REGULAR COUNCIL MEETING

The Regular Council Meeting was held on September 26, 2016 at 7:36 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 (departed at 8:57 p.m.).

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mr. Koenig, Mrs. Melson-Williams, Fire Chief Carey, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 8:33 p.m. and returned at 8:34 p.m.).

OPEN FORUM

The Open Forum was held at 7:15 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.

Ms. Marla Purvis, 9 Par Haven Drive, C-34, informed members that she was trying to expand her business to the downtown Dover area and, although she had thought that the City owned a lot of the property in that area, she learned that it does not. She had called a number of business owners and had reached only voice mails, full mailboxes, or numbers that no longer exist. Ms. Purvis was surprised to learn that some buildings had been vacant for long periods of time, in some cases for over 10 years, and noted that some businesses had apartments above. She questioned what could be done to open up opportunities for people like her who want to start businesses downtown but were having difficulty because of all the rules and regulations. Ms. Purvis specified that her comments referred only to the downtown area and that other parts of the City were good. She believed that Loockerman Street could be a beautiful, vibrant place if property owners would allow people to rent some of the office spaces, as well as the apartments above them. Ms. Purvis indicated that if she had the opportunity to start a business, she could help the City by paying taxes and using her profits to help people in need with furthering their education, or by becoming partners with them. She asked if she could speak with someone about her concerns. Mr. Slavin advised her that the Mayor would be glad to speak with her after the meeting.

Mr. Mark Kershaw, 161 Lexington Place, expressed concern with a vacant lot across from the entrance to the Lexington Glen subdivision. He explained that, approximately three (3) years ago, a developer had started piling dirt there. Mr. Kershaw indicated that debris, including concrete, metal, trash, and an engine, had been collecting on the pile. He indicated that there was tall grass growing on the property, the City had issued a citation which had not been paid, and he had been dealing with this issue for approximately two (2) years. Mr. Kershaw informed members that he would email them a picture of this area ***(Exhibit #1)***. He advised that he had met the owners of the properties on both sides of this lot, a gentleman named John, who lives on the east side of the lot, and Ms. Joyce Bordley, who lives on the west side. Mr. Kershaw noted that Ms. Bordley was dealing with significant water runoff onto her land. He requested that this matter be addressed very rapidly, noting that the owner had two (2) years notice regarding this issue.

Responding to Mr. Slavin, Mr. Kershaw stated that Mr. Henry Mast owned the lot, and he was not sure if there was another party as well.

Pastor Eric Cooper indicated that he was an advocate for the homeless in the community. He explained that he recently had the opportunity to actually become a part of what he was fighting against and was shocked and appalled about what he witnessed. Pastor Cooper explained that a couple of weeks earlier, he found out that he had some unpaid parking tickets or traffic violations, and by the time he had taken care of all of the things he needed to, the offices were about to close. He stated that the person who was helping him mistakenly went to the wrong courthouse, and the correct courthouse closed before they could pay for his bond. Pastor Cooper was thankful that the judge reduced the amount to 10%, so the payment was only $30; however, since he had not made it to the courthouse in time, Pastor Cooper had to spend nine (9) days in the Smyrna prison.

Pastor Cooper advised that he was not present to blame anyone, nor to speak about the different things that he found appalling in the correctional facility, noting that there were more than 45 to 50 people on the tier and it was so overcrowded that they had people sleeping on floors instead of on beds. He explained that he had been amazed to find that 12% of the 50 or 60 people in that tier were homeless. Pastor Cooper indicated that he was present to speak about the number of homeless people in prison because they had been charged with misdemeanors like loitering and sleeping and could not find a way to get out. He had talked to a young man who was in prison for two (2) years for something simple, got caught in the system, and now could not figure out a way to get out of there. Pastor Cooper stated that he had also seen a young man beaten to a pulp, who was probably 21 or 22 years old.

Pastor Cooper stated that, earlier in the day, a man told him that he had been charged with being drunk in a public place because he was loitering with an open container. He expressed concern because this individual had never been in trouble before, and he did not know what was going to happen to him. Pastor Cooper stated that these things were happening right here in the community and could be addressed if the community did some of the things that he and others had suggested, such as using the empty apartments that Ms. Purvis had mentioned for the homeless.

Ms. Joyce Bordley, 1542 North Little Creek Road, informed members that since 1988 she had lived at the property on the west side of the vacant lot that Mr. Kershaw had spoken about where the pile of dirt exists. She stated that when she moved there, the former owners had an above-ground pool, and she felt that it was good land because she would be able to have a garden. Ms. Bordley expressed that she cannot have a garden now because her property is lower than the vacant lot, and the pile of dirt makes it worse. When it rains hard, the water floods not only her backyard but also her basement. She did not know that she could do anything about it until Mr. Kershaw asked her if she was having problems with it. Ms. Bordley explained that her property has the vacant lot on one (1) side and a storm drain on the other that the Department of Natural Resources and Environmental Control (DNREC) does not keep clear. She stated that this creates so much water that a pond forms, and one (1) year it was so large that a neighbor with a boat stocked the pond with fish. Ms. Bordley believed that the reason nothing had been built on the vacant lot was because the land is so low that the owner cannot get a perc test on it. She noted that the dirt pile contained weeds and trash. Ms. Bordley advised that the two (2) properties on the west side of her lot are outside of the City's limits; however, the vacant lot and her property are inside the City's limits, and she hoped that City Council could do something.

Ms. Alexis Simms informed members that she was currently homeless and is a 21-year-old, visually impaired, pregnant female who is suffering from lupus. She stated that she had tried calling every social system she knew of in an attempt to find housing, but there was no help available for her. Ms. Simms asked who the system could help if there was no help for someone in her situation. She indicated that the systems are not helping anyone who cannot help themselves. Ms. Simms believed that being homeless should not be thought of as a disease, noting that the homeless want and need help. She stated that one person she had called raised the price of a one-bedroom residence from $500 to $850 when they found out that she was homeless. Ms. Simms informed members that she only makes $700 per month. She noted that the waiting list for public housing is three (3) years and asked how anyone could survive three (3) years of the winters here. Ms. Simms believed that the City had millions of dollars, but instead of helping people, they were helping themselves. She indicated that those present were going to keep coming to the meetings, whether they were homeless or not, and that all they want is a place to stay. Ms. Simms pointed out that members are warm at night, and if they were to step into the shoes of the homeless, they would not survive.

Pastor Aaron Appling, Victory Church, 2736 Forrest Avenue, thanked Ms. Simms for her bravery in speaking in her condition. He reiterated the severity of her condition, being pregnant and blind due to lupus. Pastor Appling also pointed out that Ms. Simms has a two-year-old daughter, making it even more important to find her a place to stay. He indicated that they had been working desperately for the last week to help her, but every call had been a dead end.

Pastor Appling referred to a homeless man who came to them after he had a stroke and was released from the hospital. He indicated that there are no resources for people in these situations, and they look towards the pastors and the community members. Pastor Appling stated that they are not equipped for this purpose, and sometimes have to break laws in order to help people because they feel it is morally wrong to see them living on the streets. He expressed frustration that some of the homeless people were told that they could not walk through the downtown market, and wanted to know whether this came from the Planning Department, Council, or the Mayor. He felt that this was discrimination because they have a right to walk where anyone else is allowed to walk.

Pastor Appling was also concerned that some of his associates were repeatedly told that they were not allowed to feed the homeless at the library, but they were not given an alternate place to go to feed them. Referring to recent events around the country, specifically Charlotte, North Carolina, Pastor Appling believed that this kind of thing was what was pushing people to violence, and that they were trying to stop those things from happening here. He stated that they were a peaceful and respectful organization, but they need help. Pastor Appling indicated that there are people in the City that desperately need help, stating that his organization needs opportunities opened up in order to help them. He explained that it is getting cold outside and there are many other churches and groups involved with their organization, and they are not going to let people be on the streets by themselves this winter. Pastor Appling advised members that they will either be out there with the homeless or they will find a place to be with them indoors. He urged members to put this item on their agenda before it starts getting cold, and reminded them that they are running out of time.

The invocation was given by Chaplain Wallace Dixon followed by a moment of silence for Wilmington Firefighters Lieutenant Christopher Leach and Senior Firefighter Jerry Fickes who were

killed, and Ardythe Hope and Brad Speakman who were injured, fighting a fire the previous Saturday. The moment of silence was followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

Mr. Hosfelt requested that item #3-C, Review of Requests for Utility Connection Assistance, be removed from the Consent Agenda.

Mr. Cole requested that item #4-A (5), Discussion of Survey Results Regarding Programs, Activities, and New Building at Dover Park, be removed from the Consent Agenda.

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

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF SEPTEMBER 12, 2016

The Minutes of the Special Council Meeting of September 12, 2016 were unanimously approved by motion of Mr. Lewis, seconded by Mr. Hare and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF SEPTEMBER 12, 2016

The Minutes of the Regular Council Meeting of September 12, 2016 were unanimously approved by motion of Mr. Lewis, seconded by Mr. Hare and bore the written approval of Mayor Christiansen.

PROCLAMATION - CYBER SECURITY AWARENESS MONTH

The City Clerk read the following Proclamation into the record:

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.

Mayor Christiansen, on behalf of members of City Council, presented the proclamation to Mr. Andy Siegel, Information Technology Director for the City of Dover, and expressed their appreciation for his efforts.

Mr. Siegel advised that cyber security lies within each individual and the way that they operate their computers. He noted that Yahoo was hacked the previous week and 500,000,000 accounts were affected. Mr. Siegel emphasized the need for secure passwords and the use of two-factor authentication whenever possible.

PROCLAMATION - FIRE PREVENTION WEEK

The City Clerk read the following Proclamation into the record:

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.

On behalf of City Council and the citizens of Dover, Mayor Christiansen and Councilmen Hosfelt, Anderson, and Lewis presented Fire Chief Carey with the proclamation. Mayor Christiansen expressed their appreciation for the work of the active fire fighters and the fire prevention program that Robbins Hose Company has had in place for many years. He noted that they teach fire safety regulations to between 2,500 and 3,000 children during Fire Prevention Week, and throughout the course of the year.

Mayor Christiansen also recognized Councilmen Anderson and Lewis for allocating $1,000 of their discretionary funds to purchase 200 smoke detectors for the Fire Department to give to those in need. Chief Carey thanked Mr. Anderson for his support and advised that the smoke detectors were available at Station No. 1 on South Governors Avenue. He also thanked the City Manager, Mr. Scott Koenig, and Controller/Treasurer, Mrs. Donna Mitchell, for their assistance.

Chief Carey advised that they were ready for Fire Prevention Week and will contribute 40 to 60 man-hours per day for that entire week going to schools, preschools, and daycares. He also noted that they sent pamphlets out to all of the schools three weeks prior so that they could schedule a school visit or visit the station that week.

PROCLAMATION - HALLOWEEN TRICK-OR-TREAT

The City Clerk read the following Proclamation into the record:

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.

ECONOMIC DEVELOPMENT COMMITTEE REPORT - SEPTEMBER 13, 2016

The Economic Development Committee met on September 13, 2016 with Mayor Christiansen presiding.

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 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. *(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, which will be considered by City Council during their Regular Meeting of September 26, 2016.)*

During the Council meeting, Mr. Scott Koenig, City Manager, advised that there was a detailed and lengthy discussion at the last Economic Development Committee meeting regarding the Committee's composition in relation to past discussions regarding the addition of minority voting members to the voting block for the Committee. He stated that, after substantial discussion, the Committee recommended adding two minority voting members who have an economic develop and/or business oriented background to the Economic Development Committee, with the qualifications and selection to be determined by City Council.

Mr. Anderson thanked the Economic Development Committee, the Mayor, and the Council President for their support and listening to the community on this issue.

By motion of Mr. Anderson, seconded by Mr. Sudler, the Committee's recommendation of 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 was approved and Resolution No. 2016-11 amending Resolution No. 2016-09 Formally Establishing the Economic Development Committee was adopted, as follows:

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), 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: 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 Loockerman 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.

The 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.

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

During the Council meeting, Mr. Scott Koenig, City Manager, advised that the Economic Development Committee had been discussing a number of ways to encourage economic activity throughout the City. He noted that, in this case, the recommendations were coming specifically out of the Downtown Development District efforts. Mr. Koenig reminded members that there are a number of incentives associated with the Downtown Development District including reimbursement of project expenses through the State or Kent County and the waiving of fees and tax abatement from the City of Dover.

Mr. Koenig advised that the Committee discussed two (2) requests received from developers for incentives. He noted that one request was from MauTiste Investment Group for financial relief from the fees associated with electrical, water, and sewer utility connections for MauTiste Square, a six (6) town home project at 420 Reed Street and the other was from Mr. Brandon Pelton, owner of 33 West Ale House and Grill, for assistance with the $30,000 cost of bringing the water main across the street for the sprinkler at the corner of Loockerman Street and Governors Avenue. Mr. Koenig stated that, in both cases, the development applicants are requesting reimbursement or offsetting of costs related to utility expansion. He advised that, currently, all costs associated with electric, water, or sewer infrastructure expansion for development projects in the City of Dover are the responsibility of the developer. Mr. Koenig stated that, in some cases, a majority of that infrastructure is turned over for ownership and maintenance to the City of Dover.

Mr. Koenig noted that the request associated with the development of six (6) residential units at 420 Reed Street was related to the extension of infrastructure for six (6) new water, sanitary sewer, and ancillary electric services to the properties, noting that the previous building was a single,

commercial structure with only one service to the building. He advised that there would be costs of approximately $67,000 for extension of the infrastructure.

Mr. Koenig advised that the request associated with the development of property located at the corner of Loockerman Street and Governors Avenue was related to the extension of a water main. He noted that there is an existing water service to the property and the water main extension would be an upgraded fire service so that the building could be sprinklered. The estimated cost of that extension is $30,000 and the applicant is requesting that the City contribute $30,000 to offset the cost. He advised that commercial and residential space is proposed to be refurbished with this project.

Mr. Koenig stated that, in both cases, there are long term improvements that the City has been requesting developers to make. He also noted that the utility expansions would create long term public value, including renewal of residential stock and improved fire safety and suppression in the downtown area.

Mr. Koenig advised that none of these costs were currently identified in the City budget and noted that he would like to see the program capped at $25,000. He advised that, at the $25,000 range, there could be the potential of over $100,000 of investment and authorizing the full cost could be in the range of several hundred thousand dollars of investment.

He stated that he understood that the City was in a difficult position because they want to encourage investment downtown; however, there are applicants saying that the utility costs are making the projects non-economical and non-feasible. Mr. Koenig noted that these requests could become substantial moving forward with the Downtown Development District and advised that if Council was in favor of these types of investments, they would bring a budget amendment forward to fund the changes, as well as guidelines for how the funds should be expended, how many quotations for work should be submitted, and who should prepare those estimates. He indicated that if the current requests are approved, they were likely to receive two or three additional requests.

Mr. Anderson stated that if they were supposed to focus on development and economic inclusion in the Downtown Development District they should provide the infrastructure to do it, noting that they put millions into Garrison. He advised that he felt a few hundred thousand dollars to revitalize the downtown seemed appropriate. Mr. Anderson also stated that he was hesitant about approving something without a process and suggested referring this matter to either the Utility or Legislative, Finance, and Administration Committee to work out the details. Responding, Mr. Koenig stated that if Council endorsed the concept, he thought that the process needed to be laid out by Staff, including identifying a level of funding, how the requests would be budgeted, the process for improvements, milestones that have to be met, and the process for considering applications. The process could then be endorsed by City Council and the developers would have an understanding of the funding they would have to work with in the future.

Responding to Mr. Hosfelt, Mr. Koenig stated that this money was not currently identified in the budget. Mr. Hosfelt asked if the City had done this type of thing with the utilities in the past. Mr. Koenig responded that they had waived fees related to economic development; however, he could not recall contributing cash to a private developer or funding individual utility services for

commercial development. He noted that there had been some instances where the City would pay a developer the price difference to install oversized pipe in a residential subdivision to accommodate future extension.

Mr. Hosfelt stated that he was concerned that this item was placed on the Consent Agenda and if they had not read their packets or were not paying attention, they would have approved the spending of $97,000 which was not budgeted for this project. He also expressed concern that Staff, whom he considers to be leaders, did not direct the requests to a committee and he noted that he thought it was a problem that should be addressed.

Mr. Hosfelt expressed concern that a greater issue will be getting into the business of picking and choosing who gets how much money. He felt that even if they were to budget at a cap of $25,000 per project, they are still at $50,000 which has not been budgeted. Mr. Hosfelt stated that he wanted to see the downtown developed just like everybody else; however, he was not sure that they should be in the business of supporting landlords and restaurants.

Mr. Slavin advised that the requests were considered by the Economic Development Committee and it would be up to Council to decide if it needed an additional look. He stated that he believed that the City, as a government, is being outpaced by the market. Mr. Slavin advised that the City has some business owners who want to expand or open new businesses downtown, and they have been coming to members and requesting what they get from other municipalities. He noted that this is the kind of infrastructure improvements that are usually laid in downtown areas to encourage growth; however, the City of Dover chose not to, for whatever reason. Mr. Slavin stated that the City would now have to do that on a case by case basis and this is the exact moment when the City can either expand businesses downtown or not.

Mr. Slavin stated that no one was making a request for several hundred thousand dollars and there was no need to inflate the request that was brought forward. He noted that members could be very good bureaucrats and wait until they get processes established and the forms right, and everything else. Mr. Slavin advised that, in the mean time, the City is getting beat to the market, not by Philadelphia or Annapolis, but by Smyrna and Milford.

Mr. Slavin stated that he was just as much a steward of the public's money as anybody else; however, he questioned how the old way of government was working for the City in attracting businesses downtown. He noted that there are people who want to improve two (2) eye sores and make them better properties and they want to expand existing businesses or add additional business to the downtown area, in addition to addressing life safety issues for both of those structures.

Mr. Slavin stated that he understood and respected Mr. Hosfelt's concerns; however, he also stated that he thought that members needed to move a little quicker on these things in order to be responsive to what the market is presenting them. Mr. Hosfelt responded that he thought it went back to a greater question, which is that they, Council and Staff, do not plan ahead; for example, they were just going to spend $97,000, which they do not have. Mr. Hosfelt stated that if it was something that was budgeted for, and they did a long range planning, then he could see maybe supporting it; however, at this point, he did not know how members could support something that

is not in the budget, especially at this expense. Mr. Slavin reminded members that some of the discussions they had earlier were about larger expenses that may come from the budget as well.

Responding to Mr. Cole, Mr. Koenig stated that the request from the MauTiste Investment Group identified approximately $7,000 in electrical costs and just under $60,000 in water and sewer extension costs.

Responding to Mr. Hare, Mr. Koenig advised that MauTiste Investment Group is a for-profit investment company that is building residential housing units. Mr. Koenig stated that he thought the intent was for the properties to be owner occupied. Mayor Christiansen stated that they would be owner occupied.

Mr. Hare stated that he understands that a business wants to relocate downtown; however, he suggested that it should be stipulated that the business is going to be there for the long term. He expressed concern that this could open the door for a lot of realty companies buying up properties, rehabilitating them, and then the City pays for a lot of their expenses and they make the profit without paying the City back. Mr. Hare stated that he felt there was a difference between helping a business that would stay downtown and helping a developer.

Mr. Hosfelt recalled that he read in the Economic Development Committee meeting minutes that they were not sure if the properties were going to be owner occupied or rented. There was no commitment one way or the other.

Mayor Christiansen stated that the developer's intent is to have owner-occupied properties and he has a reputation that they have vetted out. He stated that this person is committed to the same vision that he believes the members of Council are, which is revitalizing the downtown area.

Mayor Christiansen advised that, at this point in time, the downtown area is 82% rental properties and it is their intent to stabilize the neighborhood with owner-occupied housing, which will result in other savings to this community and to all of Dover's citizens.

Mr. Hosfelt stated that if he had concern with one over the other, it is definitely the fact that they want to help somebody build six (6) town homes and sell them for a profit. He noted that he knows what the owner of 33 West Ale House and Grill brings to downtown and there is already a commitment there that he believes in. Mr. Hosfelt advised that he was unsure of the other developers commitment and wondered if they should say no to both requests out of fairness and to stay out of the business of trying to determine which business is better than the other.

Mr. Neil stated that he would prefer not to have additional rental properties and suggested that there should be some sort of a claw back to return the money to the treasury. He also stated that he would prefer to have a system in place, as suggested by the City Manager, so that they will know the amount of the incentive being provided. Mr. Neil noted that the City would eventually receive taxes on the town homes.

Mr. Anderson advised that City Council agreed to a terrific plan that was developed for downtown Dover when they endorsed the Restoring Central Dover plan. He noted that the plan was six-fold

and included bringing back both residential home ownership and a vibrant business district. Mr. Anderson indicated that what members were considering was traditionally a government piece and noted that the infrastructure is not a private infrastructure that serves or is owned by one group but is in place to allow them to do the things they have known they were going to have to do. Mr. Anderson indicated that members know the infrastructure in that area has to be expanded anyway and the question, in his view, was not if they should proceed but how they should proceed. He stated that he thought members should endorse a concept and refer this matter to an appropriate Committee, develop procedures, and move relatively quickly. Mr. Anderson noted that he would personally like to see this matter referred to Staff to see what they come up with in the next 60 days. He stated that he did not think the City should allow investment opportunity to go away and that investment money will find a place to invest.

Mr. Sudler stated that he had witnessed the dedication, commitment, and patience that the 33 West owner and its patrons have endured with the pipe system and sewer and that he would support this request because the owner had shown his dedication and was worthy of assistance. Mr. Sudler indicated that he could not support the request of MauTiste Investment Group because he had not seen that they were committed to the City of Dover.

Mr. Hare stated that he had no issue with supporting Mr. Pelton's request for 131 West Loockerman Street and suggested giving an $11,000 credit to MauTiste Investment Group when each of the six (6) town houses are built, sold, and become owner occupied.

Mr. Cole stated that he would support providing MauTiste with credits and suggested establishing a 30 or 60 day window moving forward, noting that there are going to be other businesses, owners, and groups coming forward. He noted that, while he is supportive, he wants to start with some type of process and a cap.

Mr. Lewis stated that he had concerns with funding the requests and setting a precedence, noting that what they have to do for one, they have to do for all.

Mr. Sudler moved to support the request of the potential owner of 131 West Loockerman Street, as referred to in the Economic Development Committee Report. The motion was seconded by Mr. Anderson.

Mr. Neil stated that his preference would be to table this matter until the next Council meeting with a specific plan for handling requests and how much money they will allocate under these circumstances. He noted that he was particularly concerned with the building of homes and if they are being sold or rented. Mr. Neil stated that he could not currently support this request and he hoped that tabling it would allow them to develop a plan for the future, including how requests would be funded.

Mr. Hutchison stated that Council should support the concept; however, he felt that a business plan was needed. He suggested that this matter be referred to the City Manager to come back with a proposal to provide a clear direction of where the funds will be applied.

Mr. Sudler, noting that the Mayor, City Manager, Planning and Zoning Director, and two (2) Council persons serve on the Economic Development Committee, stated that he felt there were enough credentials on the Committee that if they were going to make this recommendation, or at least bring it to the table, that they would have already thought it out to the extent that Council should move forward. Mr. Sudler stated that he understood the budget issue; however, he noted that the City is trying to revitalize the businesses downtown and he believed members should support the businesses that are already there. He reiterated that he supported the 131 West Loockerman Street request.

The motion to support the request of the potential owner of 131 West Loockerman Street, as referred to in the Economic Development Committee Report, was carried by a roll call vote of five (5) yes (Anderson, Sudler, Cole, Hare, and Slavin) and four (4) no (Neil, Lewis, Hosfelt, and Hutchison).

Mr. Anderson moved to refer the request for 420 Reed Street back to Staff and report back in 60 days. The motion was seconded by Councilman Sudler and carried by a roll call vote of eight (8) yes (Anderson, Sudler, Neil, Lewis, Cole, Hare, Hutchison, and Slavin) and one (1) no (Hosfelt).

Economic Development Committee Transition Discussion (continued)

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.

Organizational Items

Identify Meeting Roles
This item was deferred due to time constraints.

Discuss and Adopt Ground Rules for Future Meetings
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 Tuesday following the second and fourth Monday of the month.

Mr. Sudler moved to accept the Economic Development Committee Report for September 13, 2016, seconded by Mr. Anderson and unanimously carried.

COUNCIL COMMITTEE OF THE WHOLE REPORT - SEPTEMBER 13, 2016

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.

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.

The Committee recommended approval of the active recreation area plan with the comments and conditions provided, as recommended by staff.

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

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 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.

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

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.

The Committee recommended requesting that staff create a disorderly premises ordinance for consideration by the Committee within 60 days.

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

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.

During the Council meeting, Mr. Cole stated that, in response to the Discussion of Survey Results Regarding Programs, Activities, and New Building at Dover Park, people had been calling and stopping him to thank him for approving the new building and he has advised them that Council had not gotten to that point yet. He indicated that he wanted to have a discussion as to where they were in the process and where they were going.

Mr. Cole stated that, while he is supportive of looking at all aspects of it, there is an issue with safety due to vegetation as well as staffing issues that he was not sure had ever really been discussed. He also noted that public/private partnerships had been mentioned and, while he agrees that they sometimes work, a lot of times, in the end, the public is left holding the bag. Mr. Cole stated that each council district has an elementary school, middle school, or high school and many Council members have good relationships with the Capitol School District. He indicated that he was not aware of members reaching out to the District regarding programming at the schools. Mr. Cole also reminded members of the new Kent County Recreation Center and the unknown impact that it may have. He suggested that Council should look at a long-term strategic plan.

Mr. Neil stated that his concern was that many of the programs that have been suggested that would require a building do not need a building specifically at Dover Park. He also noted that the library is already doing some of the programs that had been suggested in other surveys. Mr. Neil stated that, while it could possibly cost money, Capital School District has playgrounds and play areas that could be utilized for outdoor sports, as well as the inside of the buildings for other kinds of training and social programs. He stated that he would rather look at that option before considering a building that would cost the City building maintenance and staffing and before finding out exactly what each district wants. Mr. Neil suggested having a workshop to spend some time talking with the people about this specifically to find out what they want. He stated that he would prefer for Staff to go through the process and then tell Council how to proceed based on what people want rather than Council telling Staff what to do.

Mr. Hare stated that he sometimes felt like members were throwing darts at a wall to decide what to do and he reminded members that Council used to have a Retreat every year to sit down and map

out a plan. Responding, Council President Slavin, noting that the new members had been working together for a year and it would be a natural evolution to begin the process of strategically looking out again, advised that he would schedule a planning workshop.

Mr. Sudler recalled that in 2013 or 2014 when this discussion first came up, Councilman Hutchison said that before he left, he would make sure that a building or something was in place to address the parks and recreation issues at Dover Park. He suggested looking back at the minutes to see the discussion and look at the fact that the people have already spoken. Mr. Sudler stated that the tax payers had already spoken, they know what they want, and it is not a matter of what Council wants, it is what they want. He noted that they want a recreational facility to meet their unique programs and activities, some of which could be addressed at the Dover Library or other places. He stated that he thought that the individuals on that side of town have been put off long enough. Mr. Sudler, speaking as a Council person for the Fourth District and as the Chair of the Social Action Commission, stated that it has been long enough and they need to move forward and not stall this any longer.

Mr. Hutchison stated that he thought it was important to keep in mind that there is a detailed review currently being considered. He noted that he has said for a long time that they should look comprehensively at the school system, the churches, Kent County, and the State to see what is being offered. Mr. Hutchison stated that things were very different now compared with when the review process was first started and they need to find out what the answers are before making a financial decision. He stated that he felt very strongly that they had a responsibility to get those facts.

Mr. Neil stated that he thought they needed to look at the cost, where the money is coming from, and if the tax payers who want it are going to be willing to pay for it. He thought that they also needed to look at other resources.

Mr. Lewis stated that he thought the bottom line was determining what the tax payers want. He advised that when he served on the Parks, Recreation, and Community Enhancement Committee a year ago, they conducted a survey and he went out in his community and asked people. Mr. Lewis stated that the answers ranged from wanting another building, a dog park, and a water park. Mr. Anderson, Chair of the Parks, Recreation, and Community Enhancement Committee at that time agreed and added that, over the past couple of years they have sat at public hearings and there have been at least three surveys. He stated that they also reached out to the schools to see what cooperation would come from the Capital School District. Mr. Anderson advised that the schools have their own programs and activities, which limits scheduling. He noted that a private partnership was considered where they could build a publicly accessible building on the public land and it would not cost staff time or maintenance.

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.

UTILITY COMMITTEE

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

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.

The Committee recommended approval of staff's recommendation.

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

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 Committee forwarded this matter to Council with no recommendation.

(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.)

During the Council meeting, Mr. Scott Koenig, City Manager, advised that the Committee's review of the fencing upgrade led to a discussion regarding the fencing quote from Duck's Quality Fence, dated July 14, 2016. He explained that Staff had since gone back and discussed the issue with the purchasing agent and Staff is recommending, based on those discussions, authorizing Staff to create a Capital Improvement Project titled Water Production Well #6 Fencing Upgrade, with a project budget of $40,000.

Mr. Koenig advised that this project 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 the project would be transferred from a large project known as Water Quality Improvement. Mr. Koenig stated that the Water Quality Improvement budget for FY17 was $645,800 and if Council authorizes the Water Production Well #6 Fencing Upgrade, the Water Quality Improvement budget would be reduced to $605,800 and the Water Production Well #6 Fencing Upgrade project would be inserted into the Capital Plan at $40,000.

Mr. Koenig advised that the fencing specifications were sent to Mr. Pete Gregg, Contract and Procurement Manager, and were advertised on September 22, 2016. He noted that bids on the fencing are due on October 6, 2016, provided Council authorizes the project, and Staff will execute the lowest responsive bid. Mr. Koenig stated that any funds remaining after the project is completed would revert back to the Water Quality Improvement budget and would be eligible for future projects in the FY17 budget.

Mr. Neil moved to proceed with the RFP for the fencing upgrade for Water Production Well #6, seconded by Mr. Hare and unanimously carried.

Mr. Anderson moved for acceptance of the Council Committee of the Whole Report for September 13, 2016, seconded by Mr. Neil and unanimously carried.

ICMA 401 PLAN AMENDMENT FOR NON-BARGAINING EMPLOYEES

During their Regular Meeting of May 23, 2016, City Council approved a proposal for non-bargaining employees' contributions to the Deferred Compensation plan to be kept at a minimum of 3% and a maximum of 9%, and that the increases would be at the employee's option. During their Regular Meeting of June 13, 2016, City Council adopted Ordinance #2016-10 which removed reference to a fixed percentage contribution and instead referred to the Deferred Compensation Plan documents for contribution amounts.

Mrs. Mitchell, Controller/Treasurer, advised that the increased minimum and maximum contributions authorized for non-bargaining employees mirrored the 401 changes provided to Dover Organization of Employees (DOE) members with their most recent contractual agreement; however, the DOE contributions were fixed as opposed to the range of contributions afforded the non-bargaining employees.

Mrs. Mitchell stated that she contacted ICMA Retirement Corporation (ICMA-RC) regarding questions that she had about the plan documents and noted that she received a response dated September 12, 2016 which stated: "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."

Mrs. Mitchell advised that the employee can choose between a range of contributions when they are hired; however, their contribution election is irrevocable and cannot be increased or decreased. She stated that Council could approve minimum contributions of 3% and maximum contributions of 9%, effective September 26, 2016, for newly hired non-bargaining employees, with the understanding that whichever percentage they choose within these ranges is irrevocable, based on IRS regulations.

Recalling the long discussions related to this issue, Council President Slavin asked how it was that they spent all that time on the issue without knowing that the plan would not support it. Responding, Mrs. Mitchell stated that she had spent a considerable amount of time trying to get answers from ICMA-RC regarding the DOE contract and they advised her to submit the plan document with the changes, which she did. She noted that the DOE plan document with the changes incorporated was approved, signed, and returned by ICMA-RC. Mrs. Mitchell stated that she was still uncomfortable because there was language in the plan document about the elections being irrevocable; however, there was also language regarding ranges. She advised that she called ICMA-RC on multiple

occasions, but each time she called she never spoke to the same person. Mrs. Mitchell noted that she emailed the City's account representative several times and she was not real responsive. Once her questions were finally sent into the legal area, someone called her back. Mrs. Mitchell advised that ICMA-RC, because of the date of the document, was under the understanding that the DOE contract applied to new hires; not that they were grandfathering in other employees. Mrs. Mitchell stated that she sent a letter on June 14, 2016 and another on August 9, 2016 and she received a response dated September 12, 2016.

Mr. Hosfelt moved to approve a minimum deferred compensation contribution of 3% and a maximum contribution of 9%, effective September 26, 2016, for newly hired non-bargaining employees, with the understanding that whichever percentage they choose within these ranges is irrevocable. The motion was seconded by Mr. Neil and unanimously carried.

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

Council President Slavin requested the appointment of Councilman Fred Neil to the Construction and Property Maintenance Code Board of Appeals for a term to expire May 22, 2017.

By consent agenda, Mr. Lewis moved for approval of the appointment of Councilman Neil, as recommended by Council President Slavin, seconded by Mr. Hare and carried by a unanimous roll call vote.

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

A request was received to rezone property located at 51 Roosevelt Avenue, consisting of $7,675^{+/-}$ s.f., owned by Carla M. And John W. Russum. The property is currently zoned R-8 (One-Family Residence) and the proposed zoning is C-1 (Neighborhood Commercial).

Prior to amending the zoning ordinances and zoning map of the City of Dover, a public hearing is required.

Mr. Hare moved to refer the request to the Planning Commission on October 17, 2016 and set a public hearing for November 14, 2016 at 7:30 p.m. The motion was seconded by Mr. Neil and unanimously carried.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of Proposed Ordinance #2016-20 as read by the City Clerk, by title only, as follows:

> 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

CITY MANAGER'S ANNOUNCEMENTS

Mr. Scott Koenig, City Manager, announced that the fall leaf collection would begin on Monday, October 17, 2016.

Mr. Koenig also noted that the City was beyond the time frame to have property taxes paid and the tax delinquency list, which is available on the website, was approximately 42 pages long. He requested people to check to see if they are on the list. Mr. Koenig advised that the Assessor's Office would be mailing delinquent tax notices on October 3, 2016 and the City would start invoking the Clean Hands Ordinance for permits.

COUNCIL MEMBERS' ANNOUNCEMENTS

Council President Slavin offered a belated birthday wish to Councilman Hosfelt.

Councilman Anderson announced that the National Council on Agricultural and Labor Research Fund, Inc. (NCALL) would be having a free energy educational workshop which will help explore ways to reduce energy bills. He stated that the workshop would be held on Thursday, September 29, 2016 from 4:00 p.m. to 5:00 p.m. at NCALL Research, 363 Saulsbury Road in Dover. Mr. Anderson advised that anyone who wanted to register could do so by calling 302-249-7014. He noted that the First State Community Action Agency is promoting the event.

Councilman Anderson thanked the citizens who have responded to the land bank proposal and have been submitting their information. He noted that Dover citizens are the best research crew around and he encouraged people to keep submitting information. Mr. Anderson advised that there should be a proposal coming in the near future.

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

Meeting adjourned at 8:59 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of September 26, 2016, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
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Exhibits
Exhibit #1 - Photo provided by Mr. Mark Kershaw, Lexington Glen

EXHIBIT#1
Regular City Council Meeting of 09/26/2016

