REGULAR COUNCIL MEETING

The Regular Council Meeting was held on February 24, 2014 at 7:30 p.m. with Council President Bonar presiding. Council members present were Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Slavin, Mrs. Williams, Mr. Hare, and Mr. Hutchison. Mr. Anderson was absent.

Council staff members present were Police Chief Hosfelt, Mrs. Mitchell, Mrs. Townshend, Fire Chief Carey, Mr. Koenig, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Carey was absent.

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.

Ms. Gail Tolbert, 1001 White Oak Road, asked when the recreation center at Dover Park was last inspected and when the condition became so bad that it now needs to be demolished. Mrs. Ann Marie Townshend, Director of Planning and Community Development, responded that the need for a new roof was identified several years ago. She noted that the building had deteriorated at an accelerated rate over the past six (6) months since the building was vacated. Ms. Tolbert stated that she was opposed to demolition of the building.

Mr. Reuben Salters, 109 Bertrand Drive, stated that he has worked tirelessly for the past 50 years with young people to help them develop, grow, and become outstanding citizens. He noted that City Council and City staff have the same goal in mind. Mr. Salters suggested that there be an orderly plan for recreational facilities and urged Council to fully explore the recreational needs of the young people on the east side of Dover.

Mr. Bruce MacGloan, 53 Planters Run Court, stated that he went to look at the building and it does need repairs; however, he felt that the only real use for the building would be to provide bathrooms. He stated that he was against spending $300,000 on the construction of a new building.

Reverend Shirley M. Smith, 2 Forrest Hills Court, stated that it would be a shame not to fix the recreation center for the young people. She felt that everyone had their own agenda and they were forgetting what they were supposed to be doing and who they were supposed to be helping.

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, seconded by Mrs. Williams and unanimously carried.

Mr. Hare moved for approval of the Consent Agenda, seconded by Mr. Slavin and carried by a unanimous roll call vote (Mr. Anderson absent).

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF FEBRUARY 10, 2014

The Minutes of the Regular Council Meeting of February 10, 2014 were unanimously approved by motion of Mr. Hare, seconded by Mr. Slavin and bore the written approval of Mayor Carey.

PRESENTATION - HEELS & WHEELS BIKE/WALK SUMMIT (KATE LAYTON)

Mrs. Kate Layton, Public Liaison for the Dover/Kent County Metropolitan Planning Organization, advised members that the Delaware Trail Summit and the Delaware Bike Summit have joined forces to make Delaware an even better place to walk, ride, and live. She stated that Delaware State Parks, the Delaware Department of Transportation, the Dover/Kent County Metropolitan Planning Organization, and the Wilmington Area Planning Council (WILMAPCO) would be hosting Heels & Wheels: Delaware Walk/Bike Summit 2014 on Friday, March 21, 2014, at the University of Delaware's John M. Clayton Hall in Newark. Mrs. Layton stated that Dan Burden, the nation's most recognized authority on walkability, bicycle and pedestrian programs, would be the keynote speaker. She also noted that a continental breakfast and lunch would be provided and, although there is no cost to attend, registration is required.

PRESENTATION - ANNUAL REPORT - DOVER HUMAN RELATIONS COMMISSION

Mr. Roy Sudler, Chairman of the Dover Human Relations Commission, reviewed a powerpoint presentation highlighting the Commission's activities for the year.

Mr. Sudler announced that he has been appointed to the State Human Relations Commission and would be resigning from the Dover Human Relations Commission. On behalf of the Mayor and Council, Council President Bonar thanked Mr. Sudler for his service to the City.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - FEBRUARY 10, 2014

The Parks, Recreation, and Community Enhancement Committee met on February 10, 2014 with Chairman Dixon presiding.

UPDATE - Community Development Block Grant (CDBG) Program

Mrs. Tracey Harvey, Planner I, reviewed the Update of the Community Development Block Grant (CDBG) Program, including the status of FY-2013 CDBG Projects - Monthly Statistics for January 2014. In addition, members were provided an update on the Neighborhood Stabilization Program (NSP). She noted that the application deadline for the FY-2014 grant applications was February 10, 2014 and that staff would be submitting recommendations to the Committee during their March meeting. She reminded members that this would be the last year for the current program's multi-year grants since the new five (5) year consolidated plan will be implemented in FY-2015.

Referring to the NSP, Mrs. Harvey stated that the eleventh, and last, property will be sold in March 2014, which will result in the completion of the Program.

No further action was taken by the Committee.

Update - Recreation Needs Assessment

During the Committee meeting of January 13, 2014, members considered a Recreational Needs Assessment and recommended authorizing the City's Planning Department, beginning February 1, 2014, to perform a recreational needs assessment for the City of Dover, utilizing City staff to conduct workshops and other similar outreach efforts across the City to inventory park infrastructure and develop the needs of all of the City parks for future use. The objective would be to gather the necessary information from the public, study it, and deliver a needs assessment report to the Committee by December 1, 2014. For clarification, Mr. Perza stated that this motion was unrelated to the Dover Park building and that the purpose of the assessment would be to gather information from the public to determine where resources relating to the future use of all City parks should be invested. He indicated that he planned to draft a separate motion and place this matter on the Committee's February agenda in an attempt to resolve this matter.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that background meetings and data gathering had begun to develop a Recreation Needs Assessment for the City of Dover, which would include a review of the City's outdoor recreation inventory and sampling data that the State of Delaware Department of Parks and Recreation gathered for their state-wide outdoor recreation plan, which is a planning document produced every five (5) years. She stated that staff intended to build on the current plan already developed by the State to be more specific to Dover's parks. Mrs. Townshend explained that staff would conduct a survey and schedule workshops in various locations throughout the City in late March.

In response to Mr. Hutchison, Mrs. Townshend stated that staff will consider parks and recreation provided by the County and reach out to groups such as churches, the YMCA, Boys and Girls Club, Delaware Senior Olympics, Delaware Special Olympics, Wesley College, etc. She stated that the participants in the related informal meetings of the central Delaware recreation working group consist of representatives of recreation providers. She advised members that this group is scheduled to meet later in the week and will be discussing the recreation needs assessment and how they can assist the City in notifying those interested so that they may provide input. She noted that the City works closely with the Capital School District and, although they have not attended any of the meetings, it was staff's desire for this partnership to be used to gather information as well. With regard to the age groups being considered in the assessment, Mrs. Townshend stated that consideration will be given to providing various activities and programs to a wide range of ages.

Responding to Mr. Hutchison, Mrs. Townshend reminded members that members requested that staff provide a report back to the Committee on the Recreation Needs Assessment by December 2014.

Mrs. Townshend introduced Mr. Bill Cook, Planner I, who began employment with the City on February 10, 2014 and will be working on the project and Mr. Wayne Voshell, Recreation Director, who will serve as the lead on this project.

No further action was taken by the Committee.

Future Use of Dover Park Recreation Center

During the Committee meeting of November 12, 2013, members considered the future use of the Dover Park Recreation Center and recommended demolishing the Dover Park Recreation Center and that the City Manager be authorized to earmark the balance of the construction/demolition project up to $80,000 for future capital improvements, in the City's future budgets, to Dover Park after a needs assessment is accomplished (see previously discussed agenda item). The Committee's recommendation was approved by City Council during their Regular Meeting of November 25, 2013. On November 26, 2013, the City Clerk's Office received a memorandum from Mayor Carey stating that he wished to veto the demolition of the Recreation Center at Dover Park. Mayor Carey's memorandum stated his belief that there should be a plan to proceed, including a timeline, to determine the future use at the Dover Park off of Whiteoak Road. He requested that Committee members consider some form of action to move forward at their meeting scheduled for January 13, 2014.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, provided members with copies of photos taken earlier in the day depicting the current condition of the recreation building. She reminded members that staff had not been authorized to move forward with the demolition of the building, nor had resources been made available for making any improvements to the building. She noted that the photos reflected deteriorating roofing material, mold caused by water damage to the interior and exterior, damage to the HVAC system (which had been stripped), deterioration of wood, etc. Although she understood the concerns that there were no immediate plans to replace the building, she noted that no funds had been allocated to bring the current building up to any reasonable standard. Since there was no longer a functioning HVAC system, she stated that the previous estimates for repairs did not account for the need for an entirely new HVAC system.

Mrs. Townshend advised members that the Recreation Needs Assessment will include a review of the needs and the necessary capital investments across the City, which would include the Dover Park Recreation Center. She noted that there had been previous comments indicating that since the City had not maintained this facility, opportunities had not been provided for recreation on the east side of Dover. She explained that for the past 19 years, the City's only after school program has been held on the east side of the City; therefore, she assured members that there had been active programming held in this area. In addition to the after school program, athletic leagues had used outside facilities on the east side. Although she felt that the City may wish to consider providing an indoor facility on the east side of Dover, the current building was continuing to deteriorate to the point where repairing it was becoming less and less of an option.

Responding to Mr. Perza regarding safety issues, Mrs. Townshend stated that if the building remained in its current condition, there may be safety and hazard concerns for the City. She explained that, as she and Police Chief James Hosfelt had previously stated, vacant buildings in a state of disrepair are a safety problem and attract nuisances and vandalism, etc. She explained that there were safety issues if the building were not invested in or demolished.

Mr. Dixon noted that there had been criminal activity occurring at the building, citing the recent stolen parts from the HVAC system, and that the longer the City waits to take action, the more cost will be involved and the situation would worsen. He urged members to make a determination as to what action should be taken and then to consider what programs should be offered.

Mr. Reuben Salters, former City Council Representative, 109 Bertrand Drive, questioned the location of the after school program provided by the City. Responding, Mrs. Townshend stated that the program is offered at the Towne Point Elementary School. Mr. Salters stated that the school is located approximately one (1) mile from the Dover Park and that providing one (1) after school program does not fit the criteria for providing recreation to children who reside on the east side of the City. He understood the safety concerns, the condition of the building, and that the structure was continuously deteriorating; however, he reiterated that the front part of the building was sound. He suggested that by performing minor repairs to that section of the building, the City could provide a temporary recreation facility for the area at minimal cost. He felt that the City should concentrate on providing activities and programs for the youth rather than on the demolition of the building.

Mr. Salters stated that the Inner City Cultural League had been providing recreation activities at Manchester for the past three (3) months (Tuesday evenings) and that the youth and their parents are desperate for activities. He felt that making use of a part of the building would allow for indoor activities and programs at this time, since any final action on this matter will not occur for over a year. He encouraged members to provide renovations to the front part of the building, install a temporary heating and A/C system, and move forward with providing activities to the youth who reside on the east side of town.

Ms. Gail Tolbert, 1001 White Oak Road, advised members that in the past her grandson had visited from New Jersey and during three (3) summers she paid $60 to allow him to participate in the summer camp at the Dover Park. When she asked him what types of activities were offered, he indicated that they simply "played" outside, unless the weather would not permit, then the children would be allowed in the building. She explained that no activities, such as movies, games, etc. were offered and that the children were bored. Ms. Tolbert suggested that if a recreation facility were to be provided for activities, the City should have employees who understand what types of activities should be provided for children of all ages. She advised members that she, along with other parents in the area, visited the Center and that none of them had been asked to serve on a committee to consider the recreation needs in the area. She suggested that members "think outside the box" and challenge themselves and neighbors to develop a vision for the area. Ms. Tolbert stated that she went to residents in areas such as Manchester, Baytree, and White Oak and asked residents what their needs were for programs if the building remained open and stated that she had related petitions. She suggested that the City allow residents in the area to become involved with the future of the Center and offered to provide assistance in this way.

Ms. Dee Anderson-Blackman, 7 Starboard Court, indicated that there were aesthetic issues involving the building that needed to be addressed to attract people to the area, as well as safety concerns, noting that activities were held in the building for groups of women who felt unsafe. Not knowing the costs involved to refurbish and upgrade the building, she suggested that steps such as landscaping, trimming shrubs, installation of a gate, etc. could be taken at this time to address some of the aesthetic and safety concerns. She felt that the City should concentrate its efforts on the east

side of town, acknowledging the success of its efforts on the west side of town with Schutte Park. She suggested that action be taken now to make the Dover Park area more attractive and that the police make themselves more visible so that people will know that there is a new perception of the area.

Mr. George Kinser, 129 Nixon Lane, stated that his property abuts the Dover Park and he felt that the City may have the "cart before the horse," explaining that it did not matter what was torn down or built, because he felt that it will be in the same state of repair as the building is today since the City does not maintain the property. He stated that the park was in deplorable condition and that the worst tenant ever to utilize the facility was the YMCA during the previous summer, which brought "garbage and filth." Mr. Kinser advised members that as he walks his dogs through the park several times each day, he picks up garbage and cleans up limbs and damaged trees, and closes the gate at sunset every night and opens it at sunrise every morning. He also takes the dumpsters out to the roadside to be collected when they are full and then puts them back afterwards since the park personnel are not doing their jobs. He explained that no matter what the City decides to do, it will be in total disrepair if it is not maintained. Mr. Kinser stated that after Hurricane Sandy, he removed three (3) oak trees that were damaged and that the City had marked 15 trees with an "X" to be taken down since they are dead. He stated that no action was taken to remove these trees and that the City returned this past fall, marked these trees again, and still no action had been taken. He stated that tree limbs are falling constantly. Mr. Kinser advised members that he had been cleaning the storm drains in the park for 30 years and that he had recently contacted the City when there was flooding due to storm drains not being maintained and was advised that the City was not even aware that there were storm drains in the park.

Mr. Kinser stated that there were formerly park benches throughout the park and steel barbecue pits for every park bench. Now some park benches are missing and no barbecue pits remain in the park. The water faucets throughout the park are no longer operational. He reiterated that the City is taking no action to maintain the Dover Park and suggested that prior to considering building new structures, consideration should be given to budgeting and providing staff for maintenance of the Dover Park. Mr. Kinser noted that, currently, there were holes in the fencing and that the leaves had not yet been raked. Although the City does plow the sidewalks around the building after a snowfall, City staff does not pick up the trash, rake the leaves, remove limbs, repair holes in fences, etc.

Referring to the ball diamond, Mr. Kinser noted that in years past, several baseball/softball games were held every day and, most recently, there were maybe four (4) games held. He stated that a nice, large, swing set had been located at the entrance of the park for 30 years; however, it was removed during the past summer and nothing was put in its place. Mr. Kinser also indicated that several pole lights were not in operation and questioned why, if the park closes at sundown, there would be a need for the lights. However, he stated that basketball courts were being used every day, from sun-up to sundown, and that if there was adequate lighting, perhaps the children could continue to use the basketball courts after hours.

Mr. Kinser advised members that there was no longer any police presence at the Dover Park and that a blacktop section of the roadway had been closed from inside the park to Nixon Lane due to the drinking, shootings, rapes, stabbings, and murders that had occurred in the area. He stated that illegal activities, such as drugs, prostitution, homosexual sexual activities, etc., remained. As a

result, he understood the safety concerns regarding the Dover Park and recalled machine gun fights several years ago and other shootings that had occurred at the Park. He reminded members that this was once a vibrant park utilized by many. He urged members to consider their priorities and provide maintenance for whatever action is decided.

Mr. Roy Sudler, Jr., 353 Rita Wilma Drive, stated that he serves as Chairman of the Dover Human Relations Commission (DHRC), a member of the Social Action Commission (SAC) Community Task Force of Mt. Zion A.M.E. Church, and was a Fourth District constituent. He advised members that "you can take the person out of the ghetto but you can't take the ghetto out of the person." He suggested that there was a need to change the mindset and way of approaching this matter to provide a long-term result and solution to benefit all. Mr. Sudler inquired if staff had thought about reaching out to churches in regard to determining recreational needs.

Responding to Mr. Sudler, Mrs. Townshend stated that staff would begin discussing outreach once a recommendation is provided by the Committee and assured him that Mt. Zion A.M.E. Church, as well as others, would be contacted.

Mr. Sudler reminded members that subsequent to the Committee's meeting held on January 13, 2014, he provided members with the results of a survey entitled "Mt. Zion A.M.E. Church's Social Action Commission's Community Survey of Dover's Recreational Park Programs and Facility Assessment" and questioned if this information had been reviewed by staff. Responding, Mrs. Townshend stated that this information had been included with the data being collected to be further reviewed. Mr. Sudler explained that the survey was gathered from the community on the east side of Dover and that over 350 surveys were provided. He felt that the people must be heard in order to meet the needs of that community. Since the future use of the Dover Park Recreation Center was a matter of great concern, he suggested that the City wait for Councilman Anderson to return to allow for full representation in the voting regarding this matter. *[City Clerk's Office Note: Councilman David Anderson is currently serving in Afghanistan as a member of the Delaware National Guard.]* As a 4th District constituent, Mr. Sudler felt that representation on City Council was unfair since the 4th District had only one (1) voting member serving on Council at this time and all other districts had two (2) votes. He reiterated that the Social Action Commission was very much interested in playing a significant role in assisting the City in this process to ensure that the east side "voice" will be heard.

In response to the comments regarding Council representation, Mr. Hutchison indicated that although he was elected for the 1st District, his role as a member of Council is to represent the entire City and that he, along with all other members of Council, had just as much responsibility to consider the needs of the residents located on the east side of Dover.

Mrs. Townshend clarified that there had been no significant review of any of the data that had been received, including the State's survey. However, regarding the surveys provided by Mr. Sudler, she noted that the surveys were not just from residents of the east side of Dover, explaining that several had a 19904 zip code and others had residences listed in other municipalities, such as Magnolia, Felton, and Newark. Therefore, she explained that it will be clearly understood where the information was gathered for any data to be used, including that collected from those residents within a certain radius of the Dover Park. Responding, Mr. Sudler requested that staff review the material

to determine the exact number of responses from County residence and those who reside within the immediate area, explaining that the survey began in Manchester Square, Town Point, Mapleton, etc.

Ms. Gail Tolbert assured members that the building could be used by the residents of the area every day and suggested that the facility be community based, including its maintenance. She suggested that those in the community could be involved in cleaning and raking leaves in the Dover Park. She urged members to allow for the community to be made a part of whatever action is decided.

Mr. Perza explained that the City was attempting to determine how to best use the City's resources to improve the Dover Park. He stated that the ideas shared during the meeting were exactly what members were looking for before committing to spending any money. He reiterated that there should be no preconceived notions regarding the expenditure of funds at Dover Park. The Committee was attempting to make a decision whether money should be set aside and if the community wanted to invest in the Dover Park with those resources. He stated that a building may not be necessary, explaining that as a youngster growing up on the south side of town, there was no community building; however, there were parks for children to play baseball, basketball, etc. and that the City provided maintenance for these parks, including backstops, grass cutting, etc.

Mr. Perza assured everyone that the City will do whatever the community asks and that there would be no objections to the community becoming involved in cleaning up the park. If the community needed help with this, he felt confident that any member of Council could be contacted for assistance.

Mr. Perza reminded members that a lot of information had been provided to them in order to make a decision regarding this matter. Based on the conclusions made by the community, he stated that the City was not prepared to maintain the building in its current form, nor was it willing to invest the resources necessary to repair the building. He explained that if the building were repaired, upgraded, and all environmental issues resolved, there would still be another problem since the building was not suitable for modern use in accordance with the statistical analysis maintained by the Parks Department, or with what had been relayed by that community. He anticipated massive attendance when needs assessment meetings are held and participation providing input; this would allow for the City to respond to the energy provided by the citizens in the community and would benefit senior citizens, middle-aged residents, and children. He stressed the need to decide what action should be taken with regard to the building, and then what to do once the building is gone, whether it be replacing the building, installing a swimming pool or a soccer field, installing lights, bathrooms, fencing, flowers, and committing resources to make sure there is full-time staffing if this is the desire of the community.

Mr. Perza moved to recommend the following: 1) authorize the City Manager to execute necessary contracts to demolish the former Dover Park Building at Dover (White Oak) Park; 2) direct that an earmark of $80,000 be placed into the 2014-15 draft budget for capital improvements to Dover (White Oak) Park, with the specific allocation and expenditure timetable of the said earmarked funds to be determined by the 2014 Parks and Recreation Needs Assessment Study; and 3) authorize placement of temporary toilet facilities at Dover (White Oak) Park effective immediately. The motion was seconded by Mr. Hutchison.

Responding to Mr. Salters regarding consideration of modifying the building at Dover Park, Mr. Perza explained that there had been no application at any time to modify the building; the analysis had been whether to restore the building. He explained that several meetings were held during the past six (6) to seven (7) months, including a meeting held at the Dover Park Recreation Center, reviewing the building and reports submitted by engineers and environmental remediation professionals, and discussion with members of the public who had an interest in the building and statistical uses of the building. The Committee and Council previously made a decision on what to do with the information and the application before the Committee was to consider removing or restoring the building. Mr. Perza noted that there had been no further ideas brought before the Committee during any of those meetings or this evening that would give members a reason to consider taking any other action for the use of the building. He assured members that all decisions regarding this matter had been made in open meetings held by the Committee and City Council.

In response to Mr. Dixon regarding the need for community involvement, Mr. Perza stressed the need for input to come from the community and felt that if the community did not provide the City with direction, the City should not take any further action.

The Committee recommended the following: 1) authorize the City Manager to execute necessary contracts to demolish the former Dover Park Building at Dover (White Oak) Park; 2) direct that an earmark of $80,000 be placed into the 2014-15 draft budget for capital improvements to Dover (White Oak) Park, with the specific allocation and expenditure timetable of the said earmarked funds to be determined by the 2014 Parks and Recreation Needs Assessment Study; and 3) authorize placement of temporary toilet facilities at Dover (White Oak) Park effective immediately.

Mr. Perza moved for approval of the Committee's recommendation. The motion was seconded by Mr. Hutchison.

Mr. Lynn stated that the Committee did a good job analyzing the situation; however, he would be voting against the recommendation because it leaves ambiguous questions. He noted that directing that $80,000 be earmarked in the 2014/15 Draft Budget for capital improvements to Dover Park would not ensure the construction of a new building, only capital improvements to the park. Mr. Lynn reminded members of their propensity to dip into capital improvement projects for other needs, such as taking money from the streets and inflow and infiltration projects during their last meeting to fund the Garrison Oak Technical Park (GOTP). He noted that item #6 on their agenda was more money into GOTP, at a cost not to exceed $80,000, and suggested that the amount may be taken from the Dover (White Oak) Park earmark. Mr. Lynn stated that Council should not be in the habit of tearing down 40-year-old buildings that were left to deteriorate and rot. He stated that, at the last meeting, Council voted to decommission Units 1 and 2 without taking steps to plan for their replacement. Mr. Lynn noted that the infrastructure is failing and Council is not paying enough attention to it.

Mr. Slavin expressed his distaste for throwing away buildings through demolition by neglect. He stated that he appreciates the work of the Committee; however, he did not think they had exhausted all of the options for the recreation center.

Mr. Perza advised members that the Committee has acted with full sincerity in listening to all of the comments made by members of the community and has spent months of time meeting with professionals and City staff to learn how the building has been used in the past and what would be done with it moving forward. He agreed that the City's infrastructure has eroded; however, he is not willing to spend three times the cost just to keep a building. The Parks and Recreation Needs Assessment is the process by which they will determine what to do with the park and how to improve the park. Mr. Perza stated that this process will only work if the community participates.

Mrs. Williams stated that, as a provider of services to kids in the community and on the east side of Dover, she is very much aware of the needs and the available resources. She did not believe the City should spend five times the amount to restore the building. Mrs. Williams suggested that staff contact the State of Delaware to inquire about using the two (2) gyms at Dover High once the new school is finished.

Responding to Mr. Lynn's comments regarding Units 1 and 2, Mrs. Williams stated that the machinery was outdated and the cost to restore them would be approximately $5M.

Mrs. Williams stated that she would support efforts to get services on the east side of Dover but not to spend more than is necessary.

Mr. Hutchison stated that he was totally committed to the Dover Park recreation program. He felt it was necessary to conduct the Needs Assessment to determine the best program for the park.

Mr. Hare stated that he would not send his kids to the Dover Park Recreation Center because it is in disrepair. He suggested that the current building is not functional for what kids need and want now, such as a gym for basketball, as low attendance has indicated. Mr. Hare stated that he would support improvements once it has been determined what they should be. He assured everyone that he and Mr. Lynn could ensure that Council would not let the earmarked money be used for something else.

Mr. Lynn stated that he is not necessarily advocating for saving this building; however, once it is demolished, the leverage to put anything there would be lost. Setting aside $80,000 is a disservice to the residents of the east side of Dover because Council could decide to use the money for something else. Mr. Slavin noted that the $80,000 does not currently exist and the only way to generate that amount would be through a tax increase.

The motion for approval of the Committee's recommendation to: 1) authorize the City Manager to execute necessary contracts to demolish the former Dover Park Building at Dover (White Oak) Park; 2) direct that an earmark of $80,000 be placed into the 2014-15 draft budget for capital improvements to Dover (White Oak) Park, with the specific allocation and expenditure timetable of the said earmarked funds to be determined by the 2014 Parks and Recreation Needs Assessment Study; and 3) authorize placement of temporary toilet facilities at Dover (White Oak) Park effective immediately was carried by a roll call vote of five (5) yes (Perza, Williams, Hare, Hutchison, and Bonar), three (3) no (Dixon, Lynn, and Slavin), and one (1) absent (Anderson).

Mrs. Williams moved for acceptance of the Parks, Recreation, and Community Enhancement Committee Report, seconded by Mr. Slavin and unanimously carried.

UTILITY COMMITTEE REPORT - FEBRUARY 10, 2014

The Utility Committee met on February 10, 2014 with Chairwoman Williams presiding.

Dedication of Water and Wastewater Infrastructure - The Grande

Members reviewed a request of Doveview Investors, LLC, the responsible party for completing the water and wastewater infrastructure within the Grande Apartment Complex, for all water and wastewater infrastructure within the public utility easement to be dedicated to the City of Dover for permanent ownership and maintenance, including a list outlining the entire water and wastewater infrastructure associated with this complex. The total construction value of the infrastructure is $130,620.

Mr. Scott Koenig, City Manager, assured members that Doveview Investors, LLC completed construction of the infrastructure in accordance with City standards and specifications. After construction was completed, City staff inspected the water and wastewater infrastructure and developed a list of repairs to be made to meet the City of Dover Standards and Specifications for Public Works Construction. All work required by the Public Works Director has been completed and a one (1) year Maintenance Agreement and a Release of Liabilities will be submitted as part of the dedication process. The required as-built drawings of the infrastructure as well as videos of the sanitary sewer mains have been provided to staff.

Staff recommended acceptance of the dedication of water and wastewater infrastructure within the public utility easement in The Grande Apartment Complex, to include all of the referenced water and wastewater infrastructure.

The Committee recommended approval of staff's recommendation for the acceptance of the dedication of water and wastewater infrastructure within the public utility easement in The Grande Apartment Complex, to include all of the referenced water and wastewater infrastructure.

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

Dedication of Rights-of-Way and Public Infrastructure - Farthing Woods

Members reviewed a request of Ashburn Homes, Inc., the responsible party for completing the public infrastructure within the Farthing Woods Subdivision, for all public infrastructure improvements to be dedicated to the City of Dover for permanent ownership and maintenance, including a list outlining all of the public improvements associated with this development. The total construction value of the infrastructure is $261,262.

Mr. Scott Koenig, City Manager, assured members that Ashburn Homes, Inc. completed construction of the improvements in accordance with City standards and specifications. After construction was completed, City staff inspected the public improvements and developed a list of repairs to be made to meet the City of Dover Standards and Specifications for Public Works Construction. All work required by the Public Works Director has been completed. He indicated that a one (1) year

Maintenance Agreement and a Release of Liabilities will be submitted as part of the dedication process. Required as-built drawings of the infrastructure as well as videos of the sanitary sewer mains have been provided to staff.

Staff recommended acceptance of the dedication of rights-of-way and public infrastructure in the Farthing Woods Subdivision to include all of the referenced public improvements.

Responding to Mr. Perza, Mr. Koenig stated that there are three (3) lots that remain undeveloped within the Subdivision. He explained that 80% of the development must be completed prior to the City's acceptance of the dedication.

The Committee recommended approval of staff's recommendation for the acceptance of the dedication of rights-of-way and public infrastructure in the Farthing Woods Subdivision to include all of the referenced public improvements.

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

Quarterly Review of Utility Related Capital Investment Plan (CIP) (Electric and Water/Wastewater)

Mr. Scott Koenig, City Manager, reviewed the Capital Investment Plan Project Tracking Report, as of December 31, 2013, noting that the spreadsheet for the Electric Improvement & Extension Fund - Major CIP Projects was inadvertently omitted from the packet and would be provided to members following the meeting.

Mr. Koenig stated that several of the projects have progressed since December 31, 2013. He noted that the New Library Project is still listed because the City has not made final payments since there are still some close out items associated with the Library, and the Roof Replacement Project for Dover Park is on hold since discussion related to the demolition of the structure has been ongoing. The Annual Contribution to Robbins Hose is a standard item which is paid out of the Capital Fund. Project ST1404, for the completion of the streets in the Village of Westover IV, has been completed since December 31, 2013.

Mr. Koenig noted that several of the projects listed on the Community Transportation & General Fund Street Funds - Major CIP Projects have been completed but that the City is awaiting final billing. Referring to the Water/Wastewater Improvement & Extension Fund - Major CIP Projects, he stated that there have been some changes based on the approvals of Garrison. In addition, he noted that the City is still working on alternative sites for the 1M gallon elevated water storage facility off of Denneys Road. He stated that the Piney Point Well is actually in the final phases and the project was extended to March 1, 2014 for final testing. Although the well, several control systems, and standby generator are in place, there are some minor items which need to be completed in order to obtain final authorization from DNREC to put the project into the system.

With reference to the Tar Ditch Interceptor Upgrade, Mr. Koenig stated that since the City has additional engineers on staff, final easements will be obtained from surrounding property owners. He noted that the Garrison improvements are identified; however, the report reflects the old budgets,

and has not been updated to include the most recent approvals by City Council. He advised members that further work has been completed on several of the wastewater projects and assured members that these information would be reflected on the next quarterly report.

No further action was taken by the committee.

TEA/NAES Report *(December)*

The TEA/NAES Monthly Report for December 2013 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.

Mr. Koenig noted that the overall power supply costs were $258,397 over budget due to higher load and reactive services costs and that staff was continuing to monitor these costs. Referring to the Supply Variance, he explained that the actual Gross Load of 61,756 was higher than the budgeted amount because the actual power demand in the City has been slightly higher than originally anticipated. Mr. Koenig stated that YTD Variance Report indicated that the total utilities cost was approximately $600,000 over budget as a result of the reactive services charges, which, as explained during the Committee meeting of January 27, 2014, staff hopes will be closer to the budgeted amount for the remainder of the year. He noted that the City did run during the month of January, due to the colder temperatures; however, the City was buying the unhedged portion of the portfolio in the market and the costs were very high.

In response to Mrs. Williams, Mr. Scott Koenig, City Manager, indicated that the City's portfolio is 80% hedged; therefore, the City purchases approximately 20% on the market. As a result, when the prices increase, the City is subject to that portion of the market and when there is a decrease in the prices, the City benefits. He confirmed that the prices were very high during the recent extreme cold weather and that the system was constrained.

The Committee recommended acceptance of the TEA/NAES Monthly Report for December 2013.

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

UPDATES

Members were provided the following updates:

Green Energy Funding and Programming

Mr. Scott Koenig, City Manager, reviewed details regarding the Green Energy Funding and Programming.

Mr. Koenig reminded members that, during the Utility Committee meeting held on November 12, 2013, members reviewed a request from the Presbyterian Church of Dover (the Church) to consider a change in tariff language to have the wording "or have instrument rated metering" removed from the C/C1 (Small Commercial) classification description, and staff

committed to working with the Church to provide assistance with a Green Energy Grant Application to facilitate energy efficiency within the City's electric system. He advised members that the grant for the Church had been processed and the Church was able to replace its meter and change classification.

National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit

Mr. Scott Koenig, City Manager, advised members that the City continues to operate under an expired National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit. The City is anticipating that the State will be issuing a Permit later in 2014 and that it will be more of a State-wide permit, which will provide for equal treatment and an expected level of compliance. He stated that additional information will be presented to members in the next few months as the City receives the permits and conditions presented.

Garrison Oak Technical Park Project Updates

Mr. Scott Koenig, City Manager, provided an update regarding the Garrison Oak Technical Park Project, as follows:

City Infrastructure

Mr. Koenig stated that during the Council meeting of January 27, 2014, a number of construction contracts were approved and there will be additional items presented to Council related to the adjustment of the pole line for the 69kV transmission and some final changes to the Engineering Services Agreement. He indicated that the administrative site plan for the water tower was submitted and construction is anticipated to begin once the weather improves. He stated that staff is working to get both the pump station and the general development contracts for the balance of the park signed and that construction meetings will be scheduled soon so that work can begin once weather improves.

Mr. Koenig advised members that the Uzin Utz facility is finalizing their designs, permitting, contracts, etc. and anticipates beginning work in the spring. All projects are converging on a early 2015 completion; therefore, he stated that there will be a substantial amount of work being done at the Park.

Mr. Koenig stated that Mr. Bill Neaton, Economic Development Director, has begun to focus his attention on marketing the remainder of the lots at the Park.

Calpine Energy Center

Mr. Koenig stated that once the weather improves, he will be scheduling tours of the Calpine facility and as construction progresses staff will be providing updates and tours. He stated that the Calpine facility is anticipated to be complete in June 2015; however, since testing is scheduled to take place early in 2015, he felt that it may be completed by late 2014/early 2015.

In response to Mr. Blakeman, Mr. Koenig stated that he had selected a candidate for the Electric Director position and was at the point of making an offer but was unable to move forward; therefore, he will begin the process again.

Dover Sun Park

Mr. Koenig reviewed information regarding the Electric Revenue Fund FY14 - White Oak Solar Park Incremental Cost, noting that the incremental Sun Park costs was $226,600 as of December 31, 2013. He assured members that the solar park is meeting the City's green energy portfolio demands and while it is slightly more costly then regular energy, it is performing as expected.

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

AMENDMENT TO ENGINEERING SERVICES AGREEMENT RELATED TO GARRISON OAK TECHNICAL PARK

In 2009, the City of Dover's Economic Development Office solicited Requests for Proposals (RFP) for engineering services related to the future development of Garrison Oak Technical Park (GOTP). Land Planning and Engineering Design of the subdivision have been ongoing since 2009. Mr. Scott Koenig, City Manager, explained that, due to the following, additional costs have been identified related to tasks necessary to bring the project to completion which were not included in previous proposals:

- White Oak Road drainage redesign;
- Water main redesign for internal subdivision along with water main redesign at each entrance to subdivision;
- Entrance upgrades including geometric improvements, pedestrian refuge island and mill and overlay design negotiations to reduce construction costs;
- Conditional Letter of Map Revision (CLOMR) of the current floodplain delineation,
- As-built survey of tax ditch improvements; and
- Letter of Map Amendment (LOMA) in accordance with Federal Emergency Management Agency (FEMA) regulations

Mr. Koenig reminded members that, in September 2009, City Council authorized $322,100 for the engineering services contract with Becker Morgan Group. Two of the original tasks were eliminated from the contract, reducing the contract value to $289,500. In August 2012, City Council authorized an additional $88,000 to address utility design changes and environmental considerations. In May 2013, City Council authorized an additional $86,900 to address utility design changes, hydrology / hydraulic analysis, geotechnical evaluation and bid specifications for a current approved total of $464,400.

Mr. Koenig reviewed each engineering task in terms of the original contract cost, amendments previously accepted by City Council and the proposed amendments to be adopted by City Council.

Staff recommended authorizing the City Manager to sign an engineering services contract amendment with Becker Morgan Group to complete the Subdivision Design and Construction Documents for the Garrison Oak Technical Park at a cost not to exceed $80,800 over the $464,400 previously authorized by City Council in 2009 / 2012 / 2013.

Responding to Mr. Slavin, Mr. Koenig stated that the original estimate for design was based on the number of acres and Becker Morgan's cost estimate to complete the project. He stated that, to his knowledge, it was not based on a percentage of the estimated build-out cost.

In response to Mr. Slavin, Mr. Koenig indicated that the cost would have been closer to the estimate if construction had begun in 2009, when the estimates were obtained. He also advised members that several factors have added to the cost, as follows: the Delaware Department of Transportation (DelDOT) reviews have become more intense, the entrance design has changed, and the expectation of the tenants has become more clear, leading to the addition of the hydraulic analysis associated with Calpine. Mr. Koenig also attributed some of the cost increase to "scope creep."

Responding to Mrs. Williams, Mr. Koenig stated that a portion of the $15,500 for the entrance upgrades is DelDOT related, the flood plain amendments cost approximately $45,000 to $50,000, and the majority of the increase can be attributed to costs associated with compliance with typical development requirements. Mrs. Williams requested the City Manager to seek economic development funding from the State for the GOTP project.

Mr. Perza asked if there was a cost estimate for the forthcoming amendment associated with the relocation of electric poles. Responding, Mr. Koenig stated that the upper limit of the estimate was $550,000. Mr. Perza noted that projects are consistently coming in at double the amounts budgeted and asked how the process could be improved to provide Council with realistic cost estimates. Mr. Koenig agreed that staff needed to do a better job of determining estimates. He noted that land development is not a project that the City would typically be involved in and it is difficult being both the developer and the applicant, as is the case in this situation. Mr. Koenig stated that, rather than negotiating, the City has complied with all requests of City staff and other regulatory agencies.

Mr. Lynn agreed that the City always seems to be engaging in reactionary budgeting instead of being proactive and planning more effectively.

Mr. Hare stated that he would like to see what has been spent to date for the GOTP as well as the anticipated revenue from the Park.

Responding to Mr. Lynn, Mr. Koenig stated that Becker Morgan was chosen as the engineer for design services for this project through a submittal process. He noted that they did not competitively bid the CLOMR portion because Becker Morgan already had the survey and the project knowledge. Mr. Lynn expressed concern that Becker Morgan is constantly selected by the City or the Downtown Dover Partnership for every engineering project in the City of Dover. Mr. Koenig stated that two (2) other engineering firms, Pennoni Associates and URS, are also involved in the project. He noted that a separate design contract was purposely sought for the pump station in an effort to obtain better prices. Mr. Koenig stated that the pump station design bid was awarded to either Pennoni or URS for $365,000.

Responding to Mr. Hutchison, Mr. Koenig stated that the land was purchased with a grant from the State of Delaware. He also noted that the State gave the City $400,000 for design fees and Calpine a $4M infrastructure grant for extension of the gas line from Cheswold. Mr. Hutchison stated that

the City knew this project would be expensive but that it would be a future benefit to the City, the County, and the State. Mr. Koenig stated that the infrastructure has been designed to accommodate the development of the 12 remaining lots.

Mr. Hare moved to authorize the City Manager to sign an engineering services contract amendment with Becker Morgan Group to complete the Subdivision Design and Construction Documents for the Garrison Oak Technical Park at a cost not to exceed $80,800 over the $464,400 previously authorized by City Council in 2009 / 2012 / 2013. The motion was seconded by Mrs. Williams and carried by a roll call vote of six (6) yes (Dixon, Perza, Williams, Hare, Hutchison, and Bonar), two (2) no (Lynn and Slavin), and one (1) absent (Anderson).

APPOINTMENTS/REAPPOINTMENTS - BOARD OF ASSESSMENT APPEALS - FOUR (4) YEAR TERMS EXPIRING MARCH 2018

By consent agenda, Mr. Hare moved for approval of the following reappointments to the Board of Assessment Appeals. The motion was seconded by Mr. Slavin and carried by a unanimous roll call vote (Anderson absent).

John Kelly, Accounting
Todd Stonesifer, Real Estate Brokerage of Sales
James Welsh, Property Appraisal/Assessments

COUNCIL MEMBERS' ANNOUNCEMENTS

Council President Bonar announced that the video recordings of the City Council meetings are now being made available on the City's website and on youtube. He thanked Ron and Mark of Comcast and Brian of Delaware.net for their assistance in helping make this service available.

By unanimous consent, the meeting adjourned at 8:51 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of February 24, 2014, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM
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