REGULAR COUNCIL MEETING
AGENDA

SEPTEMBER 26, 2016 - 7:30 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 P.M.)

THE "OPEN FORUM" SEGMENT IS PROVIDED TO EXTEND THE OPPORTUNITY TO THE GENERAL PUBLIC TO SHARE THEIR QUESTIONS, THOUGHTS, COMMENTS, CONCERNS, AND COMPLAINTS. DISCUSSION OF ANY ITEM APPEARING ON THE AGENDA AS A PUBLIC HEARING IS PROHIBITED DURING THE OPEN FORUM AS AN OPPORTUNITY WILL BE PROVIDED DURING CONSIDERATION OF THAT ITEM. CITIZEN COMMENTS ARE LIMITED TO THREE (3) MINUTES. COUNCIL IS PROHIBITED FROM TAKING ACTION SINCE THEY ARE NOT IN OFFICIAL SESSION; HOWEVER, THEY MAY SCHEDULE SUCH ITEMS AS REGULAR AGENDA ITEMS AND ACT UPON THEM IN THE FUTURE.

INVOCATION BY CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN HARE

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

THOSE ITEMS ON THE COUNCIL AGENDA WHICH ARE CONSIDERED ROUTINE AND NON-CONTROVERSIAL SHALL BE MARKED WITH AN ASTERISK (*) AND WILL BE ACTED UPON BY A SINGLE ROLL CALL VOTE OF THE COUNCIL. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A MEMBER OF COUNCIL SO REQUESTS, IN WHICH EVENT THE MATTER SHALL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED A SEPARATE ITEM.

* **1. ADOPTION OF MINUTES**

- **A. SPECIAL COUNCIL MEETING OF SEPTEMBER 12, 2016**
- **B. REGULAR COUNCIL MEETING OF SEPTEMBER 12, 2016**

2. PROCLAMATIONS

- **A. CYBER SECURITY AWARENESS MONTH**
- **B. FIRE PREVENTION WEEK**
- **C. HALLOWEEN TRICK-OR-TREAT**

3. ECONOMIC DEVELOPMENT COMMITTEE REPORT - SEPTEMBER 13, 2016

A. ECONOMIC DEVELOPMENT COMMITTEE TRANSITION DISCUSSION

(1) REVIEW TEAM MEMBERSHIP TO DETERMINE IF OTHERS ARE NEEDED TO ACCOMPLISH THE GOAL/VISION - PROPOSED RESOLUTION NO. 2016-11 AMENDING RESOLUTION NO. 2016-09 FORMALLY ESTABLISHING THE ECONOMIC DEVELOPMENT COMMITTEE

(COMMITTEE RECOMMENDED ADDING TWO (2) MINORITY VOTING MEMBERS WHO ARE ECONOMIC DEVELOPMENT OR BUSINESS ORIENTED TO THE ECONOMIC DEVELOPMENT COMMITTEE, WITH QUALIFICATIONS AND SELECTION TO BE DETERMINED BY COUNCIL AND ADOPTING PROPOSED RESOLUTION NO. 2016-11)

* **B. RURAL ECONOMIC DEVELOPMENT LOAN PROGRAM (REDL)**

* **C. REVIEW OF REQUESTS FOR UTILITY CONNECTION ASSISTANCE**

(COMMITTEE RECOMMENDED THAT THE CITY PAY FOR THE COST OF EXTENDING THE ELECTRICAL AND WATER/SEWER INFRASTRUCTURE FOR THE PROJECTS AT 420 REED STREET AND 131 WEST LOOCKERMAN STREET AS IT RELATES TO THE WATER AND SEWER FROM THE MAIN TO THE RIGHT-OF-WAY LINE AND THE REMAINDER WOULD BE THE PRIVATE PROPERTY OWNERS' RESPONSIBILITY)

* **D. ECONOMIC DEVELOPMENT COMMITTEE TRANSITION DISCUSSION (CONTINUED FROM ITEM #3-A)**

(1) PROVIDE AN ORIENTATION TO THE INITIATIVE

(2) REVIEW PURPOSE OF TEAM

(3) ADOPT A GOAL/VISION

(4) IDENTIFY CHALLENGES TO THE GOAL/VISION AND DEVELOP STRATEGIES

* **E. ORGANIZATIONAL ITEMS**

(1) IDENTIFY MEETING ROLES

(2) DISCUSS AND ADOPT GROUND RULES FOR FUTURE MEETINGS

* **F. SETTING THE NEXT AGENDA AND SCHEDULING THE MEETING**

(MEETINGS WILL BE HELD THE TUESDAY FOLLOWING THE 2ND AND 4TH MONDAY OF THE MONTH)

4. COUNCIL COMMITTEE OF THE WHOLE REPORT - SEPTEMBER 13, 2016

* **A. PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE**

(1) REVIEW OF ACTIVE RECREATION AREA PLAN - LOOCKERMAN WAY REDEVELOPMENT MASTER PLAN: TWO MIXED USE BUILDINGS AT 126 WEST LOOCKERMAN STREET (PLANNING REFERENCES S-16-18 AND HI-16-05)

(COMMITTEE RECOMMENDED APPROVAL OF THE ACTIVE RECREATION AREA PLAN WITH THE COMMENTS AND CONDITIONS PROVIDED)

(2) RE-EVALUATION OF THE NEED FOR THE BLUE LIGHT PHONES IN CITY PARKS

(COMMITTEE RECOMMENDED APPROVAL OF STAFF'S RECOMMENDATION TO DISCONTINUE THE BLUE LIGHT PHONE PROGRAM IN CITY PARKS, DUE TO THE SIGNIFICANT INCREASE IN PERSONAL CELL PHONE OWNERSHIP AND USE SINCE 2007, AS WELL AS THE HISTORICAL LOW USE OF THE PHONES)

(3) PROPOSED LAND SWAP - CAPITOL BAPTIST CHURCH/MAYFAIR PARK

(COMMITTEE ACTION NOT REQUIRED)

(4) REVIEW OF NEW CASTLE COUNTY DISORDERLY PREMISES ORDINANCE

(COMMITTEE RECOMMENDED REQUESTING THAT STAFF CREATE A DISORDERLY PREMISES ORDINANCE FOR CONSIDERATION BY THE COMMITTEE WITHIN 60 DAYS)

4. COUNCIL COMMITTEE OF THE WHOLE REPORT - SEPTEMBER 13, 2016 (CONTINUED)

* **A. PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE (CONTINUED)**

(5) DISCUSSION OF SURVEY RESULTS REGARDING PROGRAMS, ACTIVITIES, AND NEW BUILDING AT DOVER PARK

(COMMITTEE ACTION NOT REQUIRED)

(6) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM QUARTERLY UPDATE (APRIL, MAY, AND JUNE)

(COMMITTEE ACTION NOT REQUIRED)

B. UTILITY COMMITTEE

* **(1) DEDICATION OF RIGHTS-OF-WAY AND PUBLIC INFRASTRUCTURE - CRAWFORD CARROLL AVENUE**

(COMMITTEE RECOMMENDED ACCEPTANCE OF DEDICATION OF RIGHTS-OF-WAY AND PUBLIC INFRASTRUCTURE FOR CRAWFORD CARROLL AVENUE FROM WEST RUSTIC LANE TO KW BOULEVARD. THE DEDICATION IS TO INCLUDE ALL OF THE REFERENCED PUBLIC IMPROVEMENTS)

(2) WATER PRODUCTION WELL #6 FENCING UPGRADE

(COMMITTEE REFERRED TO CITY COUNCIL WITHOUT A RECOMMENDATION)

5. ICMA 401 PLAN AMENDMENT FOR NON-BARGAINING EMPLOYEES

* **6. APPOINTMENT RECOMMENDED BY COUNCIL PRESIDENT SLAVIN - CONSTRUCTION AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS - COUNCILMAN FRED NEIL - ANNUAL APPOINTMENT TO EXPIRE MAY 22, 2017**

7. REZONING REQUEST FOR PROPERTY LOCATED AT 51 ROOSEVELT AVENUE - FIRST READING OF PROPOSED ORDINANCE #2016-20

THE FIRST READING IS OFFERED ON THE PROPOSED ORDINANCE. IT IS RECOMMENDED FOR REFERRAL TO THE PLANNING COMMISSION FOR A PUBLIC HEARING ON OCTOBER 17, 2016 AND THAT A PUBLIC HEARING BEFORE CITY COUNCIL BE SET FOR NOVEMBER 14, 2016 AT 7:30 P.M., AT WHICH TIME THE FINAL READING AND COUNCIL ACTION WILL TAKE PLACE. THE ORDINANCE IS AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS, ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT," OR BY CONTACTING THE CITY CLERK'S OFFICE AT 736-7008 OR CITYCLERK@DOVER.DE.US.

A. PROPERTY LOCATED AT 51 ROOSEVELT AVENUE, CONSISTING OF 7,675$^{+/-}$ S.F., OWNED BY CARLA M. AND JOHN W. RUSSUM. THIS PROPERTY IS CURRENTLY ZONED R-8 (ONE-FAMILY RESIDENCE) AND THE PROPOSED ZONING IS C-1 (NEIGHBORHOOD COMMERCIAL)

(TAX PARCEL: ED-05-077.17-05-72.00-000; PLANNING REFERENCES: Z-16-05 AND MI-16-13; COUNCIL DISTRICT 2)

8. CITY MANAGER'S ANNOUNCEMENTS

9. COUNCIL MEMBERS' ANNOUNCEMENTS

10. ADJOURNMENT

/TM

EXECUTIVE SESSION PURSUANT TO:

29 DEL. C. §10004(B)(2) - PRELIMINARY DISCUSSIONS ON SITE ACQUISITIONS FOR ANY PUBLICLY FUNDED CAPITAL IMPROVEMENTS, OR SALES OR LEASES OF REAL PROPERTY;

29 DEL. C. §10004(B)(4) - STRATEGY SESSIONS, INCLUDING THOSE INVOLVING LEGAL ADVICE OR OPINION FROM AN ATTORNEY-AT-LAW, WITH RESPECT TO COLLECTIVE BARGAINING OR PENDING OR POTENTIAL LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE AN ADVERSE EFFECT ON THE BARGAINING OR LITIGATION POSITION OF THE PUBLIC BODY;

29 DEL. C. §10004(B)(6) - DISCUSSION OF THE CONTENT OF DOCUMENTS, EXCLUDED FROM THE DEFINITION OF "PUBLIC RECORD" IN §10002 OF THIS TITLE WHERE SUCH DISCUSSION MAY DISCLOSE THE CONTENTS OF SUCH DOCUMENTS;

29 DEL. C. §10004(B)(9) - PERSONNEL MATTERS IN WHICH THE NAMES, COMPETENCY AND ABILITIES OF INDIVIDUAL EMPLOYEES ARE DISCUSSED, UNLESS THE EMPLOYEE REQUESTS THAT SUCH A MEETING BE OPEN

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on September 12, 2016 at 6:01 p.m. with Council President Slavin presiding. Members present were Mr. Anderson, Mr. Cole, Mr. Hare, Mr. Hosfelt, Mr. Hutchison, Mr. Lewis (arrived at 6:12 p.m.), and Mr. Neil. Mr. Sudler was absent. Mayor Christiansen was also present.

Council staff members present were Mr. Koenig (departed at 6:09 p.m., and returned at 6:28 p.m.) Mrs. Townshend (departed at 6:09 p.m., returned at 6:14 p.m., departed at 6:26 p.m., and returned at 6:28 p.m.), Mrs. McDowell (departed at 6:09 p.m., and returned at 6:28 p.m.). Other staff members present were Mrs. Hawkins (departed at 6:09 p.m., returned at 6:14 p.m., departed at 6:26 p.m., and returned at 6:28 p.m.), Mr. Hudson (departed at 6:09 p.m., and returned at 6:28 p.m.), and Mr. Osika (departed at 6:09 p.m., and returned at 6:28 p.m.).

ADOPTION OF AGENDA

Mr. Neil moved for approval of the agenda, seconded by Mr. Hutchison and unanimously carried.

Mr. Slavin stated that Review of Fire Marshal Recruitment Process and Review of Fire Marshal Applicant - Jason Osika would be held in public session and, if Council so chose, members would recess into Executive Session for Review of Other Fire Marshal Applicants and return to public session for the remaining items.

REVIEW OF FIRE MARSHAL RECRUITMENT PROCESS

Mrs. Ann Marie Townshend, Director of Planning and Community Development, referred to a confidential memorandum dated September 2, 2016 regarding review of the Fire Marshal recruitment process and applicants. She stated that, in terms of recruitment, the Fire Marshal vacancy was posted on Facebook and the City's website and sent to a number of colleges and universities, libraries, and local churches, in accordance with the City's standard recruitment process.

Responding to Mr. Hare regarding whether it was posted in the newspaper, Mrs. Townshend stated that staff does not advertise in the newspaper anymore, they only advertise electronically. She stated that seven (7) applications were received prior to starting interviews and additional applications were not considered after the interview process began. Mrs. Townshend noted that one (1) application was received after staff stopped reviewing applications. Based on the review of the applications and the three (3) interviews conducted, Mr. Osika was selected as the most qualified of the candidates.

Mr. Hosfelt questioned why positions such as this one were not advertised nationally in fire publications. Responding, Mrs. Kim Hawkins, Human Resources Director, stated that one (1) reason was the cost. In addition, she explained that national advertising is used only when looking for a position such as an electric director or city manager, since the expense would be vast.

Mr. Anderson stated that he had only seen a one-page agenda for the meeting and had not seen a packet of materials. Responding, Mrs. Townshend advised that the City Clerk's Office emailed the confidential paperless packet to each member of Council on Wednesday, September 7, 2016 which included a memorandum and the applications that were received prior to starting the interview process.

REVIEW OF FIRE MARSHAL APPLICANT - JASON OSIKA

Mr. Slavin stated that Mr. Jason Osika, Interim Fire Marshal, requested that this matter be discussed in public session. Responding to Mr. Slavin, Mr. Osika confirmed that he still wanted this matter to be discussed in public session.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that Mr. Osika's resume and application were provided in the paperless packet which was emailed to each member of Council on Wednesday, September 7, 2016. She advised members that Mr. Osika had been employed by the City for 15 years, noting that he started as a fire dispatcher and has been in the Inspections Department for a number of years, where he started in Code Enforcement. Mrs. Townshend stated that Mr. Osika has National Fire Protection Association (NFPA) Fire Inspector I certification and experience with both site plan fire alarm and fire suppression system plan review. Additionally, he has experience with fire investigation origin and cause, as well as inspections experience.

Mrs. Townshend stated that the City is different from the State and some other larger fire marshals' offices because the City has a three (3) person Fire Marshal's Office. She indicated that the City of Wilmington is structured more like the State. Mrs. Townshend reminded members that the City of Dover does not have anyone whose job is just plan review or just inspections. She explained that all three (3) staff members need to be able to do all of the functions of the Office and it is difficult to find someone with that background because individuals usually go into one area or the other.

Responding to Mr. Hutchison, Mrs. Townshend stated that Mr. Osika had been with the Fire Marshal's Office for four (4) years.

In response to Mayor Christiansen, Mr. Osika stated that he had been involved in the fire service for approximately 25 years. He confirmed that he worked well with Robbins Hose Company and had previously served as the Fire Chief and President, as indicated in his resume.

Mr. Hosfelt asked Mr. Osika how he would handle the issue that he is not Council on Police Training (COPT) certified in regard to getting warrants and whether he had talked to the Police Department. Responding, Mr. Osika stated that as soon as former Fire Marshal Timothy Mullaney left the Office, he met with Police Chief Paul Bernat. He explained that the Criminal Investigations (CI) Division is currently assisting the Fire Marshal's Office if criminal fires or fire fatalities occur. Mr. Osika informed members that staff had also contacted the Attorney General's Office about the Fire Marshal's Office getting their own warrants for fire crimes. Mr. Osika stated that they were attempting to become a constable office; however, that was not successful. He explained that the Constable Board recommended that the City amend the Charter or Code to give the Fire Marshal's Office additional power, and staff was currently working on an amendment. Mrs. Townshend clarified that only Code amendments would be necessary to provide the Fire Marshal's Office the ability to detain and make arrests. She stated that the Constable Board was concerned about language in their statute that states that they cannot do investigations and they did not want to set that precedent.

In response to Mr. Hutchison, Mr. Osika stated that no other fire departments were currently working as constables. He stated that the Constable Board advised that constable powers do not allow you to investigate.

Mr. Hutchison moved to recess into Executive Session pursuant to 29 Del. C. §10004(b)(1) - discussion of an individual citizen's qualifications to hold a job or pursue training unless the citizen requests that such a meeting be open and 29 Del. C. §10004(b)(9) - personnel matters in which the names, competency and abilities of individual employees are discussed, unless the employee requests that such a meeting be open. The motion was seconded by Mr. Neil and carried with Mr. Anderson voting no.

The Special Council Meeting recessed into Executive Session at 6:09 p.m.

Mr. Neil moved to adjourn the Executive Session, seconded by Mr. Anderson and unanimously carried.

Executive Session adjourned at 6:28 p.m.

ACTION RESULTING FROM THE EXECUTIVE SESSION

Mr. Hosfelt moved to accept staff's recommendation to appoint Jason Osika as Fire Marshal, seconded by Mr. Hare.

Mr. Anderson reminded members that this matter was scheduled for consideration by Council during the Regular Council Meeting later in the evening.

Mrs. Traci McDowell, City Clerk, confirmed that this matter was on the Regular Council meeting agenda scheduled for later in the evening.

Mr. Slavin stated that members could take action now in this open session or wait until it comes up on the agenda later in the evening and take the action on the floor.

Mr. Hosfelt withdrew the motion to accept staff's recommendation to appoint Jason Osika as Fire Marshal, noting that he thought it would be more appropriate to make the appointment during the Regular Council meeting. Mr. Hare withdrew his second to the motion.

Mr. Hutchison moved for adjournment, seconded by Mr. Neil and unanimously carried.

The Special Council Meeting adjourned at 6:31 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Special Meeting of September 12, 2016 are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Council-Minutes\2016\09-12-2016 - SPECIAL COUNCIL MEETING - ES ACTION (PUBLIC) - Fire Marshal Recruitment.wpd

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on September 12, 2016 at 8:00 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Deputy Fire Chief Rhodes, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 8:06 p.m.).

OPEN FORUM

The Open Forum was held at 7:16 p.m., prior to commencement of the Official Council Meeting. Council President Slavin declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action. Council President Slavin asked the audience to refrain from applause because it could be intimidating to someone who wanted to speak if they did not agree with a particular point of view.

Pastor Robert Appling, Victory Church, 2648 Sharon Hill Road, informed members that he was representing those who have no voice: the homeless. He stated that he came to Dover 38 years ago, had built three (3) churches and two (2) parsonages, and had owned property on the corner of Division Street and Governors Avenue, as well as two (2) other properties in Dover, which he believed gave him the right to speak about the needs of the community. Pastor Appling expressed deep concern about housing the homeless for the upcoming winter, and felt this need could be alleviated by renovating, restoring, and utilizing abandoned buildings downtown and empty businesses all around town. He felt that this is an important item that City Council and citizens of Dover and Kent County need to address. Pastor Appling informed members that some people think of the homeless as criminals, drug addicts, and drunks; however, many are educated and looking for jobs, and his church had been working with other churches to feed and house as many as they could. He requested that Council put the needs of the homeless on their agenda in the near future.

Mr. EShed Alston advised members that he had been a resident of Dover for 42 years, and he supported this community and Pastor Appling, whom he had known since they were both young men. He stated that he had done some research prior to the meeting and found that the federal government spent $114B to settle illegal aliens into the country last year. Mr. Alston felt that if the government could spend that much money on people who are here illegally, they should be able to spend as much on the people who are here legally. He believed that the City needs to have compassion for the poor and homeless, and homelessness can happen to anyone if misfortune befalls them. Mr. Alston advised Council members that if this happened to them, they would better understand the plight of the homeless. He also stated that citizens should not have to ask, but that they have a right to demand that the government help them because the government works for the citizens.

Ms. Marla Purvis, 9 Par Haven Drive, Apartment C-34, shared that she had been homeless for four-and-a-half-years while living in Prince George's County, Maryland; Atlanta, Georgia; and Orlando, Florida. She stated that she spent most of her time on the streets, but was in and out of homeless shelters during that time. Ms. Purvis explained that government officials had directed her to resources that were specific to her situation and, ultimately, this assistance was what she needed to

overcome homelessness. She felt that a person needs a safe, secure place to sleep and take a bath before they can concentrate on setting goals, making plans, and executing them. Ms. Purvis was very grateful for all of the help that she received and wanted to share her story to encourage the community to continue to provide the resources that the homeless need.

Pastor Aaron Appling, Victory Church, 2648 Sharon Hill Road, called on the audience to raise their hands if they were homeless or had recently been homeless, and many people raised their hands. He stated that he was a native of Dover and a descendent from the Nanticoke bloodline that dates back further than most people in the room. Pastor Appling wanted to remind members that the homeless men and women are here, they are real, and this is a real problem. He recalled a speech given by Martin Luther King, Jr., where he told a story about a rich man and a poor man named Lazarus, who was at the rich man's gate every day begging for crumbs. Pastor Appling found it interesting that he sees people sleeping in front of the gates of City Hall every night. He stated that the passion and emotion coming from people in this room was not anger but a peaceful expression, and reminded those present that this country was founded by people who came to places like this and communicated their passion and desires for government. Pastor Appling provided information regarding properties in the City of Dover that were vacant or in disrepair, as well as a binder containing a brochure on Port Hope Delaware, Inc. and a petition signed by those in support of their efforts for the homeless *(as on file in the Office of the City Clerk)*. He indicated that he had a list of properties that the City owns, noting his belief that those properties are owned by the community, not the people who are elected. Pastor Appling believed that the City could house the homeless in some of these buildings, including the old Dover Public Library. He noted that the petition contained over 5,000 signatures supporting what they were doing here in the City. Pastor Appling felt that most of Council's constituents want the homeless off the streets before winter and, by coming peacefully to the meetings, they were exercising the rights that many people have given their lives to protect. He compared this to the founding of our country and the Civil Rights movement, saying that they were very loving and passionate about what they were doing, and they would not leave people on the streets this winter without a voice. Pastor Appling stated that every day they will camp out somewhere in the City, and they will be at the next couple of City Council meetings and Kent County meetings as well. He asked for those present who agreed with his comments to respond by saying "aye," and many of those present did so.

Mr. Clay Hammond, 505 Troon Road, addressed Council regarding the need for an honest and open examination of the issues of race, diversity and inclusion, due to what the black community felt were inexplicable actions by Council over the last several months. He stated that there is great diversity in Dover's population, with the white community comprising 43% and the black community making up 40%. Mr. Hammond felt that the black community was outraged because when the new Economic Development Committee was formed, there were no people of color placed on it. He felt that this was not just an oversight but intentional non-representation. Mr. Hammond indicated that what made this situation worse was the recent vote by Council to not approve Councilman Anderson's motion to add two (2) seats to the Committee. He believed this to be representative of the "good old boy network" that had ruled this community for far too long. Mr. Hammond suggested that there were some great resources, like the Delaware State University Center for Economic Development, and felt that very few on the Committee had economic development experience. Mr. Hammond pointed out that City Council approved an economic inclusion study last year. He was unsure how many members read the report, but noted that

Dr. Michael Casson had made a presentation. Mr. Hammond felt that there was systemic exclusion, citing the work of the Downtown Dover Partnership whose focus area includes the Queen Street, Kirkwood Street, and New Street corridor, and that the study gave a unique opportunity to discuss this. He wanted Council to explain why people of color were not named to the Committee when it was formed and why Councilman Anderson's motion was defeated. Mr. Hammond also asked how the Committee would address the issue of diversity, as well as the issue of the economic inclusion report. He believed that, in order to be fair, there should be a quota that is proportional to the population.

Ms. Chantell Scott, 214 Thornton Street, informed members that she had been a City resident for almost 10 years. She stated that she had watched the last City Council meeting and had seen a lot of things that went viral on social media, including a survey that went out to a lot of citizens. Ms. Scott explained that the survey was inquiring about the public knowledge of what happens at Council meetings and if they knew that people had certain powers; for example, if the public knew that the Mayor had the ability to veto things that were approved by Council seven (7) days after they were voted in. Her belief was that many people had answered that they did not. Ms. Scott indicated that the survey asked if people felt as though the Mayor blatantly disrespected Councilman Sudler at the previous meeting, and the general consensus of the people surveyed was that the Mayor should step down. Ms. Scott felt that it was a blatant conflict of interest for a subcommittee to constitute all of City Council. She believed that the taxpayers' money was being spent wherever members wanted, and that they were not spending it wisely. Ms. Scott expressed her disagreement regarding the approval of a contract which was over $90,000 more than another bid because their paperwork was in. She indicated that the community was starting to notice and would be getting more involved, due to social media. Ms. Scott referred to a discussion regarding a City park and the need to rebuild and expand the recreation options for children between the ages of 12 and 16. She noted that she is a foster parent for high-risk teens and there is nothing for them to do outside of the home in the City.

Mr. Steven Hall, 684 Forest Street, stated that he was born and raised in Sussex County, Delaware. He explained that he felt compelled to speak because he taught seventh, eighth and ninth graders how to read, write, and spell for eight years. Mr. Hall informed members that he earned a bachelor's degree in elementary education, and once had two (2) cars and a nice home, but now had none of those. He stated that he wanted to show appreciation for the Dover Interfaith Mission for Housing and all that Pastor Appling and Victory Church were doing for the homeless. Mr. Hall reiterated that they were just voicing their opinion and that this situation could happen to anyone. He informed members of all the meetings that Pastor Appling and he had attended to try to bring light to this issue in Sussex County and in Dover. Mr. Hall requested consideration for their proposal and asked for the City to help give people a home.

Mr. Mike Reyes, Smyrna, stated that he was representing a pastors' association with more than 25 members in Wilmington and Chester and was in support of what Victory Church and its ministers were doing because they had applied for the same thing in their areas. He noted that the difference between the two (2) regions was that the Wilmington and Chester governments welcomed what Victory Church was doing, but there were not enough churches getting involved in feeding and helping the homeless. Mr. Reyes emphasized that his city would love for a church to be as involved and willing to do the work repairing houses as Victory Church had been. He felt that this would

benefit not only the church and the homeless, but also the City of Dover and those that represent the City.

Ms. Marisa Costello, Smyrna, Delaware offered her support to Victory Church and the tiny houses; however, she explained that she had come to the meeting for a totally different topic. She displayed a photograph of her 14-year-old daughter and informed members that her daughter was currently missing in the City of Wilmington, and she was trying to get help through the New Castle County Police Department. Ms. Costello stated that on June 21st, her daughter was a victim of rape in Dover. She explained that she had been trying to contact the detective assigned to the case, and her phone calls had not been returned. Ms. Costello stated that detectives told her that they were following their protocol and they refused to put it on the news because her daughter had not been abducted. She explained that her daughter was in a group home called The Terry Shelter, which is an unsecured facility, when four (4) girls ran away in one (1) week. Ms. Costello expressed frustration that the shelter was unable to do anything to help the parents of the girls who ran away, and agreed with Ms. Chantell Scott that there was nothing for kids to do around here. Ms. Costello stated that she has three (3) daughters, and she has put aside her own safety to find her daughter. She asked if anyone could tell her how to get help. Mayor Christiansen offered to speak with Ms. Costello in the hall.

Councilman Neil welcomed the people who came to speak about the issue of homelessness and assured them that City Council was working on all areas of the issue. He noted that there are certain rules that they have to follow, and that the City cannot just take someone's property and give it to the homeless. Mr. Neil advised that another way to make a difference is to talk to the people who are going to vote so they can elect the people who will be able to do something about it. He acknowledged that this is not just a problem in the City of Dover, but is a universal problem in the State and the country, and he welcomed them back.

Ms. Janetta Guinn, 749 Slaughter Street, informed members that three (3) years ago, she would have been homeless if it were not for her landlord, Mr. Joe Burden, who allowed her extra time to pay him. She expressed frustration that Mr. Burden tries to fix up houses to get the homeless off the street but the City keeps tearing them down because they are not up to code.

The invocation was given by Reverend Rita Paige, followed by the Pledge of Allegiance.

Council President Slavin stated that he wanted to begin with an apology to the people of Dover, stating that three (3) weeks ago they witnessed a meeting which was clearly unacceptable on a number of levels. He advised that he had spoken to many of his colleagues, and they all agreed that they can, and will, do a better job. Mr. Slavin noted that being part of a democracy is a blessing and a privilege, and it requires us to accept that, while we are entitled to our differences, we are required to disagree peacefully and respectfully. He urged everyone to remind themselves of the great blessing called democracy and always put the interests of the City first.

Mr. Sudler stated that before becoming a councilman, he was a strong community leader. He indicated that he would continue to be a strong councilman but asked his colleagues to accept his sincere apology for raising his voice in the Council Chambers.

Mayor Christiansen apologized to members of Council and the citizens of Dover and offered apologies for compromising the sanctity of the august body of the chamber that was reserved for the conduct of the people's business. While he felt justified in doing so, he noted that the Council Chambers had been reserved, and should always be reserved, for the legislative and appropriative functions of City Council. Mayor Christiansen assured everyone that he had always respected this responsibility and would always continue to do so. He reminded those present that he had served in Council Chambers as a member of Council and as Council President, and stated that the people's business must be conducted in an atmosphere of order and decorum. Mayor Christiansen also reminded the public that, throughout his career of service to the community, he had worked tirelessly on behalf of all of the citizens and would continue to do so. He felt that the City had come very far, although there was always room for improvement, and he requested everyone to not to lose sight of the strides that had been made. Mayor Christiansen stated that his service to the residents of the City would always be in the best interest of the entire City that everyone loves.

AGENDA ADDITIONS/DELETIONS

Mr. Hutchison moved for approval of the agenda, seconded by Mr. Hosfelt and unanimously carried.

Mr. Lewis requested that items #5-B-3 - Application for Rural Economic Development Grant Through U. S. Department of Agriculture (USDA) and #8 - 2016/17 Staff Appointment - City Council - Fire Marshal - Jason A. Osika, be removed from the Consent Agenda.

Mr. Sudler requested that item #6-B-3 - Economic Development Committee Transition Discussion - Adopt a Goal/Vision, be removed from the Consent Agenda.

Mr. Lewis moved for approval of the Consent Agenda, as amended, seconded by Mr. Anderson and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF AUGUST 22, 2016

The Minutes of the Special Council Meeting of August 22, 2016 were unanimously approved by motion of Mr. Lewis, seconded by Mr. Anderson and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF AUGUST 22, 2016

The Minutes of the Regular Council Meeting of August 22, 2016 were unanimously approved by motion of Mr. Lewis, seconded by Mr. Anderson and bore the written approval of Mayor Christiansen.

PUBLIC HEARING/FINAL READING - PROPOSED ORDINANCE #2016-18

A public hearing was duly advertised for this time and place to consider approval of proposed zoning text amendments to Appendix B - Zoning, Article 3 - District Regulations, Section 27 - Corridor Overlay Zone 1 (COZ-1), Subsection 27.66 - Building Height.

Mr. Hare moved that the Final Reading of Proposed Ordinance #2016-18 be acknowledged by title only, seconded by Mr. Neil and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council Meeting of July 25, 2016.)*

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the text amendments would revise the building height limitation, which is a development guideline, for a defined area on properties within the Corridor Overlay Zone (COZ-1). She reviewed a map depicting the COZ-1, explaining that the COZ-1 area extends from the railroad tracks along Route 8 to Artis Drive, as well as along Saulsbury and McKee Roads. Mrs. Townshend explained that the proposed amendment would remove language that limits building height to 35 feet or two (2) stories beyond 100 feet from the roadway. The first 100 feet of lot depth would still be subject to the 35-foot or two-story height limitation, and the area beyond that would be subject to the height restrictions of the zone. Mrs. Townshend stated that there had been a public hearing before the Planning Commission on August 15, 2016 regarding the amendment, and one (1) member of the public spoke in favor of the proposed amendment. Following the public hearing, the Planning Commission voted unanimously six (6) to zero (0) to recommend in favor of the proposed zoning text amendment.

Responding to Mr. Lewis, Mrs. Townshend stated that if the ordinance was adopted, building height would be limited to two (2) stories within 100 feet of the roadway; however, buildings beyond 100 feet may be built up to six (6) stories, depending on the zoning classification of the individual parcel.

Mr. Lewis questioned how many buildings in this area the proposal would apply to. Responding, Mrs. Townshend indicated that the buildings of The Grande project were within the Corridor Overlay Zone and were four (4) stories in height. Because they were part of a Planned Neighborhood Design (PND), the bulk standards were adjusted for this project. She noted that The Grande was getting ready to construct their fourth four-story building at that location.

Responding to Mr. Hosfelt, Mrs. Townshend indicated that the area being discussed included Route 8 from the railroad tracks out to the west end of the City, as well as the entirety of Saulsbury Road and McKee Road going north.

Mr. Anderson noted that there would be changes in traffic patterns with the construction of the West Dover Connector and asked if the amendment would be affected by those changes. In response, Mrs. Townshend stated that it would not necessarily have an effect because the West Dover Connector would not be called Saulsbury Road and the Corridor Overlay Zone would not expand. She explained that each new development application received, regardless of size, would be reviewed by the Delaware Department of Transportation (DelDOT) as it relates to additional traffic on the roadway.

Mr. Lewis asked Mrs. Townshend if the amendment would increase or decrease property values in the area. Responding, Mrs. Townshend stated that this would need to be asked of someone with an appraisal or assessment background and that she was not qualified in that regard.

In response to Mr. Hosfelt regarding what prompted the amendment, Mrs. Townshend explained that it had been brought forward by sponsors. She stated that an application went before the Board of Adjustment for a four-story apartment building in the Corridor Overlay Zone and they requested a variance. Mrs. Townshend indicated that the application was not for the fourth building at

The Grande but was for a project located further west on Route 8. She stated that action on the request was deferred pending the outcome of the proposed amendment.

Mr. Hosfelt asked if the request of one (1) builder had created this proposed ordinance that would change miles of roadway. Responding, Mrs. Townshend explained that a number of changes were made to commercial zones a couple of years ago, and one (1) of the tasks identified on the Planning Office's list of needed ordinance updates was to reconcile a difference between what zoning allowed and what the Corridor Overlay Zone allowed. The C-2A zone was previously more restrictive in terms of height, and a change was made to what was allowed in that zone, but the Corridor Overlay Zone did not allow this change to be utilized. Staff had known that they needed to review this matter; however, it came forward due to a specific circumstance.

Mr. Hosfelt stated his understanding that this amendment would allow someone to develop apartments in excess of two (2) stories on northbound McKee Road across the street from Emerald Pointe. Mrs. Townshend indicated that the area across from Emerald Pointe is not in the City and the City's Comprehensive Plan shows it as industrial. She stated that property would have to be zoned in a manner consistent with the Comprehensive Plan, although the Comprehensive Plan could change. Mrs. Townshend advised that the height would be based on the zoning underneath the overlay, so this would depend on how the property was zoned.

Council President Slavin declared the public hearing open.

Mr. Philip McGinnis, McGinnis Commercial Real Estate Company, stated that he lived and worked in the City of Dover, and he had brought forth the proposal. He felt that the City of Dover had a coherent land use development policy, but had a discombobulated land use development strategy due to height limitations on zoning districts. Mr. McGinnis explained that efforts were being made to develop a smart growth type of pattern throughout the City. He stated that the overlay zone may or may not be the best thing for the City, noting that the Chancery Court had denied overlay zones in other parts of the County. Mr. McGinnis indicated that this overlay zone had been in effect for 25 years, had held back good development strategy, and it was time to eliminate it.

In regard to Mr. Lewis's question about whether land values would go up or down, Mr. McGinnis stated that land use values were being stifled by the existing overlay zone, because it is not possible to build to the full density that the zoning district allows. He explained that this was not a situation where there would be 2,000 linear feet of two-story, four-story, or six-story buildings. Mr. McGinnis indicated that this was a situation where there were properties along Route 8 that could not be developed to their maximum density according to the existing zoning district regulations because of the overlay zone.

Mr. McGinnis noted that there was a question about whether or not to put a different kind of overlay zone on McKee Road to limit height; however, he stated that he was not aware of any Central Commercial Zone (C-2) districts along McKee Road. He advised that the discussion was about an area between the railroad tracks and the end of the City that involved approximately a half dozen properties. Mr. McGinnis informed members that the point of relaxing the overlay zone was to allow the development pattern to get back to the densities permitted in the existing zoning district regulations.

In response to Mr. Lewis regarding why this area was being addressed rather than Route 13 or other areas where there were higher-story buildings, Mr. McGinnis stated that this was the area that had an overlay zone and where properties were available. He noted that the City was losing property tax dollars and there were lost profits to the community. Mr. McGinnis reiterated that money was being lost by stifling development with a height limitation and a 25-year-old overlay zone that was now obsolete.

Mr. Lewis questioned whether the residents in the surrounding area had been asked what they thought of the proposed ordinance. Responding, Mrs. Townshend advised that the purpose of the current public hearing was to hear from residents. She stated that the Council and Planning Commission public hearings were both advertised, and reiterated that one (1) person spoke during the Planning Commission public hearing.

Mr. Neil noted that building apartment houses would increase traffic and asked if the roads that would be affected were DelDOT roads. Responding, Mrs. Townshend indicated that Route 8 is a DelDOT road, as are Mifflin, Saulsbury, and McKee Roads.

Mr. Sudler questioned how individuals in the surrounding area are notified of such amendments other than the City website. In response, Mrs. Townshend stated that zoning text amendments are advertised through a legal ad in the newspaper; however, the City does not mail a notice to individuals. She explained that for individual development applications, direct notice is mailed to property owners within 200 feet, an ad is placed in the newspaper, and the subject property is posted with a yellow sign.

Responding to Mr. Sudler regarding a traffic impact study, Mrs. Townshend explained that if a project meets certain thresholds set by DelDOT regulations in terms of peak hour trips or total daily trips, the developer has their engineer do a traffic impact study, which is sent to DelDOT for review by their engineering staff. The traffic impact study includes a series of recommendations based on the traffic counts and the expected contribution based on an individual development. Mrs. Townshend advised that a 2007 or 2008 corridor study of Route 8 identified a number of potential service roads off Route 8. As development applications come in, the City and DelDOT work with the developers to reserve either right-of-way or cross-access easements, so that the land will be there to build a service road, in the event that a road is warranted in the future.

Mr. William Garfinkel, 9 Freedom Drive, Bicentennial Village, stated that the legislation before this body tonight was both dangerous and reckless. He indicated that it was dangerous because it had the ability to destroy the livability of west Dover and reckless because it had not been properly vetted. Mr. Garfinkel believed that there was no problem to be fixed. He questioned what the unintended consequences and compelling state interest were in the amendment, or if there was just a personal interest. Mr. Garfinkel stated that, during the Board of Adjustment meeting, the Planning Office was asked by the Board what the purpose of the overlay zone was. Their response was that the purpose was to make sure that Route 8 did not become Route 13, and Mr. Garfinkel felt that this said it all. He informed members that he had lived in west Dover for 33 years and found it to be beautiful, livable, and a place where commercial and residential areas co-exist in harmony because of the overlay zone. Mr. Garfinkel stated that canyons of six-story building were not needed in west Dover and asked members to vote no tonight.

Mr. Derek Headley, 3 Gemstone Boulevard, Emerald Pointe stated that this amendment would have a major impact on his community. He advised that he had been at this location for only three (3) years but had moved to west Dover because of the beauty of the community. Mr. Headley stated that he moved from New York because he wanted the peace and quiet that he currently had. He believed that the developer did not live anywhere in close proximity and the amendment would have no effect on him. Mr. Headley felt that this was about dollars and cents from the developer's standpoint. He noted that the first building would include only 12 units, but it was unknown how many there would be after getting rid of the ordinance that was 25 years old and out of date. Mr. Headley begged Council members to hear the voice of the community, stating that this area was a beautiful place and it was not desired to spoil it.

Mr. Thomas J. Dix, 664 Independence Boulevard, Bicentennial Village, advised that he lives a little over a mile away from where this building was proposed on Forrest Avenue. He indicated that he had attended a meeting last week and knew what type of planning DelDOT was doing for Forrest Avenue. Mr. Dix read the following statement into the record:

> Dear Mayor, President of the Council, and Dover Council members:
>
> There is nothing in the 20-year plan for Forrest Avenue, except the bicycle path on the south side of Forrest. Nothing. Forrest Avenue is the only exit out of Dover to the west. It is bracketed by Mifflin Road, a small, little, tree-lined road, with the world famous Mifflin traffic circle on it; Kenton Road, which feeds into westbound Forrest Avenue about 200 feet west of this intersection and westbound Forrest narrows from a two-lane to a one-lane road in each direction; and Saulsbury Road southbound, which will empty into the Connector and North Avenue. Forrest eastbound offers a left turn onto the northbound Kenton Road that allows only a few cars to turn left at each traffic light cycle, which causes backups on Forrest Avenue. Any groans?
>
> I think the proposed amendment is nothing more than a lightly-veiled real estate scheme to inflate the property values of previously existing residential and small commercial properties. These properties are not supported by the roads needed to accommodate a large increase in commerce. West Dover has industrial, residential, and small commercial properties well planned for a long time. There was no planning for commercial buildings up to 60 feet in height.
>
> Let's see a long-range plan before we see quick zoning changes. Change the plan first. Zoning changes should follow the approved plan, not the other way around. Thank you, ladies and gentlemen.

Mr. David Pokrajac, 6 Tanzanite Court, advised that he had been living in Dover for a little more than 14 years and was very happy that Council was taking care of the City, but he wanted to share his feeling regarding priorities. He stated that recently there was a fatal accident on McKee Road near the overpass and there was an undivided highway with heavy traffic. A little farther south, there was his development, Emerald Pointe, with no traffic light or plans for a traffic light. Mr. Pokrajac questioned if there would be another fatal accident before starting to plan traffic lights. He felt

traffic lights should be installed before developing commercial buildings in the area. Mr. Pokrajac asked what the strategic interest of the City was. He questioned what would bring more value to the City and better support its functions, developing apartment buildings for the lower middle class or new housing for the upper middle class. Mr. Pokrajac noted that the intersection farther south at McKee/Scarborough and College Road was dangerous, stating that his daughter was involved in an accident there in May. He stated that, luckily, it was not a fatal accident; however, his daughter suffered for more than a month because of traffic at that intersection, without the commercial buildings and changing of the zoning that was being discussed. Mr. Pokrajac advised that he had not planned to talk about this, noting that he was in attendance in regard to the public hearing for Proposed Resolution No. 2016-10 Approving the Abandonment of the Topaz Circle Stub Street; however, as a concerned parent and citizen, he asked members not to make this change. If they choose to make a change, he suggested doing it only for Route 8.

Mr. EShed Alston stated that he had resided in Dover for 42 years, noting that anyone who had lived here had seen the changes, including trees being cut down and development. He questioned why development did not take place in areas that are already developed as opposed to going into the community and changing its profile. Mr. Alston advised that, although he did not live in the area being discussed, he felt he must interject his position as a person who had lived here for over 40 years. He stated that he had come to this area because of the way it was and was not comfortable with the way it was becoming, noting that the City was changing, but the changes that were occurring were not necessarily good changes. Mr. Alston asked how those who are living in the community felt about changing an established community for the sake of development and what this would do to their quality of life. He believed it was problematic to give more consideration to developers than to the people who had lived here for 40 years.

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

Mr. Lewis expressed concerns with the Proposed Ordinance, stating that, if passed, it would set a precedent where buildings like this would pop up in many neighborhoods. In addition, he stated that he had concerns about traffic. Mr. Lewis noted that members had heard comments from residents of the community who do not want this change. He felt it was the duty of Council to listen to them since they are who members represent. Mr. Lewis stated that he could not support the Proposed Ordinance.

Mr. Hosfelt agreed with Mr. Lewis and stated that he would also vote against the Proposed Ordinance.

Mr. Neil felt that there was nothing urgent in terms of passing this measure. He acknowledged that things would change in the future but saw no urgency in making the change at this time. Mr. Neil stated that there would be nothing wrong in bringing this back at a future time when members feel that the City is ready for it.

Mr. Sudler stated that he would also vote against the Proposed Ordinance; however, he indicated that he would like to see a comprehensive plan for the future. As a resident of State College Road, he

noted that there is a lot of traffic and thought there was a need to focus more on what to do about traffic before putting up new buildings in the area.

Mr. Hare stated that he did not disagree with what had been said; however, he noted that he had lived in the City for a long time and remembered Route 8 as a two-lane road, when William Henry Middle School was on the outskirts of town. He stated that if today's mentality was applied back then, those who live out there would not have their nice houses and after passing William Henry Middle School, the next thing one would come to would be what was known as Country Club Apartments. Mr. Hare felt that there was some merit to the argument but that there may need to be more traffic studies. He suggested tabling the matter for further review.

Mr. Hare moved to table the Proposed Ordinance for further review and to obtain traffic studies and more information, seconded by Mr. Hutchison.

Mr. Lewis stated that he would vote against tabling this matter and believed members should vote tonight.

The motion to table Proposed Ordinance #2016-18 for further review and to obtain traffic studies and more information was carried by a roll call vote of six (6) yes (Mr. Anderson, Mr. Sudler, Mr. Cole, Mr. Hare, Mr. Hutchison, and Mr. Slavin) and three (3) no (Mr. Neil, Mr. Lewis, and Mr. Hosfelt).

After consulting City Solicitor Rodriguez, Mr. Slavin informed members that Mr. Rodriguez had confirmed that a member is procedurally allowed to bring an item back for consideration if they have voted in favor of it; therefore, Mr. Slavin explained, he voted yes for the purposes of ensuring that this item is brought back.

PUBLIC HEARING - PROPOSED RESOLUTION NO. 2016-10 APPROVING THE ABANDONMENT OF THE TOPAZ CIRCLE STUB STREET

A public hearing was duly advertised for this time and place to consider the abandonment of the Topaz Circle Stub Street.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that Topaz Circle stub street is an improved stub street in the Emerald Pointe development that connects to undeveloped land to the south between Emerald Pointe and College Road. She stated that the undeveloped property was approved for The Arbors, a senior apartment building development, by the Planning Commission, at their March meeting. Mrs. Townshend explained that a number of residents had concerns about the interconnection between Emerald Pointe and The Arbors and, during their Regular Meeting of June 27, 2016, City Council waived the normal process for street abandonment and initiated a request to abandon the Topaz Circle stub street located in the Emerald Pointe subdivision. She stated that this matter was referred to the Planning Commission for a public hearing and, following their review, the Planning Commission recommended not abandoning the stub street, primarily due to the comments of the Development Advisory Committee (DAC). Mrs. Townshend advised that all of the development review agencies recommended against the abandonment. She noted that the Planning Commission's recommendation was also based on the

subdivision ordinance requirement for interconnection. Mrs. Townshend advised that this matter was now set for a public hearing before Council.

Mrs. Townshend indicated that Topaz Circle stub street was improved in asphalt and there were sidewalks along it. She stated that there would be a question of what would happen to that paved area if the stub street were abandoned, and she felt that it might benefit Council to know this in determining whether to abandon it. Mrs. Townshend asked if the City would remove the asphalt or if this would be the responsibility of the property owners who gain the property.

Mr. Hosfelt expressed his opinion that the previous discussion this evening, regarding Proposed Ordinance #2016-18, demonstrated reason enough to support this abandonment. He felt that consideration was being given to creating more traffic, housing, and retail shops, which would push people through the neighborhoods to take shortcuts around intersections so that they do not have to sit through traffic lights. Mr. Hosfelt indicated that he would be willing to use his discretionary funds that were allotted to Council members during the FY 17 budget review process to help with this site improvement, if needed. Mr. Hosfelt believed that this was a no-win situation, stating that he lives near a cut-through in a neighborhood and he did not want to see this happen to the residents of Emerald Pointe. He stated that those who travel on College Road sit through several cycles of traffic lights due to traffic. Mr. Hosfelt believed that if members allowed the cut-through to happen, Police Chief Bernat would have to field complaints about speed surveys and studies and why there were not enough motorcycle officers to issue tickets in the neighborhood. He indicated that he would support the abandonment of the Topaz Circle stub street.

Mr. Slavin thanked Mr. Hosfelt for being a leader on this issue from the outset. He recalled that there had been a major issue on East Loockerman Street when the new normal became that it was a cut-through, rather than a residential street. Mr. Slavin stated that the City had to fight for that street to not be used as a cut-through and he did not want to see that happen again.

Mr. Sudler asked if the asphalt on the stub street was recycled and unbonded gravel. Responding, Mr. Scott Koenig, City Manager, stated that there was concrete curb and new paving that was installed in the last couple of years. He explained that if Council elected to abandon this stub street, they would have to authorize the City to spend between $10,000 and $20,000 to remove approximately 120 feet of street and install upright curbing and sidewalk where the street is abandoned. He believed that this would not be accomplished if it is left to the potential property owners because of the expense. Mr. Koenig stated that this was a paved street, including the top coat; however, it had not been dedicated.

Mr. Sudler indicated that he would have supported the stub street as a highly regulated emergency route; however, he did not think that this was going to be doable. He stated that he would not be supporting the staff recommendation and would support Mr. Hosfelt.

Mr. Neil stated that he was concerned about safety; however, he understood why the people living there did not want it and, as a result, he would vote to close off the street. He noted that this was with the caveat that in the future, those who buy homes in that area would now be at more risk because the Fire Department would not be able to get to them as quickly as they could if the connection was there.

Responding to Mr. Anderson regarding the Planning Commission's reasoning for their decision, Mrs. Townshend explained that this matter dated back to 2002, when Emerald Pointe was first approved with two (2) stub streets as part of the original plan. The benefit of interconnection was something that the Planning Commission had championed for a number of years and was ultimately put into the subdivision regulations in 2004. Additionally, Mrs. Townshend advised that, DelDOT is a member of the City's DAC and DelDOT's subdivision regulations require interconnections, and if these streets were in the County, they would be required. Mrs. Townshend informed members that DelDOT's recommendation was not to abandon the stub street because it would affect the traffic patterns and put some of the shorter trips onto College or McKee Roads, where they otherwise might be able to flow from one development to another. The Planning Commission's recommendation was based on adopted procedures and codes and the recommendations of the Fire Marshal's Office, Public Works Department, and Planning Office not to abandon the stub street.

Council President Slavin declared the public hearing open.

Ms. Dorothea Hopkins, Emerald Pointe, stated that she was a new homeowner. She explained that the neighbors work hard to keep their places beautiful, cut their grass, and pick up garbage. Ms. Hopkins indicated that older people are out as late as 12:00 midnight walking and exercising, and little children run, play, and have a good time in the park. She feared that if all this traffic came through Emerald Pointe, there would be some big issues there. Ms. Hopkins stated that people walk pets through the park and the complex and neighbors come together to have sales, etc. She advised that she is retired and has to sit for a long time when exiting her neighborhood, and she believed this would cause impatience for those who have to be at work at a certain time. Ms. Hopkins stated that she did not think it would be a good idea to have traffic come through the street, noting that it was currently necessary to move over to the side to allow cars to pass. She reiterated that she loved her development and home. Ms. Hopkins stated that if the new development is built it will be directly behind her home and she would have to install a fence, noting that she really does not want to see all of the traffic going through her neighborhood.

Mr. Randall Christian, 207 Topaz Circle, agreed with the comments made by Mr. Hosfelt. He felt that it was a bad idea to allow this traffic without something being done prior to the project to allow traffic to flow at the two (2) intersections mentioned. Mr. Christian stated that two (2) kids had lived in that neighborhood since approximately 2006 or 2007. He advised that he lives around the corner from Bicentennial Village, which he felt had been destroyed by the same Planning Commission rules or guidelines. Mr. Christian stated that a traffic study had been done a few years ago and he could not imagine the number of cars that go through that neighborhood every day. He felt that kids cannot walk the streets or walk their dogs safely because people are speeding through there at 40 miles per hour trying to beat the traffic light. Mr. Christian believed that a connection would be unfair for the homeowners who purchased property in Emerald Point, noting that when he purchased his property the saleswoman who worked for the builder did not mention anything about the possibility of a cut-through road, or the adjacent property being sold to a commercially zoned development that would allow other traffic to cut through from College Road back to the highway. Mr. Christian thought this was a terrible idea and begged members to listen to the other residents and abandon the stub street.

Mr. David Pokrajac, 6 Tanzanite Court, stated that he supported the abandonment, noting that he had spoken during the Safety Advisory and Transportation/Council Committee of the Whole Meeting

of April 26, 2016 regarding this matter. In regard to fire truck access, Mr. Pokrajac stated that he lives in Tanzanite Court next to Topaz Circle and tries to obey speed limits as much as he can. He indicated that he is not in a particular rush when going to work in the morning as he is not an hourly employee and it takes less than two (2) minutes to reach the exit of Emerald Pointe from his home. Mr. Pokrajac stated that fire trucks do not need to obey stop signs or speed limits and could probably reach the farthest point in Emerald Pointe in two (2) minutes and nearer points in one (1) minute. He estimated that not opening the stub street would add one (1) minute to the response time of a fire truck, stating that he did not know if this would dramatically change the survival time since he was not a fire expert. He suggested the possibility of opening another emergency entrance to Emerald Pointe from McKee Road, which would decrease the probability of using it as a cut-through and prevent using the proposed stub street for Emerald Pointe. As a resident of Emerald Pointe who planned to live there for a while and did not plan on being run over by a car, he supported not building the stub street as originally proposed.

Mr. David Gale, 342 Topaz Circle, explained that he lives approximately two (2) houses from the stub street. He advised that he had planned to purchase one (1) of the corner lots adjacent to the stub street; however, because the grass was so high in that area, he inquired what was going to be placed there. Mr. Gals stated that he was told that the development had no clue what was going to go there and, for that reason, Mr. Gale selected a different lot. He advised that he had lived in Emerald Pointe for four (4) years and could count on one (1) hand the number of times that emergency vehicles had been through. Mr. Gale stated that he had lived in Baltimore City and was used to traffic and knew its dangers, and his desire to eliminate a lot of the hassles of urban life was a major influence on his decision to move to Emerald Pointe. He felt it would be a bad idea to open this stub street to traffic, likening this to running a garden hose through a straw. Mr. Gale indicated that he goes to work at 7:30 a.m. and it sometimes takes eight (8) minutes and sometimes (3) minutes, noting that there is a lot of traffic going down to the industry. He stated that it was difficult to get out of the development and was against having more traffic going in, noting that the schoolchildren now wait inside the development rather than on Route 15 because there was too much traffic. Mr. Gale felt that putting more traffic there would create more of an issue. He suggested constructing a horseshoe to make it possible to go in and come back out the other side, noting that there was now one (1) way in and out.

Mr. Carl Davis, 7 Gemstone Boulevard, advised members that he lives at the corner and had lived there for three (3) years. He stated that he had moved to Emerald Pointe because it was nice and quiet, noting that he is retired. Mr. Davis explained that he will not leave the development after 4:00 p.m. because the traffic is so heavy that sometimes it takes him eight (8) minutes to get out and he tries to get back in before the traffic becomes too heavy. He stated that once a driver pull ups on the corner, if another car pulls up on the inside, the driver cannot move because they cannot see the cars on the right side. Mr. Davis indicated that it is necessary to sit for an additional period of time to wait for the car that pulled up on the right to pass. He felt that the situation was difficult and that the stub street would make things much worse. Mr. Davis advised that he came from Philadelphia, where they overbuilt everything and never took into account what the problems would be. He felt that bringing a route through the development would back traffic up two (2) blocks trying to come out and noted that traffic is heavy on College Road. He reiterated that he was completely against the stub street and asked members to vote against it.

Mr. Van Robinson, 410 Topaz Circle, stated that he had lived in the area since May 2009 and had been a resident of Topaz Circle for almost six (6) years, having been in his house since December 2010. He explained that they bought the house because he liked the property, which had the second largest back yard after 411 Topaz Circle. Mr. Robinson advised that when he was getting ready to purchase his home, the construction manager stated that there would be only one (1) way in and out. He indicated that he would like to see the stub street returned to grass and split between the two (2) adjacent properties, and he believed that the City could accomplish this. Mr. Robinson stated that he sometimes has to wait eight (8) minutes to exit and would like to see the exit widened perhaps another 10 feet.

Mr. Derek Headley, 3 Gemstone Boulevard, stated that he resides at the house on the corner, where the traffic that everyone had referenced was located. He noted that he can watch how long it takes people to get in and out of the development. Mr. Headley advised that he is not a resident of Topaz Circle but can understand his neighbors' frustration and was against the connection. Referring to Mr. Hare's comment that if it was not for things progressing, there would be nothing in that area, Mr. Headley felt that everyone could appreciate that and knew that there would be development; however, members needed to consider what the residents of the community were telling them. He stated that they were saying that a connection would be detrimental to their quality of life and urged members to listen. Mr. Headley advised that he was from New York and felt that Dover was heaven as far as property taxes; however, he stated that he had researched and found that property taxes in Emerald Pointe were some of the highest in Dover. He indicated that Emerald Pointe seemed to be a target, stating that there was a commercial development going across the street from where he lives and an interceptor trying to cut through an area of the development. Mr. Headley noted that Emerald Pointe was one (1) of the most peaceful and cohesive neighborhoods that he knew of and asked Council to give them a break.

Mr. Slavin believed that the prevailing interpretation was that the City was going to put a street in; however, he explained that this matter was being considered to prevent the stub street from continuing. He stated that he did not want those present to think that Council was bringing forward the idea of putting this street in but was trying to correct it.

Ms. Jodie Hailey advised that she was part of a homeowners group that takes care of Emerald Pointe, and she does everything for her community. She stated that they were asking that there would be no street coming through the development.

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

By motion of Mr. Hosfelt, seconded by Mr. Hare, Council, by a unanimous roll call vote, adopted Resolution No. 2016-10, as follows:

A RESOLUTION VACATING AND ABANDONING A CERTAIN IMPROVED STUB STREET SITUATED IN THE CITY OF DOVER.

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

Section 1. The Council of the City of Dover hereby vacates and abandons Topaz Circle stub street, as specified below:

Adjacent to 402 Topaz Circle (ED-05-067.01-01-24.00)
Being a portion of that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an improved public dead end portion of Topaz Circle lying to the southeast of the intersection of Topaz Circle and Aquamarine Court and to the northwest of lands now or late of Richard B. McKee, said portion of Topaz Circle beginning at a point in line of said McKee lands and the southern property corner of Parcel No. ED-05-067.01-01-24.00; thence running South 50 degrees 40 minutes 20 seconds West 30.03 feet along the southerly line to the center point of Topaz Circle; thence running North 36 degrees 48 minutes 41 seconds West 111.46 feet parallel to the westerly property line of Parcel No. ED-05-067.01-01-24.00 to a point; thence running North 53 degrees 11 minutes 19 seconds East 55.00 feet to a point of curvature in the southerly line of Topaz Circle, said point being the northerly end of a 25 foot radius junction curve joining the southerly and easterly lines of Topaz Circle; thence running along said junction curve by the arc of a circle curving to the left, with a radius of 25.00 feet, a distance of 39.27 feet to a point of tangency in the easterly line of Topaz Circle; thence running South 36 degrees 48 minutes East 85.15 feet to a point in the line of said McKee lands and the southern property corner of Parcel No. ED-05-067.01-01-24.00, being the point and place of beginning and containing 0.08 acres (3,460.14 square feet) of land be the same more or less.

Adjacent to 2 Aquamarine Court (ED-05-067.01-01-25.00)
Being a portion of that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an improved public dead end portion of Topaz Circle lying to the southeast of the intersection of Topaz Circle and Aquamarine Court and to the northwest of lands now or late of Richard B. McKee, said portion of Topaz Circle beginning at a point in line of said McKee lands and the southeastern property corner of Parcel No. ED-05-067.01-01-25.00; thence running North 50 degrees 40 minutes 20 seconds East 30.03 feet along the southerly line to the center point of Topaz Circle; thence running North 36 degrees 48 minutes 41 seconds West 111.46 feet parallel to the easterly property line of Parcel No. ED-05-067.01-01-25.00 to a point; thence running South 53 degrees 11 minutes 19 seconds West 55.00 feet to a point of curvature in the southerly line of Aquamarine Court, said point being the northerly end of a 25 foot radius junction curve joining the southerly line of Aquamarine Court and the westerly line of Topaz Circle; thence running along said junction curve by the arc of a circle curving to the right, with a radius of 25.00 feet, a distance of 39.27 feet to a point of tangency in the westerly line of Topaz Circle; thence running South 36 degrees 48 minutes East 87.78 feet to a point in the line of said McKee lands and the southeastern property corner of Parcel No. ED-05-067.01-01-25.00, being the point and place of beginning and containing 0.08 acres (3,513.42 square feet) of land be the same more or less.

Section 2. Since no person has been deprived of property by the vacating and abandoning of the aforesaid stub street, no compensation is awarded.

Section 3. The streets and infrastructure of the above described parcels of land have not been accepted by the City of Dover. The above described parcels of land shall be considered public utility easements, reserving the rights of the City of Dover, their agents or assigns to free access for ingress and egress to these premises and every part thereof at all times for the purpose of installing, maintaining and operating its existing public utilities. All costs of conveyance shall be borne by the property owners.

Section 4. This resolution shall be effective upon the filing of a revised plot plan of the aforesaid stub street.

ADOPTED: SEPTEMBER 12, 2016

90-DAY PROGRESS REPORT - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 1032-1058 SOUTH DUPONT HIGHWAY, OWNED BY BMDR LLC

During the Regular City Council Meeting of November 9, 2015, members considered a Violation of the Dangerous Building Ordinance at 1032-1058 South DuPont Highway, owned by BMDR LLC. At that time, Council declared the structure located at 1032-1058 South DuPont Highway a dangerous building; ordered that the property be repaired or demolished by July 1, 2016 by the owner or equity owner at their own risk; ordered the Building Inspector to cause the demolition of the structure if not completed by the owner within 10 days of the date established by City Council; ordered 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; and that progress reports be provided at the Council Meetings scheduled for January 11, 2016, March 14, 2016, and June 13, 2016. Progress reports were accepted by members during the Regular Council Meetings of January 11, 2016 and March 14, 2016. During the Regular Council Meeting of June 13, 2016 members opted to return the item to full Council in 90 days for a progress report.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that progress regarding the violation of the dangerous building ordinance for property at 1032-1058 South DuPont Highway was moving more slowly than expected. She indicated that she had talked to Lighthouse Construction both last week and on September 12, 2016, and they had awarded a bid for the interior demolition that must occur before they can start reconstruction. Mrs. Townshend stated that the site remained secure and no additional complaints had been received by her office. Based on what she had been told, Mrs. Townshend indicated that interior demolition should occur in the next couple of weeks.

Mr. Slavin noted that the motion to declare the structure a dangerous building and order that it be repaired or demolished by July 1, 2016 had been carried by a roll call vote of five (5) yes (Mr. Anderson, Mr. Sudler, Mr. Hare, Mr. Hutchison, and himself), three (3) no (Mr. Neil, Mr. Cole,

and Mr. Hosfelt), and one (1) absent (Mr. Lewis), and that members now found themselves three (3) months beyond that date.

Mr. Hosfelt stated that the City had held Dr. Joe Burden, Jr. responsible for his properties, and Mr. Hosfelt would expect the same for this property owner since he did not see any difference. He noted that it was well past the date that had been set for the property at 1032-1058 South DuPont Highway and wondered why another extension was being discussed. Mr. Hosfelt indicated that he would not extend further for Dr. Burden and did not intend to do so for this group.

Mr. Sudler concurred with Mr. Hosfelt, stating his concern about doing something for one party but not for another. He felt that approving an extension would set the City up for a lawsuit because it would show that Council was being unfair. Mr. Sudler did not believe that the City conducted business in this way and did not want there to be a feeling that Council was picking and choosing to whom they would extend time.

Mr. Hare stated that he did not disagree; however, he believed that the action that was taken on the subject property was perhaps 1/100 of what was done for Dr. Burden. Mr. Hare suggested allowing the owner to come to the next Council meeting to give Council final dates and then holding the owner to the dates. He advised that he had gone by the property and it did not look any different than it did in January. Mr. Hare believed that this matter should be handled as it was with Dr. Burden, who was asked to provide final dates and was held to them.

Mr. Neil questioned what penalties, financial or otherwise, could be levied. He felt that the owner would continue to push the envelope if there were no penalties. Responding, Mrs. Townshend advised that the penalties would be the demolition and the associated lien. She did not believe issuing fines was effective once a property goes to the level of a dangerous building. Mrs. Townshend indicated that she concurred with moving forward based on the action of Council.

Responding to Mr. Sudler, Mrs. Townshend stated that the subject property was a large commercial building located across from McDonald's and immediately north of L & D Suzuki, and she believed that it would be a costly demolition. She advised that no representative from BMDR was present, noting that they had been present when Council had made the original motion.

Mr. Scott Koenig, City Manager, stated that this demolition would cost substantially more than $25,000 and if a demolition package is issued, the bids would have to be considered by Council, in accordance with the City's Purchasing Policy. He did not believe any additional action was necessary and that staff could put the bid package out and receive bids. Mr. Koenig advised that if the owner had not progressed by the date that bids were authorized by City Council, the building could be demolished.

Mr. Slavin appreciated the sentiments of Councilman Hare about bringing someone in for a final time; however, Mr. Slavin stated that the owner had been given an opportunity for a final time when they came before Council in November 2015 and Council had established the timeline for reporting over the last three (3) quarters. He noted that it was now almost a year later. Mr. Slavin did not believe there was a need to reconvene Council on this issue, since moving forward would be proceeding with the action already taken. He noted that there would be a small window between

issuing the bid for the demolition and the demolition itself, should the building owner want to come forward and offer a way to ameliorate the situation.

Mr. Lewis expressed concerns regarding safety. He advised members that this building was in the Second District, represented by himself and Mr. Hare, and Mr. Lewis had passed by the building the other day. He noted that the owner was told to erect a perimeter fence around the building for safety and that the fence had been pushed down. Mr. Lewis feared that children or vagrants could access the building.

Mr. Neil moved to confirm the actions taken by Council on November 9, 2015 regarding the demolition of the property, seconded by Mr. Hosfelt.

Mr. Hare questioned what Council would do if the demolition was put out for bid and two (2) weeks later the owner provided members with a sense of the time needed for the property. Responding, Mr. Slavin indicated that Council would deal with that if it occurred.

Mr. Hare felt, as Mr. Sudler had said, that picking and choosing could result in a lawsuit from this party because of time that was not granted. Responding, Mr. Slavin noted that this party had been given over a year. Mr. Hare stated his belief that Dr. Burden had been given more than a year, and Mr. Slavin asked why Mr. Hare was defending a known hazard in his own district.

Mr. Koenig reiterated that staff could issue a demolition bid and bring the bids back before Council. If the project had funding and could move forward, and if viable building permit applications with plans were submitted, they would be considered. He explained that once the demolition bids were approved, the property owner would have to go to court to stop the City from demolishing the building.

Mr. Sudler agreed with Mr. Hare to a certain extent, and he asked how long Dr. Burden was granted in regard to 941 Lincoln Street. Responding, Mrs. Townshend stated that Dr. Burden was given 30 days in regard to his property located at 941 Lincoln Street. She reminded members that in May 2015, there was a building that Council had declared dangerous and given Dr. Burden until September 26, 2015 to make all of the repairs. Mrs. Townshend advised that, although repairs were approximately 90% complete, interior work was not finished; therefore, staff had not been able to issue a Certificate of Occupancy.

Mrs. Townshend expressed her belief that once a certain point is reached, there is a need to move forward. She felt that bids for the subject property would not be back for four (4) to six (6) weeks, and at that point things should be final. Mrs. Townshend advised that there were active permits for the property located at 1032-1058 South DuPont Highway and conveyed to her that they were doing a lot of interior clean-out. She indicated that there had not been any interior inspections based on the permits and, as of September 12, 2016, they told her that they had approved bids for interior demolition.

The motion to confirm the actions taken by Council on November 9, 2015 to declare the structure located at 1032-1058 South DuPont Highway a dangerous building; order that the property be repaired or demolished by July 1, 2016 by the owner or equity owner at their own

risk; order the Building Inspector to cause the demolition of the structure 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 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, was carried by a unanimous roll call vote.

COUNCIL COMMITTEE OF THE WHOLE REPORT - AUGUST 23, 2016

The Council Committee of the Whole Meeting was held on August 23, 2016 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Sudler, Mr. Neil (arrived at 6:03 p.m.), Mr. Lewis (arrived at 6:09 p.m.), Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mr. Anderson was absent. Mayor Christiansen was also present. Civilian members present for their Committee meetings were Mr. Keller and Mr. Shelton (*Safety Advisory and Transportation*) and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*).

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee met with Councilman Hosfelt presiding.

Viability of the ShotSpotter Gunshot Detection and Location Service

During the Council Committee of the Whole/Safety Advisory and Transportation Committee Meeting of July 26, 2016, members considered the Viability of the ShotSpotter Gunshot Detection and Location Service and deferred this item for further investigation.

Deputy Police Chief Marvin Mailey advised members that he wished to address questions that members had posed during the meeting of July 26, 2016. In regard to the availability of federal grant funding, he explained that he had spoken with Ms. Amanda Wood, Funding Specialist, ShotSpotter, Inc., who outlined a number of funding programs that could cover some or most of the cost of the ShotSpotter program, which would be approximately $195,000 per year. Deputy Chief Mailey stated that there were three (3) programs available through the Department of Housing and Urban Development (HUD), a program through the Department of Homeland Security's State Homeland Security Grant Program, and federal grants through Project Safe Neighborhoods and the Smart Policing Initiative Grant, as well as a technology grant for innovations in public safety. He indicated that grants are awarded annually, and Ms. Wood would be willing to help the Department with the paperwork to obtain them.

Deputy Chief Mailey informed members that he had spoken with Captain James Sarkos, Atlantic City Police Department, who was the organizer or head of the ShotSpotter program in Atlantic City, New Jersey. Captain Sarkos stated that they received grant funding; however, Atlantic City bore a lot of the cost for the program

in its first year, which was very expensive, and the grant funding kicked in during the following years.

In response to questions asked by Mr. Hosfelt and Mr. Hutchison during the meeting of July 26, 2016, Deputy Chief Mailey advised that he had spoken to Mr. John Martin, IT Systems Administrator, Wilmington Police Department, who directs this program in Wilmington, in regard to cleared cases pertaining to ShotSpotter and was informed that Wilmington tracks the raw data but does not correlate it to crimes solved. The approval of the Wilmington's chief of police was needed to obtain the data; however, Deputy Chief Mailey stated that he was unable to receive approval after reaching out to the chief on several occasions. He informed members that the raw data from Wilmington would show only activations and would not correlate to a homicide solved on a particular day, and this was also the case in Atlantic City and in the Camden County Police Department in Trenton, New Jersey.

Responding to Mr. Neil's question during the meeting of July 26, 2016, regarding ShotSpotter technology upgrades, Deputy Chief Mailey indicated that, although he had described the ShotSpotter as a lease program, it is actually a subscription service that is paid for annually. He informed members that ShotSpotter, Inc. would provide new hardware and software as the technology ages so that there would be optimal results from the system.

In response to Mayor Christiansen's questions during the meeting of July 26, 2016, Deputy Chief Mailey stated that ShotSpotter guaranteed full maintenance throughout the service subscription, including replacement and tech support, and they would come to the City to provide onsite training. He indicated that Atlantic City had advised that ShotSpotter was very good about providing service. Deputy Chief Mailey stated that Atlantic City loved ShotSpotter and was very willing to meet or hold a conference call with City of Dover representatives to discuss the program. He advised that Captain Sarkos informed him of an incident when Atlantic City used ShotSpotter to identify a gunshot that was unreported. The police department responded and found a subject who had been shot, and Captain Sarkos believed that this person probably would have expired had they not had the ShotSpotter program to identify the gunshot location. Deputy Chief Mailey advised that the New York City Police Department went to Atlantic City to discuss and observe the Atlantic City ShotSpotter program, and New York City was now using this technology.

Mr. Hosfelt recalled that Wilmington had been having an issue with not receiving calls for 911 service when shots were fired and had no way to track them. It was believed that this technology would help them to respond to those areas, and this was one of the selling points for obtaining ShotSpotter. Mr. Hosfelt noted that the $195,000 cost was not cheap, and he felt that if there was an ability to connect the use of ShotSpotter to cleared homicides or shootings, this would be advertised as a selling point. He questioned if the City of Dover would be better off investing these funds in more security cameras, noting that the results from existing cameras were known and could show cleared homicides or shootings. Mr. Hosfelt believed that the

City of Dover still has community involvement and that residents and constituents still make those calls. He was not sure that Dover was at the point that Wilmington was in terms of not receiving calls.

Deputy Chief Mailey stated that ShotSpotter advertises that once their system is put in, there is a decline in gunshots and gun violence. They pointed to Wilmington as showing a 42% drop in gunshots after the technology was initially installed. Deputy Chief Mailey indicated that several agencies had used ShotSpotter in criminal investigations to point them to evidence that was brought into the courtroom as part of probable cause in prosecution of criminal cases. He stated that, personally, if he had the money to spend, he would spend it on equipment, cameras, and officers, which he felt would better serve the City. Deputy Chief Mailey agreed with Mr. Hosfelt that the City of Dover is not a place where people do not report gunshots fired.

Responding to Mr. Hutchison, Deputy Chief Mailey advised that the cost of ShotSpotter would be $65,000 per square mile, with a total cost of $195,000 to cover three (3) square miles. He indicated that shots are fired throughout the City, beyond an area of three (3) square miles, and cited occurrences on White Oak Road, Mayfair, and Autumn Run Apartments. Deputy Chief Mailey indicated that a three (3) square mile footprint is not very large.

In response to Mr. Hutchison regarding statistics for the days and times when more problems are experienced in the City, Deputy Chief Mailey indicated that he did not have this data but could research it and provide information. He stated that Retired Captain Robert Scott, Crime Analyst, analyzes raw data and provides peak times for crime, dates, land locations, and the Department provides enhanced patrols in those areas. Deputy Chief Mailey advised that State funding allowed for extra duty for officers, and this had helped in some of the troubled neighborhoods where there is a lot of violence and drug sales. He indicated that the Police Department is reactive to real time crime data.

Mr. Hutchison stated that the Police Department should be very proud of its men and women, who do an outstanding job, as shown in last year's audit of the Police Department that contained information on response times and clearance percentages. He felt that this was a reflection of training, staffing, and community support.

Mr. Slavin expressed appreciation for the effort put into researching the ShotSpotter service but noted that he had never been in favor of this technology. He thought it was probably useful in some jurisdictions, but perhaps not the City of Dover due to its geography and the frequency of problems. Mr. Slavin felt that $195,000 could be deployed more effectively, noting that this $195,000 had not been budgeted and would be a mid-year addition to the budget. He believed that adding expenses mid fiscal year weakens the discipline in the budget and displaces other things that went through the budget vetting process and were approved, some of which were in the Police Department budget. Mr. Slavin stated the need to be careful about this and be

good stewards of public safety, public finances, etc. He indicated that he appreciates grant funding; however, grant funding typically helps start something and then goes away, which inflates the budget in outlying years and causes cycles of desperation with large gaps. Mr. Slavin noted that he was very interested in the use of technology to help fight crime.

Responding to Mr. Sudler, Deputy Chief Mailey advised that he would rate the necessity for the ShotSpotter in 2017 as a very low priority, rating it as a one (1) or two (2) on a 10-point scale, with a ten being the highest priority.

Debriefing/Post-Mortem on Firefly Music Festival (Presentations by the Department of Planning and Inspections and the Dover Police Department)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, referred to the memorandum dated August 17, 2016, regarding Debriefing/Post-Mortem Firefly Music Festival. She explained that this was the first year that the entire festival was held within the City, and staff knew that it would be a learning experience and there would be some things that they would want to improve next year. Mrs. Townshend indicated that 152 man-hours were expended by the Fire Marshal's Office staff, noting that loading of campgrounds was one of the most time intensive issues. A number of issues were identified during the loading where the fire marshals intervened to ensure that parking allowed for adequate emergency access and that tail pipes were not against tents in the tent camping areas. Mrs. Townshend stated that there were a number of occupancy load checks. The fire marshals went early in the day to inspect all pyrotechnic displays and were on stage for these events. Mrs. Townshend informed members that there was one (1) small fire and a few minor issues that were identified and shared with Dover International Speedway, noting that the Speedway was equally concerned about these issues.

In regard to next year's festival, Mrs. Townshend stated that there was a need to fine-tune the campground layout. She explained that tents and RVs were intermingled but need to be separated to prevent attendees from backing their cars up to their tents. She explained that if someone was sitting in an air-conditioned car and backed up to a tent, this would create a carbon monoxide issue. Mrs. Townshend advised that staff had identified some information that would be helpful to have in the future when permit information comes in, such as the number and type of camping spots. For the most part, she felt that the event went extremely smoothly, and both Red Frog Entertainment and the Speedway worked very well with City staff.

Councilman Hosfelt, who serves as security manager for Dover Motorsports, Inc., noted that Lot 18, which had been annexed into the City, is the largest campground at the speedway and, when full of campers on Firefly Weekend, this area is probably the fourth largest City in Delaware. He offered kudos to Interim Fire Marshal Jason Osika and Deputy Fire Marshal Matthew Brown, stating that they had worked very well with Mr. Mark Hostetter, Fire Protection and Life Safety Technician, Dover Motorsports, Inc. Mr. Hosfelt stated that the Speedway values this great relationship. He indicated that aerial photographs spoke wonders as to what the Fire Marshal's

Office staff had done, and the State Police had also spoken volumes about this, stating that the work of the Fire Marshal's Office had helped with the State Police's response time.

Mrs. Townshend stated that Interim Fire Marshal Osika and Deputy Fire Marshal Brown had put a lot of effort into the festival and reminded members that the Fire Marshal's Office was down to two (2) people during the festival.

Mr. Neil stated that he was very impressed and felt, from the standpoint of the internal workings, that the event was absolutely marvelous. He believed that the head of all the multiple police forces for the entire operation showed obvious experience. Mr. Neil advised that this event was held directly across from where he lives and the flow moving in and out was probably the easiest it had ever been for the residents on Persimmon Tree Lane. He explained that getting emergency vehicles through, which had been a major problem, was much better this year. Mr. Neil thanked Dover Downs, Dover Speedway, and whoever served as the head of the effort and suggested that they meet on a regular basis to let all of the neighbors know what is happening. He also felt that directing all traffic through the woodlands up to the northeast Lot 18 entrance near Route 9 would be useful. Mr. Neil applauded the efforts of Dover Downs and Dover Motorsports for their efforts to resolve the issues that neighbors directly across from the event had. Responding, Mrs. Townshend advised that the Delaware Department of Transportation (DelDOT) had a big role in this.

Lieutenant Christopher Hermance, Special Enforcement Unit Commander, Dover Police Department, stated that one of his primary responsibilities is serving as the major events' coordinator for the Firefly Festival. He reviewed a presentation entitled, "Special Preparation Instructions & Debriefing/Post-Mortem on Firefly Music Festival." Lieutenant Hermance advised that the event ran from Wednesday, June 15, 2016 through Monday, June 20, 2016, and one of the unique things about this event was the addition of the Lot 18 and Division 3 area into the City of Dover's jurisdiction. He explained that in years past the Delaware State Police handled this area. This year, the Dover Police Department took full command and worked with the Delaware State Police, who assisted specifically in Lot 18.

Lieutenant Hermance stated that the Dover Police Department had to take on additional positions. Referring to the Grid Map, he explained that in prior years the Dover Police Department handled Divisions 1, 2, and 4, along with traffic and camping positions, and the Delaware State Police had responsibility for Division 3. Lieutenant Hermance advised that Division 3 had now been annexed into the City and falls under the primary command of the Dover Police Department. He explained that Police Chief Paul Bernat's priority was to put Dover officers inside the festival, which meant that Lieutenant Hermance had to employ up to 19 different agencies throughout the State to assist in traffic and camping positions. Lieutenant Hermance indicated that those agencies did a fantastic job. He advised that, in preparing for the festival, monthly and then weekly meetings were held to open lines of

communication with the Speedway and Mr. Hosfelt regarding numerous issues, including monitoring threat levels. He stated that there were also training videos shown to officers who are educated about the event because they must respond to many questions.

Lieutenant Hermance advised that officers were brought in at 6:00 a.m. on Wednesday and worked with DelDOT to get attendees to the grounds as effectively and safely as possible. He noted that at any given time there were almost 49,000 people sleeping on the ground. Lieutenant Hermance advised that one of the big changes made this year was to close the Leipsic Road Bridge at 10:00 p.m. to all vehicular traffic, including emergency vehicles. The bridge was used strictly for pedestrians, which allowed a massive flow of pedestrians to come through when clearing out. Lieutenant Hermance explained that the festival is on one side of Route 1 and camping is on the other. Vehicles and personnel were pre-positioned so that they did not have to cross the bridge, and this approach worked very well. Lieutenant Hermance advised that they prepared for weather problems, such as those that occurred in years past; however, there were no weather problems this year.

Lieutenant Hermance noted that the City's Drug, Vice and Organized Crime Unit had lucrative arrests in terms of drugs and counterfeit material, such as shirts. He stated that there were 19 supporting police agencies involved in the festival who expended almost 1,800 man-hours. Including the City of Dover, there were with approximately 1,350 man-hours spent in the camping area and 1,470 in the festival, with a total of 4,662 hours of overtime for officers on the grounds and in the area of the Speedway supporting the event. Lieutenant Hermance reviewed some of the calls for services that were received, as well as items that needed to be addressed and corrected for the 2017 Firefly Festival.

Mr. Sudler stated that he had seen individuals who were drinking while walking to the Firefly Music Festival from State College Road and crossing to the Acme store, and asked if this is heavily or lightly enforced. Responding, Lieutenant Hermance explained that once the officers are inside the festival, they do not have the resources to address the roadways because they have other things that they should be doing. He indicated that City road patrol units, if available, could handle issues on public roadways. Lieutenant Hermance indicated that this matter had not been an issue and they did not see much enforcement there.

In response to Mr. Sudler, Mr. Hosfelt advised that Red Frog Entertainment pays the bill for overtime hours for this event. He explained that Red Frog Entertainment is an extra duty employer who requests extra duty officers, similar to requests received from local nightclubs or for high school basketball games.

Mr. Hutchison extended compliments, stating that this is a major event for the City with approximately 90,000 people attending, most of who are young people. He noted that coordination, training, and leadership is needed to get the job done and stated that every year the City gets better at it. Mr. Hutchison felt that this said a lot

about the agencies involved and noted that once the event is over, those involved are already talking about next year. Lieutenant Hermance noted that discussions regarding the next year begin a week after the event, and they are already striving to do better.

Mr. Keller commented that the clean-up was very effective as well, and Lieutenant Hermance indicated that the Police Department was not involved in that effort.

Prioritization of City of Dover State Capital Transportation Program (CTP) Projects

Members were informed that, each year, City Council develops priorities for capital improvements to State transportation infrastructure and shares these priorities with the Secretary of Transportation for consideration as the Delaware Department of Transportation (DelDOT) develops the State's Capital Transportation Plan (CTP). She explained that staff had reviewed the priorities that were set in September 2015 by City Council, stating that the 2016 list was unchanged except for the addition of a North U.S. Route 13 Service Road behind Dover Mall. She explained that the Safety Advisory and Transportation Committee received a presentation on this proposal at their meeting on June 28, 2016. Staff recommended the following priority ranking for the coming year:

1. Construction of Sidewalks within the Walk Zone of the New Dover High School - Now that the Dover High School has been operational for a full school year, the critical sidewalk gaps that were identified in the Dover High Pedestrian Study performed by the Dover/Kent County MPO continue to be a high priority. The critical gaps that are of highest priority to the City and most critical in providing safe access to the school are listed below:

   a. Mifflin Road
   b. South Side of Route 8 West of Mifflin Road

   Students are routinely seen walking within the roadway and shoulder on the side of Route 8 between the Dover High School and Mifflin Road and along Mifflin Road. The City is concerned about the safety of pedestrians in this area. While there is currently no funding in place, the City believes that this is a safety issue that must be addressed.

2. Kenton Road Corridor Upgrades - Upgrading Kenton Road, including the addition of sidewalks along the road, continues to be a priority for the City. This project is currently in the Capital Transportation Plan.

3. Loockerman Street/Forest Street Improvements - This project has been a priority for the City to help spur redevelopment and improved traffic flow on the west side of Dover. It was initially identified in the West Side Redevelopment study performed in 2001. This project is currently funded in the Capital Transportation Plan. With the Downtown Development District Program, the implementation of this project is a priority for the City.

4. Garrison Oak Connector Road - Due to the increased activity and interest in the Garrison Oak Technical Park, the planning and construction of this connection to Delaware Route 1 is increasingly important. This project is not currently in the Capital Transportation Plan.

5. North U.S. Route 13 Service Road - The North Route 13 Service Road would run parallel to Route 1 between Leipsic Road and Scarborough Road. It would help to remove some of the traffic from U.S. Route 13 and would provide economic benefit to the Dover Mall and expansion of development on the mall property. This project is not currently in the Capital Transportation Plan.

6. College Road Corridor Upgrades - This project is intended to upgrade College Road to include sidewalks and other road improvements. This project is not currently in the Capital Transportation Plan.

7. Route 8/Hazlettville Road Connector - This is planned to be a north/south access road that was identified in the Delaware 8 Concept Plan and Operations Study. With the construction of the new Dover High School, the construction of this connection is important to providing access to the school without causing additional burden on other roads in the area. This project is not currently in the Capital Transportation Plan.

8. Crawford Carroll Avenue Extension - The extension of Crawford Carroll Avenue south toward the Delaware State University Campus becomes a more critical priority with Delaware State University's lease of the Sheraton Hotel property. The extension of Crawford Carroll Avenue will help avoid use of U.S. Route 13 for local trips between the Sheraton property and the Delaware State University Campus. This project is included in the Capital Transportation Plan.

9. Kings Highway/Route 13 Intersection Improvements - The intersection of Kings Highway, U.S. Route 13, and White Oak

road needs improvement to meet an acceptable level of service standard. The current condition of the intersection hinders redevelopment of properties in this vicinity. This project is not in the Capital Transportation Plan.

10. U.S. Route 13 Service Road Corridor - The construction of service roads along U.S. Route 13 is a project that will help to alleviate congestion on U.S. Route 13. This project is not in the Capital Transportation Plan.

11. U.S. Route 13 Sidewalk Construction - Construction of sidewalks along U.S. 13 continues to be a priority. This project is not in the Capital Transportation Plan. Construction of sidewalks is required when properties develop.

In addition to these projects, the City is also in support of implementation of the Bicycle and Pedestrian Plans developed by the Dover/Kent County MPO and approved by City Council in 2016. The City is appreciative of the construction of Capital City Trail segments by DelDOT and the active participation on the part of DelDOT in our efforts to make Dover more bicycle and pedestrian friendly. The City is also appreciative of DelDOT's support of planning and construction of segments of the Senator Bikeway. These projects will be beneficial to the quality of life of Dover residents.

Mrs. Townshend advised members that prioritizing transportation projects had helped to achieve some of the City's goals. For example, the Loockerman Street roundabout had fallen off the State's transportation list, and through the City's prioritization and advocating through the MPO process, this project was put back on the list and funded.

In response to Mr. Lewis, Mrs. Townshend advised that the City's transportation prioritization list is a wish list of projects to be funded by the State, and many of the projects have no funding associated with them yet.

The Committee recommended approval of the priority ranking for the coming year, as recommended by staff.

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held with Chairman Hare presiding.

Addition to the Dover Police Department Vehicle Fleet

Deputy Chief Marvin Mailey requested permission to add to the Police Department's vehicle fleet. He advised that a member of the Police Department was assigned to the U. S. Marshal's Task Force and the U. S. Marshals had proposed to give the Police Department a vehicle. This vehicle would be fully paid for by the federal government; however, the City would have responsibility for the ownership and insurance, and it would become a City of Dover vehicle. Deputy Chief Mailey indicated that the City would not bear any of the cost of purchasing the vehicle, which was approximately $31,000; however, the City would have to insure and register it. He indicated that the vehicle would be used for undercover operations and tasks associated with the retrieval of fugitives by this member of the Police Department. Deputy Chief Mailey stated that he had spoken with the officer earlier in the day, and if it was decided to take him off the task force at some point, the City would retain the vehicle.

Staff recommended allowing the Police Department to take ownership of the vehicle and add it to the fleet.

Responding to Mayor Christiansen, Deputy Chief Mailey stated that once the lifetime of the vehicle has expired, it would be the City's asset to dispose of, so there could be potential revenues to the City or it could be available for another use by the City.

In response to Mr. Hutchison regarding the length of time of the City's commitment to the U. S. Marshal's Office, Deputy Chief Mailey indicated that the Police Department had engaged in one-year agreements in the past. Even though the officer would be with the task force, there is an understanding that he can be called if the Police Department has a need for him to perform the normal functions of a police officer. Deputy Chief Mailey indicated that this officer was assigned to the Department's Special Investigations Unit, and his primary duty was to pursue fugitives with the assistance of the U. S. Marshals. This one-year agreement is renewed every year by the Police Chief.

The Committee recommended allowing the Police Department to take ownership of the vehicle and add it to the fleet, as recommended by staff.

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

Revenue Policy for Extra Duty/Voluntary Overtime

Mrs. Donna Mitchell, Controller/Treasurer, reminded members that Council had adopted a policy for billing for extra duty/voluntary overtime a couple of years ago. She explained that staff calculates the rates based on the actual cost of service and factors in the overhead cost, as well as the cost of other City staff who work events. Mrs. Mitchell noted that in March 2016 staff presented revised rates to Council based on the Fraternal Order of Police (FOP) contract that was approved, and these rates were approved, but staff held off on the special event rates. After analyzing the

actual cost of the special events, it was determined that there was a need to adjust these rates. Mrs. Mitchell reviewed the draft revised Revenue Policy, noting that the changes were mostly administrative.

Referring to the billing rates on page 10 of the draft revised Revenue Policy, Mrs. Mitchell noted that the rate changes would affect only special event rates, stating that the other rates were implemented in March 2016. In regard to the Officer Extra Duty Billing Rates for Special Events, Mrs. Mitchell indicated that she planned to correct the Policy by removing the term "Officer Extra Duty" to state only "Billing Rates for Special Events" because staff was now also billing for dispatchers. She explained that the extra duty was a product of the FOP contract and no other employment contracts. Mrs. Mitchell noted that special event rates were listed for officers, dispatchers at straight time, and dispatchers at overtime, and this would line up with the contractual language. She explained that the rates are calculated by determining the actual cost, the officer rate and the dispatcher rate are the median of the population, and the overhead and other City costs are taken into consideration to calculate that rate. Mrs. Mitchell indicated that in the prior Policy, the overhead included the dispatchers, as well as the Police Chief and the Major, who are also paid for special events. She explained that the in the draft revised Policy, Police Chief and Major had been pulled from the overhead rate and were now included in the Special Event Rate for officers, and the dispatchers would be billed separately. Mrs. Mitchell advised that the only costs in the overhead rate would be some of the cost of insurance, the costs of the Fire Marshal's Office, Mrs. Kay Sass, Public Affairs and Emergency Management Coordinator, and some of the other City staff that have to work these events, such as pump station mechanics. She indicated that the overhead rate also included some overhead costs, operating expenses, and staff expenses and took all of the Police personnel out of the overhead cost and put this into direct billing. Mrs. Mitchell stated that Police Department administrative staff had billed for the dispatchers, the Chief, and the Major at the old rate of $59.00 per hour, even though they were in the overhead rate under the prior Policy. She indicated that the City lost money on the Firefly Music Festival, and noted that had the Police Department administrative staff not billed for those rates and used only the overhead rates, the City would have lost even more money. Mrs. Mitchell advised that the City would direct bill for the Police staff people and the overhead would then include everyone else but Police Department staff. She stated this was a change to the way these rates were calculated for the 2016 Firefly Music Festival.

Staff recommended approval of the revised Revenue Policy - Extra Duty/Voluntary Overtime.

Responding to Mr. Sudler, Mrs. Mitchell stated that the amount of funds lost due to the Firefly Music Festival was approximately $5,500; however, that was with staff billing for the Chief, the Major, the Chief, and the dispatchers at $59.00 per hour.

The Committee recommended approval of the revised Revenue Policy - Police Extra Duty/Voluntary Overtime, as corrected, as recommended by staff.

By consent agenda, Mr. Lewis moved for approval of the revised Revenue Policy - Police Extra Duty/Voluntary Overtime *(Exhibit #1)*, seconded by Mr. Anderson and carried by a unanimous roll call vote.

Application for Rural Economic Development Grant Through U.S. Department of Agriculture (USDA)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that she and Mr. Scott Koenig, City Manager, had been in contact with the U. S. Department of Agriculture (USDA) Delaware Office about a grant program that Smyrna had very effectively utilized. She explained that the City would receive a $300,000 grant from the USDA and would have to provide a 20% match. Mrs. Townshend indicated that this money would be used to start a loan fund for economic development. A letter had been received approximately three (3) weeks ago stating that the City would be eligible for this program as a rural utility provider. The City would receive the funds from the USDA, allocate $60,000 of City funds, and establish a loan fund. Mrs. Townshend noted that the application for the funds would be due to the USDA Delaware Office on September 30, 2016, and a number of details would need to be worked out. She explained that the projects to be funded in the first round must be identified in the application. Mrs. Townshend informed members that, as monies are paid back into the loan fund, they can be loaned back out. The first $360,000 must be loaned at 0% interest for a 10-year term, and after that the City can specify an interest amount if desired.

Staff recommended that the Committee and City Council authorize staff to proceed with the application for funds and the establishment of a loan fund. If Council would like further review of the funding recipients for the first round of funding, staff requested that this role be assigned to the Economic Development Committee.

In response to Mr. Shevock, Mr. Koenig advised that this was not a budgeted item and the $60,000 in City funds would have to come out of the first budget amendment when the unapplied balances are brought forward, or an adjustment would have to be made in the City budget for the expense. He indicated that staff would like to make the application because they thought this was a good opportunity to get $300,000 from the federal government. Mr. Koenig indicated that necessary budget adjustments would be made going forward to meet the 20% match.

Responding to Mr. Hutchison, Mrs. Townshend did not believe that this was a new program. She explained that number of years ago, she had inquired about eligibility for USDA programs for housing and received the answer that the City's population was too high, and she assumed that the City did not qualify for USDA funds at all. Mrs. Townshend indicated that after several members of Council went to Washington, DC, Councilman Cole approached her about this subject, which had come up with Representative John Carney's staff. She noted that Mr. Todd Stonesifer, member of the Downtown Dover Partnership (DDP) Board of Directors, had also been in contact with the USDA because he is part of the Destination Downtown Dover group, which is trying to recruit businesses to

downtown Dover and had looked at the program's success in Smyrna. Mrs. Townshend informed members that Smyrna had received this grant from the USDA and their initial loan was for the Duck Creek Inn, which was now a very successful restaurant. She stated that over 10 years the business owner would pay funds back at a 0% interest rate.

Mr. Hutchison felt that this was a great idea.

Mr. Slavin stated his belief that the City had reserve funds that were funded above policy levels and questioned if they could be reduced to the policy level to obtain this $60,000. Responding, Mrs. Mitchell confirmed that there were reserve funds that were funded above minimum policy level and Council could do this if they choose to do so. She was unsure if the 20% would be matched as each loan is done or if the entire $60,000 would have to be put in up front, stating that there were a lot of details missing. Mrs. Mitchell stated that she was in favor and thought it was a good program; however, she had questions and wanted to work out the details regarding administering the loan, determine if there were collateral requirements and/or liens, etc.

Mr. Slavin suggested that within the next two (2) weeks, before this matter comes before Council for full consideration, that this all be worked out and the source of the $60,000 be identified. He stated that these are the moments when other people beat the City to the markets, when it takes six (6) to 12 weeks to analyze everything, and hoped that this could be done quickly.

(City Clerk's Office Note: Subsequent to the meeting, Mrs. Mitchell provided a memorandum dated August 24, 2016, regarding the Rural Economic Development Loan & Grant Program.)

Mrs. Mitchell advised that she had talked to Mr. Bruce Weaver, Business and Cooperative Specialist/State Energy Coordinator, USDA, who stated that the chances of the City receiving this money were good.

Mayor Christiansen shared Mr. Slavin's concern that a source of funding must be identified. He also asked what the recourse would be if the loan was defaulted on, and if the City would seize the property. Responding, Mrs. Townshend indicated that these were the details that staff would have to develop as part of a loan program. She stated that this would depend on what the funds were used for, noting that in some cases they may be used for property purchase or construction and it would be easy to place a lien; however, in some cases funds may be used for start-up capital, such as tables and chairs for a restaurant or other operational items. Mrs. Townshend advised that staff was in the beginning stages and must obtain the application and look at how other successful programs had been run. She felt that, based on her knowledge of federal programs, it would take some time for the USDA to review the application and stated that additional legwork could be done during that time.

Mr. Sudler asked Mr. Todd Stonesifer, 115 North State Street, for his opinion regarding the advantages and disadvantages of the program. Responding, Mr. Stonesifer indicated that he and some of his associates had been trying to identify potential businesses that would open and spark economic development and revitalization downtown. He indicated that these program funds would be in addition to Downtown Dover Development (DDD) funds issued by the State. Mr. Stonesifer stated that they thought this program would be a huge driver to encourage businesses to open their doors and had already identified two (2) projects that they would work with City staff on in order to pursue the application.

The Committee recommended authorizing staff to proceed with the application for funds and the establishment of a loan fund, as recommended by staff. If Council would like further review of the funding recipients for the first round of funding, staff requests that this role be assigned to the Economic Development Committee.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the $300,000 USDA economic development grant would be matched 20% with $60,000 of City funds, for a total funding amount of $360,000 to establish a revolving economic development loan program. She stated that Smyrna had successfully used this program and staff recently received verification that the City was eligible for the funding, noting that there had been some question about the City's population size. Mrs. Townsend indicated that staff continued to recommend moving forward with a grant application; however, after reviewing the grant application and program regulations, staff had asked for clarification, and it became apparent that the City was not in a position to meet the USDA's September 30, 2016 deadline. She noted that the next deadline would be December 31, 2016. Mrs. Townshend explained that this extension would allow staff time to firm up some of the details regarding how the loan program would work. Mrs. Townshend stated that there were restrictions regarding the use of the initial grant amount, which is the seed money for the loan program, that had not been clear to staff; however, the revolving funds could be used for anything that is within the strategy that is developed for the program. She advised that some of the initial funding could not be used for the purposes intended by staff, and more time was needed to put together a solid application. She stated that, if the application was planned appropriately, it could bring federal funds into Delaware to help business growth.

Mr. Lewis moved to authorize staff to proceed with the application for funds and the establishment of a loan fund, as recommended by the Committee. If Council would like further review of the funding recipients for the first round of funding, staff requested that this role be assigned to the Economic Development Committee. The motion was seconded by Mr. Hutchison and unanimously carried.

Requests for Additional Extensions

Banking and Cash Management Services Agreement

Mrs. Donna Mitchell, Controller/Treasurer, reminded members that the City awarded a three-year contract for bank and cash management services to WSFS Bank in August 2012, and the contract included a provision for two (2), 1-year extensions with Council approval. She indicated that the Finance Department missed the

original expiration of the contract in August 2015; however, authorization to extend the contract through August 31, 2016 was approved by Council in December 2015.

Mrs. Mitchell explained that, in reviewing the proposals received for the Electronic Bill Presentment and Bill Payment Services (EBPP), which will be considered by the Committee during the latter part of the meeting, as well as Enterprise Resource Planning (ERP) systems and credit card services, staff felt that there was a good deal of interconnection and interchange on these topics and that it would be a disservice to rush through this matter. She noted that staff was currently completing this analysis and conducting research on best practices for the Government Finance Officers Association (GFOA) and requested approval of the second one-year extension of the City's current banking services contract.

Staff recommended authorizing the Controller/Treasurer to extend the WSFS Banking and Cash Management services agreement through August 2017.

The Committee recommended authorizing the Controller/Treasurer to extend the WSFS Banking and Cash Management services agreement through August 2017, as recommended by staff.

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

ADP Contract

Mrs. Donna Mitchell, Controller Treasurer, advised that in December 2015, City staff requested authorization to negotiate an extension of the City's current ADP contract in light of the City's efforts to evaluate alternative Enterprise Resource Planning (ERP) systems. She explained that an extension was negotiated, and ADP provided the price increases over current cost for the next three (3) years. Mrs. Mitchell advised that she had emailed the vendor to attempt to align this contract with ERP by obtaining an end date of December 31, 2018 for W-2 purposes, but had not yet been able to achieve this. For this reason, she was unsure if the contract would terminate on December 1, 2018 or December 31, 2018. She reminded members that a contract was awarded for the ERP consultant during the Regular City Council Meeting of August 22, 2016 and indicated that she had talked to the ERP consultant and asked if a December 1, 2018 termination date for ADP would be a problem or if they would help the City to negotiate any change, and they were agreeable to this.

Staff recommended authorizing the Controller/Treasurer to extend the ADP contract through December 1, 2018, unless the ERP implementation results in an earlier cancellation.

The Committee recommended authorizing the Controller/Treasurer to extend the ADP contract through December 1, 2018 or December 31, 2018.

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

Evaluation of Request for Proposals - Electronic Bill Presentment and Bill Payment Services (EBPP)

Mrs. Mitchell explained that Electronic Bill Presentment and Bill Payment Services (EBPP) relates to customers who review or pay electric bills online via use of a credit card or electronic payment. She stated that staff evaluated proposals for this service, noting that the current service had been previously bundled with the City's banking services agreement. Mrs. Mitchell explained that nine (9) proposals were received and reviewed. Comparisons were difficult because some required merchant/credit card services to be combined while others did not, and pricing structures varied. Mrs. Mitchell indicated that InvoiceCloud was recommended for a one-year contract with four (4) one-year renewals because of the City's ERP implementation. She indicated that she talked to the ERP consultant, who advised that InvoiceCloud would provide much more functionality than other ERP vendors who provide bill presentment.

Mrs. Mitchell informed members that each proposal had been priced out and the proposal from WSFS Bank was over $108,000, PNC was $167,000, Retail Lockbox Merchant Services was $173,000, Value Payment Systems was $69,500 with an implementation fee, eGov Strategies, LLC was $70,800, and Aliaswire was $83,568. She indicated that they were all higher priced than InvoiceCloud and several had implementation and/or set-up fees. Mrs. Mitchell stated that PaymentUS partnered with HTE/Sungard, the City's current software vendor, to do the integration but wanted $9,350 for that cost, over $5,000 of which was an annual cost. She explained that InvoiceCloud had no cost on setup or startup.

Referring to the estimated volume calculations, Mrs. Mitchell explained that a 14% growth rate was applied and the average rate per transaction was $0.56, versus $0.59 for the current vendor. She advised members that representatives from InvoiceCloud had met with the City Manager, Assistant City Manager, and Customer Service staff. Mrs. Mitchell reviewed some of the features of the service, explaining that mobile service would be optimized. She noted that the service sends three (3) alerts for a late bill and provides 27 email templates that can be modified, which would provide more flexibility. Noting that there had been recent discussion about collections, Mrs. Mitchell explained that staff believed that this service would allow for the most customer flexibility since it has many features and would also allow for payment on a mobile phone, iPad, or computer.

Staff recommended awarding a one-year contract to InvoiceCloud for an estimated first year annual cost to the City of $67,000. This first year estimated annual cost includes a 14% growth in customer use. The proposed contract for Electronic Bill Presentment and Bill Payment services includes an option to renew each year for four (4) subsequent years.

Mr. Lewis asked if the system would include a service fee. Responding, Mrs. Mitchell stated that there would be a per unit cost. Credit and debit cards would be $0.60 per item, e-checks would be $0.50, chargebacks for bad credit cards would be $15.00 per unit, and Interactive Voice Response (IVR) would be $0.25 per transaction. She explained that staff took current volumes and increased them by 14%, resulting in a $66,912 annual cost and an average of $0.56 per transaction. She noted that InvoiceCloud tries to market their program for growth and would send emails about the program to those whose email addresses they have.

Mr. Lewis questioned if the cost of the system would be $67,000. Responding, Mrs. Mitchell stated that this was an estimate and the City would pay an average of $0.56 per unit.

In response to Mr. Lewis regarding service fees, Mrs. Mitchell advised that although there is a charge for online bill payment, this is an operating expense that is not charged to City customers.

Responding to Mr. Neil, Mrs. Mitchell advised that anyone who is currently paying their bills automatically will be able to continue this seamlessly.

In response to Mr. Sudler regarding whether this item was budgeted for 2016, Mrs. Mitchell stated that funds for this service were allocated in the current budget as bank and credit card fees. She indicated that each of the fund budgets has a fund expense line item and this is built in, along with lockbox fees.

Mr. Hare noted that he pays his electric bill monthly through his bank, which sends a paper check. Mrs. Mitchell indicated that the City pays bank fees for services such as online banking and e-checks and pays for paper checks sent by the bank through the lock box.

The Committee recommended awarding a one-year contract to InvoiceCloud for an estimated first year annual cost to the City of $67,000. This first year estimated annual cost includes a 14% growth in customer use. The proposed contract for Electronic Bill Presentment and Bill Payment services includes an option to renew each year for four (4) subsequent years.

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

Uncollectible Reserve Adjustments and Demolition Cost Recovery

During the Special Council Meeting (Budget Review) of June 2, 2015, members referred the review of the demolitions process and some of the issues related to recouping fees to the Safety Advisory and Transportation Committee. During the Safety Advisory and Transportation Committee meeting of June 22, 2015, members deferred discussion of Cost Recovery for Violations of the Dangerous Building Ordinance (Demolitions).

Mrs. Donna Mitchell, Controller/Treasurer, advised members that every year the City must demonstrate to its auditors that the City has enough funds in reserve to handle receivables that are 90 days old or older. Referring to a spreadsheet entitled, "Receivables Over 90 Days - June 30, 2016," Mrs. Mitchell stated that this document contained an analysis and calculation of these receivables. Referring to the Demolitions FY 2016 Activity as of June 30, 2016, she noted that the cost of demolitions had increased, which was anticipated, and explained that this cost was written off against the uncollectible reserve, which now had a $28,000 negative balance. She indicated that receivables over 90 days would have to be replenished by approximately $300,000 and this expense must be accrued to FY 16; therefore, the carryforward balance in the preliminary June budget report would decrease by $300,000. Mrs. Mitchell stated that the Electric Fund would also need to be increased and recommended that funds be taken from the Inventory Reserve, which was overfunded. She explained that the Inventory Reserve Fund is used to cover losses due to the disposal of damaged inventory.

Staff recommended authorizing the Controller/Treasurer to record an adjustment of $300,000 each as a reserve for estimated uncollectible receivables for Fiscal Year 2016, thereby reducing the Budget Balance in the General Fund and the Inventory Reserve Balance in the Electric Fund.

In response to Mr. Sudler, Mrs. Mitchell estimated that the balance in the Inventory Reserve Fund was approximately $968,000.

The Committee recommended authorizing the Controller/Treasurer to record an adjustment of $300,000 each as a reserve for estimated uncollectible receivables for Fiscal Year 2016, thereby reducing the Budget Balance in the General Fund and the Inventory Reserve Balance in the Electric Fund, as recommended by staff.

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

Discussion of Duties and Assignments of City Personnel

During the Council Committee of the Whole/Legislative, Finance, and Administration Committee meeting of July 26, 2016, members discussed the Duties and Assignments of City Personnel and deferred this matter until members had all the information they needed.

Council President Slavin advised that some members of Council had a number of concerns about this topic, noting that it had been discussed last year and again during the FY 2017 budget hearings. He indicated that he had requested that this be put on the agenda as an open discussion item with no end result in mind other than to discuss it. Mr. Slavin felt it likely that the discussion would take place over a couple different meetings as members work through the issues. He felt that two (2) areas had come into focus, the first being the public safety cluster of functions. He noted that a Special Council Committee of the Whole/Safety Advisory and Transportation

Committee meeting was scheduled for September 7, 2016 at 6:00 p.m. to consider the Public Safety Study - Fire/EMS Operational & Administrative Analysis. Mr. Slavin advised members that this study included recommendations regarding further clustering safety functions and suggested that members review the study. He also stated the need to look at the collapsing of functions that took place during financial down times that resulted in the Planning and Inspections and the Parks and Recreation Departments being merged into one large department. Mr. Slavin advised that he was not on Council when this occurred and that he would not discredit the decisions that were made then. He thought that the right decision was probably made at the time for the circumstances that were presented; however, he had experienced some issues in this regard. Mr. Slavin stated that he looked forward to an open and frank discussion about whether there might be better ways to create effectiveness in the organization by moving some functions around.

Mr. Sudler indicated that he would like to see the Planning and Inspections Department separated from the Parks and Recreation Department, with individual directors.

In response to Mr. Lewis, Mr. Slavin stated that he believed there would be an opportunity between now and when budget discussions begin in earnest in late March or early April to develop some ideas, establish some scenarios, vet those scenarios, and consider their financial impact. He noted that it is very difficult to take on this task at the same time that members are trying to balance the budget.

Mr. Hare suggested considering responsibility for the budget, noting that this responsibility had fluctuated. He stated the need to decide on whether this would be the responsibility of the Finance Department or the City Manager's Office before moving ahead with determining whether to hire additional people and felt this should be on the agenda.

The Committee deferred this item until September 27, 2016.

Designing and Expanding Recruitment for City Committees, Commissions, and Boards

During the Regular City Council Meeting of July 11, 2016, members considered reappointments recommended by Mayor Christiansen and members referred the issue of designing and expanding the recruitment for City committees, commissions and boards to the Council Committee of the Whole. Mr. Hare suggested requesting Councilmen Anderson and Lewis to get together and make recommendations to the Committee in this regard.

Mr. Lewis advised members that he had not spoken with Mr. Anderson and was unsure of his ideas; however, Mr. Lewis had several suggestions, as follows:

1) Advertise or place news briefs through the local media regarding vacancies on boards or committees.

2) Place postings of such vacancies on the City's website or Facebook with information on how to apply for the particular board or vacancy.

3) When applications come in, have the City Clerk or person receiving applications provide Council members with copies of resumes and applications to review before the City Council meeting.

4) Require all individuals interested in serving on a board or commission, including members wishing to be reappointed, to fill out an application with a resume since reappointed members may have new information they need to provide.

5) With respect to training, Mr. Lewis advised that he would inquire through the Delaware League of Local Governments (DLLG) if basic training was offered for individuals who want to serve, for example, on the Planning Commission or Dover Human Relations Commission. He explained that, while he was serving as a school board member, the Delaware School Board Association had offered training on how to be a good school board member, including training on finances and various things that Mr. Lewis thought were essential.

Mr. Sudler agreed with Mr. Lewis, believing that this type of training would enhance individuals' understanding of the duties and expectations of committee members, as well as the City of Dover in general.

Mr. Neil indicated that this was not a new idea, noting that the State of Delaware has an entire board for this process. He explained that the State also has forms to be filled out and applicants must have resumes stating their expertise, noting that the City may not need a process that was this extensive. Mr. Neil was unsure if this should be a matter for the City Clerk's Office or Human Resources Department, but thought that in essence it was part of Human Resources. He did not feel there was a need to reinvent the wheel but to style a process for the City and determine who would receive and hold the information. Mr. Neil stated that news releases to the media would get the word out without additional expense.

Mr. Lewis concurred that a process already existed; however, he expressed the need to advance and improve it, particularly in regard to recruiting.

Mrs. Kay Sass, Public Affairs and Emergency Management Officer, stated that everything Mr. Lewis had mentioned could easily be covered and that there were many options with no cost, including use of social media through Facebook. She recommended that a link be placed on the main page of the City's website to the

listing of available committee openings, and the application. Mrs. Sass advised that press releases could be done; however, funds would have to be budgeted if other advertising was desired.

With respect to social media, Mrs. Sass recommended a total of five (5) posts in order to issue information with the greatest impact on the community, starting at 10-12 weeks prior to applications being due and with reposting at six (6) to eight (8) weeks, two (2) to four (4) weeks, three (3) to five (5) days, and on the due date. She explained that staff asks for notice of at least two (2) weeks when accepting information from the community to post on Facebook so to allow adequate time to incorporate this in their schedule, since Facebook is not a primary focus of staff's job duties that is done daily.

Referring to the proposed Application for Committee, Commission, or Board Appointment, Mrs. Sass advised that the City Clerk had developed this application, which covered many of the concerns expressed by Councilmen Lewis, Sudler, and Anderson. She noted that the application asked applicants to describe the skills they have that would enhance the productivity of the committee, commission, or board. Mrs. Sass felt that the proposed application was a big improvement from the current application as it was much more thorough and requested applicants to identify their districts, allowing the ability to obtain a cross section from the community. Mrs. Sass commented that many changes would be made to the City's website, hopefully within the next few days.

Responding to Mr. Lewis, Mrs. Sass indicated that it is very easy to have press releases put in the newspaper. Although they are not always guaranteed to be printed, she felt it likely that the media would be more than happy to pick up on them.

Mr. Slavin suggested that this would be an opportunity to pilot Facebook boosts and Twitter ads, which are very inexpensive. He explained that a Facebook boost will boost a message beyond the people who "like" a page or who are from the area. Mr. Slavin indicated that the frequency can be specified, analytics can be received regarding effectiveness, and this would also allow for periodic release, as suggested previously by Mrs. Sass. He indicated that the cost to boost an ad is only $5.

Mr. Shevock questioned who would develop the qualifications and review the applications to determine who is qualified. Responding, Mrs. Sass stated her understanding that Council wanted to start this conversation among the Committee members to establish some guidelines. Mr. Shevock noted that each committee would need different qualifications and felt the qualifications should be advertised before someone completes an application.

Mr. Hare advised that he did not totally agree with the City putting out the qualifications and felt this was a question of what an applicant feels they can bring to a committee, such as a former parks and recreation director or someone with

experience in public utilities. He believed that members would limit the committees by requiring utility experience for members of the Utility Committee. Mr. Hare believed there were individuals who do not have a financial background but would make very good Legislative, Finance, and Administration Committee members because they had run a business, etc. In his opinion, members should let the applicant tell them what they can bring to the committee.

Mr. Neil advised that the State application includes recommendations from at least three (3) individuals endorsing or supporting the application. He felt it would be up to the councilmen who would review the application, recommendations, and skills that an applicant brings and hopefully the district representatives could get together to make an appointment. Mr. Neil did not believe that the City would be deluged with applications.

For clarification, Mr. Slavin noted that the Council President or Mayor makes appointments and Council approves appointments.

Mr. Hare noted that civilian members of standing City committees are paid a stipend.

Mr. Sudler felt that, although a detailed job description was not needed, a statement could be included that experience is preferred. He believed that applicants need to know exactly what will be expected of them and make an educated decision on whether or not a committee suits them. He suggested perhaps providing a summary of what the committee does so applicants could know whether or not they are eligible. Responding, Mrs. Sass pointed out that this information is currently available on the website for each committee.

Mr. Hare felt that it was up to Council members to actively reach out and find individuals in their districts that they believe would do well on committees and recommend them to the Mayor and Council President. Responding, Mr. Lewis stated that he had recommended individuals with experience who were not appointed. Mr. Hare stated that he shared this experience; however, the individuals who were appointed were also good people.

Mr. Lewis stated that he would like to see a better recruitment tool, which he felt could be accomplished through Mrs. Sass. He reiterated that he planned to check with the DLLG to see if they offer training for individuals that do not have the experience. In Mr. Lewis's opinion, it would behoove applicants to have some experience to serve on committees.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that her department staffs three (3) boards and commissions, and she believed that a bigger pool of interest was needed. She expressed concern about waiting until there is a vacancy to solicit for it. Mrs. Townshend felt that an application could be made available, people should be encouraged to apply, and they should be allowed to self-select what they feel they are qualified for and interested in. She expressed

concern with waiting to advertise until there is a vacancy since there may not be an applicant from the district with a vacancy. Mrs. Townshend noted that the Planning Commission, like Council, has two (2) representatives from each district and one (1) at-large member. She suggested a rolling application process so there would not be a large expanse of time while trying to find someone to serve.

Mr. Slavin felt that a rolling application process would create a large expanse of time if people submit an application and there is no spot for them. He stated that they would then have a legitimate complaint that they tried to serve and the City never took them up on their offer. Responding, Mrs. Townshend noted that many appointments are made at the same time of year. Mr. Slavin stated the need to be sensitive to this issue and felt that a solution could not be created without looking at all angles.

Mrs. Townshend explained that the Planning Commission, Board of Adjustment, Historic District Commission, and standing Council committees are all appointed between May and July, and suggested having a window that the application process is open with lead time. She noted that there was currently a vacancy on the Planning Commission, and that members are sometimes unable to attend meetings. Mrs. Townshend advised that approximately a year ago a Planning Commission meeting had been canceled because there was no quorum. She stated that this was the first time that this had happened since she had been with the City and expressed concern that perpetuating vacancies could create an operational issue.

Referring to Mr. Lewis's comment that current members should submit an application when their term is expiring, Mr. Hare suggested that they submit a shorter application and a letter of interest.

Mr. Neil moved to defer this matter to allow the ideas to be solidified and brought back. He stated that a very good start had been made with the application prepared by the City Clerk and felt that Mr. Anderson and Mr. Lewis should review this matter, refine it further, and bring it back. The motion was seconded by Mr. Lewis.

Mr. Lewis reiterated that he would like to hear Mr. Anderson's ideas, noting that they were supposed to collaborate together. He stated that he liked Mrs. Sass's suggestions and would like to see them initiated.

Mr. Hare thought that Mrs. Sass had summarized the entire issue.

Mr. Sudler asked if Mrs. Sass and the City Clerk's Office would work together on this and if this would be part of the motion or if members would leave this open, and questioned if this item would be brought back in 30 or 60 days. Responding, Mr. Hare indicated that they would work together and the matter would be brought back at the second meeting in September.

The Committee deferred this matter until September 27, 2016 to allow the ideas to be solidified, Mr. Lewis and Mr. Anderson to review and refine it further, and for Mrs. Sass and the City Clerk's Office to work together.

Mr. Hare moved for acceptance of the Council Committee of the Whole Report. The motion was seconded by Mr. Lewis and unanimously carried.

ECONOMIC DEVELOPMENT COMMITTEE REPORT - AUGUST 16, 2016

The Economic Development Committee met on August 16, 2016 with Mayor Christiansen presiding.

Discussion of Proposed Resolution Formally Establishing the Economic Development Committee

During the Special Council Meeting - Budget Review of May 26, 2016, City Council dissolved the City's Economic Development Office and created an Economic Development Committee within the City, with the Mayor to serve as the Committee Chair and the other members to consist of the City Manager, or the City Manager's designee, the Chair of the Legislative, Finance, and Administration Committee, a designee of the Downtown Dover Partnership (DDP), and the City Planner. Members reviewed a Proposed Resolution that would formally establish the Economic Development Committee

Mr. Scott Koenig, City Manager, expressed concern regarding Item #2, which stated that the Committee shall "Authorize the City Manager to enter into contracts with respect to economic development on behalf of the City with a majority vote of its members." He stated that it was not his understanding when the Committee was originally created that it would enter into contracts. Mr. Koenig thought the Committee was to make recommendations regarding contracts that would go to Council through the Council Committee of the Whole (CCW). He indicated that there was no budget associated with the Economic Development Committee. Mr. Koenig explained that the recommendation approved by Council regarding the dissolution of the City's Economic Development Office increased the City's payment to the DDP from $75,000 to $150,000, and this differential came from the Economic Development Office's FY 17 budget of approximately $240,000. He noted that there were expenses related to the closing of the Economic Development Office for staff and other things, and the balance of the money for FY 17 was to go into the Mayor's budget for unspecified economic development activities. Mr. Koenig could not recall any discussion at the Council level indicating that the Economic Development Committee would enter into contracts or direct the City Manager to do so without further Council oversight.

Mr. Hare agreed with Mr. Koenig and noted that the Committee's purpose, as stated in Item #1 of the Proposed Resolution, was to "Promote the economic interests of the City of Dover, formulate recommendations to Council and staff, and coordinate with staff, other government bodies and institutions, the business community, and the public on economic development matters." Mr. Hare indicated that he would not

want to authorize the City Manager to enter into any contracts that had not been approved by Council.

Mr. Koenig noted that, in accordance with the City of Dover Purchasing Policy, the City Manager has the ability to enter into small contracts; however, contracts over $25,000 must to go to Council for approval. Within the range of $7,500 to $25,000, staff must obtain competitive quotes or send requests to two (2) providers and ask them to reply, although they can decline. Mr. Koenig stated that the economic development team would not have the ability to issue a contract, for example, for $50,000, without going through the Council approval process.

Mr. Hare noted that, with the proposed language, the City's agreement with Calpine would not have had to come before Council. Mr. Hare did not feel that the Economic Development Committee should make these types of decisions but should make recommendations to Council, as the standing Council committees do, and Council would grant authorization to the City Manager to enter into contracts.

Mr. Koenig stated that he did not want to give the impression that the Committee had the ability to enter into contracts or the authority to commit to a particular piece of property before purchase; although they may want the ability to enter directly into a marketing plan.

Mrs. Townshend advised that she shared the concerns that were stated and felt that the language in the Proposed Resolution regarding contracts was extremely vague and broad. She thought that the nine (9) members of Council would probably interpret "contracts with respect to economic development" in nine (9) different ways, and she did not want the Economic Development Committee to go beyond Council's expectations. Mrs. Townshend suggested that the Committee could be granted the ability to initiate Requests for Proposals (RFP) without requiring permission; for example, the RFP to list the Garrison Oak property. She explained that the Committee could then bring the results directly to the Committee, which would allow the City to be a little more nimble and reduce processing time. Mrs. Townshend stated that any contract with respect to economic development would involve public dollars. Mayor Christiansen believed that it was the fiduciary responsibility for Council, as the legislative body, to make ultimate decisions regarding dollars and cents.

Mr. Koenig advised that Councilman Slavin had specifically talked about this language and suggested that if a recommendation was to be made to Council, members should get clarification from Mr. Slavin.

Mr. Moore stated his belief that the Proposed Resolution indicated that the Economic Development Committee could make recommendations and that Mr. Koenig, as City Manager, would be responsible for taking them to Council. He felt that members were becoming caught up in the details.

Mr. Hare suggested that perhaps Item #2 of the Proposed Resolution should read, "Authorize the City Manager to enter into contracts with respect to economic development on behalf of the City with a majority vote of Council" rather than a "majority vote of its members." He did not believe the Committee should authorize entering into contracts.

Mrs. McDowell advised that during the Council Committee of the Whole/Legislative, Finance, and Administration Committee Meeting of July 26, 2016, members considered a Request to Solicit Real Estate Services - Garrison Oak Technical Park. Mr. Slavin had questioned why the Economic Development Committee was not authorized to enter into these contracts and indicated that language should be developed to give them that authority. Mr. Hare concurred, noting that entering into a contract with a commercial realtor would not cost the City anything. He stated, however, that this could become a blanket approval, enabling the Committee to enter into a multi-million dollar contract without Council's approval. Mayor Christiansen reiterated his belief that approving contracts was the ultimate responsibility of Council as the legislative body that has ultimate financial responsibility to the citizens.

Mrs. Townshend stated that there was uncertainty when discussions began about the scope of the Committee and reiterated that if the Economic Development Committee had the authority to do legwork and take matters to Council for final decision and approval, this would provide a little more versatility to be able to react. For example, Mrs. Townshend explained that they had requested permission from Council to issue an RFP for real estate services for Garrison Oak and would now have to do the RFP and then return to Council. She felt that members could meet with Council President Slavin to request this authority, and she believed they would not need the authority to enter into contracts.

Mr. Hare stated that commercial realtors could come to the Committee and give presentations with respect to the RFP and, as a Committee, members could make a recommendation to Council regarding the selection of a commercial realtor.

Mr. Moore stated that he could see both sides of this issue, stating it was better to be more nimble and be able to write a contract, a newspaper advertisement, or attend an important convention they believe they need to attend.

Mr. Koenig stated that the Economic Development Office was closed in the FY 17 budget process, and the Economic Development Committee had stated that they would like to do a radio spot for the City of Dover at a cost of $5,000. He indicated that funds were available for the radio spot in the Mayor's budget and, as long as the Committee followed the guidance in the City's purchasing policy, there was no question in his mind that he could sign the purchase order and move forward with the radio spot because these funds were budgeted.

Mr. Hare stated the need to use common sense. He felt that if $5,000 was to be spent for two (2) or three (3) members to go to an economic development convention in Philadelphia and there were funds available in the Mayor's budget, it could be done. However, Mr. Hare stated that if there was a contract to sell property at Garrison Oak for $43M it would need to go to Council. He felt that members know what they can and cannot do. Mr. Hare felt members should be able to move forward with items in the Committee's or Mayor's budget; however, they should not be able to enter into a contract of purchase or sale.

Mrs. Townshend noted, for example, that staff receives requests from parties who state that the costs for downtown development projects are too high and they want the City to help defray the costs. She felt this would be fine if there was a process; however, she believed that Council, as elected representatives, should approve this type of request.

Mr. Koenig suggested that Item #2, Authorize the City Manager to enter into contracts with respect to economic development on behalf of the City with a majority vote of its members, be stricken from the Proposed Resolution.

The Committee recommended that Item #2, Authorize the City Manager to enter into contracts with respect to economic development on behalf of the City with a majority vote of its members, be stricken from the Proposed Resolution.

The Committee recommended adoption of the Proposed Resolution, as amended. *(City Clerk's Office Note: During their Regular Meeting of August 22, 2016, Council adopted Resolution No. 2016-09 Formally Establishing the Economic Development Committee.)*

Economic Development Committee Transition Discussion

Provide an Orientation to the Initiative

Mr. Kirby Hudson, Assistant City Manager, stated that members were trying to determine what the responsibilities and direction of the Economic Development Committee would be. Since the Economic Development Office was no longer in existence, he felt that clarity was needed in regard to the direction and responsibilities of the Committee. Mrs. Townshend stated that one of the concerns was who will answer the phone when it rings, and Mr. Hudson questioned who the leader would be.

Mr. Hudson assumed that Item #1 of the Proposed Resolution, Promote the economic interests of the City of Dover, formulate recommendations to Council and staff, and coordinate with staff, other government bodies and institutions, the business community, and the public on economic development matters, would tell the Committee what their charge was and answer the question regarding an Orientation to the Initiative.

Mr. Hare stated that if Mayor Christiansen or a member of the Committee received a call from IBM stating that they want to build a multi-million dollar complex in the City, the information should be conveyed to the Committee and discussed during a meeting. He believed that these issues should be brought not just to a person but to the Committee.

In response to Mayor Christiansen, Mrs. McDowell explained that the time frame required to post a special, non-emergency, meeting agenda would be 24 hours. Mr. Koenig noted that if there were only 24 hours to react to this type of situation, there would be a special meeting of Council to obtain full authorization.

Mr. Moore asked what would happen if such a call was received and the company indicated that they wanted the information to remain confidential. Responding, Mrs. Townshend indicated that an executive session would be scheduled for a discussion of proprietary information.

Mr. Hare noted that the Committee may decide if this is a matter that needs to go to Council right away or if there needs to be a Council executive session, and he reiterated that more than one (1) person would need to know. Mr. Moore stated that most of the time these entities will not walk these proposals through Council. Mr. Hare indicated that there would be an executive session.

Mr. Hudson commented that the Economic Development Committee would be working hand in hand with the Downtown Dover Partnership (DDP) and questioned if they would be acting separately. Responding, Mrs. Townshend noted that a representative of the DDP was on the Committee. She stated that this representative may be the DDP's executive director rather than Mr. Moore, or it may be that they would both attend.

Mrs. Townshend stated, for example, that both the City Manager and Assistant City Manager were currently present. As long as Mr. Koenig was present, Mr. Hudson would not vote, but he was still present to participate. She indicated that the Executive Director and the President of the DDP could both be present, but there would be a need to determine who has the ability to vote.

Mr. Hare indicated that a designee of the DDP was a member of the Committee, so it would be up to the DDP to decide who would vote. Referring to the Proposed Resolution, Mr. Hare stated that the members consist of the Mayor, who is the Chair; the City Manager or the City Manager's designee; the Chair of the Legislative, Finance, and Administration Committee; a designee of the Downtown Dover Partnership (DDP); and the City Planner. He pointed out that, technically, if Mr. Koenig was on the Committee, Mr. Hudson was not, and he felt that Mr. Hudson should not have been present for an executive session of the Committee. Responding, Mrs. Townshend advised that key staff can be in an executive session.

Mayor Christiansen noted that Mr. Hudson is a member of senior staff and a confidential employee, as the Controller/Treasurer and City Clerk are, and stated that he would want them at the table with members.

Mr. Hare questioned if they would want two (2) people from the DDP for the Committee. Responding, Mrs. Townshend felt that they would not both attend an executive session. Mr. Koenig felt that this would depend upon the subject matter. For example, he felt that if the development of the Garrison Farm was being discussed, the DDP Board President would be included as a member of the Committee, but the Executive Director of the DDP would not need to be there.

Mayor Christiansen felt it very important for the DDP to have a presence at the Economic Development Committee's table and vice versa, since their mutual goal was economic development in the City, and that this presence should be someone that has clout. He stated that jobs, economic development, taxes, and the use of enterprise funds would be beneficial to both groups.

Review Purpose of Team

Mr. Hudson questioned how members would let it be known that the Economic Development Committee was in existence. Responding, Mrs. Townshend offered to raise awareness of the Committee. Mayor Christiansen stated that every bit of electronic media should be utilized to get the word out, including the websites of the City, the DDP, the County, and the Chamber of Commerce. He suggested using cheap advertising and electronic opportunities and establishing a Facebook page.

Mr. Hudson felt it would be beneficial to get a spot on local television and in local newspapers. He questioned how people would know what the opportunities were and what the Committee is about if no one was aware of their existence.

Mayor Christiansen suggested taking advantage of Comcast public service announcements, the Comcast Spotlight, and announcements during Council meetings.

In regard to the RFP for Garrison Oak Technology Park, Mr. Hare stated there was a need to let commercial realtors know what is available, noting that their business is to talk to people every day. Mr. Hare felt the realtors should be advised that they can contact the Economic Development Committee to be aware of what is happening, what support is available to them, and to know that their calls will be returned.

Mr. Moore indicated that members had previously agreed that commercial realtors would be brought in for a brainstorming session to let them tell members what they should be doing to aid them, since they would be one of the connectors. Mr. Hare stated that this should be on the next meeting agenda.

Mrs. Townshend suggested dividing tasks between members so that work is done between meetings. She concurred with bringing realtors in for a brainstorming session, but suggested doing some follow-up afterwards and having people tasked to do certain things. Mrs. Townshend explained that a series of focus groups had been held at the staff level with the business community before they hiring the LEAN consultant, and from that came a list of improvements that were needed to processes in the City code, many of which were made. Mrs. Townshend suggested assigning people to take the lead on different projects and having them report back to the Committee.

Mr. Moore asked if this was permissible under the Freedom of Information Act (FOIA). In response, Mrs. Townshend stated that it was permissible as long as there was not a quorum of Council or of the Committee members working together. Mayor Christiansen stated the importance of complying with Robert's Rules and the Freedom of Information Act at Committee meetings; however, he indicated that individual meetings could be held. For example, he stated that Mr. Hudson and Mr. Moore could meet with commercial realtors; however, there could not be a meeting of any two (2) members of the Committee, nor a serial meeting, as this would be a violation of FOIA.

Noting that there were four (4) votes on the Committee, Mrs. Townshend questioned if there would be a FOIA violation if she and Mr. Moore talked about economic development. Responding, Mrs. McDowell stated that this would be a violation.

In response to Mr. Hare, Mrs. McDowell explained that the Mayor was a non-voting member of the Committee, noting that the City's charter states that the Mayor shall have no vote on matters involving the City. She advised that the Mayor could chair the Committee but would have no vote.

Mr. Moore commented that he and the Mayor could have a meeting with realtors. Mr. Hare stated that he did not believe that they should because Mr. Moore has a business that deals with commercial realtors and should avoid the perception that he was promoting his own business. Mr. Moore responded that he felt it would be an advantage to have people who actually understand it and know the questions to ask and understand their response.

Mr. Hare stated that he felt that the Mayor should vote or that another member should be added to the Committee so that there would be five (5) voting members. Mrs. Townshend suggested amending the resolution so that there would be five (5) voting members because, from a practical standpoint, there was no way that she could comply with not talking to Mr. Moore or Mr. Koenig about economic development. Mr. Hare suggested that another member of Council be included. Mayor Christiansen suggested considering what direction members should go in adding another member and consult with the Council President about adding this to an agenda. Mrs. Townshend stated that Mr. Hare had suggested adding the chair of

the Utility Committee, noting that the Garrison tract had been an asset to City utilities.

Mr. Hare moved to recommend that the Chair of the Utility Committee be added to the Economic Development Committee. The motion was seconded by Mr. Koenig.

Responding to Mr. Moore, Mr. Hare stated that Councilman Cole was currently serving as Chair of the Utility Committee and that this member of the Economic Development Committee would always be a Councilperson.

The Committee recommended that the Chair of the Utility Committee be added to the Economic Development Committee. *(City Clerk's Office Note: During their Regular Meeting of August 22, 2016, Council approved the Committees's recommendation to appoint the Chair of the Utility Committee to serve on the Economic Development Committee.)*

Adopt a Goal/Vision

Responding to Mr. Moore, Mayor Christiansen advised that Mr. Hudson, Assistant City Manager, was working on the Committee's goals and would be reporting back to the Committee.

Mayor Christiansen suggested deferring the following items to allow Mr. Hudson to provide information seven (7) days prior to the next meeting: Items #2C - Adopt a Goal/Vision; #2D - Identify Challenges to the Goal/Vision and Develop Strategies; #2E - Review Team Membership to Determine if Others are Needed to Accomplish the Goal/Vision; #3A - Identify Meeting Roles; and #3B - Discuss and Adopt Ground Rules for Future Meetings.

By unanimous consent, Items #2C - Adopt a Goal/Vision; #2D - Identify Challenges to the Goal/Vision and Develop Strategies; #2E - Review Team Membership to Determine if Others are Needed to Accomplish the Goal/Vision; #3A - Identify Meeting Roles; and #3B - Discuss and Adopt Ground Rules for Future Meetings were deferred.

Mr. Sudler moved to suspend the rules to allow Reverend Rita Mishoe Paige to voice her concerns regarding economic inclusion related to the Economic Development Committee's membership, goals, and visions. The motion was seconded by Mr. Anderson and unanimously carried.

Reverend Rita Mishoe Paige, 355 Rita Wilma Road advised members that, as she watched the City Council meeting last month from home, she was disappointed at Council's decision not to include two (2) minorities on the Economic Development Committee, and even that this discussion was necessary in 2016. She indicated that efforts are being made to break down barriers and build relationships and thought it would be automatic that this and all committees be reflective of the City's population. Reverend Paige stated that, while she was a college student in Atlanta, she saw many African-Americans in key positions and saw the same thing as she transferred to Howard

University in Washington, D.C., which gave her hope and reinforced that she could be anybody that she wanted to be. Reverend Paige felt there was a bigger picture here and believed that there was a need to think about young people who need to see role models when they are considering what they want to be. She believed that if minorities are included on boards and are made part of the decision-making process, that would say that they are playing a part in what comes into the City. Reverend Paige indicated that this would give young people hope to know that they can own businesses other than beauty and barber shops. She stated that, although she felt there was nothing wrong with these types of businesses, it seemed to her that this was a lot of what the minority African-American population owned. Reverend Paige believed the African-American population needed to see more than that and hoped that this Committee and all committees would be reflective of that population. She did not think it possible to move forward in building relationships and breaking down barriers if there is exclusion rather than inclusion.

Setting the Next Agenda and Scheduling the Meeting

Mrs. Townshend questioned if it would make sense to meet at 4:00 p.m. on a day that the Council Committee of the Whole meets. Responding, Mayor Christiansen felt that this would make a long day and suggested holding the meetings during the weeks that there are not Council or Committee meetings.

Mr. Hare indicated that he did not have a problem with meeting on the same day as the Council Committee of the Whole. He suggested 4:00 p.m. on the days that the Council Committee of the Whole meets, with meetings to conclude by 5:00 p.m., which would allow time for an executive session if needed. Mr. Hare suggested that a meeting be scheduled for Tuesday September 13, 2016 at 4:00 p.m.

In response to Mrs. McDowell, Mayor Christiansen indicated that members should plan on meeting twice per month for the time being.

Mrs. Townshend suggested that the standard agenda be reviewed during the Council President's agenda meeting.

Mayor Christiansen requested that the Clerk's Office place these meetings on the Outlook calendar.

Mr. Sudler moved for acceptance of the Economic Development Committee Report. The motion was seconded by Mr. Neil and unanimously carried.

MONTHLY REPORTS - JULY 2016

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

City Assessor's Report
City Planner's Report
Controller/Treasurer's Budget Report
Fire Chief's Report
Police Chief's Report

2016/17 STAFF APPOINTMENT - CITY COUNCIL - FIRE MARSHAL - JASON A. OSIKA

Mr. Lewis noted that during the Special Council Meeting held earlier in the evening, members discussed the interview process and protocols for the City. He indicated that he asked several questions during the Executive Session portion of the meeting and that he had some concerns about the process. Mr. Lewis stated that he had no objection to the individual recommended for appointment and thought he was exceptionally qualified; however, Mr. Lewis reiterated that he had some concerns with the process. He asked that Council President Slavin order that a study be conducted with respect to the City's current practices. Responding, Mr. Slavin indicated that this would be a matter for consideration by the Legislative, Finance, and Administration Committee. He explained that the President of Council cannot order anything and that the power is with Council.

Mr. Slavin noted that staff had recommended approval of the appointment of Mr. Jason A. Osika as Fire Marshal.

Mr. Hare moved for approval of staff's recommendation to appoint Mr. Jason A. Osika as Fire Marshal. The motion was seconded by Mr. Hutchison and unanimously carried.

Council President Slavin congratulated Mr. Osika on his appointment.

CLARIFICATION OF COUNCIL ACTION OF AUGUST 8, 2016 - PROPOSAL FOR DOVER PUBLIC LIBRARY TO ADOPT A SMOKE-FREE POLICY

During their Regular Meeting of August 8, 2016, Council considered a Proposal for Dover Public Library to Adopt a Smoke-Free Policy. Members accepted the Legislative, Finance, and Administration Committee's recommendation to authorize the City Manager to implement a smoke-free policy on the campus and grounds of the Dover Public Library, as amended to include all parks and recs facilities and within 25 feet of City buildings. During their Regular Meeting of August 22, 2016, members deferred this matter until the return of Council President Slavin.

Mr. Sudler stated that, although he remained in favor of Council's motion, he wanted to know if there was anything in the provisions that Council established regarding a special area for certain employees. In response, Mr. Slavin stated his understanding that the motion that passed stated that there was no smoking on or in City-owned property.

Mr. Anderson felt that this action went beyond Council's original position by including parks and other areas that are not traditionally included in the City's Code. He questioned if additional legislation would be required to expand this to parks and non-employees, noting that no penalties could be enforced for non-employees.

Mr. Nicholas Rodriguez, City Solicitor, stated his understanding that all City-owned properties would be included.

Mr. Anderson asked how this could be enforced for non-employees, particularly outdoors, because neither State nor City law would allow the imposition of fines. Responding, Mr. Rodriguez indicated that he was unsure about the enforcement.

Mr. Slavin stated that the action was not directed at employees nor non-employees but at the activity of smoking.

Mr. Sudler asked how the State enforces this, believing that when the motion was initially made, it was to follow the guidelines and enforcement of the State as a means to navigate City enforcement. In response, Mr. Koenig advised that he had not researched how the State enforces this. His understanding of Council's request was that smoking would not be permitted in all real property owned by the City, including property where the City has a deed, such as parks, City Hall, or the Library, or in vehicles, and that was the direction that was given. Mr. Koenig's understanding was that there was no mechanism to impose fines at the moment, so an ordinance may have to be brought forward stating that those smoking on City property would be subject to a fine. In his opinion, this would have to be enforced by the Police Department, since the City does not have staff who can issue a ticket to either employees or members of the public. Mr. Koenig noted that this ban had been communicated to employees, but property had not been posted properly at this point, and it would take some time to post all associated property. He noted that some employees were upset because no notice was granted to employees. Mr. Koenig reminded members that the original recommendation was to ban smoking from the Dover Public Library campus, and that motion was amended on the floor without input from staff or employees. He noted that the City had renters in at least one (1) property and this ban would be enforced on that property. Mr. Koenig also advised that the City ownd the property that the U.S. Post Office occupies and would have to notice the Post Office, unless there was conflicting language in their lease that they would look to as a legal contract requirement with respect to enforcement. He stated that it would take some time to post the properties, but the expectation communicated to him was that if it was communicated to everyone that it is a smoke-free facility or property, the majority of people would obey laws or policies and this would be a self-regulating issue.

Mr. Hare stated that the original intent was to ban smoking on the Library campus because it was creating a hazard and a mess. He felt that members went overboard and did not really vet the rest of the policy and suggested going back to just include the Library. Mr. Hare was in favor of banning smoking on the Library campus, noting that he had been there today and saw flowerbeds covered with cigarette butts. He believed it should be determined if this aspect could be handled before jumping in and messing up something else. Mr. Hare stated this should be vetted or some smoking areas should be designated because he had received comments from people who now saw City workers smoking out in the streets near City Hall, and before the ban, it was not even known that people smoked. Mr. Hare expressed a desire not to go from one extreme to another.

Mr. Hutchison shared some of the same concerns, stating that he had seen people who are not employees smoking in front of City Hall and noticed this when riding by at night. He questioned if the current ordinance was effective immediately or if there was a 30-day grace period.

Mr. Koenig stated that there was currently no mechanism to impose fines, so the only thing that could be done would be to ask someone to stop smoking or leave the property.

Mr. Neil moved to rescind the amendment and go back to the original motion, banning smoking from within 25 feet of the Library, seconded by Mr. Hare.

Responding to Mr. Slavin, Mrs. Traci McDowell, City Clerk, advised that the recommendation was to allow the City Manager to institute a non-smoking policy for the entirety of the Library property, which was then amended to include all City properties.

Mr. Slavin indicated that one (1) motion passed and asked what that motion said. In response, Mr. Koenig stated that it was for all properties.

Mr. Slavin stated that the only motion that passed was to ban smoking on all properties and there was no underlying motion that was passed first.

Mr. Neil asked if that motion could be brought to the floor. Responding, Mr. Slavin questioned if Mr. Neil's motion was to rescind the smoking ban. Mr. Neil stated that, in essence, he wanted to go back to the original motion. Mr. Anderson and Mr. Hare stated that it would be the original idea.

Mr. Lewis questioned if Council was going to flip-flop, stating his understanding that this had already passed.

Mr. Slavin expressed frustration, believing that this was a standard practice across governments in the United States, hospitals, colleges, and universities. He stated that this is done for health benefits, not because of the desire to have a pretty drive for those passing City Hall who do not want to see people smoking. Mr. Slavin indicated that individuals were smoking in front of doors that people had to walk through to get into the building. He felt that this was a common sense approach to promoting public health. His opinion was that there was no reason to backslide on a vote that he had already cast on this issue.

Mr. Sudler stated that he was thinking about the future and youth. He noted that there was a segment on WBOC that morning where they had a beach clean-up at Ocean City and there were cigarette butts and people picking up trash. Mr. Sudler believed it would promote a healthier environment. He understood that a lot of workers were used to smoking near the door and he did not want these individuals to feel shunned or punished; however, he noted that this affects people like him who have sarcoidosis, a lung disease. Mr. Sudler felt that he should not have to avoid that door because there is smoke in the area, since the building is open to him. He felt that another way could have been found so that these individuals are not shunned; however, he indicated that when riding by the area you can still see people smoking. Mr. Sudler reiterated that it was for health reasons, rather than trying to shun or bring people to light and tell them that they are wrong for smoking. He questioned how much time smokers are missing from their jobs and how many breaks employees take who do not smoke. Mr. Sudler indicated that there were many ways to look at this issue. From a health perspective, he felt it was a no-brainer; however, he indicated that he would be all for finding a way to have a small isolated area for smokers, as a compromise, but not getting rid of Council's action.

Mr. Anderson advised that he had an issue with the portion that deals with parks and outside areas. He thought that it was incredible that society is going toward saying that it is okay to smoke marijuana, but the City is going to flip out on a person who pulls out a cigarette.

In response to Mr. Slavin, Mr. Anderson stated that he was willing to say that it was okay to smoke cigarettes because it is freedom. Mr. Lewis asked if Mr. Anderson would say that on camera to the

children who were watching and Mr. Anderson stated that he does not smoke but is okay with those who do. Mr. Anderson indicated that he was also okay with those who smoke marijuana, stating that he does not care either way but does not want it done in the City's buildings. However, he felt that if this occurred in a park where it would not affect someone else's health, this was an issue of freedom. Mr. Anderson noted that smokers pay for the parks as much as anybody else and, as long as they took the trash with them, he did not see an issue. He did not believe it was enforceable and because it was unenforceable, a bad idea, and restricts personal freedom, he could not favor it. Mr. Anderson believed that it should be restricted to City buildings and outside City buildings within 25 feet.

In regard to the environment, Mr. Sudler stated that smoking affects the environment, just like vehicles that do not pass inspection due to their exhaust. He felt it was not healthy to have smoke in a public area, and that was why smoking was stopped in restaurants and clubs. Mr. Sudler felt that there should be no smoking in City of Dover public facilities. He understood that staff was used to doing certain things and wished there was a way not to spotlight these employees and not compromise environmental health. Mr. Sudler noted that there are risk factors with smoke in the environment and secondhand smoke. He stated that he did not see a way to compromise and that he would support the motion to not have smoking on all City properties.

Mr. Lewis stated that he could not believe that this discussion was being held, stating that he concurred with Mr. Slavin and Mr. Sudler 100%, stating that this was a public safety issue. He advised that he works for State government, which had banned smoking, and it had also been banned in State and federal buildings, as well as most cities in the country, so he was for the ban. Mr. Lewis indicated that the question was how it could be enforced. He felt following State guidelines would be the first step. Mr. Lewis stated that the State of Delaware has a tobacco bureau at the Williams Building that brings out to the public the risk of smoking and he believed that they could be contacted for enforcement purposes.

Mr. Slavin believed that the enforcement issue would be fleshed out after the signage is ready.

Mr. Slavin advised members that the motion before them was to rescind the smoking ban. He explained that a "yes" vote would rescind the smoking ban and a "no" vote would leave it in place.

The motion to rescind the smoking ban failed by a roll call vote of five (5) no (Mr. Sudler, Mr. Lewis, Mr. Cole, Mr. Hosfelt, and Mr. Slavin), and four (4) yes (Mr. Anderson, Mr. Neil, Mr. Hare, and Mr. Hutchison).

CITY MANAGER'S ANNOUNCEMENTS

Mr. Scott Koenig, City Manager, advised members that a notice was sent out earlier in the day about a mechanical failure at the pump station located adjacent to Brandywine Court. He indicated that staff was working through the issues related to this and working with the State of Delaware Department of Natural Resources and Environmental Control (DNREC) to clear the environmental impact of that failure. Mr. Koenig indicated that notice had been provided to a number of people adjacent to this area of the City. He advised members to direct any questions to the Public Works Department or the City Manager's Office. Mr. Koenig noted that the infrastructure was back up and working as required.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Slavin conveyed belated Happy Birthday wishes to Mayor Christiansen, who celebrated his birthday on September 4th.

Mr. Anderson stated that the City of Dover Police Department earned the very prestigious President's Award at the National Association for the Advancement of Colored People (NAACP) Freedom Banquet for its cooperation with the community on a number of initiatives, ranging from working with the community to develop a crime strategy, to initiatives to help the youth and restore the parks. Mr. Anderson indicated that a great community partnership had been recognized and congratulated the Dover Police Department, stating that it was particularly fitting on the eve of 9/11 to recognize the community efforts that have been made by the Police Department. He also congratulated all of the other awardees.

Mr. Anderson reminded everyone that the Decision America Tour would be visiting Legislative Mall on September 13, 2016 at noon. He indicated that this would be a time of prayer led by Reverend Franklin Graham.

Mr. Anderson stated the need to take a serious look at the land bank legislation that had passed at Legislative Hall and how it could be applied in Dover to issues of affordable housing and economic development. Mr. Anderson was unsure of the bill number but stated that Mrs. Ann Marie Townshend, Director of Planning and Community Development, was quite familiar with it.

Mr. Sudler wished his mother and his niece a Happy Birthday.

Mr. Lewis stated the need to recognize all of the victims and families of 9/11, stating that we should not forget.

Mr. Sudler moved for adjournment, seconded by Mr. Neil and unanimously carried.

Meeting adjourned at 9:51 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of September 12, 2016, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Council-Minutes\2016\09-12-2016 COUNCIL MINUTES - Revised 09-30-2016.wpd

Exhibit
Exhibit #1 - Revised Revenue Policy - Police Extra Duty/Voluntary Overtime

CITY OF DOVER
REVENUE POLICY
POLICE EXTRA DUTY / VOLUNTARY OVERTIME

I. POLICY

The City of Dover Police Department recognizes the need for individuals and businesses to have the services of police officers for special events or other functions that would not be part of routine patrol. The Department will ensure that these needs are met by permitting officers to work for these employers in their capacity as Dover Police Officers. Additionally, the Department shall seek to secure grant funding to compensate officers for voluntary patrols in and around specific areas of the city, supplementing the normal activities of the Department.

II. PURPOSE

It is the purpose of this document to outline the extra duty billing rates and procedures to our customers and granting agencies.

III. RESPONSIBILITIES

The Special Enforcement Unit Commander will be the Extra Duty Coordinator and will assign clerical support as well.

The Extra Duty Coordinator shall be responsible for ensuring that all requests conform to this Procedural Notice, City ordinances, and to oversee compliance with departmental regulations.

The Chief of Police will determine if an extra duty request is a “must fill” position, due to safety concerns to the public or to police. When this occurs, and no one has volunteered to work the position, the Extra Duty Coordinator will be responsible for assigning this extra duty job to an officer.

The Extra Duty Coordinator will be responsible for determining the adequate number of officers to staff an event.

In cases where the staffing was underestimated the on-site supervisor or working shift commander, at an event may, at his discretion, notify the employer and the extra duty coordinator that additional officers are needed. Regardless of whether or not the employer was able to be notified, the on-site supervisor may call in additional officers and the employer will be billed accordingly.

Examples of “Special Events” requiring extra duty assignments include, but are not limited to, events:

1. That require a City of Dover permit
2. Involve temporary road closures
3. Require right of way closures
4. Bicycle or foot races or walks
5. Active traffic control- where an officer is actively/physically engaged in directing vehicular or pedestrian traffic
6. Other special events

IV. REQUESTS FOR EXTRA DUTY OFFICERS

Any individual or private firm may request extra duty officers for work within the city limits of Dover. Requests must be received between the hours of 8:00 am and 4:00 pm Monday through Friday and can be mailed, emailed, faxed or brought in person to the Dover Police Department. Applications must be received seven (7) days before the event. Any requests made less than seven (7) days in advance are only processed with the understanding that the assignment may not be filled. These requests will be directed to the Extra Duty Coordinator, who will ensure that the requesting party understands the payment and cancellation procedures.

The Extra Duty Coordinator will try to accommodate any schedule requests made by the employer if made within one hour prior to the time of the event.

It shall be the responsibility of the Extra Duty Coordinator to review all requests and the work required. The extra duty request will be denied if:

A. The employment is prohibited by State Law, City Ordinance, or Dover Police Department Rules & Regulations.

B. The employment presents a potential risk of injury due to the lack of officers being requested for the assignment.

C. The request requires the officer to act in any capacity other than a law enforcement official.

D. The final determination of whether a permit is approved rests with the Extra Duty Coordinator. While efforts will be made to comply with the assignment duties as defined by the business representatives, the Dover Police Department maintains exclusive rights in determining the number of officers required in order to maintain a safe environment for all and dictate placement and duties.

E. On occasion, specific staffing levels and officer placement are influenced by City of Dover Ordinances and unique circumstances identified by the City of Dover Council regarding zoning approval for individual establishments and land parcels.

F. Major re-occurring special events within the City of Dover may involve more defined and detailed staffing and planning processes that may be outlined in a memorandum of understanding at the discretion of the Chief of Police or his designee. Any separate agreements must adhere to the requirements of the Extra Duty Revenue/Voluntary Overtime Policy and all other City of Dover personnel and financial policies and procedures as promulgated by the City Council, City Manager, or Controller Treasurer.

V. PAYMENT METHODS

Billing and processing for all extra duty accounts will be handled in accordance with current City of Dover finance policies.

A. Non-Recurring permits

Employers who are using the extra duty services one time, or are determined by the Extra Duty Coordinator as a high risk customer, must pay for services before the assignment commences.

Officers can work additional hours with permission granted by the shift commander or extra duty coordinator. If this should occur, the extra duty employer must pay the additional charges on the next business day to the Extra Duty Coordinator. To prevent this, the employer may pay for extra hours and if unused, will be reimbursed.

No officer is allowed to accept monies from an extra duty employer.

B. City Sponsored Events

The cost of police personnel to maintain safety for the actual event, those officers assigned to traffic and/or crowd control, will be absorbed by the City of Dover.

City sponsored events will be staffed by officers scheduled during the hours of the event. For events that required additional staffing levels, regular overtime will be schedule and paid to those officers that actually work overtime.

C. Extra Duty for Non City Sponsored Events

The Extra Duty Coordinator will schedule officers to work non-city sponsored events. The expense associated with this extra duty will be the responsibility of the event organizers. The Coordinator may also arrange for additional requests for police services, such as money escorts or overnight security.

VI. REPORTING PROCEDURES

The officer may elect to go directly to the job site and report to the point of contact identified on the assignment worksheet. That contact (or his/her designee) will be responsible for completing the time-on-duty and time-off-duty sections, along with the Extra Duty Employer section of the assignment worksheet. If the officer elects to do this, he/she must contact the on-duty Shift Supervisor by telephone to be input into the CAD system.

VII. FAILURE TO APPEAR FOR EXTRA DUTY

An employer, upon realizing that the officer failed to appear, should notify the extra duty coordinator at (302)- 736-7145 immediately and also call the on duty shift commander at *(*302)736-7111.

VIII. CANCELLATIONS OF EXTRA DUTY

A. Extra duty assignments will not be canceled less than one hour prior to the scheduled start time, except as authorized by a Unit or Division Commander, during regular duty hours, or after regular duty hours, the On-Call Lieutenant.

B. In the case of a departmental need or community emergency, the Chief of Police or designee may cancel any extra duties assignments. The extra duty officers would then be immediately available for service to the department.

IX. PROCEDURE FOR CANCELLATIONS OF EXTRA DUTY ASSIGNMENTS NOTIFICATIONS

A. Cancellations by the extra duty employer should be made at least one hour before the time the assignment is scheduled to begin. If cancellation is made in less than an hour (with the exception of a natural disaster) the customer will be charged and the assigned officers will be paid a minimum of 3 hours as per the FOP Union contract. When an extra duty assignment is canceled by an extra duty employer the following procedure will be followed:

1. The person who receives the cancellation notice will document in the extra duty book, the date and time the cancellation call was received, and they will initial next to this entry.

2. The person will then notify the officer who had signed up for the extra duty assignment.

    a. This notification will be by leaving the officer a voice mail message stating the particular extra duty assignment was canceled.

    b. If the cancellation notice was received after normal working hours and the assignment is for the next business day the person receiving the notification will comply with the above steps but they will also attempt to contact the officer at the officer's residence.

3. The person's initials next to the entry will signify that his person did in fact notify the officer.

B. When an extra duty assignment is canceled for inclement weather the following procedure will be followed:

1. The officer who has signed up for the extra duty assignment will be responsible for contacting the On Duty Supervisor at least one (1) hour prior to the start of the extra duty assignment. The On Duty Supervisor will make the determination if an extra duty assignment will be canceled due to inclement weather at this time.

2. If extra duty assignments are going to be canceled due to inclement weather in advance of the assignment, the officer making the decision to cancel the assignment will ensure that the officers are notified in advance if possible. (ie: leaving the officer a message at his residence if possible, if not then a voice mail message)

3. Officers are required to check their voicemail one (1) hour prior to the scheduled start time of all assignments unless notified previously.

C. A phone message will be left for the Extra Duty Coordinator advising of the cancellation and that the officer(s) were in fact notified.

D. Some extra duty assignments will be canceled regularly due to inclement weather where others such as grant-related extra duty assignments are generally not canceled for inclement weather, unless such weather is severe. Officers are expected to be prepared to adapt to existing weather conditions.

X. DISCONTINUATION OF SERVICE

If the Chief of Police or his designee or the Extra Duty Coordinator, determines that it is in the best interest of the department to discontinue an extra duty service, the customer employer will be immediately notified.

XI. BILLING POLICY

A. Billing rates for Fiscal Year 2016 are as indicated in Attachment 4.

B. Officers pay rates for extra duty assignments, regardless of type, are governed by the Collective Bargaining Agreement.

C. The City of Dover will pay the officers wages as well as pay for worker's compensation and general liability insurance, administrative resource costs, automobile fuel, maintenance and insurance. An overhead rate is added to the contractual Extra Duty rate to cover these cost.

D. Officers working an extra-duty assignment will be paid a 3-hour minimum. If the assignment is not canceled according to policy, or if the officer is released from the assignment less than 3 hours from the start time, he/she will receive three (3) hours pay at the extra duty rate.

E. If an officer is late to the assignment for any reason, the officer will be paid only for actual hours worked.

F. Officers are held strictly accountable for their extra duty assignment worksheets, as this is the source document by which officers are paid. The customer or designee must sign the worksheet upon completion of the assignment. For large assignments, the customer must sign the master worksheet that covers all the officers on that assignment. Officers will be compensated for extra duty assignments during the pay period in which the worksheet is submitted to payroll.

G. If an officer must work additional hours on an extra duty assignment, the customer is responsible for payment of the additional costs, as long as the overage is due to the extra duty assignment and is necessary.

H. At the conclusion of the extra duty assignment, the officer should place the assignment worksheet in the payroll mailbox, but no later than the officer's next scheduled workday.

Loss of an extra duty assignment worksheet may result in a delay of payment to the officer, or may cause the officer to forfeit pay. Reproduction of assignment worksheets may be done with the approval of the Extra Duty Coordinator. The officer will have sole responsibility for obtaining the proper signatures/dates/times. All employees working extra duty are required to submit accurate assignment worksheets. The accuracy of these assignment sheets is critical in ensuring appropriate employee compensation. The employee's signature must match the printed name of the employee assigned the duty. The editing of extra duty worksheets by the employee is permitted for the purpose of adding accurate information.

G. Any officer who falsifies any portion of the extra duty assignment worksheet will be subject to discipline under General Order 26, Code of Conduct.

XII. WORKERS' COMPENSATION/LIABILITY

The City of Dover is self- insured for general liability and statutory workers' compensation coverage. Police officers assigned to extra duty work are afforded workers compensation coverage.

XIII. EFFECTIVE DATE

This Procedure shall become effective upon adoption of City Council. Rates will be reviewed on an annual basis and revised upon Council approval.

Attachment 1

NOTICE TO CUSTOMERS

The officers are at all times subject to the policies and procedures of the City of Dover and the rules and regulations governing employees of the Dover Police Department (DPD). A customer has no authority over police personnel and is restricted to providing only a general assignment of duties to be performed by the officer. Those duties never supersede DPD policy or procedures and employers of the extra duty officers should so be advised. Extra duty officers remain under the exclusive control of the department and accountable for strict adherence to departmental rules and regulations. Any conflicting rules of employers of extra duty officers will be disregarded. The officer shall refuse to perform any duties deemed to be in conflict with the guidelines established by the Dover Police Department. As determined by the Department, officers may be recalled from extra duty to on-duty status.

This permit is for Law Enforcement work only and does not exempt customers from obtaining other necessary permits for this event.

The City of Dover Police Department is NOT obligated to provide extra duty services. A permit will not be issued to any person, firm, or organization whose offices, members, business, or operations are questionable or for any event of a potentially compromising nature. The billing rates quoted are subject to change based on Cost of Service approved rates at the time the service is rendered.

Dover Police Department officers are NOT permitted to receive cash from customers for any reason whatsoever.

The undersigned customer agrees, individually and on behalf of the named applicant, to promptly pay for extra duty services rendered. Further, the undersigned agrees, individually and on behalf of the named applicant to pay all costs, expenses and attorney's fees incurred in the collection of any sums due hereunder.

Paul M. Bernat.
Chief of Police

I have read and understand the "Extra Duty Conditions of Permit" and "Notice To Customers"

_____

Customer-Individually and as Authorized Representative Date

_____

Federal ID

Attachment 2

DOVER POLICE DEPARTMENT
BILLING INFORMATION FORM

TO: **CUSTOMER SERVICES**

FROM: Dover Police Department **Date:** 9/15/16

THIS SECTION TO BE COMPLETED BY THE FINANCE DEPARTMENT	PLEASE BILL AS FOLLOWS		
	TYPE OF ACCOUNT	CODE	ACCOUNT NUMBER

THIS SECTION TO BE COMPLETED BY THE OPERATING DEPARTMENT

VENDOR:

WORK DONE ON:

LOCATION: As Requested

DESCRIPTION OF WORK DONE: Police services

 # HOURS:

DETAIL OF CHARGES

LABOR:

OVERHEAD:

VEHICLE:

TOTAL BILL:

MAILED PAYMENTS REMIT TO: P.O. Box 475, Dover, DE 19903
MANUAL PAYMENT INTRUCTIONS: Take this invoice to the City of Dover Customer Services Department located at 5 East Reed Street, Dover DE 19901. *Only cash, money order or certified funds payments will be accepted.*

AUTHORIZED SIGNATURE

CUSTOMER SERVICES

RECEIVED BY _____ **RECEIVED ON** _____

KEYED BY _____ **VERIFIED BY** _____

Attachment 3

Dover Police Department Extra Duty Request Form

Type of Event: _____

Number of people attending: _____

Location of event: _____

Dates & Times Requested: _____

Billing Information:

Name: _____

Address: _____

Phone #'s: Cell #_____ Work #_____

Contact person at the event: _____

Contact person cell #: _____

Person(s) requesting officer(s): _____

Signature of requesting person: _____

The responsible party will be charged a 3-hour minimum (per officer) if the assignment is not canceled one (1) hour before the assigned start time. If the officer(s) are released from the assignment less than three (3) hours from the start time, he/she will receive three (3) hours pay. To cancel an assignment, dial (302) 736-7111.

Official use only, do not write below

Number of officers assigned: _____

Times officers assigned: _____to_____

Approved: _____

Return this form or fax it to: Special Enforcement Unit Commander.
Fax # (302) 672-1842, any additional questions, dial (302) 736-7145

Attachment 4

City of Dover	
Officer Extra Duty Billing Rates for Grant Related Events	
Grant related events are billed for actual wages and benefits	
Officer Extra Duty Billing Rates for Office of Highway Safety Grants	
Federal Approved Rate	$50.00

City of Dover			
Billing Rates for Special Events (Spectators over 5,000)			
	Officer		Total
	Billing	Overhead	Hourly
	Rate	Rate	Rate
Special Event Rate – Officers	$62.00	$3.00	$65.00
Special Event Rate – Dispatchers S/T	$23.00	$3.00	$26.00
Special Event Rate – Dispatchers O/T	$34.00	$3.00	$37.00

City of Dover			
Officer Extra Duty Billing Rates for Non-Special Events			
	Officer		Total
	Billing	Overhead	Hourly
	Rate	Rate	Rate
Extra Duty Rate	$59.00	$8.00	$67.00
Vehicles Actively Used on Extra Duty Jobs - Hourly Rate			$ 16.25

PROCLAMATION

WHEREAS, *we recognize the vital role that technology has in our daily lives and in the future of the City of Dover. Today many citizens, schools, libraries, businesses, and other organizations use the Internet for a variety of tasks, including keeping in contact with family and friends, managing personal finances, performing research, enhancing education, and conducting business; and*

WHEREAS, *critical sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, utilities, health care, and emergency response systems; and*

WHEREAS, *Internet users and our information infrastructure face increasing threats of malicious cyber-attack, invasion of privacy from spyware and adware, and significant financial and personal privacy loss due to identity theft and fraud; and*

WHEREAS, *Delaware's DigiKnow Campaign is aimed at increasing the understanding of cyber threats and empowering the public to be safer and more secure online. Maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role, and awareness of computer security essentials will improve the security of the City of Dover information infrastructure and economy.*

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, *do hereby proclaim October 2016 as*

Cyber Security Awareness Month

in the City of Dover and urge all citizens to learn about cyber security and put that knowledge into practice.

ROBIN R. CHRISTIANSEN
MAYOR

PROCLAMATION

WHEREAS, *the City of Dover is committed to ensuring the safety and security of all those living in and visiting our City, and fire is a serious public safety concern both locally and nationally; and*

WHEREAS, *the 2016 Fire Prevention Week theme, "Don't Wait – Check the Date! Replace Smoke Alarms Every 10 Years" represents the final year of a 3-year effort to educate the public about basic but essential elements of smoke alarm safety; and*

WHEREAS, *working smoke alarms cut the risk of dying in reported home fires in half. When smoke alarms fail to operate, it is usually because batteries are missing, disconnected or dead; and*

WHEREAS, *smoke alarms should be replaced every 10 years, make sure you know how old all the smoke alarms are in your home. To find out how old a smoke alarm is, look at the date of manufacture on the back of the alarm and replace it if it is more than 10 years from that date.*

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, *do hereby proclaim October 9 – 15, 2016 as*

Fire Prevention Week

in the City of Dover and urge all residents to make sure their smoke alarms are working properly, and to support the many public safety activities and efforts of fire and emergency service personnel.

ROBIN R. CHRISTIANSEN
MAYOR

PROCLAMATION

WHEREAS, *the children of the City of Dover enjoy the fun and festivities associated with the observance of the Halloween Trick-or-Treat custom of traveling with friends and family going from door to door in their neighborhood, displaying their costumes, and gathering treats; and*

WHEREAS, *parents are urged to join in the festivities by accompanying their children throughout their journeys in celebrating Halloween Trick-or-Treat; and*

WHEREAS, *residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes which are lighted; and*

WHEREAS, *the Mayor of the City of Dover has deemed it advisable to observe the celebration of Halloween Trick-or-Treat on Monday, October 31, 2016 between the hours of 6:00 p.m. and 8:00 p.m.*

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, *do hereby proclaim that the Halloween Trick-or-Treat observance be held on the 31st day of October 2016, between the hours of 6:00 p.m. and 8:00 p.m. in the City of Dover and urge all residents, both young and old, to make this a happy and safe occasion for our children.*

ROBIN R. CHRISTIANSEN
MAYOR

ECONOMIC DEVELOPMENT COMMITTEE

The Economic Development Committee met on September 13, 2016 at 4:00 p.m. with Mayor Christiansen presiding. Members present were Mr. Koenig, City Manager; Mrs. Ann Marie Townshend, Director of Planning and Community Development; and Mr. Gregory Moore, President, Downtown Dover Partnership (DDP) Board of Directors. Councilmen Cole and Hare were absent.

AGENDA ADDITIONS/DELETIONS

Mayor Christiansen requested that "Review of Team Membership to Determine if Others are Needed to Accomplish the Goal/Vision and Develop Strategies" be considered first; followed by "Rural Economic Development Loan Program (REDL)" and "Review of Requests for Utility Connection Assistance", with the remaining agenda items to be considered as listed.

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

Economic Development Committee Transition Discussion

Review Team Membership to Determine if Others are Needed to Accomplish the Goal/Vision

During the Regular City Council Meeting of September 12, 2016, members considered Proposed Resolution No. 2016-09 Formally Establishing the Economic Development Committee. Members amended Line #13 of the Proposed Resolution to include the word "inclusive" following the word "targeted." A motion by Councilman Anderson to add two (2) members that represent minority business interests to the Economic Development Committee failed.

Mayor Christiansen stated that he would like the Economic Development Committee to recommend to Council that two (2) more members be allowed for residents of the community, with a leaning toward business owners. In response to Mr. Koenig, Mayor Christiansen confirmed that these would be two (2) additional voting members.

Mrs. Townshend questioned if the previous proposal was specific that those two (2) members be minorities and questioned if this was also Mayor Christiansen's intent. Responding, Mayor Christiansen confirmed that they would be minority members to reflect inclusion of the entire community in the City's economic development efforts.

Mr. Koenig questioned if it Council would select and appoint these members. Responding, Mayor Christiansen stated that since Council was the creator of this Committee, they would make the appointments. He indicated that notice of the vacancies would be posted on September 27, 2016, following the City Council meeting on September 26, 2016. Mayor Christiansen stated that he would like to close out selection by the first weekend in October.

Mrs. Townshend noted that the Committee was set up to include City staff, elected officials, and representation of the Downtown Dover Partnership (DDP). If two (2) more members were to be added, she questioned if they should specifically be business owners and if they both needed to be minorities. Mrs. Townshend stated that other business owners had not been included at this point and that it seemed less inclusive to add members in this fashion. She believed it was important, if

people were to be added, that they have a business interest. Responding, Mayor Christiansen indicated that it would be at the pleasure of the Committee, stating that his suggestion was made to meet the request that had been made by the community and a promise on his part to include the entire community in the City's economic development efforts.

Mr. Moore stated that he thought it was fine to add two (2) members; however, he felt it was important that they have an economic development/business acumen, regardless of their ethnicity or sexual orientation. He wanted people who could contribute and felt that adding people who cannot contribute would be a disservice to the committee's ability to actuate good decisions. Mayor Christiansen concurred.

Mr. Hudson, Assistant City Manager, stated that he believed that it would not be enough for someone just to have an interest and that they needed to be bringing value to the table. He felt that this would apply to any City committee.

Mrs. Townshend noted that Mayor Christiansen had mentioned residency and questioned if members must live in the City or own a business in the City. Responding, Mayor Christiansen indicated that he did not want members who were non-residents, noting that he would want members to have ties to the economic future of the City.

Mr. Koenig moved to recommend that two (2) minority voting members be added to the Economic Development Committee and that the qualifications and selection be subject to the policy of City Council. The motion was seconded by Mrs. Townshend.

Mr. Koenig indicated that Council would decide how they wanted to post the vacancies and select members. The Committee would not make recommendations on who would be sitting on the Committee, and Mrs. Townshend and Mayor Christiansen concurred. Mr. Koenig stated that Council members could solicit those who are interested, vet their qualifications, and recommend to the full Council who should sit on the Committee.

Mayor Christiansen noted that this would be considered by Council during their regular meeting on September 26, 2016. Vacancies could be posted on September 27, 2016 and candidates could be brought to the Economic Development Committee by the first meeting in October and approved by Council.

Mr. Hudson questioned what applicants would be asked to submit. Responding, Mr. Koenig advised that this would be up to Council, noting that Council was in the middle of a debate regarding how they would solicit interest for committees and what qualifications were needed. Mayor Christiansen indicated that there was a form on the City's website and this would be for Council to handle. He stated that it was the Economic Development Committee's intention to be inclusive and to enjoin everyone in the community in economic development. He stated that the parameters were established.

In response to Mayor Christiansen, Mrs. Jody Stein, Administrative Assistant, City Clerk's Office, advised that the motion was to add two (2) minority voting members to the Economic Development Committee with qualifications and selection to be determined by Council.

Mr. Moore stated his understanding that economic development oriented qualifications were required.

Mayor Christiansen questioned if it was members' understanding that new members must be residents and economic development oriented or if they wanted to leave this open. It was Mr. Koenig's opinion that the criteria would be up to Council. He indicated that he would think that Council would put people that are economic development related on the Economic Development Committee.

Mr. Moore moved to amend the motion to add the criteria that the members be economic development or business oriented, seconded by Mrs. Townshend and unanimously carried.

The motion to recommend adding two (2) minority voting members who are economic development or business oriented to the Economic Development Committee, with qualifications and selection to be determined by Council unanimously carried. *(City Clerk's Office Note: This recommendation is reflected in Council Resolution No. 2016-11Amending Resolution No. 2016-09 Formally Establishing the Economic Development Committee* ***(Attachment #1)****, which will be considered by City Council during their Regular Meeting of September 26, 2016.)*

Rural Economic Development Loan Program (REDL)

During the Council Committee of the Whole/Legislative, Administration, and Finance Committee meeting of August 23, 2016, members considered an Application for Rural Economic Development Grant Through U.S. Department of Agriculture (USDA). Members recommended authorizing staff to proceed with the application for funds and the establishment of a loan fund, as recommended by staff. If Council would like further review of the funding recipients for the first round of funding, staff requests that this role be assigned to the Economic Development Committee.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that staff was in the process of completing an application for a $300,000 grant from USDA. In reviewing the guidelines and regulations governing the grant program, staff discovered that the City did not appear to be eligible for some of the things that they previously thought could be applied for. Mrs. Townshend indicated that she had contacted USDA for clarification and USDA agreed that these items were not eligible for the program. She explained that the first $360,000 in funding, including $300,000 from USDA and a 20% City match, could be loaned only for a fairly specific, narrow group of purposes. Mrs. Townshend advised that once the loan funds are repaid, they are termed "revolved funds." She noted that the purposes for revolved funds are then broadened, and they can be used for any economic development purpose in the City's program that is developed through the application. Mrs. Townshend stated that when the grant application is submitted it must include the City's specific project. She stated that staff had been aiming for September 30, 2016;

however, they were not prepared to meet that deadline. The next deadline would be December 31, 2016, and staff believed that this would allow enough time to prepare a solid application and loan program.

Mayor Christiansen asked if any projects in the pipeline would be affected. Responding, Mrs. Townshend stated that, based on staff's reading of the regulations and confirmation by USDA, the projects in the pipeline that had been discussed were not eligible for the first round of unrevolved funding. She stated that staff would continue working on the application and bring updates to the Committee.

In response to Mayor Christiansen, Mrs. Townshend confirmed that it was desired to develop a valid application for the loan, but the September 30, 2016 deadline could not be met.

Review of Requests for Utility Connection Assistance

Mr. Scott Koenig, City Manager, informed members that two (2) requests had been received for utility connection assistance. The first was from Mr. Michael Maupin, Managing Director, MauTiste Investment Group, for financial relief from the fees associated with electrical, water, and sewer utility connections for MauTiste Square, a six (6) townhome project at 420 Reed Street. Mr. Koenig advised that the property had been purchased and old buildings were torn down. He noted that there was existing water and sewer service to the property; however, it did not meet the needs of the new buildings. Mr. Koenig indicated that the request was to have utilities extended from Reed Street and to upgrade the electrical infrastructure for ground transformers and primary service to the new buildings. He explained that, under the current Electric and Water/Sewer Handbooks, the code requires developers to incur those costs, since the City does not incur them as part of the development application. Mr. Koenig advised that the City was redeveloping the infrastructure along this road, and staff knew ahead of time where the connections needed to be. He indicated that the City would potentially have installed these lines as there was an associated capital project.

Mr. Koenig noted that Mr. Maupin was asking for consideration for the costs associated with the electrical service and the extension of water and sewer services from where they exist in the road to at least the right-of-way or the building. He was also asking for consideration of geotechnical services, which were required because a building had been demolished at the location. Mr. Koenig explained that the City wanted reasonable assurance that there would not be settlement after construction because the City did not want to be responsible for future homeowner claims that the City did not do its duty by requiring someone to build in accordance with acceptable practices.

Mrs. Townshend stated that the building code requires a certain pound per square inch (PSI) figure, and the geotechnical report would substantiate the PSI.

In response to Mayor Christiansen regarding the projected cost, Mr. Koenig noted that Mr. Maupin had also asked for asbestos abatement and the total request was for approximately $84,000. In Mr. Koenig's opinion, there would be no consideration for the geotechnical engineering or the asbestos abatement request, and the Committee could only weigh in on whether the City wanted to offset any of the costs regarding the extension of electric or water and sewer services to the facilities. He stated that these were not budgeted expenses and would be out-of-pocket costs that the City would have to incur or reimburse the property owner for. Mr. Koenig stated that the only source for

financing this request would be funding that was intended for capital improvements or reserve funds. He explained that staff could not create a capital improvement project or move money from the reserves without authorization from Council.

Mr. Koenig felt that the real issue was the precedent that would be set, noting that this request would probably total $65,000 and that there was another application that had requested $30,000. If this concept was approved, he felt that every development application in the Downtown Development District (DDD) would likely make a request, and their requests would be based on equity.

Mayor Christiansen questioned if requests would be judged on a case-by-case basis. Responding, Mrs. Townshend explained that there were non-profit housing partners, including NCALL, Habitat for Humanity, and Milford Housing Development Corporation (MHDC) that currently have five (5) homes under construction and have submitted plans for additional homes. These organizations were paying these same costs for water and sewer connection, and discussions had been held with Habitat for Humanity regarding cost concerns relating to electric infrastructure and water and sewer connection. Mrs. Townshend noted that they had also been required to provide geotechnical reports because they were building on demolished sites.

Responding to Mayor Christiansen, Mrs. Townshend stated that she did not believe that the cost for these entities would amount to the costs for the MauTiste project; however, she noted that Mr. Maupin's project included six (6) units; therefore, his cost was not a per unit amount. She stated that she believed, if funds were provided, that there would be requests that had merit from other entities. Mrs. Townshend also stated that everything being built by non-profit groups was required to be owner occupied and not rented. She acknowledged that Mr. Maupin was hoping for owner occupation; however, she indicated that there were no assurances.

Mr. Kirby Hudson, Assistant City Manager, advised that Mr. Maupin had stated that he was not interested in renting the units and that he wanted to develop affordable housing that he could turn around and sell. According to Mr. Maupin, based on the current costs, the housing price would be unaffordable.

In regard to the second request for utility connection assistance, Mr. Todd Stonesifer, owner of The Moving Experience Real Estate, advised members that he was working extremely hard to bring economic development to the downtown area. He had been working closely with a current business and property owner in the downtown area regarding the property at 131 West Lockerman Street, most recently known as Computers Fixed Today. Mr. Stonesifer explained that a restaurant was proposed for that gateway location; however, the owner discovered that the water mains large enough for the building's required sprinkler system were located across either Governors Avenue or Loockerman Street. Mr. Stonesifer explained that the cost of connection would be approximately $30,000. He indicated that he and the owner were $30,000 apart on the real estate deal and could not make it happen without bringing a sprinkler across the street, which would involve the Delaware Department of Transportation (DelDOT), street repairs, etc. Mr. Stonesifer suggested that perhaps the first project mentioned could take advantage if the sprinkler line was across the street, and future projects would not have to absorb this extra cost and could also tap into it as the building stock is updated.

In response to Mr. Stonesifer, Mr. Koenig stated that there was a water line on Loockerman Street but it was on the south side of the street and on the west side of Governors Avenue. Mr. Koenig believed that the cut would be made on Loockerman Street; however, this would depend on where the connection would be in the building.

Mrs. Townshend asked if this connection could be done in a way that would serve other buildings for fire suppression. Responding, Mr. Koenig explained that it would depend on the actual fire need for the building being serviced.

In response to Mayor Christiansen, Mr. Brandon Pelton, owner of 33 West Ale House and Grill, stated that the downstairs area of the building at 131 West Loockerman Street was approximately 2,000 square feet. He indicated that he had spoken with the Fire Marshal and the downstairs area was the only part that needed to be sprinklered. Mr. Pelton stated that he needed to put in a two (2) hour firewall and a sprinkler system downstairs due to the apartments upstairs. He explained that the cost of installing the sprinkler system would be $30,000 and bringing the stub across the street would be an additional $30,000. Mr. Pelton recalled that this would be a six (6) inch sprinkler, and he stated that he could cover the cost of the system. He indicated that he would have to put in a dry sprinkler system over the overhang and that the $30,000 cost of going across the street would consume all of his emergency funds.

Responding to Mr. Moore, Mr. Pelton stated that he was interested in purchasing the building as a capital investment and would probably renovate the apartments in approximately a year as they become vacant. In response to Mayor Christiansen, Mr. Pelton stated that there was one (1) apartment on the third floor and two (2), two-bedroom apartments on the second floor. He noted that they share a doorway with the Raubacher building next door, where a game store and Uncorked Canvas are located.

Mayor Christiansen noted that the downtown area would have to be brought up to code as it develops and questioned if reconstruction or remodeling projects would require sprinkler systems. Responding, Mrs. Townshend stated that it would depend on the use. In this case, a sprinkler system was required because the facility would be a restaurant serving alcohol and was due to the occupant load rather than the building size. She stated that it would have to meet National Fire Protection Association (NFPA) standards for retrofits and the drivers would be alcohol being served and an occupant load past 100. Mrs. Townshend explained that an art studio would not necessarily require a sprinkler system.

Mr. Koenig noted that, ideally, all of the structures would be sprinklered for their preservation over time, especially due to the close proximity of the structures. He noted that a property owner would not want to invest a lot of money in a structure that has unsprinklered structures around it.

Mrs. Townshend stated that she felt it was a better scenario to sprinkler the building than to try to find loopholes. She expressed concern that the business district had a lot substandard building stock, stating that money must be put into it to bring it to current code standards instead of finding ways around the code standards. Mrs. Townshend believed that sprinklering was important and that both of the projects being discussed were consistent with the objectives set forth in the City's DDD plan and could be beneficial. Her concern was the precedent and dealing with other requests that would come in. Mrs. Townshend questioned if a lien that is forgivable over a period of time should be put

in place to ensure that people do not walk away from these properties and that they are developed as planned.

Mayor Christiansen believed that if the City was truly dedicated to economic development downtown and revitalizing the neighborhood that surrounds it, it would behoove the City to look for sources of revenue. He asked Mrs. Donna Mitchell, Controller/Treasurer, if a mechanism could be put in place to make these projects happen, noting that there were developers wanting to invest substantial money on both projects that would be beneficial to the downtown area. Responding, Mrs. Mitchell stated that the City already had a DDD incentive program and if the program was to be expanded, it must be approved by City Council.

Responding to Mr. Hudson, Mrs. Townshend stated that the USDA grant program could not be utilized because this was a loan program and funds would need to be paid back. In addition, she explained that the uses proposed were not eligible for the first round of funding from the USDA program.

Responding to Mayor Christiansen, Mrs. Mitchell stated that if the requests for assistance were taken to Council, there was not currently a source of revenue to cover the cost of both projects. Mr. Koenig advised that there was no line item in the budget for such extensions of service. If the committee recommended supporting the requests, funds would have to be identified and there would have to be a budget amendment listing it as a miscellaneous expense. Mr. Koenig noted that these were substantial expenses; however, he indicated that the $30,000 investment would significantly increase the value and safety of a downtown building, regardless of who makes the investment. He stated that there would be a long payback period for the utility since it would take a long time to regenerate $30,000 profit under the water utility with current rates. Mr. Koenig reminded members that there had been complaints about the quality of the buildings downtown and noted that they would not get better by themselves. He stated that his initial reaction was that he was not in favor of the requests; however, he noted that there was a substantial benefit to the City and the DDD and he expressed the need to talk through it. Mr. Koenig stated that he felt it should not be viewed as if the service could be expanded to other properties because it would be driven by engineering calculations, and it would be difficult to know where the extensions could be used.

In response to Mayor Christiansen, Mr. Koenig advised that either a six-inch or eight-inch tap in would be required off the water line from Governors Avenue. If an eight-inch tap was used, a two-inch domestic service could be taken off that and a brand new fire and domestic service would be available, eliminating the concern about water infrastructure for the foreseeable future. Mr. Koenig stated that he believed that a new building like this in a shopping mall would have an eight-inch tap with a six-inch fire service, and a one-and-a-half or two-inch domestic service. Mr. Koenig stated that funding would have to be taken from funds used to expand and improve the overall water system or from other reserves to make it available for this project and it was not in the budget.

Mrs. Townshend asked, since the improvements would be in the right-of-way, if the City would bid the work and award the contracts. Responding, Mr. Koenig stated that if the Committee recommended in favor of the requests, the project should be bid out as a separate project by the City using City guidelines. A third-party contractor would be hired to make the tap and run the line. In

response to Mr. Moore, Mr. Koenig stated that this would also be true of the six (6) townhouses because the City did not have the staff to do this project.

Mrs. Townshend stated that she would prefer that the City use a contractor so that procurement policies are followed.

Mr. Moore felt that the six (6) townhouses would enhance the residential mix of the downtown area, as would adding a new restaurant to this corner downtown. He noted that, if this request was not supported, he believed this property would remain vacant.

Mr. Pelton stated that he had done due diligence and put numbers together with other available grant funds. If the funds were there, he had no problems with whatever wording members wanted to include. Mr. Pelton stated that if he were to receive twice as much as he thought through grant funding, he would pay for bringing the stub across the street; however, he stated that he could not move forward without having money for emergencies. Mr. Pelton noted that, otherwise, he would be putting in more than $60,000 before taking out a piece of flooring or knocking down drywall. He stated that he would be happy to establish some sort of contingency.

Mr. Stonesifer questioned whether any future building would be able to connect to that line without going across the street if a large enough supply line was brought across Loockerman Street. Mr. Moore explained that this would not be easy because the line must be taken vertically in front of the building and the sidewalk or street must be torn up. He felt it would likely be cheaper to tap into another location if the building is three doors down. Mr. Moore stated that this might be possible for a building next door, but there would be a limit to how far horizontally one could go.

Mr. Stonesifer stated that he felt it would be less expensive for the next couple of buildings to go under the sidewalk to that tap than to go across the street. He noted that he understood that there was no guarantee; however, he believed that it would benefit more than just one building.

Mrs. Townshend stated that the DDD district grants do not include expenses for the extension of services, noting that expenses eligible for grant reimbursement are only those on the site. She advised that the 20% rebate would not apply to bringing utilities to the site. Responding to Mr. Hudson, Mrs. Townshend stated that the demolition and asbestos removal expenses related to the duplex project would be eligible for the 20% rebate available through the DDD grant program.

In response to Mayor Christiansen, Ms. Tamika Graham, National Council on Life and Labor Research (NCALL), Neighborhood Revitalization Coordinator, stated that NCALL's mini-grant program had limited funding and was set up primarily to go through work groups, so it would not be available directly for this use.

Mrs. Townshend explained that Mr. Maupin was already working with the NCALL loan fund on his project, noting that this was a loan rather than a grant.

Mr. Moore moved to recommend funding the utility extensions to provide for the restaurant at 131 West Loockerman Street and the six (6) townhouses.

Mr. Koenig questioned if the motion was to fund the water service. Responding, Mr. Moore stated that he had mentioned the utilities. Mrs. Townshend stated her belief that the motion was for the water and sewer connections. Mr. Koenig stated that utilities would include electric service. In response, Mr. Moore stated that he did not know that electric service was being considered. Mrs. Townshend explained that Mr. Maupin's request included $7,100 for electric expenses.

Mrs. Townshend seconded the motion to recommend funding the utility extensions to provide for the restaurant at 131 West Loockerman Street and the six (6) townhouses, with the amendment that the City ensure that the costs are managed using the bidding process through the City's procurement policy.

Mrs. Townshend stated her concern that the cost might be inflated.

Mr. Moore stated that the motion would include electrical and plumbing services. He felt that geotechnical engineering and asbestos would get into a broader area and, from a precedent setting standpoint, could include every building in the City. Mr. Moore believed that the infrastructure issue in the downtown, in the sense of water and sewer access, as well as sprinkler access to townhomes and duplexes, was limiting the ability for growth. He felt that if geotechnical engineering or asbestos removal were provided for, developers would request assistance with geotechnical engineering for their foundations and asbestos removal for their renovations, and he believed that these were normal costs. Mrs. Townshend concurred, noting that geotechnical engineering and asbestos removal costs were eligible for the 20% rebate from the City, whereas the utilities were not.

Ms. Chantell Scott, 214 Thornton Street, stated that she had heard someone mention that there were water system funds and asked Mrs. Mitchell if this was correct. Responding, Mrs. Mitchell stated that the City Manager had been referring to the water utility budget itself. She indicated that there was capital improvement project money that would have to be reallocated. Mrs. Mitchell believed that Mr. Koenig had indicated that funds would have to be taken from what they were originally budgeted for to be used for these projects.

Ms. Scott questioned if there were any funds in the budget that had not been allocated for a project. Responding, Mr. Koenig indicated that there were funds allocated to water quality improvements and the bids for those funds had not been fully authorized by Council, so there was money allocated for water quality improvements.

Ms. Scott questioned if some of those funds could be used for these two (2) projects. Responding, Mr. Koenig stated that if Council were to authorize funding the projects, the water components could be charged to the water budget.

Ms. Scott questioned if a motion could be made to recommend funding the requests so that this part of the projects could be taken care of since it was her understanding that was money available. In response, Mr. Koenig indicated that money had been budgeted. Mrs. Townshend explained that it was budgeted for water quality improvements; however, this was not a water quality improvement. Mr. Koenig advised that the money had been budgeted for a purpose and had not been converted to a contract. Mrs. Townshend stated that Ms. Scott's proposal would be taking funds away from another project.

Ms. Scott stated her understanding that these funds had not been allocated for a project and were extra funds. In response, Mrs. Townshend indicated that water quality improvement funds were allocated in the capital budget for improvements in water infrastructure to eliminate the brown water problem. While it may not be allocated to a certain pipe, she explained that it was allocated for that purpose.

Ms. Scott stated her belief that Mr. Koenig had indicated that there was money allocated for infrastructure improvement and had not mentioned brown water. She stated that she has brown water in her home, which was newly constructed, and she just runs her water until it stops being brown. Ms. Scott stated that these young men wanted to take a section on the corner of Loockerman Street and Governors Avenue that had been empty for many years and make a restaurant. She felt that they needed help and that this water main fell under water infrastructure. In response, Mr. Koenig advised that it could fall under water structure.

Ms. Scott requested members to make a motion to take this money from this specific budget. Mrs. Townshend stated that this was not within the Committee's purview but was in City Council's purview. Mr. Moore explained that the Economic Development Committee did not have a budget and did not have access to the City's budget. He stated that he wanted the Committee to vote on the requests for utility connection assistance to direct Council regarding the Economic Development Committee's recommendation. Mrs. Townshend noted that Mr. Moore had made a motion to fund the projects and that she had seconded this motion.

Mr. Moore clarified that his motion was to fund the utilities for both projects; however, he did not agree on funding the geotechnical and asbestos aspects. Ms. Scott questioned if the money was technically available. Responding, Mrs. Townshend stated that it was the responsibility of the City Manager, Finance Director, and City Council to determine how it would be paid for and this was beyond the scope of the Committee. Mr. Koenig explained that these costs, according to the handbooks, are developer related and the property owner and/or developer is responsible under the Code for these types of cost.

Ms. Scott stated that in the Economic Development Committee meeting it was decided that it was in the best interest of the City to help with this development because, technically, this water main was in the middle of the road, which belonged to the City and that these young men would be helped. Responding, Mr. Koenig stated that members had not made that determination.

In response to Mayor Christiansen, Mrs. Stein stated that there was amendment to the motion to require using the City's bidding process. Mrs. Townshend withdrew the amendment of the motion.

Mr. Moore stated that the motion was to recommend funding for further enhancing six (6) residential units and one (1) new business by approving the infrastructure for water, plumbing, and electric to these two (2) areas as an economic development initiative from this Committee. The motion was seconded by Mrs. Townshend.

Mr. Koenig explained that there was a distance from the main to the right-of-way line and a distance from the right-of-way line into the building for the six (6) townhouses. He did not believe that the City should, in any circumstances, be discussing the private side of the line.

In response to Mayor Christiansen, Mr. Koenig stated that he was unsure how Mr. Maupin had developed his $59,000 estimate or what it included. He stated that the developer cost that the City was proposing to discuss was from the main to the right-of-way line. Mr. Moore concurred.

Mr. Brandon Pelton, owner of 33 West Ale House and Grill stated that he already had budgeted to take it from the sidewalk to the building. Mr. Koenig stated that, for 131West Loockerman Street, the right-of-way was the building or approximately one (1) foot from the building, which was different from the residential project. He wanted it to be clear, because of the way the handbook is written, that there is a distinction between where the private responsibility starts and where the public infrastructure ends. Mr. Koenig did not want to pay for private infrastructure, i.e., the cost of going from the curb stop at the road into the house. He was unsure if that number was part of the plumbing estimate provided.

Mr. Moore indicated that he was not saying that he agreed with the numbers provided. He noted that the request was to take a line from the main, which is a public facility, to the right-of-way, which is the end of the public responsibility, and that it would be the developer's responsibility to get it in the building. Mr. Moore stated that the City should not be doing this work inside buildings or houses, which was the developer's responsibility. Mrs. Townshend stated that once the extension is on the property, they are eligible for a 20% rebate. Mr. Moore stated his belief that Mr. Koenig's clarification was part of his motion.

Mrs. Townshend clarified that the motion was to recommend that the City pay for the cost of extending the electrical and water/sewer infrastructure for the projects at 420 Reed Street and 131 West Loockerman Street as it relates to the water and sewer from the main to the right-of-way line and the remainder would be the private property owners' responsibility. The motion carried, with Mr. Koenig voting no.

Mr. Koenig explained that he opposed the motion because he would like to see a cap of $25,000.

Economic Development Committee Transition Discussion

Provide an Orientation to the Initiative
This item was deferred due to time constraints.

Review Purpose of Team
This item was deferred due to time constraints.

Adopt a Goal/Vision
Mr. Hudson introduced Dr. Michael Casson, Delaware State University (DSU), Director of the University Center for Economic Development and International Trade (UCEDIT). He informed members that an opportunity had been extended through Mayor Christiansen to Dr. Casson relating to a seat at the table regarding the Economic Development Committee, and Mr. Hudson advised that this would be recommended to City Council. He informed Dr. Casson that, prior to his arrival at the meeting, the Committee had agreed to recommend the appointment of two (2) minority members to the Committee that had a business or economic development orientation.

Mayor Christiansen stated that the Economic Development Committee had previously discussed developing a Memorandum of Understanding (MOU) with Dr. Casson. He asked if Dr. Casson had made progress on the MOU so that it could be included in the vision of the Committee. Responding, Dr. Casson explained that, after discussing this matter with Mr. Hudson, he consulted with colleagues on campus. He indicated that there would be several points of entry for a university such as DSU to support the initiatives of the City of Dover, and from the feedback he received from leadership on campus, they would look forward to having additional leadership at this table. In regard to an MOU with the University, Dr. Casson noted that UCEDIT was identified as the platform from which DSU would engage the City, but there was a need to look at the different entities on campus and how they could best be engaged. For example, he explained that the Business and Finance Office had conducted minority vendor workshops to engage the population in the area. Dr. Casson noted that the question was how this office could engage the citizens of the Dover for those same opportunities and how the MOU would be written. He advised that they had done research across the country to see some other MOU's and located an MOU from Chicago that engaged five (5) universities in that area, each of which had different plug-in areas for the City. Dr. Casson indicated that they had gleaned some information from the research, but he stated that they were trying to identify the best focus areas for each entity, with UCEDIT serving as the platform for deliveries and the liaison between university resources and the leads and opportunities for the City.

Mayor Christiansen asked if there would be any discussion or potential for workforce development in the MOU. He indicated that they did not want DSU to reinvent the wheel, noting that this was in the realm of the State of Delaware; however, he stated that the City needed to know what resources were available for future employers in the City and to provide young people with jobs as they look for economic development. Responding, Dr. Casson stated that workforce development would be included, noting that DSU had just finished a press release regarding a strategic workforce development plan for the City of Wilmington and they received funding to put those recommendations into action with workforce implementation training.

Mrs. Townshend asked if the City of Dover could see the plan, noting that the Restoring Central Dover Initiative had an important workforce development component regarding the development of job opportunities in the community that do not require travel for those who do not have cars. She indicated that it would be exciting to review what had been done in Wilmington, since there may be an opportunity to do something similar in Dover.

Responding to Mayor Christiansen regarding when this package could be brought back to the community, Dr. Casson stated that the University would include their roles and responsibilities in the MOU, and there would be a blank section for the City to outline its roles. Both parties would then come together to make sure that everyone is amenable to those roles and objectives. Dr. Casson stated that he felt the MOU would be available by the end of the month and the City would then have an opportunity to add its responsibilities.

Mrs. Townshend questioned what types of responsibilities Dr. Casson had seen for municipal governments and if DSU had an MOU with the City of Wilmington. Responding, Dr. Casson advised that they did not have an MOU with Wilmington but were interested in engaging in one.

Mrs. Townshend explained that, in Delaware, municipal governments do not provide some of the services that are provided by some of the larger cities in other states. For instance, the City of Dover does not run the state service centers, which are places where people are often reached. Mrs. Townshend indicated that she would be interested in getting a sense of the types of roles that would be expected.

Dr. Casson believed that the service would be more from a perspective of engagement, such as being a part of the strategic planning process. From what he had seen regarding the City of Chicago, the City's role was that of facilitator in bringing the individuals to the table and brokerage types of things. Mrs. Townshend indicated that this could relate to how certain things are addressed in the context of the City's Comprehensive Plan and its implementation. Mayor Christiansen suggested that Dr. Casson present this matter to the Committee during their first meeting in October. Further discussion on this item was deferred due to time constraints.

Identify Challenges to the Goal/Vision and Develop Strategies
This item was deferred due to time constraints.

Setting the Next Agenda and Scheduling the Meeting
Mayor Christiansen advised that next meeting was scheduled for September 27, 2016. Mrs. Townshend noted that Economic Development Committee meetings would be held on the same day the Council Committee of the Whole meetings are held, on the second and fourth Tuesdays of the month.

Mr. Moore moved for adjournment, seconded by Mr. Koenig and unanimously carried.

Meeting adjourned at 5:04 p.m.

Robin R. Christiansen
Chairman

RRC/JS/dd/tm

Attachment
Attachment #1 - Resolution No. 2016-11 Amending Council Resolution No. 2016-09 Formally Establishing the Economic Development Committee

City of Dover

MAYOR AND COUNCIL

COUNCIL RESOLUTION NO. 2016-11
AMENDING COUNCIL RESOLUTION NO. 2016-09

A RESOLUTION FORMALLY ESTABLISHING THE ECONOMIC DEVELOPMENT COMMITTEE

WHEREAS, during the Special Council Meeting - Budget Review of May 26, 2016, City Council dissolved the City's Economic Development Office and created an Economic Development Committee within the City, with the Mayor to serve as the Committee Chair and the other members to consist of the City Manager, or the City Manager's designee, the Chair of the Legislative, Finance, and Administration Committee, the Chair of the Utility Committee, a designee of the Downtown Dover Partnership (DDP), ~~and~~ the City Planner**~~;~~, and two (2) minority voting members who are economic development or business oriented with qualifications and selection to be determined by City Council; and**

WHEREAS, a strong and robust local economy is essential to the quality of life of all residents of the City of Dover and its surrounding community. It is vital that the City pursue sound and innovative strategies to promote growth, attract investment, create and protect jobs, and support existing businesses and enterprises; and

WHEREAS, the Mayor and Council wish to develop a collaborative, targeted, inclusive, and effective approach to economic development in the City of Dover.

NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DOVER HEREBY FORMALLY ESTABLISH THE CITY OF DOVER ECONOMIC DEVELOPMENT COMMITTEE, WHICH SHALL:

1. Promote the economic interests of the City of Dover, formulate recommendations to Council and staff, and coordinate with staff, other government bodies and institutions, the business community, and the public on economic development matters.

2. Provide monthly reports to City Council.

ADOPTED: *

S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2016\DRAFT\RESOLUTION NO. 2016-11 AMENDING RESOLUTION NO. 2016-09 ESTABLISHING THE ECONOMIC DEVELOPMENT COMMITTEE\Resolution No. 2016-11 Amending Res. No. 2016-09 Establishing the Economic Development Committee.wpd

ROBIN R. CHRISTIANSEN
MAYOR

TIMOTHY A. SLAVIN
COUNCIL PRESIDENT

Actions History
09/26/2016 - Introduction - City Council
09/13/2016 - Discussion - Economic Development Committee

Draft

COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole Meeting was held on September 13, 2016 at 6:02 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson (arrived at 6:32 p.m.), Mr. Sudler, Mr. Neil, Mr. Hare, and Mr. Hutchison. Mr. Lewis, Mr. Cole, and Mr. Hosfelt were absent. Mayor Christiansen was also present. Civilian members present for their Committee meetings were Mrs. Horsey (*Parks, Recreation, and Community Enhancement*), and Ms. Arndt and Mr. Blakeman (*Utility*). Mr. Caldwell (*Parks, Recreation, and Community Enhancement*) was absent.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee meeting was held with Chairman Sudler presiding.

AGENDA ADDITIONS/DELETIONS

Mr. Neil moved for approval of the agenda, seconded by Mr. Hutchison and unanimously carried.

Review of Active Recreation Area Plan - Loockerman Way Redevelopment Master Plan: Two Mixed Use Buildings at 126 West Loockerman Street (Planning References S-16-18 and HI-16-05)

Mrs. Dawn Melson-Williams, Principal Planner, informed members that this project is for the redevelopment of the property at 126 West Loockerman Street (known as Loockerman Way) to include two (2) mixed use buildings. The project is proposed as a Master Plan consisting of two (2) phases for the construction of two (2) mixed use buildings with commercial (retail and/or restaurant) space and a total of 20 apartment units. Phase 1 is to consist of the three-story, 24,960 square foot (S.F.) west building (5,860 S.F.$^{+/-}$ retail and eight (8) apartment units), while Phase 2 is to consist of the four-story 29,272 S.F. east building (6,913 S.F.$^{+/-}$ retail and twelve (12) apartment units). Reconfiguration of the existing plaza on site and construction of additional parking are also proposed with the project.

Mrs. Melson-Williams reviewed the Landscape Plan Phase 1 and Phase 2 Loockerman Plaza, explaining that the two (2) proposed buildings would be located near Loockerman Street, in the grass lawn areas that currently exist on the site. She noted that there is currently a parking lot on the site near North Street and with this project there would be some reconfigurations and an additional parking lot in that area.

Mrs. Melson-Williams advised that the proposal is for two (2) mixed use buildings; the first floor of each of the buildings would provide an opportunity for retail, restaurants, or other commercial uses that would be allowed in the Central Commercial Zone (C-2); and the upper floors are proposed as apartments. She stated that this matter was being considered by the Committee because of the residential use as apartments, explaining that with all residential projects there is a requirement for active recreation which is reviewed as part of the site development plan process as it goes foward

for Planning Commission review. Mrs. Melson-Williams stated that this project had already started the review process, noting that it was considered by the Historic District Commission since the property is located in the Historic District. She explained that the Historic District Commission considered recommendations regarding the architectural review certification, which relates to the building materials, massing, etc.

Mrs. Melson-Williams stated that this project would ultimately include a total of 20 apartment units and, based on the City's active recreation area requirements, those apartment units are required to provide 75 S.F. of active recreation area per unit or a minimum of 2,500 S.F. She advised members that this project would need the 2,500 S.F. minimum of active recreation area. Mrs. Melson-Williams explained that the project is proposing that active recreation area be provided in the form of a walkway that would connect from Loockerman Street to North Street. The central portion of the project area would be a plaza area and walkway that connects those two (2) streets segments. She indicated that the plan also notes that there will be opportunities for seating in the general area near the walkway, including benches and other site features.

Mrs. Melson-Williams stated that staff expects that the site will meet the 2,500 S.F. requirement for active recreation area and they will need to specifically define that area. She advised that the current proposal indicates that the walkway is a minimum of eight (8) feet in width, to be a paved hard surface proposed as concrete. Mrs. Melson-Williams noted that additional detailing elements may be included in the form of brick in some of the plaza areas as the project is further defined. She stated that the proposed walkway would be accessible and provide an opportunity for the public and the residents of the property to move through the space. Mrs. Melson-Williams noted that the project is also required to have bike racks, which would also be an amenity to serve both the general public as well as the residents of the site.

Referring to the Data Sheet for Recreation Plan Review, Mrs. Melson-Williams reviewed the Staff Recommendations. She advised that staff recommended approval of the active recreation component in the form of the walking pathway system with the adjacent amenities, including bicycle parking and bench seating. Mrs. Melson-Williams stated that there were some things that will need to be clarified on the plan; however, this is to be expected as a site plan moves through the review process. She noted that some advisory comments regarding procedures were also included in staff's report.

Staff recommended approval of the active recreation area plan with the comments and conditions provided.

Mr. Neil noted that this was the area used for the Santa House and asked if that would still be available for use. Responding, Mrs. Melson-Williams stated that the Santa House is currently located in the plaza area at Loockerman Way. She explained that with the redevelopment of this project site, there is a change in ownership and the new home for the Santa House would be part of the deal made with the sale of the property. Mrs. Melson-Williams advised that the Santa House is related to the Downtown Dover Partnership (DDP), which is the current owner of this parcel of land, and the developer is a new purchaser. She stated that staff had identified a number of amenities or elements, including the Santa House, that will need to be addressed in terms of a new location and/or disposal, if they are no longer going to be located on Loockerman Way.

Mr. Neil noted his presumption that the movies and other events that were held on Loockerman Way in the past would also be subject to change to a different location. In response, Mrs. Melson-Williams explained that Loockerman Way is currently a public plaza that the DDP manages, including events and activities. She expressed her opinion that the DDP would certainly be looking for other opportunities and locations to relocate some of those activities to, if need be.

Responding to Mr. Hare, Mrs. Melson-Williams stated that there would be a total of 20 apartment units. She explained that the west building would be a three-story building and contain eight (8) apartment units. The east building would be a four-story building and contain 12 apartment units.

Mr. Hare felt that the DDP is advocating putting up more apartments downtown and building up residential rather than business uses. In response, Mrs. Melson-Williams stated that the DDP is the property owner and they are in the process of selling this parcel of land for development. She informed members that, as part of the Dover Transit Neighborhood Plan, this property was looked at and two (2) buildings were envisioned being developed on this site at some future time, and that future time is being proposed now. Mrs. Melson-Williams noted that the current public plaza was an intervening step.

Mr. Hare questioned if, when the DDP sells this property, they would be using any of the money to pay back what they owe the City. Responding, Mrs. Melson-Williams stated that she could not speak for the DDP and explained that, since the DDP is the property owner, he would have to direct that question to them specifically.

Referring to Mr. Hare's question regarding apartments versus retail, Mrs. Ann Marie Townshend, Director of Planning and Community Development, informed members that both the Transit Center Neighborhood Plan and the Restoring Central Dover Plan specifically emphasize retail on the first floor with apartments above because all of the studies that have been done for downtown emphasize the importance of having people living downtown to have a vibrant round-the-clock downtown. She stated that the bottom stories would be restaurants or retail, not residential, the upper stories would be residential, and this is consistent with the plans that the City has adopted for the downtown.

Mr. Hutchison asked if there would be parking onsite and offsite. In response, Mrs. Melson-Williams stated that two (2) parking lots are proposed for this project. She explained that, as part of their application to the Planning Commission, the developer will be seeking a waiver to reduce the overall parking requirement for the site, noting that parking is related to the apartment units. Mrs. Melson-Williams stated that the concept here is to provide at least one (1) parking space per apartment unit and then provide the balance of the parking available to general parking that could be managed in some fashion. She noted that there is certainly parking and this site is near other modes of transportation for pedestrians, bicyclists, and transit options.

Mr. Neil moved to recommend approval of the active recreation area plan with the comments and conditions provided, as recommended by staff. The motion was seconded by Mr. Hutchison and unanimously carried.

Re-Evaluation of the Need for the Blue Light Phones in City Parks

During their Regular meeting of July 11, 2016, Council approved the Safety, Advisory, and Transportation Committee's recommendation that this matter be referred to the Parks, Recreation, and Community Enhancement Committee with a comparison and analysis of data regarding blue phone usage versus the number of emergency cell phone calls received over the last five (5) years.

Captain David Spicer, Dover Police Department, informed members that, following the Committee meeting of June 28, 2016, he was tasked with trying to obtain information regarding the emergency cell phone calls that came in from the City park. He stated that he asked the City's 911 Manager to obtain this information; however, there were some concerns regarding obtaining the information because cell phones are often not accurate. Captain Spicer explained that even current technology cannot depict the actual location where a cell phone call comes from. Captain Spicer advised that he went to dispatch earlier this evening and they received a 911 phone call from a young lady who was involved in an accident and, although she said that she was on Walker Road, her cell phone was actually providing an address that was in the Baytree Development. He stated that the 911 Manager explained to him that dispatchers take a lot of calls at a given time, and there are drop-down menus to reflect whether the call is from a cell phone or a land line. The dispatchers obtain each caller's name, the nature of their complaint, and their address. Additionally, when time permits, they select whether the call is from a land line or cell phone from the drop-down menu and dispatch or transfer the call to fire, EMS, or police. Captain Spicer informed members that, with the understanding of the inaccuracy of cell phone locations, he requested the 911 Manager to provide the emergency calls from Silver Lake Park. He apologized that this was not the exact information that members requested; however, he explained that technology did not allow him to provide that information.

Captain Spicer stated that the 911 Manager researched the Priority 1 emergency calls for Silver Lake Park and there were many different types of calls, including medical situations, the closure of the park gates, etc. He advised that he reviewed all of the calls and picked out the most serious, Priority 1 calls. Captain Spicer reviewed several lists, charts, and graphs regarding the Priority 1 calls for Silver Lake Park over the past five (5) years, noting that 300 Washington Street is on the west side of Silver Lake and 1 Lewis Mill Drive is on the east side. He indicated that the incident type reflected the type of complaints and explained that there were 911 cellular, 911 land line, disorderly conduct, domestic, and medical complaints.

Referring to a chart depicting Actual Blue Phone Calls for Service, Captain Spicer advised that the these calls for service for a five-year period reflected two (2) calls for service from the Silver Lake Beach area, one (1) in 2013 and one (1) in 2014. He stated that there were also 57 other Blue Phone calls for service, which reflect the number of malfunctioning calls that were received from those units because there was some type of mechanical issue with the phone. Captain Spicer informed members that there was a total of 59 calls for the five-year period, and 97% of those calls were malfunctions coming from Silver Lake.

Captain Spicer stated that the Police Department wanted to bring this matter to members' attention because they realized there were some mechanical issues with the blue phones. He explained that this is old technology, and it would take a significant amount of money to refurbish the technology

to current standards. Captain Spicer stated that the Police Department did not believe that the City was getting enough value for the money in this technology.

Staff recommended discontinuing the Blue Light Phone program in City parks, due to the significant increase in personal cell phone ownership and use since 2007, as well as the historical low use of the phones.

Mr. Hare moved to recommend approval of staff's recommendation. The motion was seconded by Mr. Hutchison.

Mr. Slavin stated that many constituents had indicated to him that they understand that the technology has not kept up; however, they like the presence of the blue light in the park because it signals that there is some type of public safety presence nearby. He noted that whether people know that the phone is working or not, if the blue light is lit they may assume it is something. Mr. Slavin asked if there are other methods that the City can utilize to ensure that kind of presence is available in the parks so that people feel at least that comfort level. In response, Captain Spicer stated that he does not want to give someone a false sense of security by providing just a phone. He advised that his recommendation would be to install some cameras in the east side and west side of Silver Lake when the Department is expanding their camera system. Captain Spicer reminded members that there is a significant amount of activity, of all types, at these parks and the Department does its best with the cadets and officers, noting that they do proactive enforcement at Silver Lake Park all the time, apprehending drug users, drug dealers, etc. He reiterated that he would recommend trying to purchase extra camera equipment and expand that program.

Mr. Slavin asked if Captain Spicer was aware of other jurisdictions that point a camera at the vehicles entering a park, noting that he had seen this before. Mr. Slavin indicated that there would not be an invasion of privacy regarding what people are doing while they are in the park; however, it would provide a visual record of every vehicle that has entered the park during that day. He questioned how helpful this would be and how much of the crime is committed by pedestrians versus bicyclists or people driving vehicles. Responding, Captain Spicer stated that it is hard to say and distinguish where the crime is actually coming from, whether it is pedestrians or vehicular traffic. He advised that there is technology available that will read tags and record them, noting that the City has a mobile unit that does this and the software to keep it up and running is expensive. Mr. Slavin indicated that he did think that the City should go as far as recording, but could have the ability to run the tape back to determine a time range when an incident occurred. In response, Captain Spicer indicated that if the cameras are positioned in strategic locations, the City could capture a description of the vehicle and the tag number.

Mr. Slavin and Captain Spicer agreed that the City wants its parks to be safe and people to use them without feeling that their privacy is being invaded.

Mr. Sudler asked for Captain Spicer's opinion regarding having a camera and a panic button that individuals could press and then look at the camera, to show that someone may be in distress. He stated that the camera could be able to capture the individual's face as well as anyone who may be around them. Mr. Sudler asked if this option might be less expensive and whether it might work.

In response, Captain Spicer expressed his opinion that it may be less expensive; however, he was not aware of the technology. He noted that if Mr. Sudler was thinking about it, somebody had probably already created it and if it could be tied together with the camera system, this could be another option as well.

Mr. Hutchison asked if the cameras were purchased or leased. Responding, Captain Spicer stated his understanding that the cameras are purchased with a service agreement. He advised that the Department had just purchased 14 more and was in the process of completing that project. It was his belief that the Department has a service agreement for a couple years for each camera.

Mrs. Horsey stated that she likes the idea of having some measure of protection in parks, especially after dark. She indicated that, although the blue phones really do not work today, she would be in favor of some other method. Mrs. Horsey felt that instead of just taking them out, the City could possibly replace them with cameras, some type of a panic system, or something else. She noted that the last thing you are able to do is to reach for your cell phone and call 911, and some people do not have cell phones. In response, Captain Spicer stated that a lot of the people that the Police Department come in contact with today, from young children to adults, do have cell phones. He indicated that a lot of people start at a very young age, explaining that their parents purchase them cell phones because they want to know where they are. Captain Spicer noted that he was a road sergeant not long ago and made sure that the park gates were locked at dark every evening and reopened every morning. He stated that the Department cannot prevent pedestrian traffic from walking in there and committing a crime and they cannot afford to leave an officer in there at all hours of the night. However, he thought that the implementation of at least a couple of cameras, maybe at the entrance and exit areas of the park, would definitely help solve crime if there was an issue, and the panic button would also be a good idea.

Mr. Neil asked how members would facilitate making sure that the City has the additional cameras in the budget in order to move on this suggestion. He questioned whether the funding would come from the Police Department's budget or if it would be something extra that the City would need to do. Responding, Captain Spicer stated that he did not want to speak on behalf of Police Chief Paul Bernat or Mr. Scott Koenig, City Manager. He was uncertain whether the Department could obtain some type of grant in the future, noting that they do become available sometimes, or if the City would be willing to look at expanding the project. Mr. Koenig stated that Advantech is the City's vendor and they had been good about coming out and providing proposals for different ideas. He advised that he did not have any concerns with obtaining an actual proposal essentially for the entrances to various parks. Mr. Koenig explained that this could either be part of future budget amendments, or it could be part of the FY 18 draft budget for Council consideration. Mr. Koenig stated that the general discussion was that the technology the City currently has is not working and is at the end of its service life. He explained that if there are other things that would do the same job or an even a better job, the City would need to evaluate those options. Mr. Koenig advised that his only caution would be that the cameras would probably be an increased cost over what the City was now doing because there would be maintenance costs on the cameras. He also noted that the number of cameras was currently in the 80s, and individual dispatchers or officers do not sit at the Police Department watching the individual cameras, they see a display of many cameras. Mr. Koenig stated that this would be a security tactic because people would know that

cameras were present because the City would post that the area is being videoed; however, the footage is not constantly watched. He felt that this measure would give some people comfort but if something happens, the City would have to go back and look at the video to search for license plates for a certain period of time, and there would not be an instantaneous response. Mr. Koenig explained that this would change the type of security in the park. He noted that if someone picks up the phone, that call is very quickly received by the dispatch center and they can dispatch someone. This would be a different method of security; however, it would probably be more effective than what the City has currently.

Mr. Hutchison noted that, with winter approaching, staff would have until next summer to look at the new technology and make a recommendation.

The motion to recommend approval of staff's recommendation to discontinue the Blue Light Phone program in City parks, due to the significant increase in personal cell phone ownership and use since 2007, as well as the historical low use of the phones, was unanimously carried.

Proposed Land Swap - Capitol Baptist Church/Mayfair Park

During their Regular meeting of August 22, 2016, Council approved the Parks, Recreation, and Community Enhancement Committee's recommendation to authorize the City Manager and other City staff to negotiate a proposed land swap which is mutually beneficial to the property owners and the City of Dover, including any necessary research and legal expenses necessary to determine the terms and conditions of a potential land swap that involves the public open space known as Mayfair Park with four (4) caveats, as follows: 1) that staff would come back and present at least three (3) alternatives on the proposed land swap that include maps and drawings; 2) that there would be commentary from the Parks and Recreation Department on what the potential effect would be on the future uses of the park for the land swap; 3) that it would include an estimate of costs, and a proposed cost sharing arrangement with the church would be identified, and 4) that staff was not authorized to expend any funds at this point without further approval.

Mr. Scott Koenig, City Manager, advised members that he and Mrs. Ann Marie Townshend, Director of Planning and Community Development, met with the Pastor and representatives of Capitol Baptist Church on Thursday, August 25, 2016 to discuss this matter. Representatives of the church presented three (3) hand drawn concepts of potential revisions to property lines to satisfy Council's request. Mr. Koenig stated that these hand drawn sketches were provided to the City's GIS Department for digital plotting so they can be further evaluated as viable options. He explained that staff will map the concepts to determine whether they are one-to-one swaps or how the City can get to a one-to-one swap. Mr. Koenig advised that once the maps have been digitized, staff will meet again with the church representatives to discuss the pros and cons of each potential layout of the park. He stated that staff has not spent any funds regarding legal issues or anything like that and has no intent to do so. Mr. Koenig noted that no further action has occurred at this time; therefore, no formal discussion on the topic is necessary.

Mr. Koenig anticipated that staff would be bringing this matter back before the Committee in the next month to six (6) weeks with several layouts including comments from staff regarding the pros

and cons, as well as additional information regarding whether this swap could be in conflict with grant funds or is reasonable under grant funding.

Mr. Koenig stated that staff had a good meeting with representatives from the church who shared some interesting ideas. He noted that they brought members that had been involved with the church for 50 years, who are familiar with when things happened in the neighborhood, including when construction was done on various facilities. Mr. Koenig stated that the representatives shared pros and cons about different layouts and he did not believe that they have a fixed concept for the best alternative at this time.

Mr. Hare stated that the public in that area of the City needs to be involved in the discussion because they also have input. He thought that, once staff gets all of the recommendations from the church, the City needs to have them come back for public input.

Mr. Hare asked if the church was going to take down their no parking and private property signs in their parking lot, noting that they made an agreement that people could park there and use the park after the City paved their parking lot. Responding, Mr. Koenig stated that this was not discussed at the last meeting with representatives of the church. Mr. Hare suggested that someone call the church to find out if they are going to take those signs down, noting that he had received a few calls about it. Mr. Koenig stated that he would have to ask them.

Mr. Hare stated that there are a lot of people that live around the park who are not very excited about having the church in their backyard and moving everything over their way. He asked if the church has plans for the property they own on New Burton Road. In response, Mr. Koenig explained that he thought that the church had plans for this property because expansion of parking into that lot was one of the items that they wanted to discuss. Mr. Hare questioned if the easement would work there and Mr. Koenig stated that it would.

Review of New Castle County Disorderly Premises Ordinance (Deferred during the meeting of August 9, 2016 due to time constraints)

Mr. Sudler informed members that he requested that the Committee review Chapter 22 - Offenses and Miscellaneous Provisions, Article 2 - Offenses Generally, Section 22.02.006 - Disorderly Premises of the New Castle County Code in hopes of using it as a blueprint for a new City ordinance. He suggested that the Planning Department also review the language for future discussion and orchestration of new ordinances.

Mr. Neil noted that the City has an ordinance which was created to provide the City leverage in areas where the City experiences a lot of problems. He stated that he thought the New Castle County ordinance looked very good; however, he questioned how this would fit in with the current ordinance.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that there appeared to be some duplication of the City's Safe Communities ordinance in the New Castle County ordinance. She advised that the City's Safe Communities ordinance is more detailed in how the City deals with the residential side; however, it only addresses rental dwellings, it does not

address owner occupied homes or businesses. Mrs. Townshend stated that there are elements of the New Castle County ordinance that would fill some of the gaps in the City's current ordinance, explaining that the City does not currently have a structure for fining individuals who own their home or business and allow people to do bad things in and/or around the property.

Mr. Slavin informed members that he and Mrs. Townshend recently had a conversation regarding a liquor store and concluded that the City does not have the tools needed to close down businesses. He felt that the City needs to have these tools and if this is the moment where members discover the better tool through New Castle County, they need to get it in place. Mr. Slavin suggested that members move forward with this and put it on the floor for debate. He stated that there are a number of businesses in the City that are the root cause of a rippling effect of bad things that are happening in neighborhoods. Mr. Slavin expressed his opinion that if the City were able to get to those businesses and get rid of them, it would help to clean up whole sections of the City where there are problems. Mrs. Townshend indicated that these are the places where trash most often accumulates.

Mr. Sudler referred to Chapter 22 - Offenses and Miscellaneous Provisions, Article 2 - Offenses Generally, Section 22.02.006 - Disorderly Premises, Subsection D of the New Castle County Code, noting that it states that "Any person convicted of a violation of this Section shall be fined no more than one thousand dollars ($1,000.00) for any offense but no less than one hundred dollars ($100.00) for the first offense. . . ." Mr. Sudler expressed his opinion that if the fine is $1,000 or more, people would pay more attention to how their property is being managed, how people are congregating on their property, and how that affects the City. He stated that the Elks Lodge on Kirkwood Street was pretty much the driving force for considering the language in this ordinance, explaining that it was provided to him by the Department of Justice.

Mr. Hutchison asked if the Police Department had reviewed this. Responding, Captain David Spicer, Dover Police Department, stated that, to his knowledge, the Police Department had not reviewed this ordinance. Mr. Hutchison stated that, in fairness, he would like to see the matter referred to the Police Department for review and recommendation. Mr. Sudler noted that Police Chief Paul Bernat and Deputy Police Chief Marvin Mailey were aware of this ordinance, explaining that they were present when he met with representatives from the Department of Justice regarding the Dover Elks Lodge 1125 located at 217 Kirkwood Street, and the Department of Justice provided the ordinance to everyone at the meeting. He stated that he would not object to the Police Department reviewing the ordinance.

Mr. Hutchison stated that the ordinance seemed very good to him, noting that it would give the City some teeth to get things accomplished.

Mrs. Townshend advised that the New Castle County ordinance could not be used verbatim, but staff would use elements to craft a draft ordinance for the City and staff would work closely with the Police Department. She stated that the Planning and Inspections Department would work with the Police Department because this would be jointly enforced, like the Safe Communities ordinance.

Mr. Anderson moved to recommend requesting that staff create a disorderly premises ordinance for consideration by the Committee within 60 days. The motion was seconded by Mr. Neil and unanimously carried.

Discussion of Survey Results Regarding Programs, Activities, and New Building at Dover Park
(Deferred during the meeting of August 9, 2016 due to time constraints)
Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that when the City of Dover Recreational Needs Assessment was done, this particular assessment was designed to be a City-wide assessment looking at all of the parks and recreation areas across the City. She informed members that the Mt. Zion A.M.E. Church's Social Action Commission (SAC) 2014 East-side Assessment Report focused principally on Dover Park and whether the existing recreation center, which is no longer there, should be demolished and, if so, should be rebuilt and what types of programming it would hold.

Mrs. Townshend advised members that she was currently in the process of writing a Request for Proposals (RFP) to hopefully bring on a landscape architect/engineering joint effort to do a master plan for Dover Park. She explained that at that point the City would pull in the information from the Recreation Needs Assessment, specifically the Dover Park questions, as well as the results of the SAC Assessment Report. Mrs. Townshend stated that as the City is doing the scope, the City will want to make sure that the process for developing a master plan for Dover Park brings in the public, the resources available through both of the assessments, and also addresses the safety issues that have been expressed regarding Dover Park. She explained that the vegetation at Dover Park provides a lot of opportunities for people to not be seen if they do not want to, and staff wants to develop a plan for vegetation management. Mrs. Townshend stated that the City would also address the location of a building. She reminded members that when the City demolished the recreation center, the utilities continued to be stubbed and are still available.

Mrs. Townshend advised that the idea is that staff would develop a plan that would allow for a building at whatever point in time Council deems it necessary or desirable, and also deal with issues of a multi-use path, explaining that the biggest activity in the park is walking and jogging, and people are currently only using the road. Mrs. Townshend stated that the plan would also address vegetation management, lighting, and how to deal with the sports area in the back, which could use some sprucing. She explained that once all of these issues are addressed, that will lead into and drive the programming.

Mr. Sudler reviewed the Mt. Zion A.M.E. Church's Social Action Commission (SAC) 2014 East-side Assessment Report, explaining that the results of the survey reflected some of the programs and activities that were deemed necessary by residents and constituents from the Third Council District, the Fourth Council District, and that surrounding area. He explained that the SAC provided a list of items that the survey applicants would be most interested in and then tallied and prioritized the responses.

Responding to Mr. Sudler, Mrs. Townshend confirmed that summer camps were provided at Dover Park at one point.

Mr. Anderson suggested that one way to achieve these efforts is to be open to public-private partnership, noting that the Mayor had mentioned the possibility of partnership with organizations that might fill some of the programming gaps.

Mr. Anderson asked about the order of priority, noting that one of the most important things people seem to want is indoor restroom facilities at the two (2) parks that do not currently have them. Responding, Mrs. Townshend stated that for Dover Park and Silver Lake Park, indoor restroom facilities were the highest ranked request.

Mr. Anderson asked what the order of priorities would be as staff looks at the RFP and takes into account the information from the assessments. In response, Mrs. Townshend stated that she thought the City would start to develop the order of priorities through the public process. She noted that the Recreation Needs Assessment was at a high level and now the City would be getting down deeper and, through the Master Planning process, the City would bring the public out. Mrs. Townshend advised that having a meeting in the park would provide an opportunity for people to look at what they like and do not like, and the priorities would start to come out of that dialogue. She stated that this was just done for Schutte Park and, in that case, the City had done a land survey about a year-and-a-half ago and were using in-house staff to do the design work. However, in this case, the City would be bringing in someone from the outside. Mrs. Townshend explained that through that process and engaging the public in the dialogue the City will be able to get a better sense of what people really want, noting that there is only so much you can get from a survey. She stated that the City will want to make sure that those who attend the White Oak/ Towne Point meetings know what is happening, as well as Dover Housing Authority so the residents of Manchester Square can participate and the City can really engage the public.

Mr. Anderson asked about holding meetings at White Oak/Towne Point and Manchester Square, noting that there is not an indoor facility at the park. In response, Mrs. Townshend stated that it was not a bad idea; however, she explained that the City would definitely want to have at least one (1) meeting in the park because it gets people out, and people think differently when they are in that surrounding. She suggested that the City could attend a White Oak/Towne Point meeting to provide a presentation and get input, and also encourage them to come to the park when a meeting is held there.

Mr. Neil noted that the City's Recreational Needs Assessment was very well done. He stated that this assessment dealt with parks and outdoor areas, and the types of outdoor activities people want, which he thought the City has to encourage people to do, for health reasons. Referring to the SAC Assessment, Mr. Neil noted that there were a lot of social interactive issues that would need a facility or a building. He stated that it struck him that the City has a marvelous Library that is holding activities and many of these things could actually take place without waiting. Mr. Neil stated that the Library can provide the skills and mentoring activities suggested, and it is certainly close enough to the Third and Fourth Council Districts for them to be able to utilize and the City would not have to build a building or a gym now. He advised that members need to consider what the cost would be for all of the programs and activities that people would really like to have. Mr. Neil expressed his opinion that there are certain things in the SAC Assessment that can be done now since they are separate from the outside activities or indoor plumbing, which is known to be a problem.

In response to Mr. Neil, Mrs. Townshend stated that some of the programs mentioned in the SAC Assessment are currently offered at the Library. She advised that the Library has money school type programs, as well as financial literacy, and they also have the Job Center, noting that it may just be a matter of addressing how to get more people into these programs.

Mr. Sudler stated that the Committee would be looking forward to an update as things progress.

Community Development Block Grant (CDBG) Program Quarterly Update (April, May, and June) (Deferred during the meeting of August 9, 2016 due to time constraints)
Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the Community Development Block Grant (CDBG) Program Quarterly Update for April, May, and June 2016. She explained that the Status of FY-15 Program Funds Spent - Fiscal Year 7/1/15 - 6/30/16 chart depicts the funds expended and unencumbered balances for 2015 grant projects. Mrs. Townshend stated that additional funds have been expended since June, noting that Milford Housing had applied for reimbursement. She believed that funds had also been expended for Habitat for Humanity associated with the partial rehabilitation of one (1) of their projects. Mrs. Townshend stated that everyone was diligently moving forward with their CDBG projects. She informed members that staff was getting ready to start the next round, and it was her understanding that Mrs. Tracey Harvey, Planner I, had just finished the funding agreements.

Mr. Hare moved for adjournment of the Parks, Recreation, and Community Enhancement Committee meeting. The motion was seconded by Mr. Anderson and unanimously carried.

Meeting adjourned at 7:06 p.m.

UTILITY COMMITTEE

The Utility Committee meeting was held with Mr. Hutchison presiding in the absence of Chairman Cole.

AGENDA ADDITIONS/DELETIONS
Mr. Neil moved for approval of the agenda, seconded by Mr. Sudler and unanimously carried.

Dedication of Rights-of-Way and Public Infrastructure - Crawford Carroll Avenue
Mr. Scott Koenig, City Manager, advised members that the City Manager's Office was requesting that all public infrastructure improvements related to the construction of Crawford Carroll Avenue from West Rustic Lane to KW Boulevard be dedicated to the City of Dover for permanent ownership and maintenance. He stated that this is the standard format that the City uses to dedicate roads and infrastructure. Mr. Koenig informed members that these improvements were constructed a number of years ago using Delaware Department of Transportation (DelDOT) standards for road construction. He noted that the discussion regarding construction of a service road, now named Crawford Carroll Avenue, probably began at least 20 years ago with Mr. Greg Kramedas and would, hopefully, eventually be fully extended south and tied into U.S. Route 13, potentially at the current location of Produce Junction.

Mr. Koenig advised that this road was initially constructed on an easement that Mr. Kramedas negotiated with DelDOT and a number of others to develop the service road concept. He stated that, through a number of discussions with DelDOT over the last two (2) or three (3) years, this road has appeared on the City's Municipal Street Aid (MSA) listing, so the City is actually getting MSA for the road section. Although this road segment is listed on the City's inventory for MSA, the improvements were never dedicated to the City of Dover.

Mr. Koenig explained that with the land transfer of the Sheraton Hotel from the Kramedas family to Delaware State University, a deed was recorded for this right-of-way on December 11, 2015. Since the recordation of a plat now shows this right-of-way and it has a parcel number, a small tax bill is being generated to the Kramedas family for this land, which was intended to be the right-of-way of Crawford Carroll Avenue. Mr. Koenig advised that formal dedication of the right-of-way to the City of Dover will resolve the tax billing issue and align the City's MSA inventory with the City's ownership and maintenance obligations for this road. He stated that the value of the infrastructure, including the roads, the water system improvements, and the storm system improvements, is approximately $300,150. Mr. Koenig explained that once Crawford Carroll Avenue is fully extended to the south and tied into U.S. Route 13, ownership and maintenance of the entirety of Crawford Carroll Avenue will be transferred to DelDOT. He stated that this was an interim step of infrastructure ownership with the long-term goal of transferring it to DelDOT. It was noted that no construction as-built plans are part of this dedication and the infrastructure is not covered by a bond.

Staff recommended acceptance of dedication of rights-of-way and public infrastructure for Crawford Carroll Avenue from West Rustic Lane to KW Boulevard. The dedication is to include all of the referenced public improvements.

Mr. Hare moved to recommend approval of staff's recommendation. The motion was seconded by Mr. Neil and unanimously carried.

Water Production Well #6 Fencing Upgrade

Mr. Scott Koenig, City Manager, informed members that the City currently owns, operates and maintains a water production well on the south side of Charles Polk Road, in Rodney Village. He stated that this site contains a well house and all necessary utility infrastructure and equipment to provide potable water to the customers. Mr. Koenig advised members that the water production well #6 fencing upgrade had come up since the initial budget submissions for the FY 2017 budget. He reminded members that the Delaware Department of Transportation (DelDOT) was heavy into the construction of the West Dover Connector, which is a major road improvement that begins on the south end of Rodney Village, will transfer across New Burton Road and run to the Eden Hill Farm, and will substantially change the traffic patterns in this area of the City. Mr. Koenig expressed his belief that the Rodney Village Shopping Center was built in the mid-1950s. He stated that water production well #6 was constructed at that time and this is the southern end of the City's water production system. Mr. Koenig informed members that this well remains a very large producer of water for the City's system, explaining that it pushes water up from the southern terminus of the system and has been quietly tucked back off of a residential road for many years.

Mr. Koenig advised that to provide security to the infrastructure, the site has a locked chain link fence around the perimeter; however, due to vegetation overgrowth and age, the fence has started to fail. He reviewed photographs depicting the current condition of the site, noting that the vegetation growth to the south side of the property is from the trees that are owned by Kent County, as this site is adjacent to the Brecknock Park property. He stated that the condition of the existing trees that surround the fence are an operational hazard, as the size of these trees could prohibit the function of the well if they were to fall on the well house. Mr. Koenig advised that, with the upgrade of the road, staff would like to upgrade to more secure fencing like the fencing that surrounds the new well constructed at Schutte Park, the St. Jones Substation, and the Bayard Avenue water tower. He stated that this is a more industrial strength security fence for the City's utility facilities.

Mr. Koenig advised that the City currently has an approved fence contractor to install new fences and repair existing fences. He stated that staff recommends that the existing vegetation and fence be removed and that approximately 450 linear feet of eight-foot high black iron fence be installed on this site. Mr. Koenig reiterated that this was not a Capital Improvement Project in the Fiscal Year 2017 budget. He explained that the project would require an approximate expenditure of $40,000, which was proposed to be funded from the Water Quality Improvements budget. Mr. Koenig stated that, upon Council approval, the fencing project would be initiated and staff would time the installation of the fence with the completion of the road. He explained that this is a very innocuous facility; however, the fencing is important for security reasons and would provide an aesthetically pleasing City site to the public, especially with the installation of the new West Dover Connector road by DelDOT.

Staff recommended authorization to secure a contract with Duck's Quality Fence to replace the existing security fence with a new iron fence, for the amount of $40,000.

Mr. Anderson asked what would be deferred in order to complete this project. Responding, Mr. Koenig explained that the funds for this project would come out of water quality improvements. He stated that no specific project would be delayed; however, the amount of money available for water quality improvements would be reduced by $40,000. Mr. Koenig advised that this is the same fund that will be used to pay for the South New Street water main upgrade which will be considered by Council again once the new bids are received. He advised that this is a facility that the City needs to protect as much as all others. Mr. Anderson agreed, stating that in today's world, security of a major water supply is not something to take lightly.

Ms. Arndt asked whether staff obtained other estimates, noting that she thought $40,000 sounded high. In response, Mr. Koenig stated that Duck's Quality Fence was the City's approved vendor on file for this type of service.

Ms. Arndt questioned if the fence needed to be iron or whether staff considered other materials that might be cheaper. Responding, Mr. Koenig advised that the proposed fencing was aluminized steel, although it looks like wrought iron.

Ms. Arndt asked if the City coordinated with DelDOT to ensure that construction with the West Dover Connector would not impact the fence. In response, Mr. Koenig stated that the fence would

not be installed until after DelDOT is finished. He advised that the timing is important and, once Council authorization is received, the installation of the fence will be coordinated with staff engineers and the DelDOT field engineers and their contractors.

Mr. Hare noted that the price seemed a little high and asked whether the City could see if there are other contractors who could do this project for less, even though Duck's Quality Fence is the City's approved contractor. Responding, Mr. Koenig advised that this would be an eight (8) foot tall fence. He stated that the City typically uses the approved contractor and does not bid each of these projects individually; however, he supposed that staff could put this project out for bids.

Mr. Hare questioned whether the City would use the approved contractor for $40,000 if someone else was able to do this project for $25,000. In response, Mr. Koenig explained that this project was not put out for bids; staff only requested a quote from the approved contractor.

Mr. Hare asked if staff could simply get quotes for this project without bidding it out. He explained that he wanted to ensure that the City was getting the best deal, not just using the approved contractor. Responding, Mr. Koenig stated that staff could request quotes if that was what Council wanted.

Mr. Slavin asked if quotes could be obtained by the time this matter is considered by Council, so that Council can consider them when they make their decision and no time is loss. In responding, Mr. Koenig believed that $40,000 would be the top end of the quotes, so any quote received that is cheaper would be a savings. He stated that he could not guarantee that he could have the information by the Council meeting on September 26, 2016, explaining that due to the amount of money, staff would probably have to do sealed bids to comply with the purchasing policy.

Mr. Slavin asked what the threshold was on the purchasing policy for sealed bids. Responding, Mr. Koenig stated that it is either $10,000 or $25,000. Mr. Slavin thought that this was another issue and suggested that he and Mr. Koenig meet to discuss this. He stated that there seemed to be a need for the City Manager to have the ability to obtain three (3) quotes rather than three (3) sealed bids for a capital project over $10,000. Mr. Slavin expressed his opinion that it seemed that the City was spending an awful lot of time doing bidding when it could be doing quoting.

Ms. Arndt stated that if she had her choice between specific water quality improvements and spending more money on a really nice, attractive fence, she would lean more toward saving that money for water quality improvements.

Mr. Blakeman requested clarification regarding whether the approved contractor was acquired through the bidding process and the City chose preferred contractors. In response, Mr. Koenig stated that he believed that the purchasing agent put out annual contracts, and that this was the same contractor that the City used for the fences at the Kirkwood Street park and the Bayard Avenue water tower. He explained that this is one (1) of the blanket contracts that the City puts out for fencing services because the City has fence repairs that happen on a frequent basis.

Mr. Blakeman requested confirmation that any contractor could submit a bid to be the preferred fencing contractor, and that the City did not just select someone. Responding, Mr. Koenig stated that anyone could submit a bid, explaining that staff did not just select someone. He advised that it may be a rider on the State contract; however, he believed that the City actually bid this contract separately.

Mr. Neil questioned how asking for bids for this project will affect the timing of the project in terms of the West Dover Connector. In response, Mr. Koenig stated that, if he understands the policy correctly, this is a two-step recommendation. The first step is to actually create the project and a project budget of $40,000, and the second step is to either accept the bid of Duck's Quality Fence or go out and get other bids. He explained that if Council adopts the project and the project budget, it would become part of the Council-enacted City Budget and, as long as the quotes or bids are within the project budget, he can approve the bids because staff has authorization to enact the City's Budget in accordance with the approved policies. Mr. Koenig did not believe asking for bids would affect the timing of the project itself.

Mr. Anderson moved that this matter be forwarded to Council with no recommendation, seconded by Mr. Blakeman.

Mr. Neil asked if this motion was made with the intent that staff will get another bid or have a Request for Proposals (RFP) sent out. In response, Mr. Anderson reminded members that Mr. Koenig stated that he would be researching it during the intervening time, and Mr. Anderson was sure that Mr. Koenig would at least have some clarification. Mr. Anderson stated that part of his concern pertained to timing, explaining that this is not that large of a project and, even if the City bids it out, there will not be any savings once the staff time to prepare it, scope it out, advertise, etc. is taken into account. He noted that by the time all of that is done, the City may not receive a lower bid since this was a service that was already bid. Mr. Anderson stated that the City has two (2) more weeks to get more information, and he believed that Council would be able to make a clear decision by that time. He did not want to see this matter delayed in Committee because it would then take another month to make a decision.

Mr. Hare reminded members that this project had not been bid out but that this was an approved contractor indicating that they would do this project for $40,000. He suggested that the City did not have to do an RFP but that staff could just call somebody to get the bids. Mr. Hare noted that this would only take a few hours and offered to make the calls. He indicated that this fence had been in disrepair for a long time and that two (2) to four (4) weeks would not make a big difference.

Mr. Koenig explained that the request was really to create the project at a budget of $40,000. The fencing estimate was actually $33,600. He noted that if Council wanted staff to obtain additional quotes, that would be fine and staff would do it. Mr. Koenig emphasized that he was really only asking to get the project and the project budget approved.

Mr. Sudler stated that he was a little confused with no recommendation or no action, noting that he liked what Mr. Koenig said about at least getting it approved and if staff finds something that is less then he will bring it back at that time and thought that the Committee could go with that. Although

he did not believe there was a big urgency, Mr. Sudler felt that members needed to move forward with the understanding that due diligence research would be done and if there is a lower cost or a lower bid from a contractor that is willing to do the project, then money could be saved.

Responding to Mr. Sudler, Mr. Anderson stated that the idea was not to take no action because then the item would stay in Committee. He reminded members that the Committee cannot technically approve matters, it can only make recommendations to Council. If the Committee recommends that this matter passes or makes no recommendation, the matter will still move forward to Council. Mr. Anderson explained that the motion, with no recommendation, will move this item forward to Council for discussion, and hopefully in that time more information will be provided which will give Council a clearer picture.

The motion that this matter be forwarded to Council with no recommendation was unanimously carried.

(City Clerk's Office Note: Subsequent to the meeting, Mr. Koenig provided additional information regarding New Project - Water Production Well #6 Fencing Upgrade, in a memorandum dated September 16, 2016 ***(Attachment #1)****.)*

Mr. Sudler moved for adjournment of the Utility Committee meeting. The motion was seconded by Mr. Blakeman and unanimously carried.

Meeting adjourned at 7:28 p.m.

By unanimous consent, the Council Committee of the Whole meeting was adjourned at 7:28 p.m.

Timothy A. Slavin
Council President

TAS/TM/dd
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Committee-Minutes\2016\09-13-2016 CCW.wpd

Attachments
Attachment #1 - Memorandum from Mr. Scott Koenig, City Manager, regarding New Project - Water Production Well #6 Fencing Upgrade, dated September 16, 2016

Memorandum

Office of the City Manager
PO Box 475
Dover, DE 19903
Phone: (302) 736-7005
FAX: (302) 736-7002
E-mail: skoenig@dover.de.us

To: **City Council**

From: **Scott D. Koenig, P.E.**
City Manager

Date: **September 16, 2016**

Subject: **New Project – Water Production Well #6 Fencing Upgrade**

At the Utility Committee meeting on Tuesday, September 13, 2016 staff introduced a request to upgrade the fencing around the existing Water Production Well #6 located adjacent to the West Dover Connector just south of Rodney Village. Concerns were raised regarding the fencing quote included as an attachment to the action form. After further conversations with the City's Purchasing Agent, Mr. Peter Gregg, staff has been directed to bid the fence replacement as a separate project. Our blank fencing contract focused on chain link fencing. The technical specifications for the security fencing being requested for this project are outside of the baseline bid specifications for the blanket contract previously awarded to Duck's Quality Fencing; therefore, sealed bids will be requested from qualified vendors for the replacement of the fencing.

The recommended action should be amended as follows: Authorize staff to create a Capital Improvement Project titled, Water Production Well #6 Fencing Upgrade, with a project budget of $40,000. The project budget will includes expenses related to the removal and disposal of the existing fence, purchase and installation of the new fence, and any miscellaneous concrete expenses to install sidewalk or curbing to protect the fencing. The funding of this project will be transferred from the Water Quality Improvements Project. Approval of the bids will be done in accordance with the City's purchasing policy.

sdk/SDK

cc: Sharon Duca, P.E., Public Works Director
Jason Lyon, P.E., Water/Wastewater Manager
Donna Mitchell, Controller

ACTION FORM

PROCEEDING: Utility Committee	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works	**DATE SUBMITTED:** 8/26/16
PREPARED BY: Sharon Duca, P.E., Public Works Director/City Engineer	
SUBJECT: Water Production Well #6 Fencing Upgrade	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller	
EXHIBITS: Attachment A – Aerial Map, Attachment B – Estimate, Attachment C – Capital Investments Plan	
EXPENDITURE REQUIRED: $40,000 (Estimate)	**BUDGET REMAINING:** $645,800
FUNDING SOURCE (Dept./Page in CIP & Budget): Department of Public Works- Water Management, Project Name: Water Quality Improvements Account No.: 417-6800-568.40-31.	
TIME TABLE: Notice to proceed to be issued within thirty (30) days of Council approval. Project anticipated to be completed in sixty (60) calendar days.	
RECOMMENDED ACTION: Authorize staff to secure a contract with Duck's Quality Fence to replace the existing security fence with a new iron fence, for the amount of $40,000.	

BACKGROUND AND ANALYSIS

The City of Dover Department of Public Works currently owns, operates and maintains a water production well on the south side of Charles Polk Road, in Rodney Village. This site contains a well house and all necessary utility infrastructure and equipment to provide potable water to the customers. To provide security to the infrastructure, the site has a locked chain link fence around the perimeter. Due to vegetation overgrowth and age, the fence has started to fail, depicted by site pictures below:





Please note that the vegetation growth to the south side of the property is from the trees that are owned by Kent County, as this site is adjacent to the Brecknock Park property. The condition of the existing trees that surround the fence are an operational hazard, as the size of these trees could prohibit the function of the well if they were to fall on the well house.

Currently, the City has an approved fence contractor to install new fences and repair existing fences. Staff recommends that the site have the existing vegetation and fence removed and install approximately 450 linear feet of eight-foot (8') high black iron fence on this site (example of fence provided below). This site is adjacent to current road improvement project by DelDOT, the State is under contract to replace the road fronting portion of the fence with similar material to match the existing fence. The new portion of the fence would not match the existing fence, due to its age and disrepair. The new fence would be a security upgrade, and with the installation of the new West Dover Connector road by DelDOT, provide an aesthetically pleasing City site to the public.



This was not a planned Capital Improvement Project in the Fiscal Year 2017 budget. An overview of the funding source is provided below:

FUNDING SOURCE	DESCRIPTION	BUDGET	SPENT / ENCUMBERED	SAVINGS / REMAINING	REQUIRED FOR PROJECT
					$40,000
Water	Water Quality Improvements	$645,800	-	$645,800	-

Attachment A

Water Production Well #6 Fencing Upgrade



0 50 100 200 Feet

N

Date Printed: August 25, 2016
File: m:\gis_data\projects\tech_mxds
\jason_lyon_maps\caf_maps
\caf_well_6
Department: Public Works GIS
City of Dover, Delaware

Legend

Location

Site Location: Well #6

Parcel Lines

Well #6

Duck's Quality Fence

Estimate

Estimate No: 216
Date: Jul 14, 2016

399 Sawmill Rd
Townsend, De 19734

3026539197
3024235197
3026530575
dqf1955@gmail.com
www.ducksqualltyfence.com

For: City Of Dover
Public Works

Description	Quantity	Rate	Amount
	1.00	$33,600.00	$33,600.00

* Indicates non-taxable item

Install 450 feet iron world guaridan plus 3 rail 8 feet high
Install 1 12 foot gate with 4 inch post

Subtotal	$33,600.00
TAX (0.00%)	$0.00
Total	**$33,600.00**

Capital Investments Plan

FY 16 thru FY 20

City of Dover, Delaware

Project #: WD1703

Project Name: Water Production Well #6 Fencing Upgrade



Type:	Improvement	**Department:**	**Water Management**
Useful Life:	**15 Years**	**Contact:**	**Public Works Director**
Category:	**Water/Wastewater**	**Priority:**	**7**
New Project:	**Yes**	**Account #:**	**417-6800-568.40-31**
Time-Line:	**FY17**		

Total Project Cost: $40,000

Description

The proposed project, identified by staff will replace the existing fence that surrounds water production well #6, located on the southern side of Charles Polk Road, in Rodney Village.

Justification

The existing fence is failing and existing trees are threatening the functional use of the existing well. This increases the Cities liabilities and should be corrected in an effort to provide adequate amounts of water to the customers of the City. Design and construction will occur in FY17.

Prior	Expenditure	FY 17	FY 18	FY 19	FY 20	FY 21	Total	Future
	Construction/Maintenance	40,000					40,000	
	Total	**40,000**					**40,000**	

Prior	Funding Sources	FY 17	FY 18	FY 19	FY 20	FY 21	Total	Future
	Water / Wastewater Fund	40,000					40,000	
	Total	**40,000**					**40,000**	

Budget Impact/Other

Budget Items	FY 17	FY 18	FY 19	FY 20	FY 21	Total
Total						

September 12, 2016

Dear Ms. Mitchell,

With the exception of voluntary after-tax contributions, all employee elections with respect to 401(a) plan contributions must be made during the enrollment period when the employee first becomes eligible to participate in the plan (*or any 401(a) plan of the employer, including a 401(a) defined benefit plan, if earlier*), and the employee will ***not*** have the ability to discontinue or change the amount of his/her contributions after becoming a participant. As such, employees who are already participating in the employer's 401(a) plan (or another 401(a) plan of the employer), and employees who were previously eligible to participate in such a plan, cannot be provided with an opportunity to make a new contribution election, even if the employer amends the plan's contribution formula.

That being said, the employer could potentially amend their plan to require a different mandatory contribution percentage or range (e.g., a reduction from 4% to 3%), but the amendment would apply to all participants within the plan (or to a specified eligibility group). Current participants would ***not*** have an opportunity to make an election to contribute a higher/lower percentage, but the amendment could provide new employees with an opportunity at enrollment to make a one-time irrevocable election to contribute a certain percentage of their pay to the plan. Our standard adoption agreement allows employers to provide employees with a range of percentages they can elect to contribute to the plan, and the employee would elect from the available contribution options when he/she enrolls in the plan.

In order for the Non-Bargaining Employees to be in compliance, you must note that the amended changes are for new hires only.

Sincerely,

New Business Unit, ICMA-RC

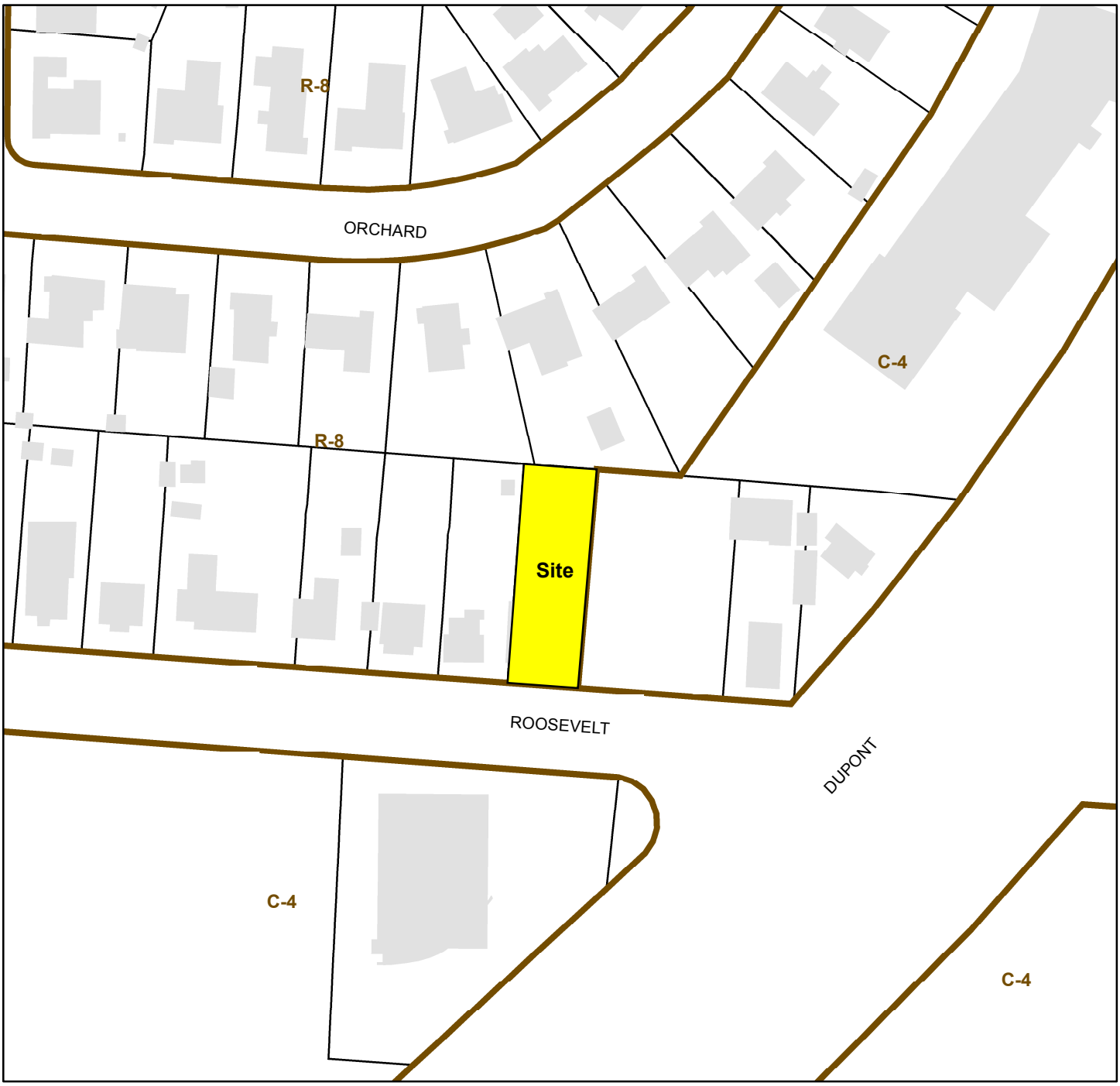
PETITION TO AMEND THE ZONING DISTRICT
First Reading before the Dover City Council
September 26, 2016

Applicants/Owners:	John W. and Carla M. Russum
Address:	51 Roosevelt Avenue
Location:	North side of Roosevelt Avenue, west of South DuPont Highway
Tax Parcel ID #:	ED-05-077.17-05-72.00-000
Size:	7,675 +/- Square Feet
Present Use:	Barber Shop
Proposed Use:	Barber Shop
Comprehensive Plan Designation:	Residential Medium Density
Present Zoning:	R-8 (One Family Residence Zone)
Proposed Zoning:	C-1 (Neighborhood Commercial Zone)
Reason for Request:	To allow the existing use to remain on site instead of sunset due to City Council action requiring the sunsetting of nonconforming uses in residential zones
File Number:	Z-16-05
Associated File Number:	MI-16-13 Nonconforming Uses in Residential Districts

City of Dover

Department of Planning & Inspections

Application No.: Z-16-05



Title:	Lands of John and Carla Russum
Ordinance #:	2016-20
Address:	51 Roosevelt Avenue
Parcel ID:	ED-05-077.17-05-72.00-000
Existing Zoning:	R-8 One Family Residence Zone
Proposed Zoning:	C-1 Neighborhood Commercial Zone
Owner:	John W. & Carla M. Russum
Date:	9/15/2016

Legend

- 2012 Buildings
- Zoning
- Dover Parcels
- Subject Property

N W E S

0 62.5 125 250 Feet

FIRST READING

CITY OF DOVER
PROPOSED ORDINANCE #2016-20

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 51 ROOSEVELT AVENUE

WHEREAS, the City of Dover has enacted a zoning ordinance regulating the use of property within the limits of the City of Dover; and

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from R-8 (One-Family Residence Zone) to C-1 (Neighborhood Commercial Zone).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from R-8 (One-Family Residence Zone) to C-1 (Neighborhood Commercial Zone) on that property located at 51 Roosevelt Avenue, consisting of $7{,}675^{+/-}$ S.F., owned by Carla M. and John W. Russum.
   (Tax Parcel: ED-05-077.17-05-72.00-000; Planning References: Z-16-05 and MI-16-13; Council District: 2)

ADOPTED: *

S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-20 REZONING - 51 ROOSEVELT AVENUE\Ordinance #2016-20 Rezoning-51 Roosevelt Avenue-FIRST READING.wpd

Actions History
09/26/2016 - Scheduled for First Reading at City Council

Draft