# REGULAR COUNCIL MEETING

The Regular Council Meeting was held on July 28, 2014 at 7:30 p.m. with Councilwoman Williams presiding in the absence of President Bonar. Council members present were Mr. Anderson, Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Slavin, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Fire Chief Carey, 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. Acting Council President Williams declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

There was no one present wishing to speak.

The invocation was given by Bishop Thomas L. Holsey, followed by the Pledge of Allegiance.

## AGENDA ADDITIONS/DELETIONS

Acting Council President Williams requested the addition of Item #3 - Certificate of Congratulations for Eugene Capers.

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

Acting Council President Williams advised members that staff had requested that Item #5A - Proposed Financial Reforms - Public Safety Fund be removed from the consent agenda.

**Mr. Slavin moved for approval of the consent agenda as amended, seconded by Mr. Anderson and carried by a unanimous roll call vote (Bonar absent).**

## ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JULY 14, 2014

**The Minutes of the Regular Council Meeting of July 14, 2014 were unanimously approved by motion of Mr. Slavin, seconded by Mr. Anderson and bore the written approval of Mayor Christiansen.**

## PRESENTATION BY LUTHERAN SENIOR SERVICES OF DOVER, INC. - PAYMENT IN LIEU OF TAXES (PILOT)

Mr. Gary Coy, Executive Director of Lutheran Senior Services of Dover, Inc., presented Mayor Christiansen and Mr. Slavin, Chairman of the Legislative, Finance, and Administration Committee, with a contribution of $27,227 as payment in lieu of taxes (PILOT) for expenses associated with City services provided to Lutheran Senior Services throughout the year. Mr. Coy stated that Lutheran Senior Services had been providing housing to seniors for 33 years, which was a very important mission that could not be accomplished without the cooperation of the City of Dover. He stated that Luther Towers and Luther Village provide 391 apartments, serving over 400 people, and that their new building will add 45 additional apartments.

Mayor Christiansen expressed his gratitude to Mr. Coy and Lutheran Senior Services for the contribution. He stated that it is a pleasure to have Luther Towers and Luther Village as a part of the City of Dover and looked forward to its expansion and continued growth.

Mr. Slavin noted that approximately 450 people call Luther Towers and Luther Village home and thanked Lutheran Senior Services for providing housing to the City's seniors.

**CERTIFICATE OF CONGRATULATIONS FOR EUGENE CAPERS**

Mayor Christiansen, joined by Ms. Sherwanda Rachal-Speaks, Recreation Specialist, presented the following Certificate of Congratulations to Mr. Eugene Capers and wished him a happy retirement:

***CERTIFICATE OF CONGRATULATIONS***

*This Certificate of Congratulations is presented to*

***Mr. Eugene Capers on your retirement as***
***Principal of Towne Point Elementary***

*We thank you for providing a safe haven for our Youth Connections programs by allowing the City of Dover to use space at Towne Point Elementary for over 15 years. The great partnership between the City of Dover and Towne Point Elementary has been a blessing for our youth.*

*We wish you the best with your future endeavors*
*as you enjoy your retirement years.*

***July 28, 2014***

Mr. Capers thanked the City of Dover for providing the opportunity for Towne Point Elementary to sustain the Youth Connections Programs for both the students and parents and, more particularly, he thanked Ms. Sherwanda Rachal-Speaks and introduced Ms. Crystal Thompkins, whom he hired several years ago and whom had proven to be his best investment for Towne Point because she had been a benefit to all who have had an opportunity to work with her. He stated that Ms. Thompkins serves as the liaison between the City of Dover and Towne Point Elementary School in providing the services offered. Mr. Capers stated that close to 50 children participated in the program this past year at the cost of only $35 per week, which had been an incentive for participants to continue with the program.

**DOVER HUMAN RELATIONS COMMISSION REPORT - JULY 8, 2014**

The Dover Human Relations Commission met on July 8, 2014 with Chairman Wilson presiding.

**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, 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 consent agenda, Mr. Slavin moved for acceptance of the Dover Human Relations Commission Report, seconded by Mr. Anderson and carried by a unanimous roll call vote (Bonar absent).**

**LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - JULY 14, 2014**

The Legislative, Finance, and Administration Committee met on July 14, 2014 with Chairman Slavin presiding.

**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.

The Committee recommended approval of the proposed financial reforms related to Public Safety.

Mr. Slavin advised members that following the Committee meeting, Mrs. Donna Mitchell, Controller/Treasurer, had expressed concerns and requested an opportunity to gather additional information. Having been out of town, he had not had the opportunity to meet with Mrs. Mitchell, which he planned to do sometime this week; therefore, he requested that this matter be deferred until the Regular Council Meeting of August 11, 2014.

**Mr. Slavin moved to defer the matter, to be considered during the Regular Council Meeting scheduled for August 11, 2014, seconded by Mr. Hare 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. 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 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.

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 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.

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

**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.

The 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.

**By consent agenda, Mr. Slavin moved for approval of the committee's recommendation, seconded by Mr. Anderson and carried by a unanimous roll call vote (Bonar absent).**

**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.

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

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

**Mr. Slavin moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Hare and unanimously carried.**

**QUARTERLY REVENUE REPORT**

Members were provided the Revenue Report as of June 30, 2014 (preliminary).

**By consent agenda, Mr. Slavin moved for acceptance of the Quarterly Revenue Report as of June 30, 2014, seconded by Mr. Anderson and carried by a unanimous roll call vote (Bonar absent).**

**EVALUATION OF PROPOSALS - FURNISHING AND INSTALLATION OF AIR COOLED CONDENSERS FOR THE JOHN W. PITTS CENTER**

Mr. Scott Koenig, City Manager, advised members that bids were requested for furnishing and installing four (4), 20-ton air cooled condensers on the north and south sides of the John W. Pitts Recreation Center for the existing gymnasium. He reminded members that this was a component of the original building plan that was not installed under the construction contracts. Mr. Koenig stated that the absence of air conditioning in the Pitts Center gymnasium has an adverse effect on summer programming and that the gymnasium had occasionally been closed to the public on days of high heat and humidity, which significantly interferes with the City's ability to serve the community.

Mr. Koenig explained that this project would provide air conditioning to the gymnasium, with all labor and materials furnished and installed by the contractor. He reviewed the summary of the three (3) proposals received, which were reviewed and analyzed utilizing a point-based system.

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

Mr. Koenig noted that the original budget for this project for FY 2014 was $65,000. In order to complete this project, he stated that it would be necessary to transfer $39,000 from the Parkland Reserve Fund. He advised members that the current Capital Improvement Plan (CIP) calls for using $200,000 to partially finance planned projects and that the current Parkland Reserve balance was $204,100, which did not include the $100,000 appropriation for the Dover Park, which was included in the FY 15 Budget.

Responding to Mr. Anderson, Mrs. Donna Mitchell, Controller/Treasurer, indicated that once the $100,000 was appropriated, the total Parkland Reserve balance would be $304,100.

In response to Mr. Perza, Mr. Koenig stated that the original project included two (2) components: labor and material; and the original estimate was $130,000. He explained that there was an error in the CIP last year that included only the labor component, which is why there was a disparity in these amounts.

**Mr. Slavin moved for approval of staff's recommendation to award the contract to Joseph T. Richardson, Inc., in an amount not to exceed $104,000, seconded by Mr. Lynn and carried by a unanimous roll call vote (Bonar absent).**

**ELECTION TO FILL VACANCIES - ROBBINS HOSE COMPANY**

Members were advised that in April 2014, both the Deputy Fire Chief and Second Assistant Fire Chief resigned. As a result, during their July 7, 2014 meeting, members of the Robbins Hose Company held nominations to fill the vacancies. Since these nominations were unopposed, the Fire Chief appointed the nominees to take office immediately, in an acting capacity, until approved by Council.

The President and Secretary of the Robbins Hose Company submitted the nominees for consideration, as follows:

| | | |
|---|---|---|
| Deputy Fire Chief | - | Mark A. Hall, II *(unopposed)* |
| Second Assistant Fire Chief | - | Glenn Whitt *(unopposed)* |

**By consent agenda, Mr. Slavin moved for approval of the Deputy Fire Chief and Second Assistant Fire Chief for the Year 2014, as submitted. The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote (Bonar absent).**

**APPOINTMENTS/REAPPOINTMENTS - RECOMMENDED BY MAYOR CHRISTIANSEN**

Mayor Christiansen submitted the following appointments for approval:

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

The appointment of the State of Delaware Representative to the Downtown Dover Partnership Board of Directors was deferred during the Annual Meeting of May 12, 2014, until the newly elected Mayor was sworn into office. During their Regular Meeting of July 14, 2014, Mayor Christiansen requested deferral of this appointment until the meeting of July 28, 2014.

Mayor Christiansen recommended the appointment of Ms. Laura Simmons to serve on the Downtown Dover Partnership Board of Directors as the State of Delaware Representative for a term to expire May 11, 2015.

**Downtown Dover Partnership Board of Directors - Three (3) Year Terms to Expire May 2017**
Paul Lakeman - Chief Executive Officer of Bayhealth Foundation
Dr. William Johnston - President of Wesley College
Anita Evans - Undesignated Representative
Lucy Findlay - Undesignated Representative
Gerald I. H. Street - Undesignated Representative

**Dover Housing Authority**
Raymond L. Paylor (to fill the unexpired term of C. Terry Jackson) - Term to Expire August 15, 2015

**Dover Public Library Commission**
Beth Petit de Mange - Five (5) Year Term to Expire June 2019

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

**By consent agenda, Mr. Slavin moved for approval of the appointments as recommended by Mayor Christiansen, seconded by Mr. Anderson and carried by a unanimous roll call vote (Bonar absent).**

**FINAL READING - PROPOSED ORDINANCE #2014-15 WITH STAFF AMENDMENT #1 (SA#1)**
The First Reading of the following proposed ordinance was accomplished during the Council Meeting of July 14, 2014.

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

**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**
Members were provided 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, reminded members that 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 EDUs 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 EDUs.

In discussions regarding the proposed amendment, Mr. Koenig stated that staff specifically met with representatives of the Calpine Project. He noted that the proposed amendment would not affect Block 1 of the Calpine Project, which is currently under construction. However, if they were to construct Block 2 of the Calpine Project, since the building permit would be issued after July 28, 2014, the amendment would potentially impact that project, as it would then place the burden on the developer to make an economic argument and presentation to City Council requesting a reduction in the impact fee for the particular project; however, in no instance would the number of EDUs be less than 100 for those large projects.

Responding to Mr. Anderson, Mr. Koenig stated that the County ordinance is separate from the City's and there are no caps or ability in the County ordinance to negotiate an impact fee. As an example, he stated that, currently, the Calpine Project is paying an impact fee solely based on the County ordinance, without a cap. He stated that it had been his experience that all economic development offices prefer as many incentives as possible; however, the City's Economic Development Office understood the need to maintain and expand the infrastructure. Although they may not wholeheartedly support the proposed amendment, they did not object to it. Mr. Koenig confirmed that the proposed amendment would provide the developer of any large project the right to come before City Council and make an argument to have their required EDU impact fee reduced to 100.

For clarification, Mr. Slavin noted that the draft ordinance includes red stricken language, which represented the original amendment, and the green stricken language represented the amendment presented to the Utility Committee. He questioned when the new green language was presented. Responding, Mr. Koenig stated that Staff Amendment #1 (SA#1), depicted in green text, was presented to City Council for a First Reading during their Meeting of July 14, 2014. He explained that SA#1 was the result of discussions with a developer in the City who had concerns about the language not clearly stating that it would exempt their project that was currently under construction. As a result, staff developed an amendment to make sure that all components of the green stricken language were incorporated and, at the same time, clarified the point that building permits that had already been issued were still subject to the cap. Since SA#1 did not change the proposed ordinance and would only provide clarification, he stated that SA#1 was presented directly to City Council rather than having it reconsidered by the Utility Committee.

Mr. Slavin relayed objection to having an ordinance presented to City Council without first having a review by the Committee.

Mr. Anderson moved to refer proposed Ordinance #2014-15 with Staff Amendment #1 (SA#1) back to the Utility Committee, seconded by Mr. Lynn.

Responding to Mr. Hare, Mrs. Traci McDowell, City Clerk, explained that the only new language was the date, based on an effective date of July 28, 2014. She stated that staff felt that the revised wording was confusing; therefore, staff developed Staff Amendment #1, which was simply to clean

up the green stricken language. She assured members that the new green language states the same intent as the green stricken language except for the inclusion of the July 28, 2014 date; however, the wording was changed for readability.

In response to Mr. Lynn, Mr. Koenig stated that, to his knowledge, no large building permits were pending that the proposed amendment would affect.

Mr. Hare felt, based on the explanation provided by Mrs. McDowell, there was no need to refer the Proposed Ordinance back to the Committee for further review. Responding, Mr. Slavin stated that although he concurred, his concern was that the Committee process was circumvented and that there was a need to respect this process as it involves citizen members and allows for public testimony. He also stated no objections to the Proposed Ordinance moving forward at this time.

On a call for the question, the motion to refer the matter back to the Utility Committee failed by a roll call vote of six (6) no (Dixon, Perza, Slavin, Hare, Hutchison, and Williams), two (2) yes (Anderson and Lynn), and one (1) absent (Bonar).

Mr. Anderson moved for adoption of Proposed Ordinance #2014-15 with Staff Amendment #1 (SA#1), seconded by Mr. Hare.

Mr. Perza stated that although he appreciated the concerns of following the Committee process, he felt that the substance of the language, as intended by the Committee, was maintained.

As Chair of the Utility Committee, Acting Council President Williams indicated no objections to moving forward with the adoption of the Proposed Ordinance. Responding to Mr. Lynn, she stated that there was no public comment during the committee meeting when this matter was presented for their consideration, and this was confirmed by the City Clerk.

Mr. Lynn stated that his only concern was that by moving forward, such action essentially stops the public from having the opportunity for meaningful dialogue or interaction with Council or its committees on this issue. In addition, he stated that the civilian Committee members would not be provided the opportunity to comment on the changes made since their review and recommendation. He felt that the matter should be referred back to the Committee to allow the opportunity for public comment.

**On a call for the question, the motion to adopt Ordinance #2014-15 with Staff Amendment #1 (SA#1), was carried by a roll call vote of five (5) yes (Perza, Slavin, Hare, Hutchison, and Williams), three (3) no (Anderson, Dixon, and Lynn), and one (1) absent (Bonar), and Council adopted Ordinance #2014-15, as follows:**
**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 to read 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*. 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.

(e) *Maximum assignment*. 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: JULY 28, 2014

**COUNCIL MEMBERS' ANNOUNCEMENTS**

Acting Council President Williams noted that Mr. Anderson's birthday was July 29th and wished him a very happy birthday.

**Mr. Slavin moved for adjournment, seconded by Mr. Hare and unanimously carried.**

Meeting Adjourned at 8:07 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of July 28, 2014, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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