REGULAR COUNCIL MEETING

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

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Second Assistant Fire Chief Mark Hall, Deputy City Solicitor Pepper, and Mrs. McDowell.

OPEN FORUM

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

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

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

AGENDA ADDITIONS/DELETIONS

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

Mr. Hare moved for approval of the consent agenda as presented, seconded by Mrs. Williams and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF APRIL 14, 2014

The Minutes of the Regular Council Meeting of April 14, 2014 were unanimously approved by motion of Mr. Hare, seconded by Mrs. Williams and bore the written approval of Mayor Carey.

CORRESPONDENCE FROM MAYOR CARLETON E. CAREY, SR.

Members received a letter from Mayor Carleton E. Carey, Sr., dated April 25, 2014, announcing his official resignation as Mayor of the City of Dover to be effective Monday, April 28, 2014 at 8:00 a.m., which was read into the record by Council President Bonar, as follows:

"Dear Mrs. McDowell,

After 22 years of service in city government (five years as a civilian on the Utility Committee, ten years on City Council, and almost seven years as Mayor of the City of Dover) I have decided it is time to retire.

I would like to thank all the employees of the City of Dover for all the great work that they do every day. What they do for our citizens is very commendable and they should be recognized for all their hard work.

It has been a pleasure, an honor and privilege to work with the men and women of the Dover Police Department. The Dover Police Department is #1 in the country as far as I am concerned. With all their outstanding work they do to protect the citizens.

One of the greatest awards that they received is the Accreditation with Excellence A ward from the Commission on Accreditation for Law Enforcement Agencies (CALEA). This is the highest award that a Police Department can receive. The Dover Police Department is 1 of 35 agencies nationwide to receive this prestigious award.

To all the committee members for the City of Dover, I thank you from the bottom of my heart for all that you have done volunteering to make this city a greater place for our families to live.

To the citizens of Dover, it has been an honor to serve you over my last 22 years and I want to thank you for all the support that I have received over the years.

With this letter, this is my official resignation as Mayor of the City of Dover. My last official day will be Monday, April 28, 2014 at 8:00 a.m.

Sincerely,

Carleton E. Carey, Sr.
Mayor of the City of Dover"

On behalf of the City Council, Council President Bonar indicated that the letter of resignation would be accepted with saddened hearts. He extended Mayor Carey good wishes in his retirement.

PROPOSED RESOLUTION NO. 2014-07 - APPOINTMENT OF MAYOR AND COUNCIL PRESIDENT

In accordance with Section 15 of the City Charter, since Mayor Carleton E. Carey, Sr. submitted his resignation as Mayor of the City of Dover, to be effective April 28, 2014, and the mayoral term of office will expire on May 11, 2015, members were provided proposed Resolution No. 2014-07, for the appointment of Mayor and Council President for their consideration.

Mrs. Traci McDowell, City Clerk, read Proposed Resolution No. 2014-07 - Appointment of Mayor and Council President into the record.

Mr. Hutchison moved for adoption of Resolution No. 2014-07, seconded by Mr. Dixon.

Noting the close proximity of the Annual Meeting scheduled for May 12, 2014, when the Council President would be elected by members of City Council, Mr. Anderson noted the provision in the Resolution for an Acting Mayor. He questioned if there should be a delay in consideration of the adoption of the Resolution until after the Annual Meeting.

Responding, Deputy City Solicitor Pepper stated that this would be the decision of City Council. He explained that there would be a benefit to delaying the action until after the Annual Meeting; however, he noted that the City Charter does not envision having a vacancy in the office of the Mayor, even if it is just for two (2) weeks.

Since the Charter does require the election of a Council President during the Annual Meeting, Mr. Anderson questioned if the Resolution would become null and void after two (2) weeks and if it would need to be reaffirmed after the Annual Meeting. He felt that delaying action on the Proposed Resolution until after the Annual Meeting would eliminate any possible questions or conflicts. Responding, Deputy City Solicitor explained that by adoption of the Proposed Resolution, Council President Bonar would serve as Mayor until such time that a new Mayor is elected and sworn into office. He indicated that whether this action is taken now or in two (2) weeks is a decision for City Council.

In response to Mr. Anderson's concerns regarding the committee appointments typically made by the Council President at the Annual Meeting, Deputy City Solicitor Pepper reminded members that there had been a longstanding precedent, which had been repeated multiple times, for the Council President appointments to be delayed for at least one (1) meeting. As such, he assured members that those appointments could be delayed, as well as the selection of the Council President, until this unusual interim period concluded with the election of a Mayor.

Mr. Hare questioned the possibility of delaying the Annual Meeting until such time as a new Mayor is sworn into office or making the Resolution effective until the Annual Council Meeting. He indicated that if a new Council President were elected at the Annual Meeting, adoption of a new Resolution would be required.

Responding to Mr. Slavin, Deputy City Solicitor Pepper indicated that although the City Charter specifies the date for the Annual Meeting, members would not be prohibited from delaying certain considerations that are scheduled for that meeting, particularly in light of these highly unusual circumstances.

Council President Bonar indicated that if the Proposed Resolution were adopted, as Mayor, he would not be voting during the Annual Meeting. For informational purposes, he advised members that in discussing these matters with Mrs. Williams, they had both agreed that the membership of the Council Committees would remain until the 2015 Annual Meeting.

In response to Mrs. Williams, Deputy City Solicitor Pepper indicated that Councilman Bonar could not be elected as Council President at the Annual Meeting since, with the adoption of the Proposed Resolution, he would not then be a member of City Council; however, he felt that members could defer the election of a Council President until such time that a new Mayor is elected and sworn into Office.

Mr. Perza suggested that members take action regarding the Proposed Resolution at this time, and in two (2) weeks, during the Annual Meeting, if members wish to take additional action, this could be considered at that time.

On a call for the question by Mr. Perza, Council, by a roll call vote of eight (8) yes (Dixon, Lynn, Perza, Slavin, Williams, Hare, Hutchison, and Bonar), and one (1) no (Anderson), adopted Resolution No. 2014-07, as follows:

A RESOLUTION APPOINTING THE VICE-MAYOR AS MAYOR UNTIL THE MAYOR'S POSITION IS FILLED

WHEREAS, Mayor Carleton E. Carey, Sr. whose term expires May 11, 2015, submitted his resignation as Mayor of the City of Dover effective April 28, 2014; and

WHEREAS, in accordance with Sec. 13 of the Charter, a special election to fill the vacancy is required no sooner than thirty (30) days from the date of vacancy and no later than (60) days after the date of vacancy; and

WHEREAS, in accordance with the provisions of Sec. 15 of the Charter, the Mayor's absence will be extended, in which case Council shall pass a resolution appointing the Vice-Mayor as Mayor until the Mayor's position is filled in accordance with Sec. 13, which resolution shall provide that the Vice-Mayor shall have the right to approve council action in accordance with Sec.10 hereof, in which case the Vice-Mayor shall lose his/her vote as Council person until further action is taken by Council.

NOW THEREFORE IT BE RESOLVED by Council of the City of Dover and in Council, met:

1. Council President and Vice-Mayor David L. Bonar shall serve as Mayor until the Mayor's position is filled, in accordance with the provisions of Sec. 13 of the Charter, due to the extended absence and resignation of Mayor Carleton E. Carey, Sr. and during this period of time David L. Bonar, acting as Mayor, shall have the right to approve or disapprove Council action in accordance with the provision of Sec. 10 of the Charter, in which case he shall lose his right to vote as Councilperson until further action is taken by Council. Upon the election and installation of a new Mayor, Vice-Mayor David L. Bonar shall return to his position as Vice-Mayor and shall regain his vote as Councilperson.

2. In accordance with Sec. 9 of the Charter, Beverly C. Williams, the senior member of Council, in terms of length of service, shall assume the duties of Council President and is hereby appointed as acting Vice Mayor and Council President.

ADOPTED: APRIL 28, 2014

Councilman Bonar relinquished his seat as Council President to serve as Mayor, and Council President Williams presided during the remainder of the meeting.

PROPOSED TRIBUTE - NO. 2014-02 - MILLARD F. BIDDLE

Mrs. Traci McDowell, City Clerk, read a proposed Tribute expressing sympathy and condolences upon the passing of Millard F. Biddle.

By motion of Mr. Hare, seconded by Mr. Lynn, Council unanimously adopted Tribute No. 2014-02, as follows:

A TRIBUTE EXPRESSING SYMPATHY AND CONDOLENCES UPON THE PASSING OF MILLARD F. BIDDLE:

WHEREAS, the Mayor and Council of the City of Dover have been greatly saddened by the death of Millard F. Biddle, former Councilman and businessman in the City, who passed away on March 31, 2014; and

WHEREAS, Millard F. Biddle served as Councilman of the First District from February 9, 1953 to February 11, 1957 and, during his tenure as Councilman, heard tax assessment appeals; served on the Building Commission, Hearing Committee, Fire Committee, Tree Commission, and Election Board; and dedicated his time and attention to the important functions of the City, helping to resolve the complex problems encountered; and

WHEREAS, Millard F. Biddle lived a long and productive professional life in Dover, beginning his career delivering milk via horse and buggy for local dairies, subsequently selling insurance for Prudential Insurance; owning and operating Biddle's Market in the downtown Dover area; being employed as a salesman for Delaware Candy and Tobacco Company; and serving as a property assessor for Kent County for 20 years; and

WHEREAS, Millard F. Biddle contributed greatly to the Dover community by supporting his wife, Hattye Mae Biddle, who co-founded, co-owned and directed The Little School; dedicated his time and energy to volunteer work, including service on the leadership board of People's Church of Dover and as a tour guide at the Johnson Victrola Museum; and was an enthusiastic promoter of Delaware tourism; and the City of Dover has sustained a great loss in the death of Millard F. Biddle.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council extend their deepest sympathy and condolences to the family and friends of Millard F. Biddle, and hope that they will be consoled by the memories of his exemplary life and commendable achievements.

BE IT FURTHER RESOLVED that the Mayor and Council direct the City Clerk to place this Tribute in the permanent records of the City of Dover in recognition of the many contributions graciously given to the community by former Councilman Millard F. Biddle.

ADOPTED: APRIL 28, 2014

Mayor Bonar presented the Tribute to Mrs. Nancy Jo Lambertson (daughter of Millard F. Biddle). He stated that a City of Dover flag would be presented by the Dover Police Department Honor Guard during Mr. Biddle's memorial service.

Mrs. Lambertson noted that many of her father's family and friends were present in appreciation of the Tribute. She stated that her father, if present, would have been distributing either a Dover or Delaware pin, which he did often due to his love of the City and State in which he resided.

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - 39 NORTH NEW STREET - ERIN L. COOPER

During their Regular Meeting of April 14, 2014, members deferred the public hearing and consideration of a violation of the Dangerous Building Ordinance at 39 North New Street, owned by Erin L. Cooper. At that time, members were advised that staff had received a request from the property owner to defer the public hearing because she was unable to attend the meeting that evening. She had also indicated that she was in the process of securing bids from various contractors to demolish the structure or to re-occupy it as an improved structure.

Due to a conflict of interest, Mr. Lynn requested to be disqualified from the consideration of this matter.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the property consisted of a two (2) story wood-framed, single-family home. She advised members that there were numerous code violations found during a housing inspection that occurred on August 14, 2012 and that, to date, none of the code violations had been brought into compliance. On April 9, 2013, she stated that a fire occurred within the home, causing fire damage and additional code violations. As such, the home was condemned as unfit for human occupancy. Since then, the home had been registered as a vacant building. Currently the structure was still unoccupied, with no active utility services and in a serious state of disrepair. Mrs. Townshend provided a chronological history and presentation on the conditions of the house located at 39 North New Street ***(Exhibit #1)***.

Mrs. Townshend noted that Riggs Builders had submitted plans for the demolition of the structure on April 25, 2014, with a start date of June 4, 2014; however, they had subcontracted for the asbestos abatement. Once the final paperwork is received regarding the asbestos abatement, she stated that the demolition permit could be issued. Mrs. Townshend advised members that staff had been in contact with the owner and that she was aware that this matter was being considered at this time. She stated that although the property owner was moving forward with the demolition of the structure, it is often Council's action on these types of violations that keeps the owners moving forward.

Staff recommended that City Council: 1) declare this building and all accessory structures on this property dangerous; 2) order the property demolished by June 4, 2014 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; and 4) order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner. Mrs. Townshend noted that the action form included in Council's packet requested that the property be demolished by May 28, 2014 which was incorrect, explaining that this date should be June 4, 2014, as indicated in the presentation provided to members.

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

Mr. Hare moved that the structure located at 39 North New Street be declared a dangerous building and subject to demolition, as recommended by staff. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote (Lynn abstaining).

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - 12 NORTH NEW STREET - EH POOLED INVESTMENTS, LP

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 12 North New Street, owned by EH Pooled Investments, LP. Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the property consisted of a two (2) story wood-framed, single-family home. She advised members that the structure was registered as a vacant building on November 5, 2012 and on April 12, 2013, a fire occurred within the home, causing fire damage and numerous code violations. As such, the home was condemned as unfit for human occupancy and boarded. Currently, the structure was still unoccupied, with no active utility services and in a serious state of disrepair. Mrs. Townshend provided a chronological history and presentation on the conditions of the house located at 12 North New Street ***(Exhibit #2)***.

Mrs. Townshend noted that, currently, only $42,000 remained in the City's budget for demolitions; however, she felt confident that there would be enough funds to cover any costs involved, particularly since the demolition and associated costs at 39 North New Street, as previously discussed, were being assumed by the owner.

Mrs. Townshend advised members that, during the previous week, she spoke with an individual who indicated that they had a contract to purchase the property. She stated that this individual was provided a list of the outstanding charges against the property. In addition, Mrs. Townshend stated that this property was once a single-family home that was converted to a two (2) family structure, which is no longer permitted. She noted that if any renovation were done to the property, restoration to a single-family use would be required. Mrs. Townshend assured members that the individual interested in its purchase was made aware of this and also of their ability to go before the Board of Adjustment for further consideration. She was not aware if this information had an effect on this individual's interest in purchasing the property.

Staff recommended that City Council: 1) declare this building and all accessory structures on this property dangerous; 2) order the property to be repaired or demolished by May 28, 2014 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4) order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

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

Mr. Hutchison moved that the structure located at 12 North New Street be declared a dangerous building and subject to demolition, as recommended by staff. The motion was seconded by Mr. Hare and carried by a unanimous roll call vote.

SETTING OF DATES FOR SPECIAL ELECTION

In accordance with Section 13 of the City Charter, a Special Election must be held to fill the vacancy created by the resignation of Mayor Carleton E. Carey, Sr., since the vacancy created is in excess of six (6) months in duration. This position is for the Mayor's seat with a term that expires May 11, 2015.

The following dates were submitted for Council consideration and approval relative to the Special Election:

Date of Election - Tuesday, June 17, 2014
The earliest the election can be held is May 29, 2014 and the latest it can be held is June 27, 2014.

Filing Petitions - April 29, 2014 through May 20, 2014 at 4:30 p.m.
This time frame allows four (4) weeks for filing of petitions and almost four (4) weeks for campaigning and absentee voting.

Voter Registration Close - June 3, 2014
Voter registration (for the Special Election) shall close on June 3, 2014. The State will continue to accept voter registration applications during this time.

Oath of Office - Special City Council Meeting of June 25, 2014
June 25, 2014 is the soonest that the Oath of Office can be administered.

Members were advised that the Elk's Lodge had been contacted and had tentatively reserved their facility as the polling place for the Special Election. Newspaper notices for the filing petition dates had been prepared so that they could be advertised immediately following the Council's approval of the dates.

Mr. Hutchison expressed the importance for those interested in running for the Office of the Mayor to understand that this is a full-time position and that the duties and responsibilities include oversight of the Police Department. He noted that on May 12, 2014, the Legislative, Finance, and Administration Committee would be reviewing the Mayor's duties and responsibilities as they relate to the Police Department and the possibility of this Department becoming the responsibility of the City Manager. He felt it was important for anyone who has an interest in running to be made aware that there may be a change in the Mayor's duties and responsibilities.

Mr. Hare moved for approval of the proposed dates, as recommended by staff, seconded by Mr. Dixon and unanimously carried.

DOVER HUMAN RELATIONS COMMISSION (DHRC) REPORT - MARCH 25, 2014

The Dover Human Relations Commission (DHRC) met on March 25, 2014.

Introduction of New Members

Mrs. Traci McDowell, City Clerk, requested that members perform self-introductions.

Mrs. Lynne Sadusky stated that she has been a resident of Dover for most of her life (since third grade), works as a substitute teacher, and has spent most of the previous 20 years raising her seven (7) children. She noted that she has served as a volunteer at the James T. Vaughn Correctional Center for close to seven (7) years and in the school system, which has provided her insight regarding the needs of the community.

Mr. Theodore Henderson informed members that he served in the military for 25 years, arriving in Dover in July 1995. He also indicated that he was the current pastor of Dover Christian Church, that he has three (3) grown children and has been married for 37 years.

Ms. Jane Hicks stated that she is a retired coach from Delaware State University and is currently the administrative assistant for men and women's basketball, volleyball, and soccer at the University. She also indicated that she is the former director of a national sports program for disadvantaged and low-income families in the community. She noted that she is a wife, mother of two (2), and has one (1) grandson.

Mr. Kenneth Roach advised members that he has lived in Delaware his entire life, apart from four (4) years away while attending college. He indicated that he has worked with children at the Boys and Girls Club at Simon Circle since the age of 14. When he returned from Bowie State University he obtained a job at Brenford Residential Treatment Center and moved into the field of child protective services with the Division of Family Services, where he served for five (5) years. Mr. Roach stated that he was currently employed at Booker T. Washington Elementary School as a family crisis therapist and volunteers with many organizations, including Delta Sigma Theta Sorority, Inc. He also performs community service for his fraternity, Phi Beta Sigma Fraternity, Inc. He expressed his love for the City of Dover, his community, and for children.

Ms. Courtney Stewart explained that she moved to Dover in 2000 to attend Wesley College, where she obtained Bachelor's and Master's degrees. Following graduation, she began working for the Department of Natural Resources and Environmental Control (DNREC) and held a number of positions within the State of Delaware. She currently works for the General Assembly in the Controller General's Office. She also teaches classes at the Dover Young Men's Christian Association (YMCA) and is active in the YMCA "Girls on the Run" program for girls aged eight (8) to 11,

which teaches self-confidence and life lessons while incorporating a running component in the program. She noted that she was also an adjunct instructor for Wilmington University.

Mr. James McGiffin advised members that he formerly served for almost five (5) years as a member of City Council representing the Third District. He stated that he is a lawyer and has worked for the Community Legal Aid Society for most of his career and performed most of that work in Dover. He has worked in Dover since 1987 and lived in the City since 1988.

Mr. Eugene Ruane stated that he grew up in Baltimore and moved to Dover in 1972. He is married and the father of three (3) grown children. He was an employee of the State of Delaware government for approximately 20 years before retiring and then served on City Council for ten years, representing the Second District. He resides in the Crossgates area.

Mr. Cecil Wilson stated that he had lived in Dover since graduating from Delaware State College in 1963 and had been active in the community under the auspices of the National Association for the Advancement of Colored People (NAACP). He is a former teacher, principal, associate principal, and adjunct professor at Wilmington University and Delaware State University. He explained that the NAACP had been responsible for bringing the City into a "more representative" status and he was very proud of this and stated his pleasure at being involved with the DHRC.

On behalf of the Mayor and Council, Mrs. McDowell thanked all members for volunteering to serve.

Election of Commission Chair

Mrs. McDowell explained that the Chair of the DHRC would work closely with City Clerk's Office staff to set meeting agendas, monitor follow-up actions, and conduct meetings in an orderly fashion.

Mr. McGiffin stated that he had observed Mr. Wilson for a long period of time and was aware of some of his accomplishments in the City. He expressed his opinion that Mr. Wilson was a very impressive individual with a tremendous set of skills and knowledge.

The Commission voted unanimously to elected Mr. Wilson as Chair of the DHRC.

Mr. Henderson expressed his feeling that Mr. McGiffin was very eloquent, wise, and experienced and felt that the diversity provided by having Mr. Wilson and Mr. McGiffin working together would be "human relations personified."

The Commission voted unanimously to elected Mr. McGiffin as Vice Chair of the DHRC.

Overview of Commission Purpose, Powers, and Duties

Ms. Denise Devine, Assistant City Clerk, advised members that the City Clerk's Office was excited to work with members to help fulfill the purpose of the Dover Human Relations Commission (DHRC). She reminded members that regulations for the Human Relations Commission are addressed in Chapter 58 - Human Relations, of the Dover Code and reviewed a presentation entitled, "Human Relations Commission - Overview of Commission Purpose, Powers, and Duties - March 25, 2014.

Referring to the powers and duties of the DHRC, Section 58-36 (1) - Recommendations of the Dover Code, Ms. Devine noted that recommendations are essential for the Commission to function. Since the Commission serves as an advisory board to City Council and makes recommendations for action to Council, communication with members of council is imperative. She noted that Section 58-33 (I) - Reports states that the Commission shall report to City Council on a quarterly basis regarding its affairs, and to accomplish this, following each Commission meeting, the meeting minutes would be scheduled for consideration by Council.

With regard to Section 58-36 (4) - Complaints, Ms. Devine noted that the City Clerk's Office maintains a log of all complaints received in order to determine whether each complaint is within the jurisdiction of the Commission, corresponds with the complainant, and ensures that each complaint is resolved. She advised members that any complaints received by a commissioner should be forwarded to the City Clerk's Office.

Referencing Section 58-36 (7) - Other Functions, Ms. Devine indicated that the Commission shall do all other acts and deeds necessary and proper to carry out and effectively accomplish the objections, functions and service contemplated by the provisions of Chapter 58 - Human Relations, Article II. Human Relations Commission. However; the Commission's functions are limited by Section 58-33 (e), which states that the Commission shall not involve itself in activities or functions already assigned by law or decree to other governmental bodies. Ms. Devine cited an example that occurred in 2013 when the DHRC received a complaint alleging unfair housing practices against the Dover Housing Authority and Colonial Investment Public Housing Program. Since this type of complaint falls under the jurisdiction of the Delaware State Human Relations Commission, Delaware Department of Justice Consumer Protection Unit, and the U.S. Department of Housing and Urban Development, the complaint was forwarded to these agencies and the Commission was unable to discuss the matter.

Ms. Devine noted that all meetings shall be held at City Hall and in accordance with the Laws of Delaware regarding the Freedom of Information Act (FOIA) and City of Dover procedures. The Commission will distribute its agendas and minutes through the City Clerk's Office. She stated that the City Clerk's Office would work with the

Commission Chair to develop future meeting agendas, but encouraged all members to feel free to contact the Clerk's Office with any recommendations for agenda items. Ms. Devine noted that meeting agendas, packets, and minutes are made available on the City's website, that members would receive an email each time they are posted, and that Human Relations Commissions agendas and packets would also be mailed to members prior to each meeting.

Ms. Devine explained that all proceedings of the Commission must take place in accordance with FOIA and that FOIA's intent is to ensure that all public business is conducted openly and publicly and to ensure transparency; therefore, all meetings of the Commission must be properly publicized. All meeting agendas must be posted on the City's website at least seven (7) days in advance of the meeting unless an emergency meeting is necessary for the immediate preservation of the public peace, health, or safety. She cautioned members that FOIA dictates that all meetings of the Commission are to be held publicly, which means that a quorum of members should not gather unless they are attending a meeting that has been properly publicized. Ms. Devine informed members that FOIA also prohibits "serial meetings," which is when a majority of members develop a collective agreement on an action item through direct personal communication, either by telephone, intermediaries, email, or other technology, etc. She advised members that a public meeting with a quorum in attendance is the only arena for making commission decisions. To help avoid serial meetings, Ms. Devine stated that members would be blind copied on all DHRC email correspondence from the City of Dover. She stressed the importance of complying with all FOIA regulations.

Ms. Devine indicated that, in addition to quarterly reports, the Commission shall provide an annual report of its accomplishments and a summary of its recommendations to the Mayor and City Council and that the annual report is typically presented to City Council during the month of January each year. She suggested that members review Chapter 58 - Human Relations, Article II. Human Relations Commission of the Dover Code and contact the City Clerk's Office with any related questions.

Mr. Wilson requested a copy of the information reviewed by Ms. Devine.

Recission of By-Laws

Ms. Denise Devine, Assistant City Clerk, advised members that the Dover Human Relations Commission (DHRC) had been regulated in the past by both its by-laws (adopted on September 6, 2002 and amended December 15, 2004) and Chapter 58 of the Dover Code, which establishes and regulates the purpose, organization, power, and duties, etc. of the Human Relations Commission. She noted that differences between Chapter 58 and the by-laws had led to miscommunication in the past.

Ms. Devine stated that Chapter 58 does not require the creation of by-laws; therefore, in an effort to improve communication and provide one (1) set of regulations, staff recommended rescission of the by-laws.

Ms. Devine explained that if DHRC members wished to incorporate any of the content of the by-laws into the Code, staff could assist in preparing a proposed ordinance for consideration by the Legislative, Finance, and Administration Committee and City Council.

Mr. Wilson suggested that members review the various subcommittees of the DHRC and think about their own expertise when considering committee service.

Mr. Ruane noted that staff suggested "starting all over" by considering how many committees there would be and what their mode of operation would be. He stated that the by-laws had been in place for ten years and suggested that some of the areas may be redundant. He indicated that one (1) suggestion was to rescind the current by-laws, which would provide members the option to create their own by-laws.

Mr. Wilson noted that the members currently serving on the DHRC were serving as district representatives; therefore, he felt that it would be appropriate to start over with new by-laws and also to review the DHRC intake form.

Mr. McGiffin questioned if the DHRC had the authority to create new by-laws if the current by-laws were rescinded. Responding, Mrs. McDowell stated that she did not believe that there would be anything to prohibit creation of new by-laws.

Mr. McGiffin expressed his understanding that the Commission did not have the express authority to create by-laws but that it was implied that the DHRC could create a mode of operating by by-laws. Mrs. McDowell stated that she could obtain a legal opinion on this matter, if members so desired.

Mr. McGiffin stated that he did not wish to rescind the by-laws only to discover the DHRC would be stuck operating strictly by the terms of the Code without the ability to "flesh out" other things that they must do.

Mrs. McDowell stated that she could do obtain an opinion the following day, if members so desired. She stated that she did receive a legal opinion stating that there was nothing prohibiting members from rescinding the existing by-laws. It was her recollection that previous members of the DHRC did not come forward and ask permission to create the current by-laws.

Mr. McGiffin moved to rescind the by-laws of the DHRC, seconded by Mr. Ruane.

Mr. Henderson stated that he felt uncomfortable getting rid of the by-laws as he had not yet read them. He inquired if staff wanted the by-laws rescinded because Chapter 58 provided all the mandate that was needed. Responding, Ms. Devine confirmed that staff's recommendation was to rescind the by-laws since Chapter 58 provided all the mandate that was needed and having two (2) sets of rules had caused confusion in the past. She noted that staff typically referred to the Code and that changes had been made to the by-laws without staff's knowledge. It was staff's desire to ensure that the DHRC, staff, and the public were working with the same set of rules and regulations.

Mr. Henderson inquired about the origin of the by-laws. In response, Mr. Ruane explained that Council established the DHRC by ordinance and, as it evolved over a number of years, the DHRC developed its own by-laws. He felt that by-laws would provide essential guidance for the operation of the organization; however, he stressed the importance of not including anything in the by-laws that would contradict the ordinance. He felt that the idea of starting over would allow the DHRC to develop a set of by-laws that everyone could be happy with, including staff, legal advisors, and City Council. After reading the by-laws, it was his impression that they included very detailed prescriptions on how to do business and he was unsure if the DHRC would continue to operate in the same way. He referenced the provisions regarding a large number of committees, noting that there were now only nine (9) members versus the previous number of 21, and that they would be meeting quarterly; therefore, he believed that fewer committees would be needed.

Mr. McGiffin stated that, to some degree, the Code functions as by-laws and lays out the kinds of things that by-laws address, although by-laws frequently address additional items. He felt that the existing by-laws went far beyond Code provisions. He felt that the Code provided a basis to begin, and he suggested that if members felt that additional rules were needed at some point, they could be developed at that time. He stated his concurrence with Mr. Ruane that it may be appropriate to "start from scratch."

Mr. Roach concurred, noting that the Commission previously had 21 members and that this number had been reduced. He expressed his desire to start the Commission fresh and go in a new direction to fulfill the duty of the Commission. He felt that it would not be appropriate to use the old by-laws.

The Commission voted unanimously to rescinded the existing by-laws of the DHRC.

Scheduling of Future Meeting Dates for 2014

In regard to the scheduling of future meetings, Mr. Wilson stated that after going through all of the material, he felt that it would be necessary to hold additional meetings between the quarterly meetings to consider reorganizing in order to over forward.

Members discussed their preferences in regard to the schedule for future quarterly meeting dates.

Mrs. McDowell indicated that the Council Chambers was available on Tuesday evenings, and suggested that members consider scheduling the quarterly meetings for July, October, and January, which would provide an opportunity for members to review the DHRC Annual Report in January prior to submission to City Council.

The Commission voted unanimously to schedule the quarterly meetings for the fourth Tuesday in July, October, and January (July 22, 2014; October 28, 2014, and January 27, 2015) at 4:30 p.m.

Mr. Wilson allowed members the opportunity to express additional comments.

Mr. Henderson expressed a desire to attend meetings "with both ears open and [his] mouth shut" and learn as much as he could.

Mr. Roach congratulated Mr. Wilson and Mr. McGiffin upon being elected Chair and Vice Chair, respectively, and expressed appreciation for their taking on these responsibilities.

Ms. Stewart stated that she looked forward to working with the DHRC to help make the City of Dover better.

Mr. McGiffin expressed his feeling that the first job of the Commission was to "figure out what is going on" and indicated that he was looking forward to this.

Mr. Ruane stated that he had made some inquiries in the community since he was contacted to consider serving on the DHRC and got the impression that "we were doing pretty good." He expressed his opinion that Dover had done a good job in promoting diversity and community relations and that he felt optimistic. He indicated that he was curious about each member's feelings about the state of the City in terms of community relations. Mr. Ruane stated that it would be beneficial to get to know one another better across cross-cultural, religious divides and expressed the need to reach out and ask other groups what they thought the DHRC should do. He noted that the DHRC was created in a moment of tension and expressed his belief that the City had moved beyond that time to a moment of opportunity today.

Mr. Wilson concurred with Mr. Ruane's comments. He indicated that the DHRC members should start with their respective Council district representatives, who should be attuned to the needs of all people, and noted that neighborhood watches, neighborhood organizations, and people in general could also provide input. Mr. Wilson stated that once committees were formulated and members decide what

they want to give to the commission as commissioners, the DHRC could move forward.

He noted that issues connected with race, employment, those who are re-entering society after imprisonment, and the homeless situation were affecting Dover and the entire nation. Mr. Wilson thanked members for electing him Chair.

Councilman Lynn stated that he had been involved in the process of reforming the DHRC and stated his pride in looking around the room and seeing the faces present. He felt that the members were a "fantastic cast of characters" and indicated that he could not wait to see what members will bring to the table.

Councilman Dixon also expressed his excitement and gratitude regarding the service of the new members and asked members to contact him if he could be of any assistance.

By consent agenda, Mr. Hare moved for acceptance of the DHRC Report, seconded by Mrs. Williams and carried by a unanimous roll call vote.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - APRIL 14, 2014

The Parks, Recreation, and Community Enhancement Committee met on April 14, 2014 with Chairman Dixon presiding.

Proposed Ordinance #2014-08 - 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

Mrs. Dawn Melson-Williams, Principal Planner, explained that she was presenting this item in the absence of Mrs. Ann Marie Townshend, Director of Planning and Community Development. She advised members that Mrs. Townshend had been attending meetings with representatives of the business and real estate communities, convened by the Central Delaware Chamber of Commerce (CDCC), since late 2012 to review the commercial, office, and industrial zones in the City in an effort to simplify the zones, create more generalized use categories, provide more flexibility in site design by adjusting bulk standards, and make the zones more business friendly. Mrs. Melson-Williams indicated that, as a result of this effort, Proposed Ordinance #2014-08 reflected proposed changes to Article 3 - District Regulations, Article 4 - Zoning Bulk and Parking Regulations, Article 10- Planning Commission, and Article 12- Definitions of the Zoning Ordinance. Mrs. Melson-Williams

explained that Article 3 - District Regulations, provided descriptions of each zoning district and informed members that the proposed amendments would affect eight (8) districts. She noted that Article 10 - Planning Commission, was a procedural section of the Zoning Ordinance dealing with the processes of applications that come under review by the Planning Commission. Mrs. Melson-Williams advised members that the proposed changes to Article 10 would increase the thresholds for projects that require Planning Commission review and that Planning Commission review would be required for building additions of more than 15% of the floor area. She also indicated that additional definitions were proposed for incorporation in Article 12 - Definitions.

Staff recommended adoption of Proposed Ordinance #2014-08.

Mrs. Melson-Williams noted that she had not been involved in the process of drafting the ordinance and, therefore, suggested that the Committee may wish to consider deferring the matter until Mrs. Townshend was available to answer additional questions.

Mr. Hutchison questioned whether the proposed amendments had been completely reviewed by staff. Responding, Mrs. Melson-Williams indicated that Mrs. Townshend had worked on the amendments with the City Clerk's Office and that it was her understanding that the City Solicitor had given the amendments a cursory review. Mrs. Melson-Williams advised members that the CDCC and members of the Kent County Association of Realtors were part of the working group involved in reviewing the Code with Mrs. Townshend and helped create the proposed amendments. Mrs. Melson-Williams explained that she was not in attendance at the meetings of the working group; therefore, she was not certain who was present during those meetings.

In response to Mr. Hutchison regarding the purpose of the proposed changes, Mrs. Melson-Williams advised members that the amendments were designed to make the code easier to understand, clarify items that may have been outdated in terms of language, and include some changes to the processes that were intended to benefit the business and commercial entities in the City in regard to development and redevelopment of properties in downtown Dover and City-wide.

Responding to Mr. Dixon regarding possible effects of the proposed ordinance on liquor stores, Mrs. Melson-Williams stated that if the proposed amendments were adopted, existing businesses would be "grandfathered" and would be permitted to remain even if they did not fit the criteria of the new zoning. However, if such businesses were to cease operations for a period of one (1) year, they could not be re-established if they did not meet the new criteria. In response to Mr. Dixon's concerns regarding drugs and alcohol, particularly liquor stores, in the vicinity of schools and churches, Mrs. Melson-Williams indicated that the Neighborhood Commercial Zone (C-1) prohibits the establishment of liquor stores in these areas.

In response to Mr. Perza regarding the outreach efforts that had been made to inform the community about the proposed ordinance, Mrs. Melson-Williams stated that she was not certain to what extent outreach had been extended to the general business community, but it was her belief that Mrs. Townshend gave a presentation about the amendments to the downtown merchants. Mrs. Melson-Williams also mentioned that information had been distributed by the CDCC and other members of the working group, but was unsure to what degree. She reminded members that in order for the text amendments to be adopted, they would be subject to public hearings before the Planning Commission and City Council and that publication of a legal notice in the newspaper was required, although a direct mailing to property owners was not.

Noting that some of the proposed changes to simplify the code, broaden the requirements for additions, and bring the language up to date appeared to be beneficial, Mr. Perza expressed his opinion that the proposed ordinance needed additional clarification and corrections to the language before bringing it before Council. In reference to public hearings, Mr. Perza expressed his feeling that when changes are made that pertain to residential areas, citizens tend to express more concerns than commercial property owners. He felt that before bringing the ordinance before Council and the public, the language should be easier to understand. As an example, Mr. Perza noted that Article 10 - Planning Commission, Section 2 - Site Development plan approval, Subsection 2.11(a) - Planning Commission Site Plan Review could be improved. Responding, Mrs. Melson-Williams suggested dividing Section 2.11(a) into two (2) statements, one (1) applying to new structures and another to building additions.

Responding to Mr. Perza regarding the process by which the ordinance was developed, Mrs. Melson-Williams advised members that the changes were tracked by City staff as a result of the discussions of the working group, noting that the proposed ordinance was a result of several drafts. She noted that in some cases entire sections were re-written while other sections were only edited.

Mr. Phil McGinnis, McGinnis Commercial Real Estate Company, 555 Loockerman Street, advised members that he was a member of the working group, along with Ms. Judy Diogo, President, CDCC; Mr. Tom Burns, Burns and Ellis Realty; Mr. Conny Malmberg, Young, Malmberg and Howard; Mr. John Paradee, Prickett, Jones and Elliott; Mr. Bob MacLeish, Lighthouse Construction; Mr. Keith Cooker, Landmark Engineering; and Mr. Scott Kidner, CS Kidner Associates. Mr. McGinnis stated that a few other individuals participated as well, which provided a good mix of knowledgeable business people who were familiar with the Code. Mr. McGinnis stated that Mrs. Townshend initiated the meeting process and that the group went through the Code word for word, page by page, working to make the language more current and applicable to the needs of the City in terms of permitted uses and classifying things more generally to remove the need for interpretation. In terms of the building expansion issue, Mr. McGinnis shared his view that the larger employers

in Dover who want to expand should not be required to come before the Planning Commission for changes that are minor in comparison to their vast size. He also stated that the proposed amendments were intended to incorporate smart growth concepts into the Zoning Ordinance, such as adding residential uses in some of the commercial districts, especially the neighborhood districts, so that people could live and work in the same general vicinity.

Responding to Mr. Hutchison's inquiry as to whether the properties could be converted from residences to apartments under the proposed changes, Mr. McGinnis stated that the residential districts were not reviewed; therefore, he was not certain whether homes could be converted from single-family residential to multi-family residential under the new ordinance, although he noted that there were a number of other districts where that was permitted. Mr. McGinnis stated that a meeting with the Downtown Dover Partnership (DDP) to discuss the ordinance was discussed but was unsure when that meeting would occur. He explained that the proposed changes were fairly technical and would likely seem transparent to the typical business person; therefore, it did not seem to be a high priority that every business owner attend a meeting to examine the ordinance. Mr. McGinnis advised members that Ms. Diogo had been advertising the proposed changes through the CDCC to make the community aware.

In response to Mr. Perza's concerns regarding the possible perception of smaller business owners that the changes were being made to benefit big businesses, Mr. McGinnis stated that the working group made vigorous efforts to make it easier for people to open up small businesses. He noted that the changes would eliminate the requirement for business owners to wait sixty (60) or ninety (90) days to go through a public hearing for conditional use approval.

Responding to Mr. Perza regarding the process for finalizing the ordinance, Mrs. Melson-Williams advised members that the Committee could exercise its option to refer the item back to staff to make the noted changes, clean up the language and bring it back to the Committee to make a recommendation to Council, or the Committee could move it forward to Council by way of the Committee Report at the time of the First Reading and cite the suggested changes as part of the recommendation to Council.

The Committee recommended that Proposed Ordinance #2014-08 be referred back to staff for a final read through to make recommended changes and clarify language, and returned to the Parks, Recreation, and Community Enhancement Committee on May 12, 2014.

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

By consent agenda, Mr. Hare moved for acceptance of the Parks, Recreation, and Community Enhancement Committee Report, seconded by Mrs. Williams and carried by a unanimous roll call vote.

UTILITY COMMITTEE REPORT - APRIL 14, 2014

The Utility Committee met on April 14, 2014 with Councilman Perza presiding in the absence of Chairwoman Williams.

Proposed Amendments to the Retail Customer Demand Response Program

Mr. Scott Koenig, City Manager, informed members that he was contacted by Mr. Scott Lynch, Energy Services Manager, Delaware Municipal Electric Corporation, Inc. (DEMEC) regarding the City's Demand Response Program (DRP). Mr. Lynch requested the City to clarify whether or not energy efficiency was included in the City's DRP. Mr. Koenig indicated that, in recent months, there had been renewed interest in adding energy efficiency to the DRP, and DEMEC and the City supported this concept. Mr. Koenig stated that Mr. Kirk Betts, Betts & Holt, LLP., the City's power supply attorney, suggested the incorporation of language that makes it clear that energy efficiency is a component of the DRP. Mr. Koenig stated that staff supported this change, as it was believed that this would help in the long-term management of the City's load.

Based on Mr. Betts' opinion, staff recommended that the second paragraph of the portion of the City of Dover Rates & Tariffs that applies to Retail Customer Demand Response be amended to read as follows:

Dover or its authorized designee may allow a Customer to bid DR into PJM's ancillary services market for energy imbalance, energy efficiency, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services, subject to the same terms and conditions.

Responding to Mr. Perza regarding potential fiscal detriment to the City if the amendment were adopted, Mr. Koenig stated that there would be no direct detriment. He indicated that if less energy were used, the City would sell less energy; however, the intent was for the system to be more efficient, which would be a better use of power in the long run.

In response to Mr. Perza regarding the need for countersignatures if the amendment were approved by Council, Mr. Koenig stated that signatures would not be necessary. He explained that the City would merely change the tariff and send the amended tariff to DEMEC, which would provide clear direction going forward.

The Committee recommended that the second paragraph of the City of Dover Rates & Tariffs - Retail Customer Demand Response be amended, as recommended by staff.

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

TEA/NAES Report *(February)*

The TEA/NAES Monthly Report for February 2014 was provided to members to enable them to monitor electric sales and revenues received, which will provide a better understanding of any fluctuations that occur and allow the opportunity to make improvements if deemed necessary.

In reviewing the Executive Summary on Page 1 of the report, Mr. Scott Koenig, City Manager, noted that the graph entitled "Power Supply Costs FY2013-14" tracked power supply costs and reflected that January and February were very expensive months for the City. He noted that the cost for energy alone was $64.95/MWh versus a budgeted energy cost of $49.42 per hour. Mr. Koenig stated that the City had been tracking high, explaining that costs had exceeded the amounts anticipated in the budget and that staff was working diligently to get those items under control going forward. Referring to the Variance Report on Page 10, he noted that the budgeted cost of services for February 2014 was $65.35 per MWh, and the actual cost was $77.84 per MWh. The Year to Date (YTD) Variance Report on Page 12 showed that actual costs for power supply were running approximately $10.5M above anticipated cost. Mr. Koenig advised members that electric revenues were approximately $5M higher to date this fiscal year; therefore, some of this cost is offset. He noted a deficit of approximately $6.7M for the total utilities cost and assured members that staff was working to bring these costs under control.

Mr. Koenig informed members that, from a budgetary standpoint, staff was having to transfer additional funds from the rate stabilization reserve to balance the cost of energy and that this would be reflected in the revised budgets that he and Mrs. Donna Mitchell, Controller/Treasurer, would be bringing forward for consideration. He indicated that staff was hopeful that these costs would become controlled over the next few months. Mr. Koenig stated that it appeared that the high reactive services charges that the City experienced earlier this year were now more in control, but the February overall costs "hit the City hard."

Referring to the Supply Variance on Page 2 of the report, Mr. Blakeman questioned the reason for the large difference between budgeted and actual figures for Solar Energy Cost ($/MWh), noting that there should be no fuel cost associated with solar power. He reminded members that the City had purchased less solar power than was budgeted. Responding, Mr. Koenig stated his belief that The Energy Authority (TEA) had not received a final copy of information related to the solar cost and that updated costs were not included in this forecast. He noted that the contract with LS Power in regard to solar energy was very specific on the escalators going forward; therefore, the only real difference that should be reflected is whether the City sold more or less power than the budgeted amount.

Mrs. Mitchell explained that the annual escalator was not included in the budget for FY14 but would be included in the revised budget.

The Committee recommended acceptance of the report.

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

Garrison Oak Technical Park Project Updates

Mr. Scott Koenig, City Manager, provided the following updates:

City Infrastructure

Mr. Koenig stated that Mr. Jason Lyon, Water/Wastewater Manager, had been working with contractors to line up project starting dates and several coordination meetings had been held. Staff was anticipating earthmoving and stormwater construction to begin within the next few weeks. Mr. Koenig noted that the subaqueous land permits for the crossing of the tax ditch had all been submitted and reviewed and a meeting was scheduled with Becker Morgan Group for April 15, 2014 to review the results, so it was expected that permits would be completed shortly. He stated that obtaining permits was the final component necessary before construction.

Calpine Energy Center

Mr. Koenig stated that the Calpine project was progressing. He explained that there had been an issue regarding the construction road back to the energy block; however, as of April 14, 2014, the final authorization had been signed to allow for Calpine's contractor to maintain this road at their expense with the necessary waivers in place to do so. It was expected that this work would begin shortly. Mr. Koenig noted that the Garrison Energy Center was on track and weekly coordination meetings were being held on Monday mornings to identify any outstanding items. He stated that Delmarva Power and Light (DP&L) was beginning work on clearing the alignment from the Garrison Energy Center back to the 230kV tie; therefore, associated tree cutting and earthwork may have started or would shortly. Mr. Koenig believed that the City had all of the necessary easements for the alignments for the radial line, as well as the lay-down areas and cross-access issues associated with DP&L for the industrial park.

Mr. Koenig advised members that it was believed that the land transfer of Lot 12 to Uzin Utz was very near completion and that construction was anticipated to begin later in April or early in May. He stated that all of the projects were tracking to match up with the dates provided and staff was hopeful and expectant that all infrastructure would be complete by the end of calendar year 2014, with the possible exception of the final coat of paving. He indicated that the operation of the energy block was slated for June of 2015, with testing of the facility to occur in early 2015.

Mr. Blakeman questioned if the transmission line would extend across and up or out of the back side of the plant. Responding, Mr. Koenig stated that it would extend out the back way, south to Lot 6 and then east; it would not come all the way down White Oak Road until past the Harmon Farm.

Dover Sun Park

Mr. Koenig reviewed information regarding the Electric Revenue Fund, FY 14 - White Oak Solar Park Incremental Cost, noting that the fiscal year-to-date (YTD) incremental Sun Park cost was $173,582. He explained that this was the amount of extra money paid by the City for the power coming from the solar block; however, this was necessary to meet the City's renewable energy requirements.

Mr. Blakeman inquired if any problems had been expressed by LS Power in regard to the effects of construction at the site on their solar panels, Mr. Koenig stated that a lot of concern had been expressed previously; however, he had not heard anything recently from LS Power. It was his belief that the period had passed when the largest amount of dust was being generated at the site and that LS Power was able to work out compensation for those inconveniences.

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

QUARTERLY REVENUE REPORT

Members were provided the Revenue Report as of March 2014.

By consent agenda, Mr. Hare moved for acceptance of the Quarterly Revenue Report as of March 2014, seconded by Mrs. Williams and carried by a unanimous roll call vote.

SEMI-ANNUAL INSPECTION BY CITY MANAGER - ROBBINS HOSE COMPANY

In accordance with Section 46-43 of the City Code, the City Manager, Mr. Scott Koenig, met with the Fire Chief to discuss fire company issues. Mr. Koenig submitted a memorandum outlining the items discussed and noted that the Robbins Hose Company continued to provide an outstanding level of service to the City of Dover and the unincorporated areas of the fire district.

By consent agenda, Mr. Hare moved for acceptance of the report of the Semi-Annual Robbins Hose Company Inspection, as submitted by the City Manager, seconded by Mrs. Williams and carried by a unanimous roll call vote.

EVALUATION OF PROPOSALS - WELLHEAD REDEVELOPMENT PROGRAM CONTRACT

Mr. Scott Koenig, City Manager, reminded members that the Department of Public Works maintains multi-year contracts with potential contractors to ensure adherence to the bidding rules. These contracts are priced as a "time, equipment, and material" contract and may exceed $25,000 annually. He explained that the contract will provide for the rehabilitation and repair of twenty (20) production

wells in an effort to maintain operations and/or increase the yield of each well as it relates to the permitted allocation. The recommended contractor will perform flow testing of each well and provide a report detailing testing results as well as recommendations. Upon reviewing information provided by the contractor, the City of Dover will plan for and/or schedule further repairs as needed based upon the prices provided.

Mr. Koenig advised members that a Request for Proposal (RFP) was advertised according to the City purchasing policy and that only one (1) contractor submitted a qualified proposal, A.C. Schultes of Delaware, Inc. He assured members that the proposals were evaluated using the following criteria: demonstrated experience with similar projects including a history of achieving highest and best results among its peers; cost; previous projects in the City of Dover; and availability to perform duties. Staff reviewed the proposal from A.C. Schultes and concluded that the pricing was fair and the proposal was complete. The proposal submitted by A.C. Schultes of Delaware, Inc included a 10% annual escalation. Details, including pricing, regarding the proposal submitted by A.C. Schultes of Delaware, Inc. were provided to members for their review.

Staff recommended awarding a three (3) year agreement, with the City option of two (2), one (1) year extensions, for the Wellhead Redevelopment Multi-Year Contract to A.C. Schultes of Delaware, Inc., as per the pricing included in the bid proposal.

Responding to Mr. Slavin, Mr. Koenig stated that he was not aware of any other City contract where the contractor had included a 10% escalator. He noted that the escalator is for time and labor only and not materials.

In response to Mr. Perza, Mr. Koenig stated that Council could grant a one (1) year contract to be rebid next year; however, he stated that this was specialty work and, unfortunately, there are not many contractors that perform the work required, explaining that in previous years, there were three (3) or four (4) in the area and that now there is only one (1) such contractor.

Mr. Lynn moved to approve staff's recommendation, specifically contingent upon their waiver of the 10% escalator, seconded by Mr. Perza.

Mr. Hare indicated that he would understand a 3%-4% escalator; however, he felt that 10% was high.

After much discussion, Mr. Koenig suggested that members defer action to allow him the opportunity to discuss the concerns of members with the contractor to determine if they would be willing to eliminate or change the annual escalator.

Mr. Lynn moved to defer action on the consideration of the Wellhead Redevelopment Program Contract, seconded by Mr. Perza and unanimously carried.

AUTHORIZATION TO EXTEND RECYCLING CONTRACT - INLAND WASTE SOLUTIONS, LLC (INLAND SERVICE CORPORATION)

Mr. Scott Koenig, City Manager, advised members that the City of Dover currently utilizes Inland Waste Solutions, LLC (Inland Service Corporation) as the City's recycling service provider to complement the City's in house menu of sanitation services. Overall the company had provided quality service over the past four (4) years, with particular improvement due to management and operational changes over the past year in particular. He stated staff's understanding that the provider was willing to extend current prices for the next three (3) years as they were recently awarded the sanitation services contract with Kent County.

Staff recommended granting a three (3) year contract extension to Inland Waste Solutions, Inc. to provide recycling services at the current rate of $1.21 per unit.

Responding to Mr. Anderson, Mr. Koenig explained that the County had a combined rate (they do not separate out the recycling services) and, as such, the County's rate was not attainable.

Mr. Anderson moved for approval of staff's recommendation, seconded by Mr. Dixon and carried by a unanimous roll call vote.

PROPOSED RESOLUTION NO. 2014-05 OPPOSING HOUSE BILL 230 (THE "MODEL FAMILY FINANCIAL PROTECTION ACT")

Members were provided Proposed Resolution No. 2014-05 which opposed House Bill 230 (the "Model Family Financial Protection Act") for their review and consideration. Deputy City Solicitor Pepper indicated his concern that certain provisions of House Bill 230, as written, would seriously impact the City's ability to collect property taxes and other lienable items. He stated that the threat of an involuntary sale of property to collect the debt would be withdrawn and that the only involuntary sale of a property would be a mortgage foreclosure. He did not feel that House Bill 230 would be in the best interest of any local governments within the State. Deputy Solicitor Pepper advised members that the City took 58 properties into the monition process this year, since they were two (2) or more years delinquent in property taxes, and only ten (10) of those properties were being taken to sale (noting that this sale was scheduled for the following day). He indicated that this equated to the City having a very high rate of collection and that this rate of collection would drop precipitously if the City did not have the ability to use the monition method to collect City property taxes, water, sewer, trash, and other similar lienable items.

In response to Mr. Anderson, Deputy City Solicitor Pepper stated that when a monition is filed, in accordance with the Dover Code, $110 is added to the account to cover the necessary filing fee and preparation of the monition pleadings. He stated that if the writ states that the Sheriff will sell it, an additional $250 is added to the account pursuant to the Dover Code.

Mr. Lynn felt that rather than submitting general opposition to the entire legislation, the City should oppose its application to municipal governments. He explained that he supported House Bill 230 and that it was critical for consumer protection from financial or business entities that unilaterally change contracts in mid-stream. The Bill would mandate that contracts involving financial services

be in writing; prohibit forum selection clauses; prohibit collection of consumer debt by any party not in possession of the actual, original contract; give consumers an opportunity to settle debts; and provide for the protection of the debtor and their family. As a result, Mr. Lynn stated that he would be opposed to proposed Resolution No. 2014-05 opposing House Bill 230 since it was broad opposition by Council to the entire legislation; however, he would support an opposition of House Bill 230 in its application to municipal governments.

Mr. Lynn moved for adoption of Resolution No. 2014-05, opposing only those sections of House Bill 230 relative to municipal governments, and with particularity that City Council does not oppose House Bill 230 in its entirety, only those applications which are adverse to municipal governments. The motion was seconded by Mr. Anderson.

Responding to Mr. Perza, Deputy City Solicitor Pepper stated that the proposed Resolution includes the City's objection to House Bill 230 due to the monition method of sale, which is authorized in accordance with Delaware Code, Title 9, Chapter 87, Subchapter II. He explained that the proposed Resolution opposed the Bill as introduced and sought to have an amendment to exempt municipal governments.

At the request of Council President Williams, Deputy City Solicitor Pepper explained that a monition sale is a method by which taxes, primarily, as well as other items that are added to the tax bill, can be collected in an expeditious form. It is somewhat a summary proceeding similar to a mortgage foreclosure whereby there are very limited defenses, noting that payment was the only defense that he was aware of.

In response to Mr. Perza, Mr. Lynn explained that his amendment was to specifically state that the City did not oppose the legislation with a "broad brush," but rather opposed it only insofar as its application to municipal government. He expressed his opinion that the proposed Resolution did not include this opposition specifically.

Without objection, Mr. Anderson read that portion of the proposed Resolution with which there was concern, as follows: "Now, Therefore, Be it Resolved that the Mayor and Council of the City of Dover stand in opposition to House Bill 230 as introduced" and stated that the City's concern was only with the one (1) section of House Bill 230. He explained that the issue was to ensure that someone lobbying in regard to the legislation could not "cherry pick" it and indicate that City Council opposed the legislation as a whole. It was his opinion that the amendment would allow for more clarity.

On a call for the question by Mr. Slavin, Council, by a roll call vote of seven (7) yes (Anderson, Dixon, Lynn, Slavin, Hare, Hutchison, and Williams) and one (1) no (Perza), adopted Resolution No. 2014-05, as amended to oppose only those sections of House Bill 230 relative to municipal governments, and with particularity that City Council does not oppose House Bill 230 in its entirety, only those applications which are adverse to municipal governments, as follows:

A RESOLUTION OPPOSING PORTIONS OF HOUSE BILL 230, WHICH WOULD AMEND TITLE 6 OF THE DELAWARE CODE BY INSERTING CHAPTER 24D - FAMILY FINANCIAL PROTECTION ACT

WHEREAS, on January 23, 2014, House Bill 230, referred to by title as the "Model Family Financial Protection Act," was introduced in the Delaware House of Representatives and assigned to the House Economic Development/Banking/Insurance/Commerce Committee for review and recommendation; and

WHEREAS, this broadly-written and complex legislation may be intended to achieve valid and worthy goals of protecting consumers from unreasonable and wanton acts by creditors and collection agencies that result in financial burdens and hardships; however, certain provisions of House Bill 230, as written, may disrupt and/or prevent legitimate, reasonable, and well established debt collection processes; and

WHEREAS, Delaware Code, Title 9, Chapter 87, Subchapter II, in conjunction with the Charter of the City of Dover, establishes a monition method of sale to reasonably and equitably collect delinquent property taxes owed to the City of Dover, upon which the City Government depends to cover significant costs associated with the provision of general government services; and

WHEREAS, the Mayor and Council of the City of Dover believe that House Bill 230, if enacted as written, may threaten, disrupt, or otherwise prevent the City Government from pursuing the collection of monies owed to the City of Dover.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Dover do not oppose House Bill 230 in its entirety but stand in opposition to those applications of House Bill 230, as introduced, which are adverse to municipal governments.

BE IT FURTHER RESOLVED that the Mayor and Council of the City of Dover respectfully request that any further consideration of House Bill 230 by the General Assembly include an Amendment that would have the effect of exempting municipal governments from any effects of the legislation.

ADOPTED: APRIL 28, 2014

LETTER OF SUPPORT FOR SENATE BILL 191 - DOWNTOWN DEVELOPMENT DISTRICTS ACT

Members were provided a proposed letter of support for Senate Bill 191, the Downtown Development Districts Act. Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that a part of Governor Markell's State of the State Address this past winter talked about a downtown development district proposal he planned to put forward, which had now been introduced as Senate Bill 191. She explained that the legislation would establish a program for designating downtown development districts competitively selected at the State level. In the first round, which will occur shortly after July 2014, there will be one (1) downtown

development district in each county, with subsequent additions. The Governor's budget also provides for $7M that would be spent in these downtown development districts, which would consist of public dollars that would match up to 20% of a project.

Mrs. Townshend stated that the Governor's Office had requested that the City of Dover support the proposed legislation and noted that the Senate's Community Affairs Committee would be holding a hearing on Wednesday, April 30, 2014. She indicated that the Governor's Office wanted the letter of support to share with the General Assembly as it goes through the process.

Responding to Mr. Perza, Mrs. Townshend stated no knowledge regarding the source of the $7M funding; however, it was her understanding that there was no direct correlation with the gas tax, since those funds were specifically for transportation projects. Mr. Perza relayed his concern that members of City Council might inadvertently be part of a tax increase at a different level beyond the City's control and be held responsible by supporting the legislation. Responding, Mrs. Townshend explained that the legislation itself creates the downtown development district program and designation process, which has no costs associated, and that the budget would include the costs. She assured members that the funding was not a part of Senate Bill 191 and that the funding would be provided through the State's budget.

Mr. Slavin noted that grants had been identified in the legislation as an incentive, including the use of historic district preservation tax credits which are already authorized for a 10-year period; therefore, these funds were already budgeted.

Mr. Lynn moved for approval of staff's recommendation to send the letter of support for Senate Bill 191 - Downtown Development Districts Act, seconded by Mr. Hare.

In reviewing the legislation, Mr. Anderson indicated his concerns with the future funding, explaining his understanding that a block of funds had been earmarked which was currently being considered for allocation rather than a tax increase; however, there was no knowledge of how future monies would be obtained. Although he had concerns, he felt that the City should support the legislation for receipt of the funds that were currently available, particularly since the legislation, as currently written, did not create any future obligation.

Mr. Perza relayed his concern that the legislation would be used as leverage to support a property tax increase; therefore, he did not feel that City Council should support the legislation.

Mr. Hare stated his opinion that the legislation would prove to be beneficial to the City, to be provided to local businesses and for local projects to develop the downtown areas throughout the State.

The motion to approve of staff's recommendation to send the letter of support for Senate Bill 191 - Downtown Development Districts Act was carried by a roll call vote of seven (7) yes (Anderson, Dixon, Lynn, Slavin, Hare, Hutchison, and Williams) and one (1) no (Perza).

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW) LABOR CONTRACT TENTATIVE AGREEMENT

Mr. Glenn Mandalas, Baird Mandalas Brockstedt, LLC, advised members that he served as the lead negotiator on behalf of the City of Dover for the labor agreement with the International Brotherhood of Electrical Workers (IBEW). He noted that the IBEW Contract expired June 30, 2013 and that they had been working on an agreement through negotiations, mediation, and arbitration. The primary goal for the City had been to change the trajectory of the City's long-term liabilities and post-employment benefits. He stated that the contract being presented to members for their consideration seeks to meet these primary goals, and highlighted some of the objectives included in the contract, as follows: a four (4) year agreement with no wage increase in the first year of the contract; in the second year of the contract, there will be a 3.25% general wage increase, and in the last two (2) years, there will be a 3% wage increase in each year; a 15% healthcare contribution paid by current, active employees and new employees hired on or after July 1, 2014 will be contributing at 20%; in retirement, for healthcare, current employees will maintain the status quo; however, new hires will contribute 20% towards healthcare premiums in retirement. He stated that there are many other less significant elements to the contract that were provided to members during the executive session held earlier in the evening.

Mr. Mandalas advised members that City staff, particularly the City Manager, Controller/Treasurer, and Human Resources Manager, had been dedicated to working towards this goal and commended them for their work during this process. He recommended approval of the Labor Contract with IBEW, as presented.

Mr. Hare moved for approval of the Labor Contract with IBEW, as presented, seconded by Mr. Slavin and carried by a unanimous roll call vote.

FINAL READING - PROPOSED ORDINANCE #2014-07

The First Reading of Proposed Ordinance #2014-07 was accomplished during the Council Meeting of April 14, 2014.

Mr. Hare moved that the Final Reading of Proposed Ordinance #2014-07 be acknowledged by title only, seconded by Mr. Dixon and unanimously carried.

Creating a new Chapter 52 - Freedom of Information Act Related to Public Records Access and Amending Appendix F - Fees and Fines

Mr. Hutchison moved for adoption of the Proposed Ordinance, seconded by Mr. Lynn, and by a unanimous roll call vote, Council adopted Ordinance #2014-07 *(Exhibit #3)*.

COUNCIL MEMBERS' ANNOUNCEMENTS

Referring to Proposed Resolution No. 2014-05, Mr. Hutchison suggested that City staff contact the Delaware League of Local Governments for their support as well.

Mayor Bonar thanked City staff, particularly the City Clerk's Office, for their assistance during this past week. He also expressed appreciation to Police Chief Bernat and relayed his support of the Police Department. Mayor Bonar stated his willingness to listen to suggestions and thanked members of Council for their support in the past and looked forward to continued support in the future.

Mr. Hare advised members that the City Manager's assistant, Ms. Yvonne Martine, was nominated and selected as Administrative Professional of the Year by the Central Delaware Chamber of Commerce and urged members to commend her on a job well done.

Mayor Bonar reminded everyone that the Dover Days Festival would be held on Saturday, May 3, 2014, the parade would begin at 9:00 a.m., and that there would be a lot of festivities for all to enjoy.

By unanimous consent, the meeting adjourned at 8:50 p.m.

TRACI A. McDOWELL
CITY CLERK

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

DAVID L. BONAR
MAYOR

/TM/jg
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Exhibits:
Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 39 North New Street
Exhibit #2 - Presentation - Violation of Dangerous Building Ordinance - 12 North New Street
Exhibit #3 - Ordinance No. 2014-07 - Creating a New Chapter 52 - Freedom of Information Act Related to Public Records Access and Amending Appendix F - Fees and Fines

Violation of Dangerous Building Ordinance 39 North New Street

Planning & Inspections Department

Dover, Delaware

April 28, 2014

EXHIBIT #1
Regular Council Meeting of 4/28/2014

39 North New St
Case History

- Property was vacated on October 2, 2012, and electric service was disconnected
- The rear of the structure was damaged by fire on March 31, 2013 and condemned by City staff on April 9, 2013
- Property was registered as a Vacant Building by property owner on April 16, 2013
  - Fee exempted due to demolition permit application
- Demolition Permit was submitted on April 16, 2013
  - Withdrawn October 16, 2013 by staff
- Riggs Builders submitted plans for the demolition of the structure on April 25th, with a start date of June 4, 2014.

Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

- (4) *Fire Damage*
- (5) *Unfit for habitation*
- (9) *General welfare.*
- (12) *Unoccupied Buildings.*


39










AIR WICK










39
04/10/2014 10:28


04/10/2014 10:29


04/10/2014 10:30

Recommended Council Action

- Declare this building and all accessory structures and equipment on this property dangerous.
- Order the demolition of the property to begin by **June 4, 2014** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause the demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Violation of Dangerous Building Ordinance 12 N New Street

Planning & Inspections Department

Dover, Delaware

April 28, 2014

EXHIBIT #2
Regular Council Meeting of 4/28/2014

12 N New St
Case History

- 14 code enforcement cases since 2002
  - Exterior code violations / abandoned vehicles
  - Closing of a vacant building
  - Annual housing inspections
- Registered as vacant by the city on November 5, 2012
- Boarded and re-secured several times by the City since November 5, 2012.
- Condemned by City Staff on April 12, 2013 due to a fire that occurred on April 11, 2013.
- The grass on the property has been ordered cut by the City on two separate occasions.

12 N New St
Case History

- Source of neighbor complaints
- Water was ordered disconnected on February 5, 2014 after it was found that the water usage for January was 111,300 gallons, indicating an interior water leak.
- Outstanding charges
  - $780.00 in vacant building fees, grass citations & lawn cuttings.
  - $1,473.28 in utility fees.

Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

(4) *Fire damage*

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*














Plumbing
Fixtures







Recommended Council Action

- Declare this property, including the accessory structure, dangerous.
- Order the property repaired or demolished by **May 28, 2014** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause the repair or demolition of the property if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of repairs or demolition to be charged against the land on which the property exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

CITY OF DOVER ORDINANCE #2014-07

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

That the City of Dover Code of Ordinances be amended by striking *Chapters 51-53 Reserved* and inserting *Chapter 51-Reserved and Chapter 53-Reserved.*

BE IT FURTHER ORDAINED:

That the Dover Code of Ordinances be amended by creating a new Chapter 52 - Freedom of Information Act Related to Public Records Access, to read as follows:

Chapter 52 - Freedom of Information Act Related to Public Records Access

Sec. 52-1. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Dover.

FOIA means 29 Del. C. Chapter 100, the State of Delaware Freedom of Information Act.

FOIA Coordinator means the City Clerk for the City of Dover or his/her designee.

FOIA request or *Request* means a request to inspect or copy public records pursuant to 29 Del. C. §10003.

Public record means information of any kind that is owned, made, used, retained, received, produced, composed, drafted, or otherwise compiled or collected by any public body, relating in any way to public business, or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded, or reproduced, except those records deemed not public under 29 Del. C. §10002(l).

Sec. 52-2. Adoption of Policy Related to Public Records Access.

The City Council shall adopt, implement, and promulgate a Freedom of Information Act (FOIA) policy for addressing requests for public records. Except as otherwise provided in this chapter, the City of Dover FOIA policy shall be consistent with the Delaware Freedom of Information Act, Title 29, Chapter 100 of the Delaware Code. A copy of the City's policy shall be maintained in the office of the city clerk.

Sec. 52-3. Fees for Responding to FOIA Requests.

Fee assessment and payment procedures related to FOIA requests shall be as provided for in Appendix F - Fees and Fines.

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, be amended by inserting text as follows:

Chapter 52 - Freedom of Information Act Related to Public Records Access			
Sec. 52-3 - Fees for Responding to FOIA Requests.			
Administrative Fees		First 30 minutes of staff time	No charge
		Staff time in excess of 30 minutes	Hourly salary plus overhead rate of the lowest paid staff member capable of performing the service. Billed in 15-minute increments.
Production Fees	Photocopies	Fees for printing the first 10 standard-sized black and white or the first 5 color copies (single sided)	Waived
		Standard-sized (8.5" by 11", 8.5" by 14", or 11" by 17") black and white copies	$0.25 per sheet (each side)
		Standard-sized (8.5" by 11", 8.5" by 14", or 11" by 17") color copies	$0.50 per sheet (each side)
		Oversized copies (larger than 11" by 17")	$30.00 per sheet (each side)
	Electronically generated records	Files provided via PDF (via email)	No charge
		CD or DVD (including case)	$2.00
		Other Electronic Storage Costs	Material cost to generate records
Other Costs	Other costs associated with filling the request, such as postage, are the responsibility of the requestor. If the City does not have the resources or equipment to duplicate requested records, the City, at its discretion, may arrange to have records duplicated by an outside contractor. In this instance, the requestor will be liable for payment of these costs.		

Fee Waivers	The FOIA Coordinator or designee shall have the authority to determine if a fee for a FOIA request shall be waived and the following criteria shall be used to render such a decision: 1) The public record is already available in duplicate form (extra copies). 2) The request for public record is made by an individual who is entitled to information under the FOIA and who submits an affidavit, provided by the City upon request, which shall state that the individual is then receiving public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigence. A person shall be considered indigent if that person's income level is at or below the federal poverty level, as established by the Bureau of the Census. 3) No written request will be required or charges levied for requests to review specific documents which are required by ordinance to be made available to the public by the City Clerk.
Payment	Payment of fees related to FOIA requests will be due prior to any related service being performed. Full payment of all final costs incurred must be received prior to the retrieval and release of information.

ADOPTED: APRIL 28, 2014

SYNOPSIS

The Delaware Freedom of Information Act (FOIA) states that all public bodies shall implement and promulgate a policy for addressing requests made under FOIA and that fees charged in responding to requests for public records must adhere to those set forth in the Delaware FOIA, unless otherwise set forth in the Delaware Code or any applicable code of a municipal public body. The ordinance would mandate that the City adopt a FOIA policy and would codify the fees charged by the City in relation to FOIA requests.

(SPONSORS: HARE, MCDOWELL)

Actions History

April 28, 2014 - Final Reading/Adoption at City Council
April 14, 2014 - First Reading at City Council
March 24, 2014 - Considered at the Legislative, Finance, and Administration Committee