REGULAR COUNCIL MEETING
A G E N D A

JULY 28, 2014 - 7:30 P.M.

REVISED TO CORRECT THE TITLES FOR ITEM #8

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 p.m.)

The "Open Forum" segment is provided to extend the opportunity to the general public to share their questions, thoughts, comments, concerns, and complaints. Discussion of any item appearing on the agenda as a public hearing is prohibited during the Open Forum as an opportunity will be provided during consideration of that item. Citizen comments are limited to three (3) minutes. Council is prohibited from taking action since they are not in official session; however, they may schedule such items as regular agenda items and act upon them in the future.

INVOCATION BY BISHOP THOMAS L. HOLSEY

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN HUTCHISON

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

Those items on the Council Agenda which are considered routine and non-controversial shall be marked with an asterisk (*) and will be acted upon by a single roll call vote of the Council. There will be no separate discussion of these items unless a member of Council so requests, in which event the matter shall be removed from the Consent Agenda and considered a separate item.

* **1. Adoption of Minutes - Regular Council Meeting of July 14, 2014**

2. Presentation by Lutheran Senior Services of Dover, Inc. - Payment In Lieu of Taxes (PILOT)

* **3. Dover Human Relations Commission Report - July 8, 2014**

A. Development of DHRC 2014-2017 Strategic Plan
(Commission action not required)

B Discussion - DHRC Organizational Structure
(Deferred due to time constraints)

* **4. Legislative, Finance, and Administration Committee Report - July 14, 2014**

A. Proposed Financial Reforms - Public Safety Fund

(Committee recommended approval of the proposed financial reforms related to Public Safety)

B. Parkway Academy Central School Resource Officer (SRO) Memorandum of Agreement (MOA)

(Committee recommended authorization for the position, that staff's recommendation be followed, and that the Police Chief and City Manager be authorized to sign the Memorandum of Agreement (MOA) with Parkway Academy Central)

C. Village at McKee Branch (Formerly Walker Woods) Redevelopment Pay-in-Lieu of Taxes (PILOT)

(Committee recommended that the City Manager be authorized to negotiate a final agreement with Milford Housing Development Corporation (MHDC) regarding a proposed PILOT for the Village at McKee Branch)

D. One-Year Follow-Up - Disposal of Excess Property - 70 Mifflin Road, 299 College Road, and 29 North Kirkwood Street - Offer from Habitat for Humanity

(Committee recommended acceptance of the follow-up report provided by staff on the disposal of excess properties)

* **5. Quarterly Revenue Report**

6. Evaluation of Proposals - Furnishing and Installation of Air Cooled Condensers for the John W. Pitts Center

(Staff recommends awarding the contract to Joseph T. Richardson, Inc., in response to City of Dover Request for Proposal #14-0046PW, for the amount not to exceed $104,000)

* **7. Election to Fill Vacancies - Robbins Hose Company**

A. Deputy Fire Chief - Mark A. Hall III

B. Second Assistant Fire Chief - Glenn Whitt

* **8. Reappointments - Recommended by Mayor Christiansen**

A. Downtown Dover Partnership Board of Directors - Annual Appointment to Expire May 11, 2015 - Laura Simmons, State of Delaware Representative (*Deferred during the Annual Meeting)*

B. Downtown Dover Partnership Board of Directors - Three (3) Year Terms to Expire May 2017

b-1. Paul Lakeman - Chief Executive Officer of Bayhealth Foundation

b-2. Dr. William Johnston - President of Wesley College

b-3. Anita Evans - Undesignated Representative

b-4. Lucy Findlay - Undesignated Representative

b-5. Gerald I. H. Street - Undesignated Representative

C. Dover Housing Authority - Raymond L. Paylor - To Fill the Unexpired Term of C. Terry Jackson - Term to Expire August 15, 2015

D. Dover Public Library Commission - Beth Petit De Mange - Five (5) Year Term to Expire June 2019

E. Public Advisory Committee (PAC) of the Dover-Kent County MPO - Dr. Carlton L. Cannon, Jr. - Two (2) Year Term to Expire July 2016

9. <u>Final Reading - Proposed Ordinance #2014-15 with Staff Amendment #1 (SA#1)</u>
The First Reading of the proposed ordinance was accomplished during the Council Meeting of July 14, 2014. Copies of the proposed ordinance are available at the entrance of the Council Chambers.

A. Proposed Ordinance #2014-15 Amending Chapter 110 - Utilities, Article III - Water Service, Division 3 - Water Impact Fees, Section 110-207 - Establishment of Equivalent Dwelling Units and Article IV - Sanitary Sewer Service, Division 3 - Wastewater Collection Impact Fees, Section 110-282 - Establishment of Equivalent Dwelling Units

10. Council Members' Announcements

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on July 14, 2014 at 7:30 p.m. with Council President Bonar presiding. Council members present were Mr. Anderson, Mr. Dixon, Mr. Lynn (arrived at 7:48 p.m.), Mr. Perza, Mr. Slavin, Mr. Hare, and Mr. Hutchison. Mrs. Williams was absent.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present.

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.

Mr. Austin Auen, 109 N. American Avenue, stated that he attended the previous Council meeting and listened to members debate an issue relating to the City's youth, in particular the Dover Recreation Center. During the debate, he questioned what the youth's thoughts were regarding the matter. He stated that he recently attended a Conference on National Affairs, where approximately 700 youth from across the nation were present and talked about various issues. Mr. Auen approached these youths and asked them their desires. He stated that members are elected to make difficult decisions and represent those who do not have voices. Mr. Auen noted the importance of the City's youth and hoped that members would take the desires of the youth into consideration when making decisions in the future.

Mr. Mark Hall, 135 Continental Drive, stated that he serves as the Deputy Chief for the Dover Fire Department and questioned the City Clerk why it had taken four (4) months to approve the newly elected fire line officers for the Dover Fire Department. Responding, Mrs. Traci McDowell, City Clerk, stated that there were allegations of impropriety during the conduct of the election nominations held in March and, as a result, meetings had been held with the Fire Chief, the City Solicitor, and the attorney for the Fire Department. She stated that the election nominations were held correctly on July 7, 2014 and both positions were unopposed.

Mr. Hall stated that his concern was that he joined the Dover Fire Department on December 1, 2001, served as a line officer for five (5) years, 2nd Assistant Chief for two (2) years, Captain for two (2) years, and since the middle of the current year had been serving as 2nd Assistant to the Deputy Fire Chief. It was his feeling that the City does not care about the volunteer Fire Department, explaining that if the City cared, they would support the Fire Department in the decisions that they make. He advised members that he had run 17 working incidents during the time he served as a line officer and knows how to run a fire and, although the Department believes in him, he questioned why the City does not believe in him or Mr. Glenn Whitt, who has also served as a line officer and has been in the Department for more than 30 years.

Responding, Mrs. McDowell stated that there were no issues regarding qualifications relating to this matter but rather a concern of having a fair election through the fire company and its members. She reiterated that meetings had been held with representatives of the Fire Department, including the Fire Chief; Mr. Michael Rushe, attorney for the Fire Department; and City Solicitor Rodriguez. Council President Bonar stated that additional meetings had been scheduled between the Fire

Department and legal counsel for both the Fire Department and the City of Dover and assured Mr. Hall that the matter would be resolved quickly. He expressed specific issue with Mr. Hall's comment regarding the City not supporting the Fire Department, explaining that the City wholeheartedly supports the Fire Department in every aspect, whether financial, personnel, or some other type of support. He stated that nothing could be further from the truth than Mr. Hall's statement that "it appears that City Council does not support the volunteer fire services."

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

AGENDA ADDITIONS/DELETIONS

Council President Bonar requested that Item #12 - First Reading of Proposed Ordinance #2014-15 be moved to Item #4.

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

Mr. Slavin moved for approval of the consent agenda as presented, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza), and two (2) absent (Lynn and Williams).

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF JUNE 9, 2014

The Minutes of the Special Council Meeting of June 9, 2014 were approved by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza), and two (2) absent (Lynn and Williams) and bore the written approval of Vice-Mayor Acting Bonar.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JUNE 23, 2014

The Minutes of the Regular Council Meeting of June 23, 2014 were approved by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza), and two (2) absent (Lynn and Williams) and bore the written approval of Vice-Mayor Acting Bonar.

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

The Minutes of the Special Council Meeting of June 25, 2014 were approved by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams) and bore the written approval of Mayor Christiansen.

PRESENTATION - RECOGNITION OF SERVICE - JOHN J. DAVIS - SAFETY ADVISORY AND TRANSPORTATION COMMITTEE AND ELECTION BOARD

Mayor Christiansen, along with Mr. Hutchison, Chairman of the Safety Advisory and Transportation Committee, presented Mr. John J. Davis with a Dover Cup in recognition of his service on the Safety Advisory and Transportation Committee from June 2008 through May 2014 and Election Board from August 2013 through July 2014.

Mr. Davis thanked the City for the recognition and stated that it was his honor to serve the City in these capacities.

PRESENTATION - RECOGNITION OF SERVICE - MICHAEL G. RUSHE - LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

Mayor Christiansen, along with Mr. Slavin, Chairman of the Legislative, Finance, and Administration Committee, presented Mr. Michael G. Rushe with a certificate in recognition of his service on the Legislative, Finance, and Administration Committee from May 2012 through June 2014.

Mr. Rushe thanked the City for the recognition.

PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2014-08 WITH STAFF AMENDMENT #1 (SA-#1) AMENDING APPENDIX B - ZONING

A public hearing was duly advertised for this time and place to consider approval of Proposed Ordinance #2014-08 with Staff Amendment #1 (SA-#1) amending Appendix B - Zoning, Article 3 - District Regulations, Section 10 - Institutional and Office Zone (IO); Section 11 - Neighborhood Commercial Zone (C-1); Section 12 - Limited Commercial Zone (C-1A); Section 13 - Central Commercial Zone (C-2); Section 14 - Limited Central Commercial Zone (C-2A); Section 15 - Service Commercial Zone (C-3); Section 16 - Highway Commercial Zone (C-4); Section 26 - Commercial/Professional Office Development District (C-PO); Article 4 - Zoning Bulk and Parking Regulations; Article 10 - Planning commission; and Article 12 - Definitions.

Mr. Hare moved that the Final Reading of Proposed Ordinance #2014-08 with Staff Amendment #1 (SA-#1) be acknowledged by title only, seconded by Mr. Hutchison and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council Meeting of May 27, 2014.).*

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the proposed ordinance was the result of over a year's worth of work between the City Planning Department and the business and real estate communities. The purpose of the proposed amendment was to simplify the zoning ordinance as it relates to the commercial and office zones, to add consistency in the language from one zone to another, and provide more flexibility in site design by relaxing some of the bulk standards. It would also increase the threshold for projects that would need to go before the Planning Commission, which would allow staff to complete some of the smaller projects administratively rather than through a public hearing by the Planning Commission.

Mrs. Townshend stated that Staff Amendment #1 (SA-#1) clarified some of the language and made some technical corrections to the ordinance. She stated that the Planning Commission recommended adoption of Proposed Ordinance #2014-08 with SA-#1.

Council President Bonar declared the hearing open.

Mr. John Paradee, representative of Prickett, Jones, and Elliott, commended City staff, particularly Mrs. Townshend, for their hard work on the development of the proposed amendments. He felt the proposed amendments would greatly improve the City's Zoning Ordinance and expressed appreciation for being provided the opportunity to have input regarding this matter. He encouraged City Council's adoption of Proposed Ordinance #2014-08 with SA-#1.

Mr. Shawn Tucker stated that he serves as a representative of SAE Holdings, whose principal is Mr. Michael Longwell, and that this organization owns property along Route 113, next to Bay Court Plaza. After reviewing the proposed ordinance, on behalf of Mr. Longwell, he relayed support for the proposed amendments, particularly since they will allow greater flexibility of use in the C-4 Zoning District, which he noted was important in the current economy since there have been limits on commercial expansion opportunities. He stated that adding the high density residential use as an option, to be reviewed as a conditional use, will provide the City greater flexibility without going through a formal rezoning process, which can be costly. Again, he relayed support for the proposed amendments and appreciation to the City staff for their work involved in this matter.

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

Mr. Hare moved for adoption of Staff Amendment #1, seconded by Mr. Hutchison and unanimously carried.

Mr. Anderson felt that the proposed amendments were important and would improve economic growth in the City. He suggested that staff's discussions with the real estate and business communities continue for the consideration of future amendments. He felt that there was a need to rethink the corridor zone concept, which has had negative implications involving buildings in commercial corridors, as well as other issues that should be further discussed.

By motion of Mr. Hare, seconded by Mr. Anderson, Council, by a unanimous roll call vote (Lynn and Williams absent), adopted Ordinance #2014-08 with Staff Amendment #1 (SA-#1), as follows:

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

That Appendix B – Zoning, Article 3 – District Regulations, Section 10 – Institutional and Office Zone (IO) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 10. Institutional and office zone (IO).

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

(a) Business, professional, or governmental offices.
(b) Banks.
(c) Research, design, and development laboratories.
(d) Public and institutional uses including hospitals, medical clinics, libraries, police stations, courthouses, transit centers, schools, colleges, universities, places of public assembly, philanthropic and charitable institutions, parks, playgrounds, public indoor recreation centers, athletic fields.
(e) Public utility rights-of-way and structures necessary to serve areas within the city.

(f) Day care centers, provided they are established in accordance with all applicable state regulations pertaining to child care and provided that they are established and maintained in accordance with article 5, section 14 of this ordinance.
(g) Emergency shelters and transitional housing.

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

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

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

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

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

(a) Landfills, dumps.

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

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

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 11 – Neighborhood Commercial Zone (C-1) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 11. Neighborhood commercial zone (C-1).

11.1 *Uses permitted.* In a neighborhood commercial zone (C-1), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged,

intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail stores.
(b) Personal service establishments.
(c) Service establishments.
(d) Restaurants.
(e) One family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
(f) Apartments and multi-family dwellings.

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

(a) Fuel pumps; motor vehicle storage, sales, or repairs.
(b) Drive-throughs.
(c) Liquor stores.
(d) Fire arm sales
(e) Tobacco shops.

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

11.4 *Floor area.* The total floor area in any one establishment shall not exceed 2,500 square feet.

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

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 12 – Limited Commercial Zone (C-1A) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 12. Limited commercial zone (C-1A)

12.1 *Uses permitted*. In a limited commercial zone (C-1A), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail stores.
(b) Personal service establishments.
(c) Service establishments.
(d) Restaurants.
(e) Business, professional, and governmental offices.
(f) One family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
(g) Apartments and multi-family dwellings.

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

(a) Drive-throughs accessory to a permitted use.

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

(a) Fuel pumps and Motor vehicle storage, sales, or repairs.

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

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

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 13 – Central Commercial Zone (C-2) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 13. Central commercial zone (C-2).

13.1 *Uses permitted*. In a central commercial zone (C-2), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail stores.
(b) Restaurants.
(c) Hotels, including bed and breakfast inns.

(d) Art galleries and studios.
(e) Service establishments.
(f) Personal service establishments.
(g) Business, professional, and government offices.
(h) Apartments and multi-family dwellings, provided that no dwelling units shall be permitted in the first floor on the street frontage of Loockerman Street.

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

(a) Parking lots and parking structures as a principal use.
(b) Places of public assembly.
(c) Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products where goods so produced or processed are to be sold at retail exclusively on the premises, provided that:
  (1) An area fully concealed from any street and equal to not more than 20 percent of the area devoted to retail sales shall be so used;
  (2) Electrical power not to exceed a total of five rated horsepower, and steam pressure not in excess of 60 pounds of pressure per square inch shall be used exclusively;
  (3) Not more than four (4) employees are engaged in such production or processing.

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

(a) Fuel pumps and motor vehicle storage, sales, or repairs.

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

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

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 14 – Limited Central Commercial Zone (C-2A) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 14. Limited central commercial zone (C-2A).

14.1 *Uses permitted.* In a limited central commercial zone (C-2A), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail stores.
(b) Business, professional or governmental offices.
(c) Personal service establishments.
(d) Restaurants.
(e) Service establishments.
(f) Hotels.
(g) Places of public assembly.
(h) Drive-throughs.
(i) One (1) family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
(j) Apartments and multi-family dwellings.

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

(a) Parking lots and parking structures as a principal use on suitably landscaped lots.
(b) Fuel pumps accessory to a permitted use.

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

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

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 15 – Service Commercial Zone (C-3) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 15. Service commercial zone (C-3).

15.1 *Uses permitted*. In a service commercial zone (C-3), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Service establishments.
(b) Personal service establishments.
(c) Business, professional or governmental offices.
(d) Retail uses accessory to a permitted use.
(e) Drive-throughs accessory to a permitted use.
(f) Wholesale, storage, and warehousing establishments.
(g) Indoor recreation and amusement establishments.
(h) Motor vehicle, boat, or farm equipment sales or service, subject to the following regulations:
    (1) The minimum lot size for such establishments shall be 20,000 square feet, and the minimum street frontage shall be 150 feet.
    (2) Entrance and exit driveways shall have an unrestricted width of not less than 16 feet, shall be located not nearer than ten feet from any property line and shall be so laid out as to avoid the necessity of any vehicle leaving the property to back out across any public right-of-way or portion thereof.
    (3) Vehicle lifts or pits, dismantled and disabled automobiles and all parts or supplies shall be located within a building enclosed on all sides.
    (4) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
    (5) The storage of gasoline or flammable oils in bulk shall be located fully underground in accordance with applicable provisions of the National Fire Protection Association Code.
    (6) No fuel pumps shall be located nearer than 15 feet to any street line.
    (7) Fuel pumps shall not be permitted closer than 100 feet from a property line of any school, day care, church, hospital, nursing home, or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons.

(i) Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products for sale on or off the premises, provided that not more than 25 persons shall be engaged in such activity; and provided further, that any such use shall be subject to the performance standards procedure as set forth in article 5, section 8.

(j) Mini-storage facilities, subject to the following regulations:
    (1) No unit shall be placed within 30 feet of a residential property line.
    (2) No outside storage, except for recreational vehicles, boats, or personal automobiles when parked in specifically approved locations. Parking for

these vehicles shall not count toward the required parking set forth in subsection (e) below.

(3) No individual unit may be used for retail, garage sale or any other commercial activities.

(4) No storage of flammable, explosive, corrosive or other hazardous products may occur in the individual unit.

(5) Parking must be provided at a ratio of one (1) space for each 25 rental units, plus a minimum of three (3) spaces for an office outside of the enclosure.

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

(a) Crematory, subject to the following requirements:

(1) The building lot line upon which a crematory is to be established shall be located at least 100 feet from any residential zone.

(2) Where adjacent to residential zones, all landscape buffers shall be required. The buffer shall consist of a landscape screen no less than six and one half (6½) feet high. All landscaping shall be properly maintained throughout the life of the use on lot.

(3) Loading operations shall be conducted within a completely enclosed building. Location of loading doors shall be at the side or rear of the building.

(4) The crematory shall comply with the Delaware Incinerator Regulations. A copy of the approved air pollution permit issued by the State of Delaware Department of Natural Resources and Environmental Control shall accompany the application for a certificate of occupancy.

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

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

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 16 – Highway Commercial Zone (C-4) be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 16. Highway commercial zone (C-4).

16.1 *Uses permitted.* In a highway commercial zone (C-4), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail stores.
(b) Business, professional or governmental offices.
(c) Restaurants.
(d) Personal service establishments.
(e) Service establishments.
(f) Hotels and motels.
(g) Places of public assembly.
(h) Bus terminal.
(i) Wholesale, storage, warehousing, and distribution establishments.
(j) Indoor or outdoor recreation and amusement establishments.
(k) Hospitals and medical centers.
(l) Drive-throughs.
(m) Motor vehicle, boat, or farm equipment sales or service:
    (1) The minimum lot size for such establishments shall be 20,000 square feet, and the minimum street frontage shall be 150 feet.
    (2) Entrance and exit driveways shall have an unrestricted width of not less than 16 feet, shall be located not nearer than ten feet from any property line and shall be so laid out as to avoid the necessity of any vehicle leaving the property to back out across any public right-of-way or portion thereof.
    (3) Vehicle lifts or pits, dismantled and disabled automobiles, and all parts or supplies shall be located within a building enclosed on all sides.
    (4) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
    (5) The storage of gasoline or flammable oils in bulk shall be located fully underground in accordance with applicable provisions of the National Fire Protection Association Code.
    (6) No fuel pumps shall be located nearer than 15 feet to any street line.
    (7) Fuel pumps shall not be permitted closer than 100 feet from a property line of any school, day care, church, hospital, nursing home, or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons.
(n) Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products for sale on or off the premises, provided that not more than 25 persons shall be engaged in such activity; and provided further, that any such use shall be subject to the performance standards procedure as set forth in article 5, section 8.
(o) Mini-storage facilities, subject to the following regulations:
    (1) No unit shall be placed within 30 feet of a residential property line.

(2) No outside storage, except for recreational vehicles, boats, or personal automobiles when completely parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.
(3) No individual unit may be used for retail, garage sale, or any other commercial activities.
(4) No storage of flammable, explosive, corrosive, or other hazardous products may occur in the individual unit.
(5) Parking must be provided at a ratio of one (1) space for each 25 rental units, plus a minimum of three (3) spaces for an office

(p) Adult entertainment establishments, subject to the provisions stated in article 5, section 13.

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

(a) Apartments and multi-family dwellings.
(b) Crematory, subject to the following requirements:
(1) The building lot line upon which a crematory is to be established shall be located at least 100 feet from any residential zone.
(2) Where adjacent to residential zones, all landscape buffers shall be required. The buffer shall consist of a landscape screen no less than six and one half (6½) feet high. All landscaping shall be properly maintained throughout the life of the use on lot.
(3) Loading operations shall be conducted within a completely enclosed building. Location of loading doors shall be at the side or rear of the building.
(4) The crematory shall comply with the Delaware Incinerator Regulations. A copy of the approved air pollution permit issued by the State of Delaware Department of Natural Resources and Environmental Control shall accompany the application for a certificate of occupancy.

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

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

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 3 – District Regulations, Section 26 – Commercial/Professional Office Development District be amended by deleting it in its entirety and inserting in lieu thereof the following:

Section 26. Commercial and professional office zone (C-PO).

26.1 *Uses permitted.* In a commercial and professional office zone (C-PO), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Business, professional or governmental offices.
(b) Banks.
(c) Medical laboratories.
(d) Drive-in facilities accessory to any permitted use.

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

(a) Conditional uses accessory to permitted uses on the same lot:
    (1) Cafeteria.
    (2) Restaurant.
    (3) Barbershop/beauty shop.
    (4) Copy center.
    (5) Office supply.
    (6) Retail store.
    (7) Newsstand.
    (8) Spa and health club.
    (9) Associated laboratories (other than those affiliated with permitted medical uses).
(b) Residential uses as follows:
    (1) Apartments and multifamily residences, provided at least two off-street parking spaces shall be provided in the area for each unit.
    (2) One (1) family residences subject to the requirements of the RG-1 (General Residence) zone.

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

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

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

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 4 – Zoning Bulk and Parking Regulations, Sections 4.14 and 4.15 be amended to read as follows:

Section 4.14. [C-1, C-1A, C-2, C-2A zones.]

Bulk and parking regulations for neighborhood commercial (C-1), limited commercial (C-1A), central commercial (C-2), and limited commercial (C-2A) zones are as follows:

	C-1	C-1A	C-2	C-2A
Minimum required:				
Lot area (sq. ft.)	2,500			
Lot width (ft.)		25		
Lot depth (ft.)			70	100
Front yard (ft.)	25	25	0	15
Side yard (ft.)	None required, but 5 feet min. if provided	None required, but 5 feet min. if provided	None required, but 5 feet min. if provided	None required, but 5 feet min. if provided
Rear yard (ft.)	15	15	20 above ground floor. At ground floor, 5 ft. required	20 above ground floor. At ground floor, 5 ft. required.
Side or rear yards which adjoin a residential zone (ft.)	15	15	15	25
Off-street parking				
Per 300 sq. ft. floor area or				1
Per employee (whichever is greater)				1
Maximum permitted:				
Building height				
Stories	2	2	6	6
Feet	30	30	75	75
Floor area ratio	1.0	1.5	4.0	4.0

Section 4.15. [C-3, C-4, R-C, IO zones.]

Bulk and parking regulations for service commercial (C-3), highway commercial (C-4), recreation and commercial (RC), institutional and office (IO), and commercial and professional office (C-PO) zones are as follows:

	C-3	C-4	RC	IO	C-PO
Minimum required:					
Lot area			5 acres	10,000 sq. ft.	5,000 sq. ft.
Lot width (ft.)	100	150	250	100	50
Lot depth (ft.)	100	150	400	100	100
Front yard (ft.)	20	20	30	10	10
Side yard (ft.)	15	15	50	10	5
Rear yard (ft.)	10	10 or equal to bldg. height	50	15	15
Side or rear yards which adjoin a residence zone (ft.)	30	30	100	30	25
Off-street parking					
Per 300 sq. ft. floor area or	1	1	1	1	1
Per employee (whichever is greater)	1	1			
Maximum permitted:					
Building height					
Stories	6	6	10	10	3
Feet	75	75	130	150	45
Floor area ratio	4.0	4.0	4.0	6.0	2.0
Lot coverage				85%	75%

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 10 – Planning Commission, Section 2 - Site Development Plan Approval, 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) *Impervious surface additions*. Site plans with a total of 5,000 square feet or greater of new or added impervious surface, including new structures or building additions; 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 cover 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.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 12 – Definitions be amended by adding the following definitions in the appropriate alphabetical order:

Apartment: A dwelling unit, within a building with other uses and/or dwelling units, that is intended for use as a residence by an individual or a single family.

Dwelling, multi-family: (see "dwelling, multiple" **-** A building, or portion thereof, containing more than two dwelling units)

Emergency shelter: A facility providing temporary housing to homeless or transient persons in a dormitory style setting; such facility may also provide or facilitate other social services including counseling and vocational training.

Personal Service Establishment: Establishments primarily engaged in providing individual services generally related to personal needs, such as a hair salon.

Place of Public Assembly: Establishments where the principal use is for the gathering of persons for activities such as civic, social, or religious functions, including but not limited to night clubs, theaters, civic halls, and places of worship.

Retail: The selling of goods, wares, or merchandise directly to the consumer.

Restaurant: An establishment in which the principal use is preparation and sale of food and beverages.

Service Establishment: Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

Transitional housing: A residential facility developed in a one-family dwelling unit that is established to provide transition from homelessness to permanent housing, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through acquisition of stable income and permanent housing.

Vocational Training: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills. Incidental instructional services in conjunction with another primary use shall not be considered vocational training.

ADOPTED: JULY 14, 2014

FIRST READING - PROPOSED ORDINANCE #2014-15 WITH STAFF AMENDMENT #1 (SA#1)

Council President Bonar reminded the public that copies of the proposed ordinance were available at the entrance of the Council Chambers or could be obtained from the City Clerk's Office. Final action by Council on the proposed ordinance will take place during the Council Meeting of July 28, 2014.

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

PROPOSED ORDINANCE #2014-15 WITH STAFF AMENDMENT #1 (SA#1) AMENDING CHAPTER 110 - UTILITIES, ARTICLE III - WATER SERVICE, DIVISION 3 - WATER IMPACT FEES, SECTION 110-207 - ESTABLISHMENT OF EQUIVALENT DWELLING UNITS AND ARTICLE IV - SANITARY SEWER SERVICE, DIVISION 3 - WASTEWATER COLLECTION IMPACT FEES, SECTION 110-282 - ESTABLISHMENT OF EQUIVALENT DWELLING UNITS *(Sponsors: Bonar/Hutchison/Koenig)*

DOVER HUMAN RELATIONS COMMISSION REPORT - MAY 13, 2014

The Dover Human Relations Commission met on May 13, 2014 with Chairman Wilson presiding.

Presentation - DHRC and City of Dover Police Department Interaction *(Police Chief Bernat)*

City of Dover Police Chief Paul Bernat advised members that the Dover Police Department was involved in many facets of the Dover community. He stated that the Department was active in 49 homeowner associations/neighborhood watch groups and could provide neighborhood crime statistics and crime prevention tips to these groups. He noted that the Department had become increasingly involved in social media by issuing news releases, participating in Facebook and Twitter, and maintaining its own website (www.doverpolice.org), and was in the process of implementing a new phone application that would push out news feeds and allow the Department to receive anonymous tips through text messaging. Chief Bernat explained that the Police Department offers personal and workplace safety talks, as well as bicycle safety programs for five (5) to 12-year-olds. Officers visit day care centers, preschools, and elementary schools, interacting with children through their "Meet a Police Officer" Program, and also attend block parties. They provide drug

awareness and education through the Gang Resistance Education and Training (GREAT) program for fifth graders at William Henry Middle School. He stated that the Police Department has a very successful Crime-Free Multi-Housing Program (CHMHP), which brings together property managers, residents, and police officers with the goal of promoting crime-free housing, and this program had resulted in a 90% decrease in calls for service in one (1) City neighborhood when first implemented. Chief Bernat explained that the Police Department's Sex Offender Management Unit was very active, managing more than 200 sex offenders within the City and conducting quarterly, semi-annual, and annual checks of offenders at various tier levels. In coordination with the Modern Maturity Center, the Department also participates in an "Are You Okay" program to check on homebound residents who do not respond to pre-programmed phone calls.

Chief Bernat explained that the functions he had described were predominantly performed by the Department's Community Policing Unit; however, as the recently appointed Chief of Police, it was his goal to expand this focus and to make the entire Dover Police Department a Community Police Department. He noted the importance of building rapport within the community through the development of trust and understanding, and by proving the Department's ability to help. He expressed his opinion that if the Police Department adopted the philosophy of community policing, which promotes community, government, and police partnerships; proactive problem solving; and community engagement to address crime and community issues, the City of Dover would be a better place. Chief Bernat stated that a good community policing officer is a good manager, relates well with the public, and is a good problem solver. He stated that every police officer should have these characteristics and that he intended for all Dover officers to be trained in this regard. Noting the diversity of the City's population, he stated that the Police Department could benefit from diversity training.

Chief Bernat informed members that he was promoted to the position of Chief of Police on April 4, 2014, and that during the month of April 2014, police detectives handled a total of 191 cases and cleared 185, resulting in a clearance rate of 96.9%. Seven (7) burglaries were investigated and four (4) were cleared, which represented a 57% clearance rate. Five (5) robberies were investigated and all were cleared. He emphasized that the City's police force was extremely busy and working hard to make Dover a safer place to live and visit. He noted that a police force of 93 officers was currently authorized and 92 were serving. He stated that a Police Academy was scheduled for September 2014 and it was hoped that the open position would be filled at that time.

Responding to Ms. Smith regarding the current perceptions of the community regarding the Dover Police Department, Chief Bernat advised members that within the past six (6) months there had been allegations of police brutality from the community. He indicated that while serving as Deputy Chief, all use of force reports came across his desk, and if he felt there were "issues," he would launch a formal investigation or seek video of the incident. Chief Bernat explained that checks and

balances are in place and when an officer uses force, a use of force report is required. The report is checked by a sergeant, reviewed by a lieutenant and captain, and finally approved by a major. In regard to the particular allegations of brutality that were brought forward, he indicated that video related to one (1) incident revealed that the allegation was not supported; however, in another case, something did occur and action was taken.

In response to Ms. Smith's inquiry with respect to the Chief's vision regarding how the gap between the police and the community could be bridged, Chief Bernat stated his intention to be accessible and hear from the citizens, noting that having community support would empower the Police Department and vice versa. He indicated that he had met with many community members who had expressed their support. Noting that Deputy Chief Marvin Mailey was currently attending a meeting in downtown Dover, Chief Bernat stated that it was his intention to meet with business people in that area. He planned to stress to police offers that they should introduce themselves to others when walking through communities and let people know how to contact them. It was his hope that officers would act in a manner similar to the Chief of Police during their 12-hour tours, becoming familiar with their assigned areas and using crime mapping and the Regional Analysis and Information Sharing (RAIDS) Online tool. He stated that having an analyst in the Department would be helpful; however, this was not in the Department's budget. He advised members that he would be devoting the next three (3) years to accomplishing his goals.

Mr. Roach stated that he had spoken with some individuals who felt that there was a disconnect between patrol officers and the community. He stressed the importance of not regarding those who reach out to shake a police officer's hand as criminals, noting that officers would need the community's support in order to protect and serve them. He stated his appreciation of the previous Drug Awareness and Resistance Education (DARE) program, which allowed officers to be known by children in the community. He inquired what Chief Bernat would do to change the negative connotations that many young children have of police officers.

Responding, Chief Bernat stated that he had recently spoken to members of the public who expressed appreciation for the former Police Athletic League (PAL) football program; however, federal funding for this program had "dried up." He indicated that he had recently received information that $72,000 in federal competitive grant opportunity funding was available through Project Safe Neighborhood (PSN). He spoke with Mrs. Ann Marie Townshend, Director of Planning and Community Development, regarding this grant and his lieutenant called Delaware State University to see if their facilities could be used in this regard. It was their hope that, by partnering together, activities such as flag football, basketball, etc., could be offered. Chief Bernat noted that other ideas had also been discussed, such as taking underprivileged kids to baseball/basketball games to build trust.

Noting that hate crimes are one (1) of the concerns that are sometimes addressed by human relations commissions, Mr. Ruane inquired if hate crimes presented a challenge in Dover. Responding, Chief Bernat stated that hate crimes were not on the forefront of problems in the community and that the only related issue that he recalled was a "nasty flyer" that had been distributed approximately two (2) years prior, and the Police Department was unable to find who had issued it. He was unable to recall a "true, horrible" hate crime.

Mr. Ruane requested that the members of the DHRC be provided the list of 49 homeowners associations that Chief Bernat had referenced previously and suggested that this list be compared with information maintained by the City Clerk's Office regarding homeowners associations. Responding, Chief Bernat stated that the Community Policing Unit prepares a quarterly report which includes a list of all associations, community concerns and what has been done to combat the problems, and he would be happy to share this information with members.

In response to Mr. Ruane regarding the effectiveness of neighborhood watch programs, Chief Bernat stated that these groups empower neighbors by explaining what to look for, helping to set up phone trees and email chains, and holding regular meetings. He mentioned that the Police Department's social media staff member was very active with these associations and helps them to establish their own blogs for communication.

Mr. Roach stated that several people had indicated to him that there was an alleged hanging/suicide at Silver Lake one (1) or two (2) years ago and the City had not communicated with them regarding the resolution or outcome of this matter. Responding, Chief Bernat stated that former Police Chief James Hosfelt was very involved with this matter and that he had met with community leaders regarding the incident, who were completely satisfied with the outcome.

Mr. Wilson expressed appreciation to Chief Bernat for the information provided.

Scheduling of DHRC Workshop

Mr. Ruane advised members that Mr. Wilson had requested him to facilitate a strategic planning workshop for commissioners to establish specific objectives and ways of implementing goals, determine time frames, and develop ways to measure results. The purpose of the workshop would be to ensure that all members are "on the same page" by developing a mission statement and a vision of where the commissioners see the DHRC going. Mr. Ruane indicated that he hoped to send a related outline for members to review.

The Commission recommended scheduling the workshop for Tuesday, July 8, 2014 from 5:00 p.m. to 7:00 p.m.

Discussion - City Council and DHRC District Orientation Meetings

Mr. Wilson encouraged members to meet with their corresponding City Council district representatives to share information and possibly alleviate problems. He requested members to obtain contact information for their respective City Council representatives from the City Clerk's Office, schedule meetings, and email him to let him know that such meetings had taken place.

Discussion - Member ID Cards

Mr. Wilson advised members that it was very important that they obtain and present their DHRC identification when working in the community. He suggested that members be provided a few business cards and asked the City Clerk's Office for assistance in this regard.

Update by Chairman Wilson - City Manager Department Head Meeting of April 29, 2014

Mr. Wilson stated that he attended the City Manager Department Head meeting on April 29, 2014, since he felt that it was important that the DHRC establish a relationship with City departments and get to know the people who run the City and what they do. He advised department heads that the DHRC was seeking their input to be included in their strategic plan and requested them to inform the DHRC how they could help to alleviate staff's concerns. Mr. Wilson stated that the Public Works Department had indicated that the DHRC could do a lot of work for them. Mr. Wilson reminded members that everything that the DHRC does should be positive.

Responding to Ms. Smith regarding input received from department heads, Mr. Wilson explained that the purpose of his attending the meeting was to introduce himself and the DHRC to staff and request their input. He indicated that he was now awaiting their responses.

Discussion of Future Quarterly Meeting Dates

Mr. Wilson reminded members that future meetings had been scheduled for July 22, 2014; October 28, 2014; and January 27, 2015. He expressed his hope that the DHRC Strategic Plan would be in place by July 22, 2014.

Commission Members' Announcements

Mr. Roach suggested that it would be helpful to obtain information regarding some of the complaints previously received by the DHRC, noting that this would be helpful in developing goals for the future. Responding, Mr. Wilson stated that previous meeting minutes would reveal these actions and were available on the City's website.

Mr. Ruane stated his recollection that the DHRC had previously completed a survey with the assistance of a former member associated with Delaware State University. Responding, Mrs. McDowell stated that she was not aware of such a survey but that the City Clerk's Office could research this further. *(City Clerk's Office Note:*

DHRC meeting minutes reveal that the DHRC conducted a survey between 2003 and 2004, the results of which were briefly discussed during the DHRC meeting of September 22, 2004; however, official results of the survey were not provided to the City Clerk's Office.)

In response to Mr. Ruane regarding the relationship between the State Human Relations Commission (SHRC) and the DHRC, and whether the SHRC would provide members with information on matters in Dover that the State might be involved in, Mr. Wilson stated he had attended a SHRC meeting during the previous week, was in communication with the Chair and Director of the SHRC, and had another meeting scheduled to meet with them. They were pleased and excited about the newly organized DHRC and would be working with the Dover Commission. Mr. Wilson stated that he hoped that there would be a good connection between the SHRC and the DHRC and that they would consult regarding the development of a complaint form. He indicated that he would like to see the SHRC participate in the upcoming workshop in case there were questions at the State level. It was his understanding that the DHRC was the only municipal human relations commission in the State of Delaware.

By consent agenda, Mr. Slavin moved for acceptance of the Dover Human Relations Commission Report, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams).

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - JUNE 23, 2014

The Safety Advisory and Transportation Committee met on June 23, 2014 with Chairman Hutchison presiding.

Concerns Related to Permit Parking in Front of Wesley Pre-School and Education Building

During the Committee meeting of May 12, 2014, members considered concerns of the tenants of the Wesley Church Education Building and the Wesley Pre-School regarding the allocation of permit parking in the "A-Street Lot", which was previously free two (2) hour parking. After much discussion, the Committee remanded the matter back to staff to meet with Wesley Church to consider the needs and assessments that need to be factored in regarding the Church, its school, and its mission and that staff be authorized to proceed with intermediate permit spot adjustments.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed a map of the Public Parking Plan - A-Street Lot, explaining that the lot consists of 20 parking spaces: 13 designated for permit parking, six (6) for two (2) hour free parking, and one (1) for handicapped parking; and four (4) additional two (2) hour free parallel spots on the Loockerman Street side of the median. She reminded members that the original plan was to designate 13 parallel parking spaces on Loockerman Street between State and Federal Streets as permit parking, noting

that there were on-street parking spaces further west on Loockerman Street adjacent to the building owned by Barros, McNamara, Malkiewicz, and Taylor, P.A. and that five (5) to eight (8) of the permit spaces could be shifted to that area. However, she stated that Barros, McNamara, Malkiewicz, and Taylor were not in favor of such a plan, explaining that their parking permit area had changed several times during the past few years. Originally, it was located in the parking lot where the new Dover Public Library is now situated, then moved to the North Street Parking Lot, then to Bradford Street, and then to their current location in front of the Wesley Education Building. It was her sense that the law firm was also concerned that no one had included them in the discussions of parking changes.

Mrs. Townshend stated that she had met with Mr. Dave Casto, Chair of Trustees, Wesley United Methodist Church (UMC), and discussed the possibility of adding three (3) more permit parking spaces to be located on Loockerman Street, on the southeast corner of State and Loockerman Streets, and to allow Wesley UMC to have three (3) additional permits, which would result in a total of 16 permit parking spaces, all to be considered A-Street Lot permits. She stated that she had attempted to contact Mr. Malkiewicz's office regarding this possibility but was unsuccessful; however, she assured members that she would be meeting with them later in the week.

Mrs. Townshend explained that the allocation of these parking areas would be "a temporary fix" through the end of the calendar year and recommended that the City request that the Downtown Dover Partnership (DDP) find additional parking spaces to add to the inventory by expanding or leasing parking lots. She stated that the City could then absorb the permit parking spaces back into the main inventory and allow the A-Street Lot to become public, on-street parking, as it had been in the past.

Responding to Mr. Hutchison, Mrs. Townshend stated that Barros, McNamara, Malkiewicez, and Taylor, P.A. had 13 parking permits and, after talking with Mr. Casto, she felt that the three (3) parking permits would be sufficient for the Church.

Mr. Mike Malkiewicz, Barros, McNamara, Malkiewicz, and Taylor, P.A., 2 W. Loockerman Street, indicated that his paralegal had always handled parking permits for the law firm and he was aware that the City had contacted the firm last week; however, he had not discussed that conversation with his paralegal. He stated that several changes had been made to their permit parking over the last few years and it was their understanding that the last designation was to be permanent, which was relayed to the employees of the firm. Mr. Malkiewicz advised members that there were safety issues involved, explaining that several employees work late in the evening, after dark, and that the street lights were not in operation for a period of time. He requested that the City make no changes to the current parking permits provided for his law firm, noting that the current location was convenient and provided safety, and asked that Wesley Church's needs also be accommodated.

Mr. Malkiewicz noted that he had observed that there were several available parking spots on the southeast corner of State and Loockerman Streets that are vacant during the day.

Mr. Casto reminded members that several programs operate out of Wesley Church's Education Building, including the Capital School District's Student Transition to Adult Readiness (STAR) program, The Arc of Delaware program, a clothing closet, Wesley Preschool, etc. He stated that three (3) permit parking spaces would help temporarily until the matter could be resolved, particularly since there will be another program from the Church's District Office moving into the Education Building. He noted that the church had lost 13 spots that they previously had access to.

In response to Mr. Hutchison regarding the possibility of resolving the problem at this time rather than having to make another change in January, Mr. Scott Koenig, City Manager, explained the need to react to changing parking conditions downtown. He did not feel confident that the City could provide a solution at this time that would guarantee that changes would not have to be made on January 1st, unless all involved were pleased with the temporary solution, in which case City Council could request that no further changes be made. Mr. Koenig stated that any additional parking lots or leased parking was likely to be developed west of State Street, since that is where private lots are located that might be available. He explained that staff's proposal was always meant to be temporary and that staff had been working on a reasonable solution; however, he did not feel that all businesses would be able to park exactly where they hoped. Mr. Koenig stated that the building of a central garage was being considered by the DDP. He indicated that staff would continue to move forward with the anticipation that the parking proposal would be a temporary solution, unless, once school begins in September, the businesses affected were to approach the City and indicate that their parking situation and concerns had been resolved.

Mrs. Townshend reminded members that the problem originated in December 2013 when permit sales began for 2014 and it was determined that there were not enough spaces available to renew all the permits. Staff had to act relatively quickly to accommodate long-term permit holders and did not have time to consider leasing other areas.

The Committee recommended that staff be authorized to add three (3) additional permit parking spaces on East Loockerman Street and to provide three (3) parking permits to Wesley Church, with parking in this area to be re-evaluated in October and, in the meantime, to work with the DDP to expand the parking inventory.

By consent agenda, Mr. Slavin moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams).

Request for Waiver of Public Street Frontage Requirement - Appendix A - Subdivisions, Article VI - Subdivision - General Requirements and Design Standards, Section E - Lots (Dover Mall)

During the Committee meeting of May 27, 2014, members considered a request of Simon Property Group, owner of the Dover Mall, L.P. at 1365 North DuPont Highway, for a waiver of the public street frontage requirement. The owner proposed to create three (3) parcels of land from the existing 149.3225+/- acre parcel of the Dover Mall. The property is zoned SC-3 (Regional Shopping Center Zone), and a portion is subject to the SWPOZ (Source Water Protection Overlay Zone) Tier 3 – Excellent Recharge Area and is located on the east side of North DuPont Highway and south of but not adjacent to Rustic Lane. Members were advised that the Planning Commission recommended approval of the requested waiver, subject to inclusion of the necessary easements listed in the Development Advisory Committee Report. The Committee noted that the applicant was not present, and deferred action on the request until the applicant could be present to answer questions.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that, as proposed, Lots 1 and 2 would not have frontage on a public street; therefore, in order to create lots, without frontage on a public street, which is required by the Zoning Ordinance, a waiver by City Council would be required in accordance with Appendix A - Subdivisions, Article VI - Subdivision - General Requirements and Design Standards, Section E - Lots.

Responding to Mr. Hutchison, Mrs. Townshend stated that Lot 1 would consist of 53.1704 acres and Lot 2 would consist of 30.7046 acres, and that both lots were owned by the Dover Mall.

Mr. John Paradee, Prickett, Jones, & Elliott, emphasized for the record that the owners were not proposing any residential use as part of this project.

Mr. Gregg Moore, Becker Morgan Group, explained that the plan was to create the two (2) lots to allow consideration of development options. The current proposal was to develop approximately 289,000 sq. ft. of retail expansion in the areas to the rear of the Dover Mall property. He assured members that these subdivisions would be for commercial entities, which would be allowable by the zoning code. Mr. Moore stated that two (2) other lots in the area were previously created through the same type of action by former members of City Council, and explained that these lots were currently occupied by Boscov's and JCPenney and do not have road frontage. It was his feeling that those requests were approved because the loop road around the Dover Mall is effectively a public access way for the Mall and is protected by easements of the owners that allow that roadway to be maintained as a public access way. Mr. Moore stated that the two (2) new lots would gain a portion of their access from the loop road and approval of the request would not set a precedent, since the precedent had already been set by allowing the Boscov's and JCPenney stores.

Responding to Mr. Keller, Mr. Moore stated that the City would not incur costs for providing public utilities, explaining that sewer options had been discussed with the City and installation of sewers would be developer driven. He advised members that the actual details of the sewer would be shown on any development plan submitted; however, at the City's urging, the studies had been conducted to ensure that there would be no issues with providing sewer to the parcels. Mr. Moore reiterated that all costs involved with the project would be assumed by the developer.

The Committee recommended approval of the requested waiver, subject to inclusion of the necessary easements listed in the DAC Report, as recommended by the Planning Commission.

By consent agenda, Mr. Slavin moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams).

Update - Dover High School Construction

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that she had written a letter to the Capital School District (CSD), to make sure that construction of the new Dover High School was proceeding quickly and that there was a clear plan to complete all work by the time school starts. Since that letter was sent, she stated that several meetings had been held, including a meeting between the CSD and the Delaware Department of Transportation (DelDOT) regarding the east entrance, west entrance, sidewalks, and High-Intensity Activated CrossWalK (HAWK) signal. Mrs. Townshend stated that the day following that meeting, there was a meeting with CSD and EDiS staff. She also attended an on-site meeting to coordinate the activities of the sidewalk project and the east entrance with the contractors, which was very productive. DelDOT had indicated that each of these projects was equally important and needed to be completed before school starts; therefore, all parties involved need to work together.

Mrs. Townshend stated that the Dover High monthly coordination meeting was held and that the CSD was working with the Delaware Department of Natural Resources and Environmental Control (DNREC) on a "punch list" in regard to sediment and stormwater. Mrs. Townshend indicated that the building was in good shape and the site was coming together and, although there was a lot more work to be done, she had been provided with construction schedules and was being included in updates. In addition, she stated that she and Dr. Michael Thomas, CSD Superintendent, were having a weekly phone conversation so that if any issues arise, they can be resolved immediately. It was her belief that construction would be completed before school is scheduled to open, although she indicated that "it will be close."

Mr. Keller commended Mrs. Townshend for the thorough job she had done regarding this project.

By consent agenda, Mr. Slavin moved for acceptance of the Safety Advisory and Transportation Committee Report, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams).

UTILITY COMMITTEE REPORT - JUNE 23, 2014

The Utility Committee met on June 23, 2014 with Councilman Perza presiding in the absence of Chairwoman Williams.

Proposed Ordinance #2014-15 Amending Chapter 110 - Utilities, Article III - Water Service, Division 3 - Water Impact Fees, Section 110-207 - Establishment of Equivalent Dwelling Units and Article IV - Sanitary Sewer Service, Division 3 - Wastewater Collection Impact Fees, Section 110-282 - Establishment of Equivalent Dwelling Units

Mr. Scott Koenig, City Manager, reviewed Proposed Ordinance #2014-15, which would amend Chapter 110 - Utilities, Article III - Water Service, Division 3 - Water Impact Fees, Section 110-207 - Establishment of Equivalent Dwelling Units and Article IV - Sanitary Sewer Service, Division 3 - Wastewater Collection Impact Fees, Section 110-282 - Establishment of Equivalent Dwelling Units. He advised members that Chapter 110 - Utilities, Articles III and IV currently have a maximum cap of 100 Equivalent Dwelling Units (EDUs) per certificate of occupancy. Mr. Koenig stated that the maximum cap was intended to encourage business expansion; however, the existing prescriptive cap had placed the City at a negotiating disadvantage in recent situations, such as the Garrison Energy Center (Calpine).

Mr. Koenig explained that the proposed amendment would remove the current impact fee cap of 100 EDUs per certificate of occupancy. Additionally the proposed amendment would provide City Council with the ability to reduce the maximum number of EDUs for large development projects; however, the applicant must demonstrate their economic benefit to the City before City Council will reduce the maximum number of EDUs to as low as 100 EDUs.

Mr. Koenig indicated that the amendment would provide the City leverage in negotiating with businesses. As an example, he stated that the water system for the Garrison Energy Center (Calpine) included an elevated storage tank, at a cost of $4.2M, and additional infrastructure improvements. With the current impact fees, Calpine will contribute approximately $210,000 for this project; however, if the caps had been negotiated, he stated that the City may have been able to recover the total $4.2M.

Mr. Koenig stated that, to his recollection, the maximum caps were instituted when the City was considering the expansion of Proctor & Gamble, which would have resulted in a multi-million dollar impact fee. He stated that at that time no system improvements, such as a water tower, pump station, etc., were required of the City; the expansion would have resulted only in an impact on the system.

Responding to Mr. Perza, Mr. Koenig indicated his anticipation that the proposed amendment would result in additional revenues for the City since it would provide the City more leverage to collect a higher fee than currently prescribed by Code. Mr. Koenig stated that the proposed amendment would not affect the current block under construction for the Calpine project since permits had already been issued. He advised members that, under the current Code, if a second block were constructed by Calpine, EDUs would be capped at 100 and if there were any costs for the system upgrade, the City would bear those costs.

In response to Mr. Blakeman, Mr. Koenig stated that the caps were initially instituted for economic development reasons.

Staff recommended adoption of the proposed ordinance.

The Committee recommended adoption of Proposed Ordinance #2014-15, as recommended by staff.

By consent agenda, Mr. Slavin moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams). *(The First Reading of the ordinance took place earlier in the meeting.)*

By consent agenda, Mr. Slavin moved for acceptance of the Utility Committee Report, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - JUNE 23, 2014

The Legislative, Finance, and Administration Committee met on June 23, 2014 with Chairman Slavin presiding.

Presentation - Law Enforcement Against Prohibition (LEAP) (Ken Abraham)

Mr. Ken Abraham, 430 Kings Highway, Apt. 414, addressed members regarding drug policies and laws. He advised members that he is a member of the Speakers Bureau for Law Enforcement Against Prohibition (LEAP) and that he enjoyed working as a prosecutor for approximately 10 years in Dover, then moved to Florida, went into business, and returned to Dover. He stated that approximately seven (7) years ago he lost everything to drugs, despite having had the best parents and a wonderful childhood. Since he could not change the past, he stated that he was trying to turn the negative in his life into a positive, noting that it was a learning experience. He stated that, in addition to starting a non-profit organization eight (8) months ago, he gives presentations to rotary clubs, youth groups, etc., as well as individuals such legislators and ministers.

Mr. Abraham indicated his understanding that City Council does not set or control drug policy; however, he wanted members to be made aware of the issues and suggested that the City adopt a resolution encouraging State legislators to change the drug laws to some extent. As an example, he suggested that legislators could be encouraged to adopt medical marijuana and to legalize marijuana. Mr. Abraham encouraged members to read the "After Prohibition" brochure issued by LEAP, explaining that it addresses many issues, problems, concerns, and questions. He stated that the material indicated quite emphatically that both addiction and crime decrease when drugs are legalized or decriminalized, contrary to the belief held by most that addiction and crime will increase if these changes are made. Referring to Colorado's experiment with marijuana, which he stated had proven to be a great success, he indicated that, although there are problems with the legalization/decriminalization of drugs, the benefits far outweigh the problems. He stated that Colorado was making a substantial amount of tax revenue and crime and addiction rates had decreased.

Mr. Abraham advised members that the illicit drug market was approximately a $300 billion per year business and questioned if this business, with the whirlpool of crime that swirls around it, should be run by drug kingpins, thugs, and hoodlums or if the State should legalize, regulate, and tax drugs. He reminded members that the country started prohibition with alcohol and it did not take long to realize that this was a mistake. It was Mr. Abraham's belief that alcohol did not create Al Capone; prohibition created Al Capone, just as the prohibition of drugs in America creates a whirlpool of crime. He stated that, according to studies, 84%-90% of all crime is drug related and over 90% of property crimes are drug related (theft for the purpose of purchasing drugs). Mr. Abraham expressed his belief that changing the laws to legalize and regulate drugs would decrease those percentages substantially.

Mr. Abraham explained that regulation simply means responsible people making responsible decisions and that in Colorado children were not standing in line to buy drugs. He stated that LEAP's position was that all drugs should be decriminalized, legalized, regulated, and taxed; that there is a difference between hard and soft drugs; and a different approach should be taken for each. Mr. Abraham stated that the bottom line is that drug addiction is a health problem and that more and more individuals are realizing that addicts should be treated rather than locked up in prisons.

As a former prosecutor, Mr. Abraham stated that he had seen crime victims every day and explained that when addicts are treated, future crime victims are prevented, the recidivism rate is reduced, and the revolving door to prison is slowed down. As mentioned in the material provided, he stressed the importance of advertising, explaining that any legalization and regulation of drugs needed to be accompanied by advertising of the dangers of drugs. Referring to the situation in Colorado, he stated that it was expected that the State would gain $150M in tax revenue and $40M

was planned to be spent on rehabilitation centers, treatment, and an advertisement campaign warning about the dangers of drugs. He noted that the use of cigarettes by teens between the ages of 12 to 17 was cut in half from 2002 through 2012 due to advertising of the dangers of cigarettes.

Noting that most of what had been addressed was beyond the scope of City Council, Mr. Anderson questioned what could be done to encourage rehabilitation on a local level and if any barriers were known. Responding, Mr. Abraham stated that he was not aware of any barriers, such as zoning issues. He felt that there was a need to increase public awareness of the need for treatment and rally those that have the funds and means to provide effective treatment.

In response to Mr. Sudler, Mr. Abraham stated that he was not aware of any statistical analysis or comparison relating to the implementation of such a program in an area similar in size to Dover, Delaware. However, he stated that the general principles and results are the same wherever there had been a change in policy implemented and did not feel that the size of the area would make a difference. Regarding the difference in the results based on "hard" and "soft" drugs, Mr. Abraham stated that in those jurisdictions that have legalized all drugs, including "hard" drugs, the results have been the same - a decrease in addiction rates, a reduction in health problems, and a decreased crime rate. He advised members that an agency known as DrugFree.org, in New York, recently took over the Montana Meth Project, which dramatically reduced methamphetamine use, drug lab busts, trips to the emergency room, etc. in about eight (8) states. Advertisements for the Montana Meth Project include real people who tell their stories of the effects of drugs on them.

Mr. Abraham advised members that DrugFree.org will develop an advertising campaign for any jurisdiction. He explained that there are two (2) groups of people: those who do not use drugs and those that do, and that the advertising works differently for those groups. For those who do not use drugs, the advertising dramatically reduces the number of people who are inclined to use drugs. Advertising treatment dramatically reduces the number of people already using drugs, once the policies are changed in criminal law. Mr. Abraham stated that the information provides facts regarding the effects that drugs have on human brains, explaining that these sinister drugs release a chemical in the brain that gives pleasure and is released to such an extent that, as described by a psycho-forensic evaluator with the public defender's office, the brain is "hijacked" by overwhelming one's sense of judgement, moral values, awareness of right and wrong, etc. It just makes the user want more of the drugs.

The Committee took no action regarding this matter.

Expiration of Downtown Dover Partnership (DDP) Loan Guarantee Extension

During their Regular Meeting of June 10, 2013, members of City Council approved an extension of the Downtown Dover Partnership (DDP) loan guarantee for a period of one (1) year effective July 1, 2013 on the loan between PNC Bank and the DDP.

Mr. Scott Koenig, City Manager, reviewed information prepared by Mrs. Donna Mitchell, Controller/Treasurer, regarding the DDP's negotiation of new terms for the PNC Loan collateralized by real estate on Governors Avenue (former "Acme" Property). He reminded members that City Council had provided the City's guarantee on the loan since March 2008 and that the guarantee was extended for one year, effective July 1, 2013. He stated that the approximate dollar amount of the loan was $1.3M.

Mr. Koenig stated that in the renegotiations of this loan by Mr. Gerald Street, representative of the DDP, it was hoped that, at some point, the City could be released from the loan; however, due to the current economic conditions, PNC requested the continuation of the City's guarantee through the term of the loan. He indicated that the reason for this request was due to: 1) the loan to value (LTV) of greater than 80%; and 2) the marketability of the "Acme" property, value, strength of tenants, and lease stream. The bank had agreed to extend the "Acme" loan to March 1, 2017 and begin amortizing the loan based on a 20-year amortization. Mr. Koenig stated that the loan included a 3.75% interest rate. PNC will require a principal and interest payment, and at the end of the initial term, PNC would renegotiate the interest rate over the balance of the loan term.

Staff recommended approval of the extension of the Downtown Dover Partnership loan guarantee with PNC Bank through March 1, 2017.

Responding to Mr. Hare, Mr. Koenig stated that the initial amount of the loan in 2008 was $1.3M and that payments had been made only on interest since that time. He stated that for the next three (3) years, principal and interest payments would be made based on a 3.75% interest rate.

In response to Mr. Shevock, Mr. Koenig stated that the DDP would make the payment to PNC from monies collected by the DDP from the leasing tenants. He stated that the guarantee appears on the City's balance sheet as a potential debt; however, this debt would be incurred only if the note were called and the DDP exhausted their funds. He stated that it would continue to be reflected as a commitment of the City as it had been since 2008.

Noting that only interest was paid on the loan, Mrs. Williams questioned the use of monies collected from the tenants. Responding, Mr. Gregg Moore, President, DDP, stated that the tenants at the Acme site had been making their payments to the DDP and that those monies had been used by the DDP to make interest payments to PNC. Since an interest-only loan was negotiated, all additional proceeds were used for other downtown projects. He stated that the DDP had been actively marketing the

site and that its sale would allow for the loan to be paid in full. However, he assured members that enough rent was coming from the two (2) tenants to cover the principal and interest payments. He stated that this payment had been included in the DDP budget which was provided to City Council.

Responding to Mr. Sudler regarding the DDP's top two (2) priority projects for which these additional funds were used, Mr. Moore indicated that, in accordance with the current terms of the loan, the DDP was not required to make any principal payment; therefore, only interest payments were made. Since the DDP was actively in the market to sell the property and had a full price sales contract (which did not go through), the DDP's position was to use the least amount of money required and use any additional funds for other purposes in the downtown area, such as First Friday, Farmer's Market, or marketing for other downtown functions. He stated that the monies were not provided to any given project and that there were not two (2) particular projects that accessed those funds. He explained that the proceeds were used by the DDP for their overall mission, which is to improve the culture and revitalize the downtown area; therefore, all six (6) of the DDP's committees and missions draw from the additional monies. He noted that marketing the downtown is something that each of the committees includes in their budget; therefore, this would probably be the biggest use of those funds.

The Committee recommended extension of the Downtown Dover Partnership (DDP) loan guarantee with PNC Bank through March 1, 2017, as recommended by staff.

By consent agenda, Mr. Slavin moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams).

Proceeds from Sale of Real Estate

Mr. Scott Koenig, City Manager, reviewed information prepared by Mrs. Donna Mitchell, Controller/Treasurer, regarding proceeds from the sale of real estate. Mr. Koenig reminded members that City Council approved the sale of Garrison Oak Technical Park Lot 12 (10.684 acres) for $1,000 per acre, in accordance with the City's economic development goals. He stated that the City's net proceeds from the sale of Lot 12 were $10,623, explaining that the contract sales price was $10,864, less the seller settlement charges of $241. He stated that the City's current Real Estate Disposition Policy does not specify to which account the net proceeds should be credited; therefore, staff recommended that the credit be applied to the Capital Asset Reserve and that a formal policy be developed for future transactions.

Mr. Koenig noted that, in accordance with Generally Accepted Accounting Principles (GAAP), accounting for this transaction will require the recordation of a $44,140.65 loss on the sale of the fixed asset since the City was awarded a $2M grant from the State of Delaware for the purchase of the Garrison Oak Technical Park and

the City subsequently resold the property at a dollar value that was less than the per acre value of the original transaction. The City recorded the purchase of the land (381.8425 acres) at $1,933,277.16, or $5,063.02 per acre.

In response to Mr. Shevock, Mr. Koenig stated that the grant was awarded 10 or more years ago; therefore, he did not anticipate that the State would request that the grant monies be refunded.

Responding to Mr. Anderson regarding whether the City intended to sell or lease lots at the Technology Park, Mr. Koenig stated that there was currently a lease for the Garrison Energy Center tract and that the Solar Park also had a lease. He stated that negotiations for the sale or lease of the property would be dependent upon the needs of the organization that is interested in a tract. It was his opinion that it would be best for the City to sell the properties to avoid long-term liability or maintenance, should the property be abandoned. He stated that the current leases were made prior to his tenure as City Manager and that most discussions now involved the potential sale of properties.

Mr. Hare questioned if anyone was actively marketing the Garrison Oak Technical Park. Responding, Mr. Koenig stated that it is known locally that the property is for sale; however, no funds had been used for marketing the property, nor had advertisements been placed in the *Wall Street Journal*. He assured members that the State Economic Development Office was aware of properties for sale at the site, and stated his belief that funds included in the City's Economic Development Office's budget for advertisement were limited.

Mr. Slavin suggested that the Economic Development Director and/or the Mayor could better advise members with regard to the marketing of the Garrison Oak Technical Park.

Mr. Hutchison stated that the City had a very strong working relationship with the State of Delaware and Kent County Economic Development Offices, as well as the congressional leadership team. As a result, in terms of advertising, it was well known that the Garrison Park was for sale. He stated that if the City were to continue to be in the economic development business, members needed to realize that in order to be successful, there would be a need to make concessions, as that is what economic development does. He explained that if the City wanted jobs and opportunities, it would be necessary to make concessions and if that was not desired, the City should get out of the economic development business.

Mr. Hare stated that, although the State may be marketing the property, he felt that the City should take a more aggressive approach in marketing not only the Garrison Oak property but the entire City of Dover.

The Committee recommended approval of staff's recommendation that the net proceeds from the sale of governmental fund real estate be credited to the Capital Asset Reserve for future capital projects.

By consent agenda, Mr. Slavin moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams).

Proposed Financial Reforms

Mr. Slavin reminded members that during the June 11, 2014 Budget Hearings, 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.

Responding to Mr. Anderson, Mr. Slavin stated 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.

By consent agenda, Mr. Slavin moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza) and two (2) absent (Lynn and Williams).

MONTHLY REPORTS - MAY 2014

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

City Assessor Report
City Manager's Report
City Planner's Report
Controller/Treasurer's Budget Report
Economic Development Office Report
Fire Chief's Report
Police Chief's Report

REVALUATION SERVICES FOR THE 2015 ASSESSMENT

In accordance with Chapter 102, Section 102-1 of the City Code, City staff proposed to have a reassessment conducted by an outside mass appraisal company for 2015. Accordingly, a Request for Proposal was advertised and sent to nine (9) revaluation companies, with Tyler Technologies being the only vendor who responded (price and billing summary provided to members).

Ms. Cheryl Russell, City Assessor, advised members that Tyler Technologies had helped conduct City-wide revaluations in the past and that the Assessor's Office was currently utilizing software from Tyler Technologies. She reminded members that the purpose of a City-wide revaluation is to maintain value equity and uniformity of real property values in the City of Dover. She stated that the proposal by Tyler Technologies indicates that they will conduct a City-wide revaluation utilizing the City's existing information. She assured members that all properties had been visited by City staff in an effort to reduce the cost of the City-wide revaluation and that all permits were current. Due to this effort, she stated that Tyler Technologies would not have fieldwork associated with this project, which was reflected in both the price and the duration of the proposed project. She explained that the City of Dover would be responsible for all printing and mailings and that Tyler Technologies would conduct informal hearings and five (5) days of support before the City of Dover Board of Assessment Appeals and noted that additional support beyond the five (5) days would cost additional money.

Ms. Russell indicated that a monthly Status Report would be supplied to the Assessor's Office from Tyler Technologies, which would be forwarded to City Council via the Assessor's Office Monthly Report, for their review. She noted that the original bid submitted by Tyler Technologies totaled $125,300, which included their involvement with mailing and printing. After a cost analysis was completed, she stated that by the City assuming the responsibility of printing and mailing the documents, there was a cost savings of approximately $17,300. The costs for the extra printing and mailing associated with this project had been requested in the City Assessor's budget (110-1300-513.20-23) in the amount of $14,800.

Staff recommended awarding the Proposal for Revaluation Services to Tyler Technologies for the amount of $93,200, plus any additional overage fees.

Responding to Mr. Perza, Ms. Russell indicated that the 2010 Contract was for $765,000, explaining that a comprehensive revaluation was conducted whereby Tyler Technologies visited each property to assure all data was correct. She assured members that the proposal submitted by Tyler Technologies was acceptable as compared to previous bids awarded for the revaluation.

In response to Mr. Hare, Ms. Russell stated that there would be the possibility of a decrease in taxes for some properties. She explained that the tax rate would be rolled back so that the actual taxes would remain the same, noting that the value of some properties may increase, some may decrease, and others may remain the same.

For clarification, Mr. Slavin stated that the revaluation of property is separate from an adjustment in the tax rate, explaining that since the revaluation must be revenue neutral, the City may be required to roll back the tax rate so that the City does not achieve any income and the City would be required to take separate action to reset the tax rate.

Mr. Slavin moved to approve awarding the Proposal for Revaluation Services to Tyler Technologies for the amount of $93,200, plus any additional overage fees, as recommended by staff. The motion was seconded by Mr. Dixon and carried by a roll call vote of seven (7) yes (Anderson, Dixon, Lynn, Perza, Slavin, Hutchison, and Bonar), one (1) no (Hare), and one (1) absent (Williams).

AUTHORIZATION TO PAY INVOICE - SANKOFA AFRICAN DANCE COMPANY FOR AFRICAN AMERICAN FESTIVAL

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the City had received an invoice in the amount of $1,500 from the Sankofa African Dance Company for two (2) time slots in they performed at the African American Festival, although they were not initially scheduled for these slots. Staff felt that City Council's authorization was necessary prior to paying the invoice since the organization was not under contract to perform and had not been paid in the past for performances during the African American Festival.

Mrs. Townshend reminded members that the FY2014 City of Dover Budget included $15,000 for the African American Festival, which is included in the Parks and Recreation budget. The direction from City Council was that, rather than paying the lump sum to the Inner City Cultural League (ICCL), the City would pay invoices to service providers directly. She explained that two (2) of the scheduled entertainment acts did not show up to the festival this year, and their scheduled times were filled by the Sankofa African Dance Company, which is a separate organization but affiliated with the ICCL. She advised members that in the past, the City had not paid the Sankofa African Dance Company for performances at the festival and that the Company performed two (2) scheduled performances during the festival without charge.

Responding to Mr. Anderson, Mrs. Townshend stated that an additional $3,100 remained due for the two (2) entertainment acts that did not show up to the festival, explaining that one (1) act cost $1,600 and the other cost $1,500. She stated that the City had reimbursed the ICCL for deposits that were paid and the ICCL was attempting to obtain these funds from back from those performers. It was understood by the ICCL that if those monies are received, they will be forwarded to the City for reimbursement.

Mr. Anderson questioned the possibility of approving the request for payment less the deposits, so that when the deposits are returned to the ICCL, they would keep it rather than forwarding to the City.

In response to Mr. Perza, Mrs. Townshend stated that no more than $15,000 would be paid for the event since that was the amount budgeted. She was not involved with the scheduling; therefore, she did not know, if the City were to approve the payment, whether there would be other volunteer groups that participated at the Festival that would feel they too should be compensated.

As mentioned by Mr. Lynn, Mrs. Townshend confirmed that in previous years, the Sankofa African Dance Company had not been paid for their participation and that on this occasion, they held additional performances due to other acts that did not show up to the Festival. She explained that because the City had not made such a payment in previous years and, since this was not one of the contracts that were on file prior to the Festival, staff felt it was important to submit the request to Council for transparency. She also confirmed that the African American Festival had the freedom to contract with any party without approval of the City and to submit invoices for payment, with the understanding that all such costs must remain within the budgeted amount of $15,000.

Mr. Hare moved for approval of the payment, less the $650 deposit, for a total of $850 to the African American Festival, seconded by Mr. Anderson and carried by a roll call vote of seven (7) yes (Anderson, Dixon, Lynn, Slavin, Hutchison and Bonar), one (1) no (Perza), and one (1) absent (Williams).

APPOINTMENTS (REAPPOINTMENTS) - RECOMMENDED BY MAYOR CHRISTIANSEN

Mayor Christiansen submitted the following appointments for approval:

Annual Appointments - One (1) Year Terms to Expire May 11, 2015

These appointments (reappointments) were deferred during the Annual Meeting of May 12, 2014, until the newly elected Mayor was sworn into office. Mayor Christiansen requested the deferral of his remaining appointments until the meeting scheduled for July 28, 2014.

Dover Public Library Advisory Commission
Sean M. Lynn (Council Liaison Member)

Downtown Dover Partnership Board of Directors
Scott D. Koenig - City of Dover Representative
Ann Marie Townshend - City of Dover Representative
David L. Bonar - City Council Representative
Wallace R. Dixon - City Council Representative
Adam M. Perza - City Council Representative

Election Board
William Garfinkel (At-Large) - Three (3) Year Term to Expire May 2017

Silver Lake Commission
James Burcham
Zachary Carter
David L. Edgell
Dean Holden
Lyle Allen Jones
Ann Marie Townshend
Melanie Tymes

Downtown Dover Partnership
John Tinsley - To Fill the Unexpired Term of Gary Patterson - Term to Expire May 2015

Ethics Commission
Nancy J. Shevock - Five (5) Year Term to Expire July 2019

Historic District Commission - Three (3) Year Terms to Expire July 26, 2017
C. Terry Jackson, Resident
Ann Baker Horsey, Professional
Joseph McDaniel, Business Representative

Planning Commission - Three (3) Year Terms to Expire June 1, 2017
Dr. Bobby Jones - First District
Col. Robert D. Welsh - First District
Fred Tolbert - Third District

By consent agenda, Mr. Slavin moved for approval of the appointments as recommended by Mayor Christiansen, seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Anderson, Dixon, Slavin, Hare, Hutchison, and Bonar), one (1) no (Perza), and two (2) absent (Lynn and Williams).

COUNCIL MEMBERS' ANNOUNCEMENTS

On behalf of City Council, Council President Bonar welcomed Mayor Christiansen to the Council Chambers.

Mr. Anderson relayed concern, in reviewing the meal schedule for the Dover Interfaith Mission for Housing, that no one was covering meals for the next week, and encouraged members of the community to remember those who are not as fortunate. He stated that he needed a group of volunteers who would be willing to participate to cover one of those days.

Mr. Perza wished Ms. Kathy Boyer, who is a resident of his district (Crossgates), a happy birthday, because he could not attend her birthday party, due to having to attend this evening's Council meeting.

By unanimous consent, the meeting adjourned at 8:06 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of July 14, 2014, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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SPECIAL DOVER HUMAN RELATIONS COMMISSION WORKSHOP

A Special Dover Human Relations Commission (DHRC) Workshop was held on July 8, 2014 at 5:04 p.m. with Chairman Wilson presiding. Members present were Ms. Hicks, Mr. McGiffin, Mr. Roach (arrived at 5:06 p.m. and departed at 6:30 p.m.), Mr. Ruane, Ms. Smith, and Mrs. Sadusky (arrived at 5:24 p.m.). Mr. Henderson and Ms. Stewart were absent.

AGENDA ADDITIONS/DELETIONS

By unanimous consent, the agenda was approved as presented.

Development of DHRC 2014-2017 Strategic Plan

Mr. Ruane reviewed a brief history of the origins of the DHRC. He advised members that, in 2001, there was an incident in the Dover community in which a young, African-American man was arrested and died in police custody. The community became incensed and ad hoc and formal meetings were held. An investigation was performed, and it was determined by the State Department of Justice that the man had died of a drug overdose and was close to death at the time of the arrest. Due to the threat of tension between the police and the community, consideration was given to developing a public forum at that time to address this type of issue. A Community Harmony Committee was developed, which included ministers, some members of Council, and the Mayor, and assistance was provided by the State of Delaware Human Relations Commission (SHRC). The question was also raised as to whether a citizen review board was needed but a decision was made to trust that the Police Department had internal procedures in place to address this type of incident through a complaint process and by allowing citizens the opportunity to discuss problems with the internal affairs officer. For this reason, it was decided that another group to handle citizen complaints about the police department was not needed.

Mr. Wilson advised members that, at that time, he, as President of the National Association for the Advancement of Colored People (NAACP), and Mayor James Hutchison called upon the Department of Justice (DOJ) for assistance. A representative from the DOJ came to the City from Philadelphia, communicated with the various organizations involved, and recommended that a Dover Human Relations Commission be established.

Mr. Ruane explained that, with the assistance of the SHRC, it was determined that State Code deals with anti-discrimination in employment, housing, etc. in Delaware, and it was recommended by the SHRC that the DHRC allow the SHRC to respond to this type of complaint. The SHRC would provide the City instruction on where to refer those alleging housing or employment discrimination or with complaints pertaining to any other matters covered by the State Code, as stated in Chapter 58 - Human Relations, Article II - Human Relations Commission, Sec. 58-36 (4) of the Dover Code.

Referring to the U.S. Department of Justice Community Relations Service Guidelines for Effective Human Relations Commissions, Updated March 2003, Mr. Ruane stated that the there was a close correlation between this document and the objectives, goals, and statements used in 2001 when establishing the DHRC. He noted that there were differences between the Dover DHRC and similar organizations, stating that someday the DHRC might find itself in a role that was expanded to include human rights rather than just human relations, which was the Commission's current emphasis. He explained that various commissions around the country are civil rights commissions or human rights commission or both; however, DHRC members must work within the context of the Dover legislation. It was his belief that some of the conflicts relating to the DHRC in the past were the result of not understanding the narrow limits of that legislation.

Mr. Ruane reviewed the outline he prepared for the Workshop and advised members of the components that are normally included in a human relations commission strategic plan, including a mission statement, vision statement, values statement or guiding principles, SWOT (Strengths, Weaknesses, Opportunities, and Threats), long-term strategic objectives, strategies, short-term goals/priorities/initiatives, and action items/plans.

Referring to Page 8 of the Guidelines for the Effective Human Relations Commissions, Mr. Ruane stated that the DOJ recommended that a human relations commission should be established by ordinance at the local government level. Mr. Ruane pointed out that the provisions relating to the prohibition of discrimination in specific areas and establishing a policy of equal opportunity were excluded from the City's DHRC ordinance. Other provisions related to studying and recommending local government programs to enhance communications and understanding, developing and maintaining positive relations and promoting policies and practices that support inclusiveness and civility were included. He reiterated that when objectives and programs are developed in the DHRC strategic plan, members must stay within the Dover Code. Mr. Ruane suggested that some of the ideas in the Dover ordinance, such as fairness, respect, and monitoring intergroup relations and intergroup conflict, could be translated into a mission statement, vision statement, value statement, etc. It was his opinion that a system of mediation and conflict resolution had never been developed by the Commission. He suggested that the DHRC determine goals and priorities which could be developed into Specific, Measurable, Achievable, Realistic and Time-based (SMART) objectives.

In developing a mission statement, Mr. Ruane stated that members should develop an overall expression of the Commission's purpose. He noted, for example, that the Delaware Heart and Vascular, P.A.'s mission is "to provide the highest quality, hands-on personalized cardiovascular care and services in a warm, friendly, and compassionate atmosphere," and its vision is "to be among the best providers of cardiovascular care and to be a place where employees want to work, patients want to receive care, and physicians want to practice." The City of Dover's mission statement states that "The City of Dover is a place where people want to live through the team effort of its elected officials, employees, and citizens. Dover is a clean and safe community with a future of balanced growth and opportunity where all citizens are heard, enjoy a high quality of life, and diversity is valued." Mr. Ruane felt that the DHRC should become a group of people that want to make this happen and should be able to answer the questions regarding how diverse the City is demographically, economically, and how diverse and inclusive its government is, including the Mayor, Council, and every department. Mr. Ruane provided members with excepts from the City of Dover Personnel Policy (Employee Handbook), July 2004 ***(Attachment #1)***, noting that the Handbook indicated that the City's Human Resources (HR) Department acknowledges the goal of the Human Relations Commission and includes provisions for the DHRC to work with the Department in relation to equal employment opportunity, discrimination, and harassment. The DHRC should, therefore, be able to determine how the HR Department is recruiting, how diverse the workforce is, and who provides related training, etc.

Referring to Sec. 58-36 (1) of the Dover Code, Mr. Ruane explained that this provision provided an opportunity for members to make recommendations to City Council.

Mr. McGiffin expressed his desire for the DHRC to be a resource for those who live in Dover and have issues related to groups of people getting along with each other, whether or not these concerns are related to City government. The Commission would be a resource to help resolve issues that have to do with discrimination, inclusion, or diversity that do not fall under the scope of the SHRC or other entities. Responding to Ms. Smith's request for an example of this type of issue, Mr. McGiffin stated that a person with a disability might be offended if the City were to publish information that referred to people with disabilities as disabled people, rather than using "people first" language. He felt that the DHRC could deal with this type of issue as it is a substantive problem, involves an issue not easily resolved in some other forum, and is something that the DHRC has authority to address under its enabling legislation.

Ms. Smith stated that she was not an expert on diversity issues; therefore, in order to provide information on resolving this type of situation in an open and objective way, she would need training. Responding, Mr. McGiffin noted that Commissioners would be performing this type of function as part of the Commission, not as an individuals. If this type of situation were brought to the Commission, it would be incumbent on the Commission to find out the relevant information, determine if it is a matter to be considered, and decide if there were possible solutions, e.g., approaching the department to discuss the matter. Members of the DHRC would not be decision makers as much as facilitators.

Mr. Wilson stated that he had met with the SHRC, who was willing to provide "any resources" for the DHRC and stated that resources should be combined to resolve issues together.

Mr. Ruane suggested that training for commissioners and discovery of resources could be one (1) of the objectives for the DHRC and that part of its mission might be to resolve issues that have to do with discrimination on a systemic (versus individual) level.

Ms. Smith questioned, when including language regarding discrimination, if the definition should be narrowed and focused enough to convey to the community what they can expect from the Commission, noting that discrimination in housing would not be part of the DHRC's concerns.

Mr. Ruane stated that specifics should be developed to provide the community with an understanding of the Commission's function. He felt that Mr. McGiffin's example of a City department was a good one and questioned if the organization and services of the City would be the primary focus. Responding, Mr. McGiffin stated that the City could be a focus, as there may be concerns in an area where the City has governmental resources and jurisdiction, e.g., a landlord who repairs the houses of white people and leaves the houses of people of color in disrepair. Noting that property inspection is within the jurisdiction of the City, he felt that this might be a policy issue that the DHRC could pursue because it involves discrimination, inclusion, and City services.

Ms. Hicks stated that it was important that the Commission allow those with concerns to speak out and to believe that the DHRC would take action and was committed to making changes. She stated that the community must be able to trust the Commission.

Mr. Roach concurred, stating, as an example, that he had lived on Slaughter Street for his entire life, and residents on that street had complained for many years that this was the only street in the neighborhood that has no sidewalk on either side, so children are forced to walk in the street. He explained that the Simon Circle Boys and Girls Club is located at the bottom of the street and there is a hill at the top with no stop sign present. It was Mr. Roach's feeling that the combination of no sidewalk and no stop sign at the top of the hill would eventually result in someone being hit. Additionally, he stated that his father had complained about drivers speeding at this location. Mr. Roach advised members that he had been told that Mr. Anderson had taken this matter to City Council and a policeman observed the area for one (1) day and did not see anyone speeding there. It was Mr. Roach's belief that drivers would not speed if they saw an officer present.

Mr. McGiffin inquired why this would be a DHRC issue. Responding, Mr. Roach stated that it was not necessarily a DHRC issue; however, it could be a discriminatory issue because the area is a historically black neighborhood.

Mr. Ruane questioned if the broader issue might be whether the City's sidewalk program treats neighborhoods fairly.

Mr. Wilson noted the importance of the Commissioners developing relationships with their City Council district counterparts in order to communicate and work together to solve issues like this.

Ms. Smith suggested that part of the DHRC's mission would be for members to work individually and collectively with Council members. Concurring, Mr. Wilson stated that collaboration was important between individual DHRC and Council representatives as well as between the DHRC as a whole with City Council.

Mr. McGiffin inquired if the DHRC should limit collaboration to only City Council, as he felt it might be helpful to work with other elements of City government besides Council, such as the City Manager, Director of Planning and Community Development, Police Chief, or Fire Chief.

Mrs. Sadusky stated that it would be important to collaborate with others in the community as well.

Mr. Ruane questioned if the DHRC would wait for complaints to come in or if discovery would be done.

Mr. Roach stated that it would be difficult to locate resources and information about all possible problems that may arise, noting that this could waste a lot of effort and time when members could be taking time to become more knowledgeable by talking to individual Council representatives. He felt it important to know the population, and in this way, members would develop knowledge about issues that occur more frequently.

Mr. Ruane questioned if it was the feeling that Commissioners were to be a point of contact with the community to help resolve problems, and Mr. Roach concurred; however, he felt that it was important to identify those concerns that the DHRC was not allowed to address.

Mr. Ruane suggested that each member write down their thoughts regarding the role of Commissioner, e.g., to be a contact person for the community and respective Council members, noting that this was a different approach than that taken by the DHRC previously. In addition, he suggested that members put in writing their thoughts about DHRC priorities and what they hoped the DHRC could accomplish.

Responding to Mr. Ruane regarding the Commissioners' views on DHRC service, Mr. Roach noted that he agreed to serve as a Commissioner because it would put him in a better position to address the needs that are brought to him by the community.

Noting the diversity among Commissioners, Ms. Smith she stressed the value in talking and listening to each other. She felt that DHRC service would offer a new awareness of the City and an opportunity to learn and obtain a broader view of the City.

Mr. Ruane questioned if members were aware of conflicts in the community between groups, noting the implication that the Commission would act if there was community conflict.

Mr. Roach advised members that a meeting would be held on July 9, 2014 at Wesley United Methodist Church on South State Street from 6:00 - 8:00 p.m. in regard to the Restoring Central Dover Initiative. In addition, he indicated that a friend had mentioned to him his feeling that there was discrimination by the Dover Police Department toward black motorcycle groups. As a member of the Thunderguard motorcycle club, his friend noted that the club does a lot of community service, such as bookbag and back-to-school programs, but members are often pulled over or approached by police while having rides or barbecues. He indicated that there are pastors, etc., in this group. He questioned if this was a matter that the DHRC would handle, as there appeared to be discrimination.

Ms. Smith suggested that one (1) of the objectives of the DHRC might be to provide forums and facilitate conversations that would decrease stereotypes and increase the capacity to understand what people do, so that the DHRC could be an educational resource for the community to bridge the gap between organizations, people, the City, etc. Responding, Mr. McGiffin felt that education could resolve many issues, noting, for example, that the "people first" issue discussed previously was an education issue.

Ms. Smith stated that this education emphasis would help to build trust, noting that to build trust there must be a presence and awareness that members want to advocate for justice, dignity, respect, togetherness, etc.

Referring to the City of Portland Human Rights Commission Strategic Plan - 2012-2015, Page 22, Figure 1. Human rights Commission Model for Change, Mr. Ruane pointed out the strategies listed, including Discover, Visibility, Education, and Advocacy. He inquired if members wished to use these strategies as a basis (while crediting the source) to solidify how they wished to operate, noting that specific information, such as objectives, actions, time specificity, who would do it, priorities, etc. had not been included in the Portland Plan. Mr. Ruane suggested that this foundation could be used to develop specific actions. Members could choose a specific issue, such as the City's sidewalk program and determine if it is discriminatory or not, or whether the Police Department has good

community relations with groups such as the motorcycle group. Mr. Ruane suggested that members take one (1) of the issues discussed and establish objectives that are Specific, Measurable, Achievable, Realistic, and Time-based (SMART). For example, if education was selected as an objective, details should be developed regarding "who you want to educate, when do you want to educate them, how you will measure the effectiveness," etc.

Mr. McGiffin expressed his opinion that the DHRC should not "find issues" for which there were no complaints, noting that the only way to resolve issues between parties would be to have both sides participate.

Mr. Wilson stated his feeling that issues should be broad and address all departments. He did not want to see the DHRC target the Police Department as he wished to see morale and relationships strengthened there. He felt that all departments in the City should be considered, expressing his opinion that there were issues related to the Inspections Division.

Mrs. Sadusky stated that the DHRC could perform discovery regarding the sidewalk issue, to determine whether there is a physical reason, such a piping, etc. that would prevent sidewalk construction in the Slaughter Street area.

Mr. Ruane stated that a portion of the City's street and sidewalk program is funded by State legislators. The City uses a ranking system to determine which are the worst streets and areas, and this is presented to legislators; however, legislators often look at this issue from the point of view of how many voters reside on a particular street. He stated that the City also has a separate sidewalk program and perhaps this could be investigated, if this issue were pursued. Responding, Mr. McGiffin suggested that perhaps a State legislator would welcome an opportunity to collaborate with the DHRC on this sidewalk issue.

Mr. Ruane stated that the more informed the DHRC becomes the better members can inform the community; for example, they could inform those who live on Slaughter Street who are affected to request funds from their legislators, especially when they are up for election.

Ms. Smith suggested that a possible mission statement might be "to strengthen community relationships by becoming an educational resource that bridges the gap between City government and its constituents, while addressing potentially discriminating issues affecting organizations, groups, and individuals."

Mr. Roach suggested that the vision might be "to gain the respect and trust of the community and constituents so that they would believe the Commission will accomplish what they ask the Commission to do."

Mr. McGiffin felt it important for the Commission to foster respect, since this would be both critical and fundamental.

Mr. Ruane asked that each member develop at least three (3) specific objectives that meet the SMART criteria and follow the broad strategies included in the Portland Human Rights Commission Model for Change. The Commissioners could then review the individual ideas to determine if there was consensus in obtaining three (3) objectives that the Commission could address. As examples, he stated that in the area of the Discover strategy, objectives could be: 1) examine the City's Employee Handbook to see to what extent it represents good practice in terms of equality, etc., within the next six (6) months; 2) collect data on the sidewalk or recreation programs; or 3) determine how diverse Dover is by examining its demographics in terms of ethnicity, religion, etc.

Mr. Wilson suggested learning whether one (1) group, in terms of ethnicity, was leaving the area more than another group.

Mr. Ruane felt that the DHRC should try to determine what some of the real conflicts in the City are. Noting that race is an issue, he stated that perhaps the conservative/liberal politicization of communities and segregation of neighborhoods in terms of income and philosophy and related clustering were also issues. It was his belief that some of the biggest divisiveness had to do with partisan politics relating to social issues of the day that are dividing people of like races.

Mr. Wilson suggested that racial crimes being committed in the City should be looked at carefully, noting that crimes, such as home invasions, etc., were increasing. He felt that educating the community in this regard and providing programs to stop crimes were important.

Ms. Smith suggested the possibility of holding quarterly forums within the next year which would bring groups together to discuss their differences regarding issues such as those discussed by members, including racial crime, the conflict with the motorcycle group, sidewalks, etc., with some members of City Council attending as well. This would allow the DHRC to provide education and bring people together to decrease stereotypes and share opinions. She explained that the short-term goal would be to build trust and respect and create engagement, while the long-term goal would be to create change, which Ms. Smith felt would come over time.

Noting that the next DHRC meeting was scheduled for July 22, 2014, Mr. Wilson stated that the agenda for this meeting would include further discussion of the topics on the Workshop agenda.

Mr. Ruane reminded members to develop three (3) SMART objectives.

Mr. Wilson requested that members also provide input regarding their view of the role of Commissioner.

Mr. Ruane requested that members also review the suggested mission and vision statements.

Discussion - DHRC Organizational Structure

This item was deferred due to time constraints.

Mr. Wilson advised members that the Dover Public Library was hosting a series of films in commemoration of the 50th anniversary of the signing of the Civil Rights Act of 1964, and that the initial event held at the Schwartz Center on July 2, 2014 went extremely well. Mr. Wilson was unable to attend due to another engagement; however, he heard that there was positive conversation in the community about the event. He suggested that each Commissioner attempt to attend one (1) or more of these documentary events. In addition, Mr. Wilson requested that each Commissioner attend one (1) of the diversity training workshops being offered by the City's Human Resources Department, noting that a schedule of sessions had been emailed to members previously. Mr. Ruane requested that the schedule be emailed to members again.

Mr. Wilson requested that members continue to review the information that had been provided in their meeting packet.

Mrs. Traci McDowell, City Clerk, reminded members that pictures were still needed for member ID badges.

By unanimous consent, the meeting adjourned at 6:39 p.m.

Cecil C. Wilson
Chairman

CCW/TM/js/dd
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Attachment
Attachment #1 - Excerpts from the City of Dover Personnel Policy (Employee Handbook), July 2004



SECTION 15. PAYROLL DEDUCTIONS

Federal and State Income Taxes, Social Security Tax, Medicare Tax, Dental, Life and Health Insurance Premiums, Credit Union Contributions, United Way contributions, Public Employees Benefit Services Corporation Contributions (PEBSCO), International City Management Association Contributions (ICMA), U.S. Savings Bonds, pension contributions, Flexible Spending, Union Dues and any other deduction that is court ordered will be deducted at each pay period as authorized by law or by the employee.

SECTION 16. PAY DAY

Payday falls on Friday for all employees. Should a regular payday fall on a holiday, paychecks shall be issued on the work day that precedes the holiday. Direct Deposit of paychecks is a condition of employment effective July 12, 2004.

SECTION 17. PAY PERIOD

All employees shall be paid biweekly. The pay period shall be from 12:01 a.m. Sunday to 12:00 p.m. Saturday.

SECTION 18. TRADING OF REGULARLY SCHEDULED HOURS

Effective April 9, 2003 employees will not be permitted to trade regularly scheduled hours unless stated otherwise in the labor agreement that represents the employee.

ARTICLE IV

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

The City of Dover is committed to providing equal employment opportunities to all citizens and maintaining a high quality workforce that draws upon the talents of our diverse citizenry to effectively operate our City government. Through sound recruitment, promotion, and retention practices Dover will continue to strive for a workforce that reflects the diversity of the City's population.

SECTION 1. EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY

It is the policy of the City to promote and foster equal employment opportunities, nondiscrimination, and a work atmosphere that fosters mutual respect and understanding among persons of different races, sexes, and faiths. The City of Dover shall provide equal opportunity to all qualified individuals in recruitment, hiring and promotion practices and shall assure that

minority, female and handicapped applicants for positions listed.

The City of Dover shall notify minority, female and handicapped organizations, community agencies, community leaders, secondary schools and colleges of the City's policies of non-discrimination and equal employment opportunity, and the Affirmative Action policy.

Section 4. RESPONSIBILITIES FOR IMPLEMENTATION

A. Human Resources Director

1) The Human Resources Director of the City of Dover shall serve as the Equal Employment Opportunity Officer and be responsible for implementation of this plan. The department head of each City department shall be responsible for their department and shall be accountable for implementing the City's policy.

2) The Human Resources Director shall be responsible for auditing and continually reviewing the City's hiring practices and employee behavior with respect to the Policy. The City Manager shall be notified of any complaints initiated against the City and any requests from private organizations and people wishing to discuss our employment practices.

3) The Human Resources Director shall have a complaint procedure to permit and encourage employees to discuss with the Human Resources Director any problem resulting from alleged bias, discrimination, lack of employment opportunity or any similar matter.

B. Human Relations Commission

The City of Dover has a Human Relations Commission whose purpose is to make recommendations to the City Council on ordinances which would support inclusiveness and civility, and to engage in education and advocacy for bettering human relations. The Human Relations Commission should be consulted from time to time on progress of this policy, and shall be given opportunities to educate the work force on bettering human relations.

City of DVRV Employee Hand book July 2004

which is incompatible with his/her duties as a City employee. The following activities shall be considered incompatible with City employment:

(a) Any activity or enterprise which involves the use, for private gain, of the City's time, facilities, equipment, supplies, badge, uniform, prestige or influence of a City office or equipment.

(b) Any activity or enterprise which involves the receipt or acceptance by the employee of any money or other consideration from anyone other than the City for performance of an act which the employee would be required to render in the regular course of City employment or as part of his/her duties as a City employee.

(c) Any activity or enterprise which involves the performance of an act in other than his/her capacity as a City employee which may be later subject, directly or indirectly, to the control, inspection, review, audit or enforcement by such employee or the employing agency.

(d) Any activity or enterprise which involves the employee's time such that it impairs attendance or efficiency in the performance of duties as a City employee.

SECTION 5. LIMITATION OF EMPLOYMENT OF RELATIVES

(a) Members of an immediate family shall not be employed at the same time if such employment would result in an employee directly or indirectly supervising a member of his/her immediate family.

(b) This policy shall not be retroactive as of April 5, 1984 and no action will be taken concerning those members of the same family employed in conflict with (a) above prior to April 5, 1984.

(c) Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named.

Article VII Ethical Conduct

SECTION 6. DISCIRMINATION AND HARASSMENT

No employee shall discriminate, harass, or use derogatory language toward any person on the grounds of race, color, religion, sex, sexual orientation, physical handicap, age or national origin.

ARTICLE VIII

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on July 14, 2014, at 6:00 p.m. with Chairman Slavin presiding. Members present were Mr. Anderson, Mr. Hare, Mr. Shevock, and Mr. Sudler. Members of Council present were Mr. Dixon (arrived at 6:37 p.m.), and Mr. Hutchison. Mayor Christiansen was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Sudler moved for approval of the agenda as presented, seconded by Mr. Shevock and unanimously carried.

Proposed Financial Reforms - Public Safety Fund

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 stated that the Public Safety issue comprised five (5) of the 14 proposed reforms: 1) creation of a Public Safety Fund to be comprised of all costs associated with police, fire, and ambulance services; 2) revenue to the Public Safety Fund shall include all monies included in the revenue categories of Fines and Police Revenue, Police Extra Duty, Civil Traffic Penalties, Property Tax, and Grants related to these functions; 3) expenses against the Public Safety Fund shall include all monies included in the expense categories of Life Safety, Police, Police Extra Duty, and Fire; 4) the entire amount of funds received from the revenue category of Property Tax will be dedicated to the Public Safety Fund; and 5) it is the stated policy of City Council that the City shall have a goal of covering 100% of the costs for the Public Safety Fund with the revenue categories of Fines and Police Revenue, Police Extra Duty, Civil Traffic Penalties, Property Tax, and Grants by FY 2025. Mr. Slavin stated that, essentially, this would put all costs for public safety in one (1) area, direct certain revenues to support that, and establish that the City's policy would be to true up those expenses and revenues within the next ten years.

Mrs. Donna Mitchell, Controller/Treasurer, reviewed a memo dated July 9, 2014 as well as a summary of what a Public Safety Fund would look like based on the Fiscal Year 2015 Budget. She noted that, for this discussion, Public Safety included the following divisions/cost items: Fire, Life Safety, Emergency Management Coordinator, Code Enforcement, Inspections, Police (all divisions), and Police Pension contributions (pass through of State Grant), which are the same divisions included in Public Safety in accordance with the grouping of expenditure categories in the Comprehensive Annual Financial Report (CAFR). She indicated that a subtotal was included to segregate the categories included in the CAFR and the Discussion Draft of the Proposed Financial Reforms.

Mrs. Mitchell assured members that segregating Public Safety Revenues and Expenditures for budgetary purposes was permissible; however, for the audited financial statements they are required to be reported as General Fund Revenues and Expenditures, along with all other General Government activities. She advised members that if the decision were made to implement a Public Safety Fund, this would create an additional workload for the Finance Department and she would appreciate the opportunity to discuss the purpose and benefit of segregating these items into a stand-alone fund before making this change. In addition, Mrs. Mitchell recommended that this change be implemented during the budget process and not after a budget has been approved. This would prevent a large volume of manual work moving budgets and current financial activity to the new fund.

Mrs. Mitchell noted that the summary of the Public Safety Fund included Code Enforcement, Inspections, and Emergency Management expenditures, as well as Permits and Other Fees on the revenues side. Responding, Mr. Slavin relayed appreciation for this inclusion, explaining that his intention was to ensure that both the revenues and expenses were included. Mrs. Mitchell stated that, based on these amounts, there would be an approximate $880,000 shortfall for revenues in the FY 2015 budget, which would equate to an approximate tax rate of 2.78¢.

Due to time constraints, Mrs. Mitchell stated that staff had not had the opportunity to conduct a forecast of revenues and expenses for the long-term to determine if the revenues would keep up with the expenses or lag the expenses and create a bigger gap.

Responding to Mr. Slavin, it was Mrs. Mitchell's opinion that no Charter changes or ordinance amendments would be required to create the Public Safety Fund as suggested. She explained that the process would require the approval of City Council and the establishment of a policy for the Public Safety Fund, similar to the financial policies that had been adopted for the other three (3) major funds.

Mr. Scott Koenig, City Manager, questioned if there was an intent to create a separate public safety tax. He advised members that there had been much discussion at the end of the legislative session regarding special taxes, taxing districts, etc. He explained the need to obtain the results of the final disposition of this legislation before providing members a definitive answer. Responding, Mr. Slavin stated that his intention was to be able to tell taxpayers who inquire that 100% of the property taxes are dedicated to public safety.

Mr. Hare stated that, although he had no objections to the creation of a Public Safety Fund, he would not support an increase in property taxes. Responding, Mr. Slavin stated that no increase in property taxes would be introduced upon establishing the Fund and that it would not prohibit any other revenues to offset taxes, noting that future Councils would be making those determinations.

In response to Mr. Anderson, Mr. Slavin stated that there was no intention to create a tactic to pressure members of City Council to raise taxes in the future. He reiterated that the main benefit would be to provide property owners a definitive understanding regarding the use of property taxes by the City of Dover. He stated that it was intended to be a disciplinary tool for budgeting and

explaining expenses. With regard to the future, he stated that if there was a surplus of revenues (over expenditures), it would be the discretion of the sitting City Council to determine the use of any surplus, as it is currently.

Mr. Anderson moved to recommend approval of the proposed financial reforms related to Public Safety, seconded by Mr. Sudler and unanimously carried.

Parkway Academy Central School Resource Officer (SRO) Memorandum of Agreement (MOA)

Police Chief Paul M. Bernat advised members that in April 2014, Ms. Gail Evans, the Principal of Parkway Academy Central (PAC), met with him to request a School Resource Officer (SRO) at their school, which is located at 111 S. West Street, Suite 200, in Dover (above Duncan Depot Center). He indicated that the PAC is an alternative school for troubled youth who are removed from their traditional schools, such as Caesar Rodney, Polytech, Lake Forest, etc.

Members were advised that the PAC just completed its first year of a six (6) year lease at its current location but had been in Dover for the past four (4) years. Chief Bernat indicated that PAC was requesting the presence of one (1) police officer, from 9:00 a.m. to 2:00 p.m., five (5) days per week for its 180-day school year, which equates to 900 work hours. Since a normal work year is 2,080 hours per year, 900 work hours equates to 43% of one (1) work year. He stated that the cost of a new police officer with benefits is approximately $85,000 and that the school is willing to pay $60,000 for the 900 hours of police service. As a result, Chief Bernat stated that an additional $25,000 would be necessary. He proposed to "civilianize" the Sex Offender Unit officers and provided projections, prepared by the Police Resource Manager, of one (1) year and five (5) year savings and payroll costs, including unscheduled over-time, shift-differential, social security, medicare, healthcare insurance, OPEB, etc. ***(Attachment #1)***. He noted that the total cost for a police officer, including salary, benefits, training, uniforms, equipment and other costs, is $94,952 and that if the position were civilianized into a Sex Offender Unit position, the total cost would be $49,717, a savings of $45,235 for one (1) year and $262,675 for five (5) years. Chief Bernat stated that the additional $25,000 necessary could easily be made up in the first year simply by civilianizing one (1) Sex Offender Unit position.

Chief Bernat also provided members with a Wage and Benefit Information for Employee Hiring and Transfer Request form ***(Attachment #2)*** and explained that it indicated exactly how the FY 2015 budget would be affected. He noted that, to date, Chief Hosfelt's position had not been filled and that Sgt. Fortney was scheduled to retire on August 30, 2014. Chief Bernat indicated that he would also like to send one (1) additional officer (for a total of three (3) officers) to the Delaware State Police Academy, which begins on September 8, 2014. He stated that Sgt. Humphrey had shown an interest in retiring and becoming a sex offender management agent, which would result in a $45,000 savings, and his current position would not be replaced.

Chief Bernat reminded members that City Council had approved an authorized strength of 93 officers for the Dover Police Department, and there were currently 92 officers, due to the vacancy created by Chief Hosfelt's retirement. He noted that, although he recommended three (3) officers

for the Delaware State Police Academy, two (2) police officers would be retiring. Chief Bernat indicated that the authorized strength would decrease from 93 to 92 officers, there being one (1) less police officer. Currently, there were 29 civilians in the Police Department, and this would increase to 31 civilians with the hiring of two (2) additional civilians. However, hiring three (3) additional officers would temporarily increase the police officers to 94, since one (1) officer would not yet have retired. In essence, he stated that the Police Department would be trading one (1) police officer for two (2) civilian positions and, as a result, a good deal of money would be saved. Chief Bernat stated that making these changes in the FY 2015 Budget would result in a savings of $16,000. He reiterated that the average savings for civilianizing a police officer position is almost $50,000.

Regarding the request of PAC, Chief Bernat explained that a Memorandum of Agreement (MOA) between the PAC and the Police Department would be signed. The agreement would be for three (3) years at $60,000 per year. The agreement could be renewed in its second year; however, the City would also have the option to discontinue the agreement and release the SRO from the position when a police officer retires from the Dover Police Department. Under this scenario, he stated that no replacement would be hired to replace the retiring police officer.

Members were advised that the Police Department would be coming back to the Committee in the near future with a full personnel plan that would not exceed the FY 2015 budget. Chief Bernat assured members that this would be a win-win situation and would allow the Police Department to provide real-time police service to the PAC and allow the Department to have an extra uniformed officer available.

Staff recommended authorizing the Police Department to sign the MOA with Parkway Academy Central and approval for hiring a police officer for this program.

Responding to Mr. Hare, Chief Bernat indicated that the school year for PAC begins August 22, 2014 and runs for 180 school days. As a result, the SRO would be available for other duties outside the hours of 9:00 a.m. to 2:00 p.m., as well as during the summer months, when there is no school.

In response to Mr. Sudler, Chief Bernat explained that the SRO would be a full-time, City of Dover police officer who would be paid for 2,080 hours per year, 900 of which would spent working for the school.

Mr. Shevock questioned if there were similar arrangements in other schools. Responding, Chief Bernat stated that there are two (2) SROs in the Capital School District and the District provides the City with $50,000 per officer, per year. If any other school located in the City wanted an SRO, they would be required to submit a request to the City. Chief Bernat stated that the Indian River School District provides an SRO Agent who is paid $25 per hour during the school year; however, in addition, they have an SRO.

Responding to Mr. Slavin's concerns regarding whether a "sit-out" period was required before City retirees could return to employment with the City, Mrs. Mitchell stated that staff had requested a legal opinion on this matter since the City's actuary had once indicated that the hiring of City retirees would violate the City's Pension Trust. She suggested that no retirees be hired by the City until the legal opinion was received.

Elaborating, Mr. Koenig stated that some of the discussion was premature at this time, explaining that it was his hope that complete information would be presented to City Council for consideration; however, the SRO issue for PAC was on a specific time-line and a decision was necessary at this time. He assured members that staff was taking the required steps to ensure that the requested action could occur without any legal ramifications, noting that the City had an extremely unionized environment with 90% of employees unionized. If the requested positions were created, he stated that it would be necessary to determine if they would be non-bargaining or unionized positions. Mr. Koenig stated that staff was interested in the concept, since it would eventually save the City money and allow officers who are familiar with this type of work to fill positions, although the officers would not necessarily be retired City police officers. He mentioned that the negotiations with the American Federation of State, County, and Municipal Employees (AFSCME) had been difficult, specifically because of a City retiree being hired and their selection of certain benefits. Although answers would be required for some of the issues that had been discussed, he stated that, at this time the SRO issue was a contract that required City Council endorsement, noting that an SRO was important for these students and that the program had proven to be beneficial for the community.

Mr. Hare explained the need to plan and that certain changes may be necessary. He agreed that there was a need for the SRO at PAC for the betterment of the community and reminded members that there had been much discussion regarding the possibility of civilianizing the Sex Offender Unit positions. To his recollection, the Deputy City Solicitor had provided an opinion indicating that the City had the ability to hire retirees.

Responding to Mr. Shevock, Chief Bernat indicated that it takes 22 weeks to complete the Police Academy and that the Academy is provided every six (6) months. He also stated that any retiree hired would not be eligible for another pension from the City. If the three (3) police officers were approved and an opinion was received indicating authorization to civilianize the Sex Offender Unit positions, he assured members that the authorized strength would return to 92.

Mr. Hutchison felt that it would be imperative to determine if the retired police officers that would be hired to fill civilian positions would be unionized, explaining the importance of a Police Chief being able to assign a position where necessary and, if unionized, contract issues may prevent this flexibility.

Mr. Hare suggested the possibility of the Sex Offender Unit positions being contractual, which would avoid any union issues since these positions would not be filled by employees.

Mr. Anderson moved to recommend authorization for the position, that staff's recommendation be followed, and that the Police Chief and City Manager be authorized to sign the MOA with Parkway Academy Central. The motion was seconded by Mr. Hare.

At the request of Mr. Hare, Mr. Anderson clarified that by including approval of staff's recommendation, his motion included authorization for an additional officer to be hired, resulting in a total of three (3) police officers being sent to the Delaware State Police Academy in September 2014.

The motion to recommend authorization for the position, that staff's recommendation be followed, and that the Police Chief and City Manager be authorized to sign the Memorandum of Agreement (MOA) with Parkway Academy Central was unanimously carried.

Village at McKee Branch (Formerly Walker Woods) Redevelopment Pay-in-Lieu of Taxes (PILOT)

Mr. Scott Koenig, City Manager, advised members that the Milford Housing Development Corporation (MHDC) was proposing the redevelopment of Walker Woods into the Village at McKee Branch. This redevelopment project was working through the approval process so they can reconstruct this area to support current market needs. As part of their project financing support, they are seeking to enter into a Payment-in-Lieu of Taxes (PILOT) agreement with the City of Dover. He assured members that the draft agreement had been reviewed by the Deputy City Solicitor, Mr. William Pepper. The MHDC was proposing a PILOT in the amount of $5,000, prorated for any partial year, with an escalator of two percent (2%) each year.

Mr. Koenig noted that the City of Dover property and tax records indicated the combined properties associated with the redevelopment of the Walker Woods Subdivision currently yield a tax levy of $14,058.97 per year.

Mr. Koenig stated that he was continuing discussions with the MHDC and that the $5,000 PILOT was the initial offer. He requested permission to continue negotiations, explaining that the $5,000 PILOT would be the lowest amount and that there was a possibility that the amount may increase slightly. He advised members that a similar request was submitted by the MHDC to the Capital School District, as well as to Kent County.

Staff recommended that the City Manager be authorized to negotiate a final agreement with MHDC regarding a proposed PILOT for the Village at McKee Branch.

Responding to Mr. Sudler, Mr. Russell Huxtable, representative of the MHDC, 977 East Masten Circle, Milford, stated that being located within the City limits the development would be provided police services, fire protection, etc. and MHDC recognized this value to their residents. He stated that MHDC could be exempted from paying taxes and that entering into a PILOT agreement as a mutual understanding between the two (2) parties would not have an impact on the organization's 501(c)(3) status.

Mr. Koenig advised members that the owners of the property would have received street sweeping services, snow plowing, trash pickup, etc.; however, due to the manner in which they proposed to redevelop the property, the roadway will be private. As a result, these types of services will also be private. Mr. Koenig stated that the majority of the services that will be provided by the City will be for police, fire, ambulance, fire marshal, code enforcement, etc.

In response to Mr. Anderson, Mr. Koenig stated that the abandonment of the right-of-way in the development was presented and approved by City Council late last year and, since this matter went through the committee process, all City departments commented on the request. Regarding trash services, he explained that when Walker Woods was originally developed, it did not have individualized containers but rather a bank of large, centrally located containers. He stated that this type of arrangement had created difficult issues over the last 20+ years, explaining that in some years trash was put inside the containers; however, there were times when the containers closer to the roadway would overflow. Mr. Koenig stated that the redevelopment of the property would resolve this issue since the City would no longer be providing trash collection services for this property. He noted that there are other developments within the City with private collection, such as Luther Towers. Although there would be a $9,000 reduction in the revenues collected ($14,058.97 property taxes versus $5,000 PILOT), Mr. Koenig assured members that the City would actually realize a savings since City services were being eliminated.

Responding to Mayor Christiansen, Mr. Huxtable stated that the MHDC owns several other multi-family housing developments throughout the State, noting that its management takes over such services for all the complexes and they are within the operating budget for the apartment complex.

Mr. Hare moved to recommend that the City Manager be authorized to negotiate a final agreement with Milford Housing Development Corporation (MHDC) regarding a proposed PILOT for the Village at McKee Branch, seconded by Mr. Sudler and unanimously carried.

One-Year Follow-Up - Disposal of Excess Property - 70 Mifflin Road, 299 College Road, and 29 North Kirkwood Street - Offer from Habitat for Humanity

During their Regular Meeting of June 10, 2013, City Council approved the Legislative, Finance, and Administration Committee's recommendation that it be determined that 70 Mifflin Road, 299 College Road, and 29 North Kirkwood Street were excess properties and that the City Manager be authorized to negotiate sale prices with Habitat for Humanity that minimize the write-off amount for the properties located at 70 Mifflin Road and 29 North Kirkwood Street and that the Standard Method of Disposition of Excess Property (with the possibility of a bid process) be utilized for the property located at 299 College Road.

Mr. Scott Koenig, City Manager, provided members with an update on the three (3) properties authorized for disposal, as follows:

> 70 Mifflin Road – Habitat for Humanity originally offered to purchase the property for $10,000 on May 10, 2013. There was an agreed upon counteroffer on September 5, 2013 in the amount of $12,000. The sale of this property was officially

completed on October 8, 2013. The lien amount for the property was $12,175.68, so the City of Dover will write off $175.68.

29 North Kirkwood Street - Habitat for Humanity originally offered to purchase the property for $5,000 on May 10, 2013. There was an agreed upon counteroffer on September 5, 2013 in the amount of $5,800. As of July 8, 2014, the official property transfer had not occurred due to concerns about the deed description in the Sheriff's deed; however, the Deputy City Solicitor had indicated that the deed is consistent with the Kent County property records. City staff was waiting on an official response from Habitat for Humanity with a specific purchase date. If this purchase is not completed by September 30, 2014, the property will be offered through a public bid. The lien amount for the property was $16,511.12, so the City of Dover will write off $10,711.12, provided the transaction with Habitat for Humanity is completed.

299 College Road – The bid documents for the property have been completed and will be sent to the City's purchasing agent by July 11, 2014. Bids are to be received in August 2014, with the sale to be completed within 90 days. The lien amount is $17,870.26.

Responding to Mr. Sudler, Mr. Koenig stated that, to his knowledge, the property at 299 College Road would be the first property for which the City will let bids to the public, indicating that almost all other properties that the City had transferred had gone to the Central Delaware Habitat for Humanity. Mr. Koenig stated that there was public interest, outside of the Central Delaware Habitat for Humanity, in the property at 299 College Road.

Mr. Anderson noted that in some instances when a property is deemed dangerous, it may be less costly to repair it than to demolish it and questioned if staff would consider selling properties for the liens in order for the City to recoup its money. Mr. Koenig stated that, to his recollection, the City had not previously identified property that was in disrepair, taken action to have it repaired, and then had the property put out to public bid. He stated that for all such properties, the owner makes the necessary repairs or the City demolishes the property and goes through the lien process. Mr. Koenig explained that there are some cases where a third party may acquire the property from the original owner and either satisfy the lien or offer a certain amount that is accepted by the City to satisfy the lien.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that she and Deputy City Solicitor Pepper had discussed the possibility of repairing and selling properties that are in disrepair. She explained that the issue was that the only items the City has authority to lien are demolition and exterior repairs. She assured members that the problems with those properties that had been demolished by the City were far worse than exterior repairs; therefore, the City would not have the ability to renovate a property and then place a lien and sell the property. Responding, Mr. Anderson requested that he be provided the legal opinion on this matter, noting that the City Code would allow such action. Mrs. Townshend stated that although such an opinion was

voiced by the Deputy City Solicitor, she had not obtained a written legal opinion and further explained that the State statute is very clear regarding those actions that are "lienable;" however, she stated that a written legal opinion would be requested of the Deputy City Solicitor.

Due to the foreclosure crisis, Mr. Anderson felt that the City was taking action on more of these properties due to their being a public nuisance rather than because of their state of disrepair. He noted that the City had declared several properties dangerous because they were subject to vandalism and fire hazards and, as a result, the City was losing valuable housing stock.

Mr. Anderson moved to recommend acceptance of the follow-up report provided by staff on the disposal of excess properties, seconded by Mr. Sudler and unanimously carried.

By unanimous consent, the meeting adjourned at 6:55 p.m.

Timothy A. Slavin
Chairman

TAS/TM/jg/js/dd
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Attachments
Attachment #1 - One-Year and Five-Year Savings - FY 2015 Police Officer Payroll Costs - Civilianizing Sex Offender Officers
Attachment #2 - Wage and Benefit Information for Employee Hiring and Transfer Request

Dover Police Department

FY15 Police Officer Payroll Costs

Item	FY15 Officer Cost	5 Year Cost	FY15 SO Officer Cost	5 Year Cost	Remarks
Salary *	45,999	273,460	38,000	197,754	based on FY15 budget info
		-		-	
Unscheduled Overtime	5,444	27,221	-	-	
Shift Differential	957	4,787	-	-	
Social Security	2,852	16,955	2,356	12,261	
Medicare	667	3,965	551	2,867	
Health Insurance **	13,776	68,879	-	-	employee + spouse
Life Insurance	86	509	70	366	
Worker's Compensation	1,815	10,791	1,499	7,803	
AD&D	17	98	14	71	
Vision Insurance	40	198	40	198	
OPEB	5,474	32,542	-	-	
Retirement	6,523	38,777	-	-	
Total Benefits	37,650	204,721	4,530	23,567	
Total Salary + Benefits	83,649	478,181	42,530	221,320	
Training, Uniforms, Equipment & Other Costs	11,303	13,761	7,187	7,947	see breakout at next tab for details
Total Cost Per Officer	94,952	491,942	49,717	229,267	

ATTACHMENT #1
LF&A Committee Meeting of 7/14/2014

City of Dover
Wage and Benefit Information for Employee Hiring and Transfer Request

DEPARTMENT/DIVISION ORIGINATING REQUEST: POLICE

HIDE COLUMNS

Position	Current Grade/Step	Reason	Person	Separation Date	FY15 Wages Budgeted	FY15 Benefits Budgeted	FY15 Total Budgeted Wages & Benefits	% Year Wages Used	# Mos. Benefits Used	To Date Wages Paid	To Date Benefits Paid	Lump Sum Vacation/Sick Payment	FY14 Total Paid To Date	Balance	Remarks
Accessions													-		
Police Officer	Ptlm *	retirement	Chief Hosfelt	4/14/14	69,800.00	35,980.79	105,780.79	0.0%	-	-	-	-	-	105,780.79	* FY15 projected vacancy
Police Officer	Sgt	retirement	Fortney	8/16/14	82,500.00	44,400.00	126,900.00	12.6%	1.5	10,397.26	5,595.00	see below	15,992.26	110,907.74	
Police Officer	Sgt	retirement	Humphrey	8/16/14	89,600.00	41,900.00	131,500.00	12.6%	1.5	11,292.05	5,279.97	see below	16,572.02	114,927.98	
Police Officer	Cpl	retirement	Matthews	2/16/15	74,000.00	35,600.00	109,600.00	63.0%	7.6	46,630.14	22,430.42	see below	69,060.56	40,539.44	
Police Officer	Capt	promotion	Mailey	9/21/14	105,800.00	54,700.00	160,500.00	22.5%	2.7	23,768.77	12,287.42	-	36,056.19	124,443.81	salary & benefits at Capt rate
Police Officer	Maj	salary difference	Mailey	9/21/14	4,200.00	-	4,200.00	n/a	-	-	-	-	-	4,200.00	
Budgeted Retirements (Funding for retirements is maintained by Finance in a separate account)			Bernat, Scott & Stump		220,700.00	-	220,700.00	n/a	-	-	-	131,761.65	131,761.65	88,938.35	includes lump sum ests for Fortney, Humphrey & Matthews
Projected Additional Revenues for new SRO Position							60,000.00			-	-	-	-	60,000.00	
Totals							**919,180.79**							**649,738.11**	

Position	Position	Reason		Hire Date	FY15 Salary	FY15 Benefits	Total Pay	% Year Wages Needed	# Mos. Benefits Needed	Wages	Benefits	Total Pay Needed	Remarks
New Positions													
Police Officer	Ptlm	New Hire	TBD	9/8/14	45,600.00	37,650.00	83,250.00	80.8%	9.7	36,854.79	67,284.25	104,139.04	health care = family
Police Officer	Ptlm	New Hire	TBD	9/8/14	45,600.00	37,650.00	83,250.00	80.8%	9.7	36,854.79	67,284.25	104,139.04	health care = family
Police Officer	Ptlm	New Hire	TBD	9/8/14	45,600.00	37,650.00	83,250.00	80.8%	9.7	36,854.79	67,284.25	104,139.04	health care = family
Police Officer	Maj	promotion	Mailey	9/21/14	110,000.00	66,614.89	176,614.89	77.3%	9.3	84,986.30	136,453.15	221,439.45	salary & benefits at Maj rate
SOU Civlian	PG??	new position	Humphrey	8/16/14	38,000.00	4,600.00	42,600.00	87.1%	10.5	33,106.85	37,114.52	70,221.37	transfer funds to dept 542
SOU Civlian	PG??	new position	Matthews	2/16/15	38,000.00	4,600.00	42,600.00	36.7%	4.4	13,950.68	15,639.45	29,590.14	unsure of labor group
Totals							**511,564.89**					**633,668.08**	
Balance												**$16,070.03**	

ATTACHMENT #2
LF&A Committee Meeting of 7/14/2014

CITY OF DOVER
FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014
PRELIMINARY REVENUE REPORT
As of June 30, 2014

	GENERAL FUND	FY14 BUDGET	FY14 REVISED BUDGET	YTD REVENUES	100.0% % BUDGET RECEIVED	FY15 BUDGET	COMMENTS	FY13 REVENUES	FY12 REVENUES
1	Property Taxes	$ 10,852,300	$ 10,778,300	$ 10,777,800	100.0%	$ 10,782,200		$ 10,768,815	$ 10,765,741
2	Payment In Lieu of Taxes	317,200	317,200	316,700	99.8%	317,000		357,580	284,457
3	Transfer from Electric Fund	8,000,000	8,000,000	8,000,000	100.0%	10,000,000		8,000,000	7,876,288
4	Intrafund Service Receipts Electric	3,319,400	3,572,700	3,442,100	96.3%	3,508,100		3,195,818	3,105,015
5	Transfer from Transfer Tax Fund	1,315,500	1,393,000	1,543,700	110.8%	1,250,000	Thru June 2014	1,107,959	1,373,208
6	Business Licenses	1,460,000	1,460,000	1,494,300	102.3%	1,460,000		1,462,503	1,470,097
7	Intrafund Service Receipts Water/Wastewater	1,134,900	1,360,300	1,219,100	89.6%	1,354,900		1,046,492	894,186
8	Sanitation Fees	2,676,500	2,595,600	2,595,600	100.0%	2,595,600		2,624,877	1,903,623
9	Permits & Other Licenses	1,167,500	1,332,500	1,604,100	120.4%	1,354,200		1,162,765	1,346,769
10	Transfer from Municipal Street Aid Fund	527,400	663,900	663,900	100.0%	663,900		531,121	527,042
11	Fines & Police Revenue	666,000	573,900	646,600	112.7%	629,300		612,193	681,952
12	Police Extra Duty Fees	650,000	650,000	562,900	86.6%	659,500		703,575	600,310
13	Transfer from Police Grant Funds	110,000	126,800	80,100	63.2%	124,000		113,980	600,310
14	Court of Chancery Fees	863,200	1,002,200	945,300	94.3%	1,023,000	Thru May 2014	917,700	863,220
15	Transfer from Water/Wastewater Fund	500,000	500,000	500,000	100.0%	500,000		500,000	424,508
16	Transfer from Civil Traffic Penalties Fund	600,000	368,400	320,500	87.0%	500,000	Thru May 2014	299,828	518,638
17	Library Revenues & County Reciprocal Pymt	466,600	530,500	498,600	94.0%	521,600		471,065	475,822
18	Franchise Fees	606,200	636,000	477,800	75.1%	636,000		618,347	568,240
19	General Fund Grant Receipts	623,500	623,500	571,000	91.6%	623,500		777,987	1,010,452
20	Recreation Revenue	133,000	148,800	151,900	102.1%	148,800		144,490	112,480
21	Other Miscellaneous Receipts	213,800	203,600	170,900	83.9%	159,300		228,729	232,535
22	Interest Income	75,000	40,000	33,300	83.3%	40,000		93,173	53,175
23	Transfer from Reserves	-	250,000	250,000	100.0%	-	Contingency Reserve	-	-
	TOTALS	$ 36,278,000	$ 37,127,200	$ 36,866,200	99.3%	$ 38,850,900		$ 35,738,997	$ 35,688,068
	Final Budget		**$ 849,200**	**FY14 Chg.**		**$ 2,572,900**		**$ 35,569,000**	**$ 35,016,778**

CITY OF DOVER
FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014
PRELIMINARY REVENUE REPORT
As of June 30, 2014

	WATER/WASTEWATER FUND	FY14 BUDGET	FY14 REVISED BUDGET	YTD REVENUES	100.0% % BUDGET RECEIVED	FY15 BUDGET	COMMENTS	FY13 REVENUES	FY12 REVENUES
1	Water Fees	$ 4,730,700	$ 4,396,000	$ 4,459,800	101.5%	$ 4,616,400		$ 4,551,840	$ 4,707,918
2	Wastewater Fees	3,642,700	3,529,000	3,562,400	100.9%	3,706,800		3,564,615	3,722,985
3	Wastewater Adjustment Fees - County Trtmt	2,980,300	2,900,000	2,930,300	101.0%	2,902,600		2,926,616	3,050,127
4	Groundwater Inflow Adjustment	1,324,600	1,302,300	1,316,200	101.1%	1,862,500		1,314,033	1,290,968
5	Water Impact Fees	357,000	262,700	252,200	96.0%	472,700		220,362	308,700
6	Wastewater Impact Fees	323,000	237,900	230,200	96.8%	427,900		385,986	277,400
7	Water Tank Space Leasing	333,800	321,200	360,300	112.2%	331,900		300,067	313,101
8	Interest Income	23,100	10,000	3,500	35.0%	23,000		13,507	31,889
9	Other Miscellaneous Revenues	82,000	64,400	61,800	96.0%	156,600		73,312	104,634
10	Grant Receipts	-	-	-	0.0%	-		50,876	-
	TOTALS	$ 13,797,200	$ 13,023,500	$ 13,176,700	101.2%	$ 14,500,400		$ 13,401,214	$ 13,807,722
	Final Budget		**$ (773,700)**	**FY14 Chg.**		**$ 703,200**		**$ 13,822,200**	**$ 13,819,800**

	ELECTRIC REVENUE FUND	FY14 BUDGET	FY14 REVISED BUDGET	YTD REVENUES	100.0% % BUDGET RECEIVED	FY15 BUDGET	COMMENTS	FY13 REVENUES	FY12 REVENUES
1	Sales to Customers	$ 76,286,700	$ 78,971,700	$ 76,928,300	97.4%	$ 78,043,000		$ 86,887,345	$ 99,859,602
2	Purchased Power Adjustment	-	-	-	0.0%	-		-	(2,290,989)
3	Utility Tax	1,492,200	1,312,300	1,259,000	95.9%	1,296,900		1,443,852	1,944,543
4	Transfer from Rate Stabilization Reserve	4,000,000	7,000,000	7,000,000	100.0%	2,000,000		5,400,000	-
5	Miscellaneous Revenue	988,800	889,100	906,300	101.9%	954,600		2,026,127	1,381,300
6	Interest Income	119,400	12,000	9,500	79.2%	12,000		137,718	12,662
7	Intrafund Service Fees - Water/Wastewater	98,500	98,500	94,200	95.6%	-		136,413	171,646
	TOTALS	$ 82,985,600	$ 88,283,600	$ 86,197,300	97.6%	$ 82,306,500		$ 96,031,455	$ 101,078,764
	Final Budget		**$ 5,298,000**	**FY14 Chg.**		**$ (679,100)**		**$ 95,971,700**	**$ 99,934,036**

ACTION FORM

PROCEEDING: City Council	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works	**DATE SUBMITTED**: 07/18/14
PREPARED BY: Sharon J. Duca, P.E. – Director of Public Works / City Engineer	
SUBJECT: Evaluation of Proposals – Furnishing and Installation of Air Cooled Condensers for the John W. Pitts Center	
REFERENCE: CIP – Air Conditioning System at JW Pitts Center	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller	
EXHIBITS: N/A	
EXPENDITURE REQUIRED: $ 104,000	**AMOUNT BUDGETED**: $ 65,000
FUNDING SOURCE (Dept./Page in CIP & Budget): Parks and Recreation, FY 2014 CIP Page 52, Account No. 110-1500-525-40-25, Project No. PR1401. Deficit will be made up by transferring in $39,000 from the Parkland Reserve. Funds will be transferred upon City Council approval.	
TIME TABLE: Work is to be completed within four (4) weeks of the start of work.	
RECOMMENDED ACTION: Award the contract to Joseph T. Richardson, Inc., in response to City of Dover Request for Proposal #14-0046PW, for the amount not to exceed $104,000	

BACKGROUND AND ANALYSIS

This project proposes furnishing and installing four (4), twenty (20) ton air cooled condensers on the north and south side of the John W. Pitts Recreation Center for the existing gymnasium. The absence of air conditioning in the Pitts Center gymnasium has an adverse effect on summer programming. The gymnasium occasionally has to be closed to the public on days of high heat and humidity which significantly interferes with the City's ability to serve the community. This project will provide air conditioning to the gymnasium with all labor and materials furnished and installed by the contractor.

The proposal was advertised to the public as a Request for Proposal in accordance with the City's purchasing policy by the City's Purchasing Agent under RFP #14-0046PW. Proposals were opened on July 10, 2014. Each contractor was reviewed based upon the following criterion:

Factor	**Point Range**
Experience: Demonstrated experience with similar projects; familiarity with public work including its requirements, systems and problems; and history of achieving highest and best results among its peers.	0 to 20
Staff: Qualifications and utilization of the firm's employees assigned to the provision of these services, including previous work experience.	0 to 10
Costs: Proposed Cost of the Project.	0 to 40
Service Ability: Firm's ability to perform the services required and to meet the requirements of the project (i.e. staffing levels, adequacy of firm's financial responsibility and credit worthiness).	0 to 20
Location: Geographical location in relation to the City of Dover.	0 to 10
Maximum Points	**100**

The City of Dover received three (3) proposals which were reviewed and analyzed in accordance with the City's purchasing policy. Three (3) staff members conducted evaluations of the proposals. The following is a summary of the point-based evaluations:

Contractor	**Address**	**Average Score**	**Total Bid**
Progressive Mechanical Services, Inc.	132 Carnoustie Road Dover, DE 19904	47.0	Discrepancy between proposal form and vendor proposal form.
Diamond State Engineering, Inc.	3588 Peachtree Run Dover, DE 19901	91.5	$118,725
Joseph T. Richardson, Inc.	105 E. Center St. Harrington, DE 19952	92.0	$104,000

Based on the average score of the evaluations, as well as the proposed cost; staff recommends awarding the contract to Joseph T. Richardson, Inc. in the amount not to exceed $104,000.

Note:

The City's capital improvement plans (CIP) will need to be adjusted to reflect the use of the Parkland Reserve. The current CIP calls for using $200,000 to partially finance planned projects. The Parkland Reserve balance is $204,100 without consideration of the $100,000 appropriation for the White Oak Park included in the FY15 Budget.

DOVER FIRE DEPARTMENT

DOVER'S VOL. FIRE DEPT.
Since 1882

July 15, 2014

RECEIVED
JUL 21 2014
OFFICE OF THE CITY CLERK

Traci McDowell, City Clerk
City of Dover
P.O. Box 475
Dover, DE 19903

Re: Special Election of Fire Department Officers

Dear Ms. McDowell,

In April 2014, Jack Fortney resigned as Deputy Fire Chief and Mark Hall resigned as Second Assistant Fire Chief. Therefore, inaccordance with the Company's By-Laws:

"Article II, Sec. 3. 'Nomination for Fire Department Officers'
Whenever the office of the Chief, Deputy Chief, Assistant Chief, of Fire Captain shall become vacant through the resignation, death, absence, or disability of any person holding such office, such vacancy shall be filled by a special election held in the same manner as prescribed in this Article relative to regular elections for those offices, the nominations to be held at the next regular meeting following such vacancy, and the election held at a date set by the Company within ten days after said nomination."

At the regular Company meeting on 7 July 2014, the following members were nominated to the following Fire Department Officer positions:

Deputy Fire Chief	Mark A. Hall II
Second Assistant Fire Chief	Glenn Whitt

There being no contest for the above positions, the Secretary was instructed to and cast a ballot for the nominees. The Chief, since the positions were unopposed, has appointed the nominees to take office immediately, in an acting capacity, pending Council's approval. The above names are hereby submitted for Council approval.

Respectfully,

Charles Boyer
President

Al Farling
Secretary

103 South Governors Avenue • Dover, Delaware 19904
Headquarters: (302)736-7168 • Fire Chief's Office: (302)736-7167
FAX: (302)736-7166 • Website: Doverfire.org

CITY OF DOVER PROPOSED ORDINANCE #2014-15 WITH SA#1
(Staff Amendments Indicated in Green Text)

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

That Chapter 110 - Utilities, Article III - Water Service, Division 3 - Water Impact Fees, Section 110-207 - Establishment of Equivalent Dwelling Units of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 110-207. Establishment of equivalent dwelling units.

(a) *Determination for residential dwellings*. Whenever by ordinance or by contract the city imposes or assesses water charges or fees on the basis of EDUs, an EDU shall be determined in the same manner as wastewater collection charges or fees and as defined in the most recent impact fee ordinance adopted by Kent County Levy Court. An EDU for a residential dwelling shall be determined as follows:

(1) Houses, dwellings, mobile homes and apartments with one kitchen and one or more baths and bedrooms separate from the kitchen .....1.0 EDU

(2) Efficiency unit or cottage having a living space in one room and having one bath .....1.0 EDU

(3) Dwelling with one kitchen and one or more baths and bedrooms separate from the kitchen and attached to other dwellings or structures .....1.0 EDU

(b) *Determination for nonresidential establishments*. Whenever by ordinance or by contract the city imposes or assesses water charges or fees on the basis of EDUs, the number of EDUs to be charged shall be determined in the same manner as wastewater collection charges or fees and using the appropriate specific assessment as defined in the most recent impact fee ordinance adopted by Kent County Levy Court. When users propose water usage under circumstances other than the specific assessments defined by the county, the city's impact fee shall be calculated by the city engineer based on flow in GPD. In such cases where the impact fee is calculated by flow, each EDU shall be equal to 250 GPD.

(c) *Minimum assignment*. A minimum of one EDU will be assigned to each establishment connecting to the system. No fractional parts of EDUs will be assigned. The number of EDUs shall be rounded up to the nearest whole number of EDUs.

(d) *No assignment*. If an establishment does not have any physical facilities which result in a water demand on the city's water system, then the number of EDUs assigned to it shall be zero.

(e) *Maximum assignment*. ~~**The city shall in no case charge an impact fee based on more than 100 EDUs per certificate of occupancy.** For large development projects that have a significant impact on the City and/or the utility, City Council may consider a maximum assignment of EDUs per certificate of occupancy or project. A large development project is any project or connection that will contribute in excess of 100 EDUs. In these cases, City Council may reduce the number of assigned EDUs to as low as 100 EDUs. Any request that will contribute less than~~

Draft

~~100 EDUs cannot be considered a large development project and therefore would not be eligible for consideration of a reduction.~~ **For projects that have a significant impact on the City's Utility, City Council may consider a maximum assignment of EDUs. A project will be considered to have a significant impact if it will contribute in excess of 100 EDUs. In these cases, City Council may reduce the number of assigned EDUs to as low as 100 EDUs if an economic benefit to the City of Dover is demonstrated. Any request that will contribute less than 100 EDUs will not be eligible for a reduction. Maximum assignment of EDUs in excess of 100 EDUs will only apply to projects or connections with building permits issued after July 28, 2014. Any project with a building permit issued prior to July 28, 2014 will be subject to a maximum assignment of no more than 100 EDUs.**

BE IT FURTHER ORDAINED:

That Chapter 110 - Utilities, Article IV - Sanitary Sewer Service, Division 3 - Wastewater Collection Impact Fees, Section 110-282 - Establishment of Equivalent Dwelling Units of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 110-282. Establishment of equivalent dwelling units.

(a) *Determination for residential dwellings*. Whenever by ordinance or by contract the city imposes or assesses wastewater collection and transmission charges or fees on the basis of EDUs, an EDU shall be determined as defined in the most recent impact fee ordinance adopted by the Levy Court of the county. An EDU for a residential dwelling shall be determined as follows:

(1) Houses, dwellings, mobile homes and apartments with one kitchen and one or more baths and bedrooms separate from the kitchen .....1.0 EDU

(2) Efficiency unit or cottage having a living space in one room and having one bath .....1.0 EDU

(3) Dwelling with one kitchen and one or more baths and bedrooms separate from the kitchen and attached to other dwellings or structures .....1.0 EDU

(b) *Determination for nonresidential establishments*. Whenever the city imposes or assesses wastewater collection and transmission charges or fees on the basis of EDUs, the number of EDUs to be charged shall be determined using the appropriate specific assessment as defined in the most recent impact fee ordinance adopted by the Levy Court of the county. When users propose to discharge wastewater under circumstances other than the specific assessments defined by the county, the city's impact fee shall be calculated by the city engineer based on flow in GPD. In such cases where the impact fee is calculated by flow, each EDU shall be equal to 300 GPD.

(c) *Minimum assignment*. A minimum of one EDU will be assigned to each establishment connecting to the system. No fractional parts of EDUs will be assigned. The number of EDUs shall be rounded up to the nearest whole number of EDUs.

(d) *No assignment*. If an establishment does not have any physical facilities which have a load producing an effect on the city's wastewater collection and transmission system, then the number of EDUs assigned to it shall be zero.

Draft

(e) *Maximum assignment*. ~~**The city shall in no case charge an impact fee based on more than 100 EDUs per certificate of occupancy.** For large development projects that have a significant impact on the City and/or the utility, City Council may consider a maximum assignment of EDUs per certificate of occupancy or project. A large development project is any project or connection that will contribute in excess of 100 EDUs. In these cases, City Council may reduce the number of assigned EDUs to as low as 100 EDUs. Any request that will contribute less than 100 EDUs cannot be considered a large development project and therefore would not be eligible for consideration of a reduction.~~ **For projects that have a significant impact on the City's Utility, City Council may consider a maximum assignment of EDUs. A project will be considered to have a significant impact if it will contribute in excess of 100 EDUs. In these cases, City Council may reduce the number of assigned EDUs to as low as 100 EDUs if an economic benefit to the City of Dover is demonstrated. Any request that will contribute less than 100 EDUs will not be eligible for a reduction. Maximum assignment of EDUs in excess of 100 EDUs will only apply to projects or connections with building permits issued after July 28, 2014. Any project with a building permit issued prior to July 28, 2014 will be subject to a maximum assignment of no more than 100 EDUs.**

ADOPTED: *

S:\ORDINANCES\2014\DRAFT\Ordinance #2014-15 Amending Ch 110-Utilities, Art III-Water Service & Art IV-Sanitary Sewer - Impact Fees-Final Reading.wpd

SYNOPSIS

The proposed amendment would remove the current impact fee cap of 100 EDUs per certificate of occupancy. Developers of projects equal to or in excess of 100 EDU's that can demonstrate their economic benefit to the City of Dover may request City Council to reduce the number of assigned EDUs to as low as 100 EDUs. This amendment would be applied to projects with building permits issued after July 28, 2014. Projects with building permits issued prior to July 28, 2014 would be subject to the prior cap of 100 EDU's.

(SPONSORS: BONAR, HUTCHISON, AND KOENIG)

Actions History

07/28/2014 - Scheduled for Final Reading at Council
07/14/2014 - First Reading at Council
06/23/2014 - Introduced at Utility Committee

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