr. Pepper felt that the timeframe between the original action and now was substantial. The corporate entity had dissolved or had been transferred from First National Bank of Wyoming to Wilmington Savings Fund Society (WSFS) and it was believed that the issue of registered versus certified mail was not a very strong argument.

Mr. Lynn stated that WSFS was the successor in interest to First National Bank of Wyoming and, therefore, beholden to their obligations. He expressed unhappiness that this was not done and did not feel that these decisions could be made behind closed doors without returning to Council to weigh in when Council specifically gave orders to pursue the matter with the bank. Mr. Lynn's interpretation of that was that the bank should be sued and he was unhappy that this was not done, noting that cases had been won and lost on the distinction between registered and certified mail.

Mr. Koenig stated that he was unsure if the City would be barred from doing the work and still filing an action.

Mr. Perza expressed his opinion that Mr. Lynn's points were all accurate and important in that there may be liabilities that had not yet been resolved; however, the needs of the community were being balanced on a local level. The residents of Cannon Mill and other developments in the area did not care what was happening with the bond, knowing that winter was coming with snow, other complications related to the new high school in the area, and traffic and did not want to be "held hostage" in this matter. Mr. Perza stated that Utility Committee went out of its way to ensure that the City would not be left "holding the bag" if something went wrong. The motions coming out of the Committee were all contingent upon making sure that parties other than City of Dover taxpayers would be supplying the funds to correct the problem, which would be a short-term fix. Mr. Perza did not believe that moving forward would close the book on looking at some of the old lines of credit and banks who defaulted on obligations in order to help the local community; however, for purposes of assisting the local community, he felt that the City had an interest in wrapping up this situation. Mr. Perza was comfortable moving forward as long as the City taxpayers were protected and the City reserved the right to examine whether the City could effectively have the State taxpayers reimburse for this, which is where much of the money would come from. He also stated that he was willing to address the legal issues that Mr. Lynn had mentioned with counsel.

Mrs. Williams questioned whether the cost of litigation had been discussed with Mr. Pepper. Responding, Mr. Koenig stated that the cost of litigation had not been mentioned or determined; therefore, this had not been considered to be a deterrent to proceeding.

Responding to Mr. Bonar regarding whether the funds that were expected from legislators were Community Transportation Funds, Mr. Koenig stated that there were several sources of funding, including approximately $320,000 in CTF funds, management fees associated with called letters of credit from other developments, and some partial letters of credit for Phases III and IV that the City did not have previously from both Artisan's Bank (commitment letter) and from developer Tony Ashburn for some lots in Phase III or IV, noting that the banks had acquired these lots and were attempting to develop them now.

Responding to Mr. Bonar's concerns regarding the expected time frame for completion of the project in view of the impending winter, Mr. Koenig stated that he was hopeful that George & Lynch, Inc. could mobilize quickly and staff had been talking to them about beginning immediately; therefore, it was expected that at least a portion of the work would be completed before winter sets in.

Mrs. Williams moved to award a unit price contract, based on Bid #15-001PW, for the Village of Cannon Mill Paving Improvement Project to George & Lynch, Inc. The Public Works Director may add or delete from the contract, up to 35% based on available funding throughout the contract period and inform the City Manager of such additions and deletions. All work will be paid for at the unit prices bid for work completed and accepted by the City of Dover. Work to be authorized will not exceed available funding. The motion was seconded by Mr. Dixon and unanimously carried (Hare absent).

Mr. Lynn moved to seek compensation from the First National Bank of Wyoming or its successors in interest relative to the letter of credit that they issued on this project, seconded by Mrs. Williams.

Mr. Perza questioned whether it was the intent to defer to legal counsel on this matter or whether Council was directing legal counsel to do this.

Mr. Lynn stated his understanding that counsel had previously been directed to do so.

The motion to seek compensation from the First National Bank of Wyoming or its successors in interest relative to the letter of credit that they issued on this project was carried by a roll call vote of seven (7) yes (Anderson, Dixon, Lynn, Slavin, Williams, Hutchison, and Bonar), one (1) no (Perza), and one (1) absent (Hare).

Mr. Perza stated his opinion that Council had the right to do this whether Council voted to do so or not.

EVALUATION OF BIDS - ARC-RATED FLAME RESISTANT CLOTHING PROGRAM

Members were advised that, in accordance with the International Brotherhood of Electrical Workers (IBEW) Local 1238 contract, the City agreed to set up a vendor which would allow the employee to purchase clothing directly from the vendor and the City would set up an allotment for each employee. The allotment for FY 15 is $1,200 and the contract covers 29 staff members; therefore, the contract total for FY2015 is $34,800.

Mr. Scott Koenig, City Manager, reminded members that when the City brought forward the IBEW contract many months ago, there was a discussion about clothing in the contract and the City and the union wished to improve the quality of the clothing, provide options for various clothing that was not in the old bid, and re-bid the services. Over the last few months, members from the IBEW, Electric Department management, and staff from the Finance Department and Procurement Division had met and prepared a Request for Proposals (RFP) for flame retardant clothing for Electric Department employees that was put into a bid package.

Proposals were received from five (5) potential vendors; however, four (4) were rejected due to the vendors not meeting the minimum requirements set forth in the RFP. The remaining proposal was evaluated using the following minimum requirements: Sizing, delivering, returning/exchanging, purchasing/selling, and repairing flame retardant clothing. Upon review it was determined that Tyndale Company, Inc. was the only qualified vendor. The main requirement that was not met by the four (4) disqualified vendors was that they did not offer repairs to their garments if needed. The duration of the contract would be for one (1) year, with four (4) one-year extensions allowed at the option of the City dependent upon satisfactory performance. It was noted that Tyndale may have a price escalation based on price increases from the supplier, not to exceed 4% annually with supporting documentation.

Staff recommended awarding the contract for ARC-rated flame resistant clothing to Tyndale Company, Inc. It was believed, in the long run, that this would be a cost-savings measure based on original proposals from the union. Although there would be a set-up cost in the first year, in subsequent years a cost savings would be realized. The recommendation was based on a performance specification rather than on a low bid, which was a different direction for the City for a clothing contract; however, staff was comfortable with the proposal and the union was also in favor of it.

Mrs. Williams noted the accident that occurred several years ago involving Electric Department staff which resulted in many issues; however, the personnel from the City were not wearing fire protective equipment. She questioned if the proposed contract would enhance the probability that employees would wear the proper equipment. Responding, Mr. Koenig stated that additional safety inspection measures had been put in place since the accident occurred. He noted that many employees saw the result of that accident and recognized this type of accident as being a very real possibility, which helped to improve safety. In addition, staff would be more willing to wear certain items provided through this proposal because they were more customized. Mr. Koenig felt that safety had improved for many different reasons and the contract being brought forward was an additional reason why this problem should never occur again.

Mr. Perza noted that the requirement that the provider be able to take back damaged clothing had disqualified the other four bids and questioned how much extra this would cost and how often this occurs. Responding, Mr. Koenig stated that if a garment is damaged, the other vendors would want the City to purchase a new garment, whereas this vendor, assuming that it could be done under the safety code, would repair the garment. He was unable to quantify the frequency of this occurring; however, he did not feel that the cost proposal was extravagantly higher than the current cost.

Mr. Slavin moved to award the contract for ARC-rated flame resistant clothing to Tyndale Company, Inc., seconded by Mr. Hutchison and carried by a unanimous roll call vote (Hare absent).

FIRST READING - PROPOSED ORDINANCE #2014-22

Council President Bonar reminded the public that copies of the proposed ordinance are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office. Final action by Council on the proposed ordinances will take place during the Council Meeting of October 27, 2014.

Mrs. Donna Mitchell, Controller/Treasurer, advised members that the purpose of Proposed Ordinance #2014-22 was to adjust the budgets for the projects that were not completed during FY 2014. Budget balances had been calculated, and the ordinance would adjust the FY 2015 budget to bring those budget balances forward so that the projects could be completed with the budget in place.

Responding to Mr. Anderson regarding the $104,000 transfer from the Parkland Reserve Fund, Mrs. Mitchell stated that she was unsure of the details of the transfer but offered to provide this information at a later date. *[City Clerk's Office Note: Subsequent to the meeting, Mrs. Mitchell advised members that the transfer from the Parkland Reserve of $104,000 was to carry forward $65,000 for the John W. Pitts Recreation Center HVAC project from FY 14 plus an additional $39,000 that was approved by Council in FY 14 after the project was re-bid to include both labor and equipment.]*

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Ordinance Amendment as read by the City Clerk, by title only, as follows:

PROPOSED ORDINANCE #2014-22 - BUDGET AMENDMENT RELATED TO CAPITAL INVESTMENT PLAN - FISCAL YEAR 2014 (FY14) CARRY-FORWARD BALANCES

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Hutchison stated that he attended the Dover Police Department promotion ceremony during the previous week and noted that they should all be very proud of the men and women of the Police Department, both active duty and civilian. He stated that Mr. Mark Hall, Deputy Fire Chief and full-time 911 Dispatcher, was recognized as outstanding employee of the year. Mr. Hutchison recognized and congratulated Mr. Hall for his achievements, noting that he had gone well beyond the call of duty.

Mr. Anderson advised that October 2014 was designated as Domestic Violence Awareness Month and thanked those who volunteer in the City and Kent County to help women, men, and children who are victims of domestic violence. He encouraged these individuals to continue to do their good work and encouraged all to support them.

Mr. Dixon moved for adjournment, seconded by Mr. Anderson and unanimously carried.

Meeting adjourned at 9:05 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of October 13, 2014, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
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Exhibits
Exhibit #1 - Delaware Downtown Development Districts - Application Process for Designation as a District
Exhibit #2 - City of Dover Human Relations Commission Strategic Plan 2015-2018

OSPC
Delaware
Office of State Planning Coordination

Delaware Downtown Development Districts

Application Process for Designation as a District

EXHIBIT #1
Regular City Council Meeting of 10/13/2014

Downtown Development Districts Act

- Governor proposed in State of the State – Jan. 2013
- Senate Bill 191 – Introduced Apr. 2013
- Prime sponsors: Sens. Henry, Bushweller, Marshall; Reps. Keeley, Bolden, D. Scott
- What the DDD Act did:
  - Authorized creation of Districts
  - Laid out the application process
  - Authorized DSHA to issue DDD Grants, subject to annual funding

Dual Purposes of DDD Program

1. Housing & Community Development:

Help build stable community of long-term residents in Districts and neighborhoods

- Improve housing for persons of all incomes and backgrounds
- Increase homeownership
- Reduce number of vacant houses

Dual Purposes of DDD Program

2. Economic Development:

Improve commercial vitality of Districts and neighborhoods

- Stimulate job growth
- Help build diverse array of businesses
- Harness attraction of our downtowns

There are Three Processes

- Application for Designation as a District
  - OSPC Responsibility
  - Local Governments are applicants
  - CCSPI makes recommendations to Governor
  - Governor designates
- DDD Grants
  - DSHA responsibility
- Neighborhood Building Blocks
  - DEDO responsibility

Goals of Application Process

- Competitive process
- Realizes that all local jurisdictions are different, and will have different revitalization strategies and plans
- Flexibility in application to allow for creativity

Application for Designation

- Local governments must identify proposed Downtown Development Districts in accordance with the Act.
- Then they must complete the application
  - Size limits for Districts based on population
  - Application must include:
    - Need for District
    - District Plan
    - Local Incentives

Need for the District

- Applicant must describe the need for economic incentives that are available for the District.
- Need must be documented with relevant data and other methods
- Examples of data include:
  - Homeownership
  - Poverty
  - Vacancy Rates
  - Abandoned Buildings

Need for District

- What we are looking for:
  - Applicant must describe potential positive impacts if the District is designated
  - Greatest need based on data

District Plan

- A plan used to guide redevelopment activities and revitalization efforts in the District.
- A detailed strategy for the overall development of the District
- Must be consistent with certified comprehensive plan and the *State Strategies.*
- Must demonstrate coordination with other governmental, non-governmental or quasi-governmental entities.

District Plan

- We are looking for:
  - Overall Vision
  - Clarity of actions to be taken
  - Capacity and will to implement plan
- Any changes to plan must be reviewed by CCSPI
- District Designations may be rescinded if District Plan is not adhered to

Local Incentives

- Local Government must implement an incentive package as described in their application.
- Incentives may include such things as:
  - Reduction in fees or taxes
  - Special zoning
  - Regulatory reform
- Should be targeted to the proposed DDD

Local Incentives

- What we are looking for:
  - Incentives must be enacted within a reasonable time after DDD designation
- Any changes to the Incentive Package must be reviewed by the CCSPI
  - Failure to enact or adhere to the approved Incentive Package is grounds for the District to be rescinded

Geographic Extents of District

- Must make sense from and urban planning and revitalization perspective
- Must include a Central Business District (CBD)
- Geographic concentration of incentives is encouraged
- Different size limits based on the population of the local government

Central Business District (CBD)

- An area around the downtown portion of the city or town allowing for higher intensity residential uses as well as commercial, office, personal services, governmental and similar uses intended to serve the community and surrounding areas of the city or town.







What does a successful program look like?

1. *Inclusive:*
   - Large and small developers
   - Non-profit and for-profit businesses
   - Residents/homeowners

What does a successful program look like?

2. *Maximizes state resources ("multiplier effect"):*
   - Leverages private dollars
   - Concentrates benefits in small area
   - Meaningful local incentives
   - Shows commitment of local government, residents, and businesses

What does a successful program look like?

3. *Well- Coordinated:*

- User-friendly
- Cuts (or at least minimizes) red tape
- Clear lines of authority
- Accountable
- Measurable

Next Steps

- Applications are received on or before Nov. 1
- OSCP Staff Review: Nov. / Dec.
- Cabinet Committee on State Planning Issues Meeting: Dec. / Jan.
- Governor Designates Districts: Jan. / Feb.
- All dates after Nov. 1 are tentative and subject to change

Thank You!

- See our website for more information:

  http://stateplanning.delaware.gov/ddd/

City of Dover Human Relations Commission Strategic Plan 2015-2018

I. INTRODUCTION

The establishment, purpose, powers and duties of the City of Dover Human Relations Commission (hereinafter, "the Commission") are provided for in Part II of the Dover, Delaware Code of Ordinances, Chapter 58-Human Relations Article II Human Relations Commission.

Broadly representative of racial, religious, gender and ethnic groups residing in Dover the nine volunteer members of the Commission are all residents of the City of Dover. They are appointed by the president of the Dover City Council, based upon recommendations from and subject to confirmation by the Council.

The Commission has begun a strategic planning process to better define its strategy, focus, and direction over the next three years: 2015-2018.

In developing the first phase of this planning process the Commission has organized its three-year long- term strategic objectives around the components of its mission and its commitment to competency, transparency, and public accountability.

II. MISSION

Committed to a philosophy of inclusion, intergroup cooperation and fair treatment, the City of Dover Human Relations Commission works to ensure that the City of Dover has and utilizes policies, programs, ordinances, organizational practices, specialized resources and appropriately trained employees to support diversity[i], inclusion[ii] and cultural competency[iii] in its organization and services.

Additionally, by involving all segments of the community, the Commission promotes an understanding and appreciation of the benefits of diversity, inclusion, and positive intergroup relations among residents of varying backgrounds in the city; and, advocates for an environment of fairness and respect.

The Commission works with the City Council and the City Administration and other community organizations to strengthen inter-group relationships and to eliminate discrimination; and, to anticipate, prepare for and resolve incidents of intergroup conflicts and disputes within the city.

III. VISION

The Commission's vision is a city whose government, organizations, groups and individual citizens value diversity, inclusion, respect and trust.

IV. LONG-TERM OBJECTIVES

Mission component:

A. Work to ensure that the City of Dover has and utilizes policies, programs, ordinances, organizational practices, specialized resources and appropriately trained employees to support diversity, inclusiveness and cultural competency in its organization and services.

Long-term Objectives

A.1 In cooperation with the City of Dover Manager and its Human Resources Department evaluate the current "state and climate of diversity and inclusion" and cultural competency within Dover's government organization, services and vendor relationships; and, make recommendations to the City Manager and the Dover City Council which identify policies and best organizational practices which support diversity, inclusion and cultural competency within city government, its services; and, vendor relationships.

A.2 Building on its partnership with the Dover Police Department, identify additional human relations approaches and lessons that can be integrated into the Dover Police Department's ongoing Community Relations strategy.

Mission Component:

B. By involving all segments of the community, the Commission promotes an understanding and appreciation of the benefits of diversity, inclusion, and positive intergroup relations among residents of varying backgrounds in the city; and, advocates for an environment of fairness and respect.

Long-term Objectives

B.1 Assess how the community of Dover is organized and identify organizations, churches, fraternities, sororities and other organizations with whom the DHRC should establish partnerships; and, to enter into agreements with these organizations to more effectively carry out its mission.

B.2 Provide a report to the Dover City Council and to the public which analyzes the current "state and climate of diversity and inclusion" and cultural competency within the Dover community and makes recommendations for programs, policies and practices that support diversity, inclusion and cultural competency.

B.3 Identify, support and participate in programs and events within the city of Dover which celebrate its diversity or promote greater understanding of the issues, concerns and needs of our diverse population. (e.g., the African American and Hispanic Festivals and the Dover Public Library's Created Equal Project)

B.4 Create and implement an external education process and program that provides the pubic with a better understanding of diversity, inclusion; and, human relations issues; and, conflict management; and, that develops skills in effectively fostering greater understanding, inclusion and fairness in the city.

Mission Component

C. Works with the City Council and the City Administration and other community organizations to strengthen inter-group relationships and to eliminate discrimination; and, to anticipate, prepare for and resolve incidents of intergroup conflicts and disputes within the city

Long-term Objectives

C.1 Define when a diversity, inclusion and or a human relations issue[iv] exists and specify the types of these issues that will be accepted by the Commission; and, identify and implement a process for receiving and responding to such issues by taking action to correct or improve the situation.

C.2 Develop an understanding with the State Human Relations Commission that will delineate the roles and procedures of the two Commissions in the solution of alleged discrimination complaints which fall within the jurisdiction of the State Human Relations Commission and identify and maintain specific ways the two Commissions will work together.

C.3 Review the City of Dover's Code of Ordinances and make recommendations to the Dover City Council that will improve the city's efforts to eliminate discriminatory behavior.

C.4 In cooperation and partnership with city officials, law enforcement, clergy, community organizations and public and private mediation services, assist in developing plans for monitoring sources of intergroup conflict and for responding to and managing community conflicts and disruptions in Dover; and, participate in managing community conflicts in accordance with these plans.

COMPETENCY TRANSPARENCY and ACCOUNTABILITY

D. The Commission is committed to acting with a high degree of competency, and transparency and accountability both to the Dover City Council and to the community.

Long-term Objectives

D.1 Regularly provide an update on the Commission's activities, progress and accomplishments to the Dover City Council; and, provide opportunities for the Council to review and affirm the Commission's Strategic Plan, including a process which encourages Council members to identify specific diversity, inclusion and human relations issues that may be particularly critical or relevant within each City Council District.

D.2 Improve community awareness of the Commission and a better understanding of its role by developing, implementing; and, maintaining a comprehensive communications plan which creates a process for routine communications to the community, including supporting policies and procedures for managing communications and for using supporting tools, such as, a web-based hub of information and resources.

D.3 Create and implement an internal education process and program that provides the Dover City Council, the City Administration and the members of the Commission with a better understanding of diversity, inclusion; and, human relations issues; and, conflict management; and, that strengthens their skills in effectively fostering greater understanding, inclusion and fairness in the city.

D.4 Provide due notice and access to the public by conducting all meetings in accordance with the Delaware Freedom of Information Act (FOIA) and City of Dover procedures.

D.5 Identify and seek funding from other governmental, philanthropic or private organizations to more effectively carry out its responsibilities.

V. IMPLEMENTATION AND ORGANIZATIONAL STRUCTURE

Once the Commission adopts these proposed long-term strategic objectives the Commission will develop and implement specific work plans for each long-term strategic objective within the assigned year or years. These work plans will include short-term goals/priorities/initiatives with specific performance measures and action items to be accomplished within shorter time periods.

The Dover Code of Ordinances centralizes decision making at the Commission level. However, it is suggested that a functional committee structure be utilized to move these long-term strategic objections into actual performance.

Each of these Committees shall consist of at least three members of the DHRC and may include outside advisors, citizens, and City staff members to more effectively develop and execute the work plans. Individual Commissioners may serve on one or more Committees.

These functional Committees are advisory, not decision-making. They are transparent and accountable to the Commission and the community at large. They will meet on a regular basis to develop, implement and monitor work plans for the specific long-term strategic objectives assigned to the committee. Their work plans will be presented to and adopted by the full Commission prior to implementation.

The Commission may assign one or more long term strategic objectives to the Commission "acting as a whole".

Additionally, in order to respond to an emergent human relations issue that may not be identified in this plan, the Commission may from time to time create an additional functional committee. Such committees are intended to convene, and make recommendations for action to the full Commission; and, then disband when they are no longer relevant or needed.

Based on the set of proposed long-term objectives identified in this strategic plan, it is suggested that the following functional committees be established:

Government Policy, Programs, and Practices Committee—to develop, implement and monitor work plans for Objectives A.1, A.2, C-3 and C.4

Community Engagement Committee—to develop, implement and monitor work plans for Objectives: B.1, B.2 and B.3.

Education Committee—to develop and implement plans for Objectives: B.4, D.3.

Communications Committee—to develop, implement and monitor work plans for Objectives D.1, and D.2.

The Commission as a "whole" to develop implement and monitor work plans for Objectives: C.1, C.2, D.4 and D.5.

Actions History

10/13/2014 - Approved by City Council
09/23/2014 - Introduced at Dover Human Relations Commission
09/08/2014 - Draft prepared by Eugene B. Ruane, City of Dover Human Relations Commissioner

[i] It is critical that the Commission agree on a definition of **diversity**. Howard J. Ross, one of the nation's recognized leaders on diversity and organizational change notes that "diversity has generally represented an acceptance of difference, a lack of discrimination due to difference, and a presence of different kinds of people in organizations". However, he argues that in this narrow view, diversity "has been related to as a means to erase or fix problems" rather than as a "way to create a new future vision". The focus of this limited understanding is "the level of challenges (or "illness")" that some people face: "bias, discrimination, lack of access, oppression, physical and emotional violence, and soon." The response was then on "passing laws and then instituting compliance measures to make it illegal to continue these practices." The goal was to "create a

state of social diversity, where people were not denied their rights, were more appropriately represented in organizations, and were not actively discriminated against." He calls this approach "the health-care metaphor" focused on efforts to "create organizations in which people are no longer "sick". (Howard J. Ross, ReInventing Diversity Transforming Organizational Community to Strengthen People, Purpose, and Performance (Lanham, Maryland : Rowman & Littlefield Publishers, Inc. 2011, page 33)

Mr. Ross promotes a broader understanding that goes beyond simply prohibiting discrimination and getting people in the door. He states that a diversity focus or program "means creating opportunities for people to be a part of the fundamental fabric of the way the organization functions---decision-making, responsibility, leadership—and then creating organizations that are culturally competent, culturally intelligent, and culturally flexible." We have to "really develop a sense of inclusion" and "a certain level of competence in understanding the needs of various people we are working with and serving". This requires a "systematic approach to incorporating an awareness of diversity and skills related to diversity into everything an organization does." (Ibid. 34)

(Author's Comment: A brief internet search of diversity programs has revealed that many organizations have adopted the broader approach that Mr. Ross has formulated. These programs reframe the conversation to focus on fair treatment and respect, and away from discrimination and "protected classes". An example from CUNY Queensborough Community College in New York City is attached. See: Definition for Diversity in Exhibit 1.)

[ii] **Inclusion** "is not simply a function of how fully involved people are in the structures of their organizations and societies". It is "a function of connection". "It is the ability of people to feel integrated into the cultural dynamics, leadership, and decision-making structures of the organization". (Ibid., 38)

[iii] **Cultural competency** is "the organizational ability to have and utilize the policies, appropriately trained and skilled employees, and specialized resources to systematically anticipate, recognize, and respond to the varying expectations (language, cultural, and religious) of customers, clients, patients, and co-workers of diverse backgrounds." It requires a certain amount of "**cultural intelligence**" in that "people need to have knowledge of both distinctions of culture and of the specific traits of different cultures". It requires a certain amount of "**cultural humility** "in that we need to be able to recognize that our cultural models may simply be different from , rather than better than, those of other people." And, "people also require a degree of "**cultural flexibility**" "to facilitate interaction with others on their own terms." (Ibid. 38)

[iv] Queensborough Community College in New York has included a description of when "a diversity issue exists" in its Definition for Diversity. See Exhibit 1.)

Definition for Diversity

The concept of diversity encompasses acceptance and respect. It means understanding that each individual is unique, and recognizing our individual differences. These can be along the dimensions of race, ethnicity, gender, sexual orientation, socio-economic status, age, physical abilities, religious beliefs, political beliefs, or other ideologies. It is the exploration of these differences in a safe, positive, and nurturing environment. It is about understanding each other and moving beyond simple tolerance to embracing and celebrating the rich dimensions of diversity contained within each individual.

Diversity is a reality created by individuals and groups from a broad spectrum of demographic and philosophical differences. It is extremely important to support and protect diversity because by valuing individuals and groups free from prejudice, and by fostering a climate where equity and mutual respect are intrinsic.

"Diversity" means more than just acknowledging and/or tolerating difference. Diversity is a set of conscious practices that involve:

- Understanding and appreciating interdependence of humanity, cultures, and the natural environment.
- Practicing mutual respect for qualities and experiences that are different from our own.
- Understanding that diversity includes not only ways of being but also ways of knowing;
- Recognizing that personal, cultural and institutionalized discrimination creates and sustains privileges for some while creating and sustaining disadvantages for others;
- Building alliances across differences so that we can work together to eradicate all forms of discrimination.
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Diversity includes, therefore, knowing how to relate to those qualities and conditions that are different from our own and outside the groups to which we belong, yet are present in other individuals and groups. These include but are not limited to age, ethnicity, class, gender, physical abilities/qualities, race, sexual orientation, as well as religious status, gender expression, educational background, geographical location, income, marital status, parental status, and work experiences. Finally, we acknowledge that categories of difference are not always fixed but also can be fluid, we respect individual rights to self-identification, and we recognize that no one culture is intrinsically superior to another.

A diversity issue exists when

An issue (policy or business practice - formal, informal, internal, or external) has a different **impact** on a particular group (i.e., impact on men vs. women, black vs. white, American vs. foreign, urban vs. rural, married vs. single, etc.)

Exhibit 1 City of Dover Human Relations Strategic Plan 2015-2018 Definition for Diversity CUNY Queensborough in New York City

It **happens more frequently** to a particular group (i.e., different groups may have dramatically different "numbers" - turnover, terminations, promotions, discipline, few or no role models, etc.) It is **more difficult for one group to overcome** (i.e., upward mobility for a particular group within an organization - "glass ceilings")

A diversity issue exists where the policy or business practice has an impact exclusive of difference (not inclusive of difference). Is there a trend or pattern (intentional or unintentional)?

Having a diversity issue is not necessarily a bad thing. Doing nothing about it given you have knowledge of the issue is where organizations go wrong (negligence). Being in denial about these issues do not make them go away. Ignorance is not bliss inside or outside the courtroom. The real question is why do we have this issue and can we take action to correct it or improve the situation.

Source: http://www.qcc.cuny.edu/diversity/definition.html Queensborurgh Community College in New York CUNY