REGULAR COUNCIL MEETING
AGENDA

OCTOBER 24, 2016 - 7:30 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

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

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

INVOCATION BY CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE LED BY BOY SCOUT TROOP #154

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

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

* **1. ADOPTION OF MINUTES**

- **A. SPECIAL COUNCIL MEETING OF OCTOBER 10, 2016**
- **B. REGULAR COUNCIL MEETING OF OCTOBER 10, 2016**

2. PRESENTATION - MALLARD POND PARK AND TRAIL GRANT (DNREC)

* **3. SPECIAL COUNCIL COMMITTEE OF THE WHOLE/SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - SEPTEMBER 7, 2016**

- **A. PUBLIC SAFETY STUDY - FIRE/EMS OPERATIONAL & ADMINISTRATIVE ANALYSIS**
  (COMMITTEE ACTION NOT REQUIRED)

* **4. HUMAN RELATIONS COMMISSION REPORT - SEPTEMBER 21, 2016**

A. DHRC COMMITTEE UPDATES

(1) GOVERNMENT POLICY, PROGRAMS, AND PRACTICES COMMITTEE (MCGIFFIN)

(A) DHRC DIVERSITY RESEARCH PROJECT

(COMMISSION RECOMMENDED THAT THE MEMBERS OF THE DOVER HUMAN RELATIONS COMMISSION RESPOND TO THE QUESTION, "WHAT ARE YOUR OBSERVATIONS, CONCLUSIONS, AND RECOMMENDATIONS REGARDING THE DHRC DIVERSITY RESEARCH PROJECT?" VIA EMAIL TO THE CITY CLERK'S OFFICE, WITH THEIR INPUT TO BE COMPILED SO THAT MEMBERS COULD FINISH THE DOVER HUMAN RELATIONS COMMISSION DIVERSITY RESEARCH PROJECT REPORT AT THEIR NEXT MEETING.)

(2) EDUCATION COMMITTEE (BOGLE)

(COMMITTEE ACTION NOT REQUIRED)

B. OLD BUSINESS - DHRC VACANCIES (FIRST AND FOURTH DISTRICTS)

(COMMITTEE ACTION NOT REQUIRED)

5. COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - OCTOBER 11, 2016

A. REQUEST OF FORDHAM & DOMINION BREWING COMPANY - AMENDMENT TO APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 22 - AIRPORT ENVIRONS OVERLAY ZONE (AEOZ), SUBSECTION 22.4 - EXEMPTIONS, PARAGRAPH (C) - TEMPORARY USES OF THE DOVER CODE/PROPOSED AGREEMENT APPROVING 80 EVENT HOURS OVER 12 MONTHS

(COMMITTEE RECOMMENDED AMENDING APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 22 - AIRPORT ENVIRONS OVERLAY ZONE (AEOZ), SUBSECTION 22.4 - EXEMPTIONS, PARAGRAPH (C) - TEMPORARY USES OF THE DOVER CODE AS REQUESTED BY FORDHAM AND DOMINION BREWING COMPANY)**(SEE ITEM #11-A)**

* **B. DISPOSAL OF EXCESS PROPERTY - 45 SOUTH STATE STREET - FORMER DOVER PUBLIC LIBRARY**

(COMMITTEE RECOMMENDED THAT THE PROPERTIES KNOWN AS 45 SOUTH STATE STREET BE DECLARED EXCESS PROPERTY, THE CITY MANAGER BE AUTHORIZED TO SOLICIT OFFERS FOR THE PROPERTIES USING A COMMERCIAL REAL ESTATE FIRM, AND THAT ANY AND ALL FINAL OFFERS FOR THE PROPERTIES MUST BE APPROVED BY CITY COUNCIL, AS RECOMMENDED BY STAFF.)

* **C. INCENTIVE PROGRAM FOR CITY EMPLOYEES OPTING NOT TO BE COVERED BY THE CITY'S HEALTH CARE PLAN**

(DEFERRED BY THE COMMITTEE CHAIR)

* **D. INITIATE THE PROCESS WHEREBY THE REVIEW OF THE MAYOR AND COUNCIL SALARIES SHALL BE CONDUCTED BY THE COMPENSATION COMMISSION**

(COMMITTEE RECOMMENDED INITIATING THE PROCESS WHEREBY THE REVIEW OF THE MAYOR AND COUNCIL SALARIES SHALL BE CONDUCTED BY THE COMPENSATION COMMISSION)

5. COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - OCTOBER 11, 2016 (CONTINUED)

* **E. DETERMINATION OF REQUIREMENTS IN ADDITION TO BEING ECONOMIC OR BUSINESS ORIENTED AND TERM LENGTH FOR THE NEWLY ADDED MINORITY VOTING MEMBERS OF THE ECONOMIC DEVELOPMENT COMMITTEE**

(COMMITTEE RECOMMENDED THAT THE NOMINATIONS FOR THE APPOINTMENTS OF MINORITY MEMBERS TO THE ECONOMIC DEVELOPMENT COMMITTEE BE MADE BY THE COUNCIL PRESIDENT; THAT THE FULL COUNCIL VOTE ON THEM; THAT THE TERMS BE FOR ONE (1) YEAR, FROM MAY TO MAY; AND THAT THE INITIAL APPOINTMENTS BE FOR A PARTIAL YEAR FROM NOW THROUGH MAY.)

* **F. DISCUSSION OF DUTIES AND ASSIGNMENTS OF CITY PERSONNEL**

(DEFERRED BY THE COMMITTEE CHAIR)

* **G. ONBOARDING FOR NEW COMMITTEE MEMBERS/COUNCILMAN LEWIS' RECOMMENDATION #5**

(COMMITTEE TABLED THIS MATTER TO ALLOW MRS. TOWNSHEND TO CONDUCT RESEARCH AND COME BACK TO COUNCIL AT A FUTURE DATE WITH HER FINDINGS)

* **H. PROPOSED ORDINANCES**

(1) #2016-21 AMENDING CHAPTER 2 - ADMINISTRATION, CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS, AND CHAPTER 46 - FIRE PREVENTION AND PROTECTION BY REMOVING THE ANNUAL APPOINTMENT OF THE CITY CLERK, BUILDING INSPECTOR, AND FIRE MARSHAL (SPONSORS: HUTCHISON, NEIL, AND ANDERSON)

(DEFERRED BY COMMITTEE CHAIR)

(2) #2016-22 AMENDING CHAPTER 54 - HEALTH AND SANITATION, ARTICLE I - IN GENERAL, SECTION 54-4 - SMOKING REGULATIONS AND APPENDIX F - FEES AND FINES

(DEFERRED BY COMMITTEE CHAIR)

* **I. PROPOSED CHARTER AMENDMENTS - REMOVAL OF ANNUAL APPOINTMENT REQUIREMENT FOR THE CITY ASSESSOR, CONTROLLER/TREASURER, CITY SOLICITOR, AND DEPUTY CITY SOLICITOR; GENDER LANGUAGE AMENDMENTS; ADMINISTRATIVE AMENDMENTS; AND TYPOGRAPHICAL CORRECTIONS**

(DEFERRED BY COMMITTEE CHAIR)

* **6. QUARTERLY REVENUE REPORT**

(STAFF RECOMMENDS ACCEPTANCE OF THE REPORT)

* **7. SEMI-ANNUAL INSPECTION BY CITY MANAGER - ROBBINS HOSE COMPANY**

(STAFF RECOMMENDS ACCEPTANCE OF THE REPORT)

8. AUTHORIZATION TO PURCHASE VEHICLES (POLICE DEPARTMENT)

(STAFF RECOMMENDS APPROVAL OF THE PURCHASE, AS REQUESTED)

* **9. APPOINTMENT OF JUDGES - ROBBINS HOSE COMPANY ELECTION - NOVEMBER 21, 2016**

A. JAMES HURLEY

B. WILLIAM RHODES

C. BRIAN WASKO *(ALTERNATE)*

10. REZONING REQUEST FOR PROPERTY LOCATED ON THE WEST SIDE OF SOUTH BRADFORD STREET - FIRST READING OF PROPOSED ORDINANCE #2016-23

THE FIRST READING IS OFFERED ON THE PROPOSED ORDINANCE. IT IS RECOMMENDED FOR REFERRAL TO THE PLANNING COMMISSION FOR A PUBLIC HEARING ON NOVEMBER 21, 2016 AND THAT A PUBLIC HEARING BEFORE CITY COUNCIL BE SET FOR DECEMBER 12, 2016 AT 7:30 P.M., AT WHICH TIME THE FINAL READING AND COUNCIL ACTION WILL TAKE PLACE. THE ORDINANCE IS AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS, ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT," OR BY CONTACTING THE CITY CLERK'S OFFICE AT 736-7008 OR CITYCLERK@DOVER.DE.US.

A. PROPERTY LOCATED ON THE WEST SIDE OF SOUTH BRADFORD STREET, SOUTH OF WAPLES AVENUE AND TO THE REAR OF 911 SOUTH GOVERNORS AVENUE, CONSISTING OF 0.32+/- ACRES, OWNED BY CAPITAL GRANGE NO. 18, INC. THE PROPERTY IS CURRENTLY ZONED R-8 (ONE-FAMILY RESIDENCE) AND THE PROPOSED ZONING IS RG-1 (GENERAL RESIDENCE)

(TAX PARCEL: ED-05-077.17-03-15.00-000; PLANNING REFERENCES: Z-16-06 AND MI-16-13; COUNCIL DISTRICT: 2)

11. FIRST READING - PROPOSED ORDINANCE #2016-24

THE FIRST READING IS OFFERED ON THE PROPOSED ORDINANCE. AMENDMENTS TO APPENDIX B - ZONING REQUIRE A PUBLIC HEARING. IT IS RECOMMENDED FOR REFERRAL TO THE PLANNING COMMISSION ON NOVEMBER 21, 2016, AND THAT A PUBLIC HEARING BE SET FOR DECEMBER 12, 2016 AT 7:30 P.M., AT WHICH TIME THE FINAL READING AND COUNCIL ACTION WILL TAKE PLACE. THE ORDINANCE IS AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS, ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT," OR BY CONTACTING THE CITY CLERK'S OFFICE AT 736-7008 OR CITYCLERK@DOVER.DE.US.

A. PROPOSED ORDINANCE #2016-24 AMENDING APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 22 - AIRPORT ENVIRONS OVERLAY ZONE (AEOZ), SUBSECTION 22.4 - EXEMPTIONS, PARAGRAPH (C) - TEMPORARY USES OF THE DOVER CODE *(LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)*

12. CITY MANAGER'S ANNOUNCEMENTS

13. COUNCIL MEMBERS' ANNOUNCEMENTS

14. ADJOURNMENT

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EXECUTIVE SESSION PURSUANT TO:

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

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

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

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

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on October 10, 2016 at 5:31 p.m. with Council President Slavin presiding. Members present were Mr. Anderson (arrived at 6:31 p.m.), Mr. Cole, Mr. Hare (arrived at 5:40 p.m.), Mr. Hosfelt, Mr. Hutchison, and Mr. Neil. Mr. Lewis and Mr. Sudler were absent.

Council staff members present were Mr. Koenig (departed at 5:32 p.m. and returned at 6:21 p.m.), Mrs. Mitchell (departed at 5:32 p.m., returned at 5:51 p.m., departed at 6:15 p.m., and returned at 6:21 p.m.), Mrs. Bundek (departed at 5:32 p.m., returned at 5:39 p.m., and departed at 5:50 p.m.) and Mrs. McDowell (departed at 5:32 p.m. and returned at 6:21 p.m.). Mr. Hudson was also present (departed at 5:32 p.m. and returned at 6:21 p.m.). Mayor Christiansen was absent.

ADOPTION OF AGENDA

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

Mr. Neil moved to recess into Executive Session pursuant to 29 Del. C. §10004(b)(9) - Personnel matters in which the names, competency and abilities of individual employees or students are discussed, unless the employee or student requests that such a meeting be open and §10004(b)(2) - Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property. The motion was seconded by Mr. Cole and unanimously carried.

The Special Council Meeting recessed into Executive Session at 5:32 p.m.

The Executive Session recessed at 6:19 p.m. and reconvened at 6:21 p.m.

Mr. Hutchison moved to adjourn the Executive Session, seconded by Mr. Hare and unanimously carried.

The Executive Session adjourned at 6:39 p.m.

ACTION RESULTING FROM THE EXECUTIVE SESSION

Potential Land Acquisition

During their Special meeting of September 26, 2016, City Council authorized the City Manager to proceed with negotiations on the first set of properties discussed during the Executive Session, with the figures the City Manager had used.

During the Executive Session, Mr. Scott Koenig, City Manager, provided an update on the status of the negotiations for the two (2) parcels of land.

Mr. Hare moved to proceed with the purchase of 401 and 415 West Water Street at the price referred to by the City Manager. The motion was seconded by Mr. Hutchison and unanimously carried.

Mr. Hosfelt moved to adjourn the Special Council Meeting, seconded by Mr. Neil and unanimously carried.

The Special Council Meeting adjourned at 6:40 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Special Meeting of October 10, 2016 are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on October 10, 2016 at 8:12 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 (arrived at 8:15 p.m.), and Mr. Hutchison (departed at 8:36 p.m., and returned at 8:39 p.m.).

Council staff members present were Police Chief Bernat, Mr. Koenig, Mrs. Townshend, Fire Chief Carey, Deputy City Solicitor Pepper, and Mrs. McDowell. Mrs. Mitchell was absent. Mayor Christiansen was also present (departed at 8:39 p.m. and returned at 8:43 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.

Mr. Harry Miller advised that he was the developer and builder of Wild Meadows, which was started in the late 1990s. He stated that he was present to represent 223 homeowners of Wild Meadows regarding Ordinance #2016-16, which had recently been passed. Mr. Miller felt that the ordinance was nothing more than a selectively imposed tax increase approved by the sponsors and Council. Mr. Miller believed that it imposed two (2) new fees or taxes, $25 dollars for the landowner and $45 dollars for each homeowner. He stated that they now pay a real estate tax on the land, and each homeowner pays a tax, in addition to these two (2) new taxes; therefore, there was a total of four (4) taxes for all of the homeowners present tonight. Mr. Miller estimated that, between what he and the homeowners pay, almost a quarter million dollars of taxes goes to the City. He estimated that over $3M in taxes had been collected by the municipality over the last 15 years, without providing any government services to the residents of Wild Meadows. Mr. Miller stated that there is no snow removal, road repair, or maintenance, and all services provided there are paid for by individual residents themselves.

In response to Mr. Slavin, Mr. Miller acknowledged that they do receive police and fire services.

Mr. Miller felt that Council had mandated more services than had been provided in the past, based on their understanding of the new code. He stated that the new code was very vague and they did not understand some areas of it at all. Mr. Miller referred to the maintenance of all the utility services, including electric, gas, water, and sewer, up to the houses, stating that this was something they had not done before, as well as certain landscaping within each individual homeowner's lot. Mr. Miller stated that they would now have to give out receipts and billing. Due to the new ordinance that had been imposed, he advised that he was unclear about whether office personnel must be available five (5) or seven (7) days per week. He indicated that they were unsure if they would have to hire one (1) or two (2) full-time people, plus part-time people when employees are sick, absent, or on vacation. Mr. Miller stated that they will have to pay more in payroll taxes; benefits; payroll, bookkeeping, and accounting services, and would have to hire another accountant to do invoicing and receipts. He noted that there would be unforeseen costs, such as purchasing desks, computers, and office equipment and possibly even service vehicles, since it was stated that there would have to be service 24 hours per day. Mr. Miller estimated that the total expense to individual homeowners would be between $800 and $1,000 more per year, per home, and he felt this

was unfair. Mr. Miller requested that the members consider repealing the ordinance and hold a round table discussion to enact an ordinance that would make sense for the homeowners and constituents who live in the community.

Mr. Neil stated that Mr. Miller had placed the community up for sale in August 2015 and questioned if it was still for sale. Responding, Mr. Miller stated that this was a business decision and not what they were here to discuss tonight. Mr. Neil stated that this would affect the homeowners who were present, since they would not have to pay if the property was sold. In response Mr. Miller stated that the discussion was about Ordinance #2016-16.

Mr. Neil explained that there had been a public hearing regarding the ordinance, but no one had represented Mr. Miller's company at the public hearing. If they had been represented, Mr. Neil believed that the round table discussion Mr. Miller requested could have been held.

Mr. Miller stated that he was contacted by a young gentleman from the City staff six (6) months or a year ago who asked him some questions about manufactured housing at Wild Meadows. Mr. Miller and another gentleman had met with this staff member and tried to answer his questions. During the meeting they tried to help him by completing a survey, which they had difficulty understanding. He had believed that if there were other issues or concerns, the City would have given him the courtesy of contacting him. Mr. Miller noted that he does not read the newspaper to find out what is or is not being passed. He had seen videos of other meetings where there were round table discussions with business owners regarding potential ordinances, and he felt that it was unfair that they were not given this courtesy.

Mr Neil noted that the public hearing was publicized and questioned if they check to see what is publicized and goes on with the City. Responding, Mr. Miller stated that he does not check the newspaper daily and thought the homeowners would have mentioned this if they knew about it.

Mr. Neil pointed out that Wild Meadows homeowners already pay for a lot of the services, noting that $1M in gross income goes to Mr. Miller's company every year to pay for the services he had referred to. He indicated that certain parts of the ordinance could be changed, such as the language regarding shrubs and the number of employees and hours, and the entire law would not have to be removed. Mr. Neil suggested that Ms. Colleen Ostafy, who is a lifestyle coordinator at Wild Meadows but also takes care of settlements when houses are sold, could be present to perform some services referenced. He stated that the financial aspects were already being handled, by people in the community who were being paid, as well as by December Corp., Mr. Miller's management company in Downingtown, Pennsylvania. Referring to a letter received by some residents of Wild Meadows from Mr. Miller earlier in the day, Mr. Neil stated that Mr. Miller's comments were not correct. He explained that there would absolutely be additional fees, but not taxes. Mr. Neil stated that this was legal language and that lawyers often disagree, and that is why there are arbitration and courts. Mr. Neil noted that the original arbitration that occurred in 2015 was still involved. Mr. Neil believed that the key part of the ordinance was Chapter 26 - Businesses, Article II, Section 66-5(c)iii, which states that "Repeated failure to perform the required duties shall be cause to take action upon an owner's land lease community operator license in accordance with the provisions of Chapter 26 - Businesses, Article II, Section 26-59." He stated that anything else within the ordinance can be

changed if it is found to be incorrect or if it adds additional fees, because Mr. Neil believed that there should not be additional fees when owners collect over $1M gross.

Mr. Robert Valihura, Jr., Michael P. Morton, PA explained that he was serves as counsel for Wild Meadows and that he had talked to Mr. Nicholas Rodriguez, City Solicitor, about their concerns regarding the preemption of Ordinance #2016-16 by State law. In their view, State law trumped this statute, which was illegal on all terms, and the City had the right to put a license in but not to legislate against the things that were being mandated with respect to manufactured housing in the City of Dover. Mr. Valihura stated that they will bring a lawsuit if the ordinance is not repealed. He believed that there was a better way to handle this matter, by proceeding in a consensus building manner, as the General Assembly does when it addresses manufactured housing. Mr. Valihura advised members that he had served in the General Assembly for 10 years, and during five (5) of those years he served as the manufactured housing chairperson. He stated that major bills like this were addressed by bringing all the sides together, not based on what might have been in the newspaper, but on reaching out and getting the parties to participate in the process to make sure that every voice was heard. Mr. Valihura requested that the legislation be repealed and that the City begin the consensus building process immediately, rather than having to spend limited tax dollars on a lawsuit, which would also cost the homeowners in the community. Mr. Valihura believed that it was not the intent of Council to impose an additional tax on homeowners by forcing costs to be put on them. He explained that the legislation that is in place, the Rent Justification Act, which the Supreme Court today had stated was rent control, allowed for the passing these costs on. Mr. Valihura stated that this was a fact and that costs would be imposed on the homeowners. He reiterated his request to repeal the legislation and asked that everyone work together to get something that would work for the community.

Mr. Neil asked if Mr. Valihura is paid from December Corp. or Bob Meadows, LLC. Responding, Mr. Valihura advised that he was not at liberty tonight to state how he is paid, stating that this was not what they were present to talk about.

Mr. Neil asked if it was possible that the rent paid by the Wild Meadows homeowners pays Mr. Valihura and would pay for the lawsuit that he was going to undertake. Responding, Mr. Valihura stated that the lawsuit would be on behalf of the manufactured housing communities in Dover. He stated that they had been retained by four (4) communities and were prepared to move forward. Mr. Valihura stated that he was not prepared to discuss how payment would be split this evening.

Mr. Neil stated his belief that, basically, rent money pays Mr. Valihura. Responding, Mr. Valihura advised that the cost would have to be assessed by each of the community owners in a way that they want to do so.

Mr. Paul McDonnell, 123 Kurt Drive, President, Wild Meadows Homeowners Association, advised members that he was present last month to speak in favor of Ordinance #2016-16 when it was voted on by Council. He felt that the manufactured home communities could benefit from the involvement of the City and their ability to manage and enforce the laws by using the facilities that were provided for in this ordinance. Mr. McDonnell also felt that absentee landlords should not be tolerated and that the ordinance made the landowner, rather than the tenant, responsible for tracking payments.

He indicated that this is beneficial so that late payments can be attributed where they belong, noting that people should not be penalized for being on time. Mr. McDonnell stated that receipts were specified in the ordinance for a reason. He acknowledged that there may be some additional costs and expressed willingness to help to reduce those charges; however, he was not in favor of surrendering to the will of management by putting up with their stipulations on how homeowners live their lives. Mr. McDonnell felt that changes in regard to maintenance of shrubbery belonged in the ordinance, noting that obstructed driveways and stop signs are quality of life and safety issues. He believed that it may not be in the best interest of the community to leave this to those who may be part-time or elderly residents. Mr. McDonnell felt that the ordinance addressed real and specific issues and should go forward.

Responding to Mr. Neil, Mr. McDonnell stated that he had heard that there were 223 homes in Wild Meadows. He advised that homeowners association currently has 178 paid, active members, representing virtually 95% of what they estimate to be about 185 occupied homes. Mr. McDonnell stated that rest are in the course of sale or otherwise vacant. He stated that husbands and wives do not pay two (2) separate memberships. Membership is by household, and each owner is a member. Mr. McDonnell stated that paid members have the right to vote on issues and participate in homeowner activities, but everyone is a member of the corporation.

Mr. Eric Abernathy, 436 West Duck Creek Road, Clayton, Delaware stated that he is a strong advocate for homelessness and the building of tiny homes. He stated that he had been homeless in the past and knew the plight of homeless people. Mr. Abernathy stated that help had been requested at each of the Open Forums he had attended. He believed that homelessness in Delaware and in the area was getting out of hand. Mr. Abernathy expressed frustration that there were people with nowhere to go, and when they found somewhere, these places were being taken away from them and they had to move elsewhere. He felt that the homeless were being pushed away from the downtown area, stating this was also a problem in the County. Mr. Abernathy indicated that advocates for the homeless were trying to find help and had already been able to do things that people had said could not be done. He stated that they would continue pushing forward because they were doing God's work, were working seven (7) days a week to help those in need, even though they did not have all the resources they needed. Mr. Abernathy stated that there were people present who were willing to help the homeless, and some were even taking them into their homes, but he wanted to know when they were going to get some help.

Ms. Karen Massey, 10 Michelle Drive, advised members that she lives in the Wild Meadows community, which is an extremely wonderful place to live. She indicated that she had moved in at a bad time, noting that she had received notification that homeowners would be responsible for some of the changes made in Ordinance #2016-16. Ms. Massey could not understand the need for full-time people in a building that is totally empty most of the time, except for people who are having a good time there. She felt that the ordinance should be repealed, or that people should sit down and find out if residents could pay less money for rent and live the kind of lives they would like to live as people aged over 55. Ms. Massey believed that she was in the middle of a situation that she had nothing to do with, noting that she had to pay more taxes to the City of Dover than she paid to North Carolina. Ms. Massey indicated that she was unhappy about increases in rental costs that would be passed on to homeowners by the company who is forced to make these changes. She felt it was

unfair that the homeowners would have to pay the price, and stated that the ordinance should be repealed until a better solution could be found among all parties involved.

Ms. Alexis Simms stated that she is a resident of Dover and advised members that the homeless and their advocates would continue to come to these meetings. She asked why the City was trying to fine Victory Church $100 for helping the homeless. Ms. Simms expressed frustration that the City would not give the homeless a place to stay but did not want her to live in a camper.

Mr. Slavin clarified that the City was not the source of the $100 fine that Ms. Simms referenced. Responding, Ms. Simms stated that, regardless, Victory Church was being fined $100. She advised members that it was 62 degrees that day and there were millions of homeless people. Ms. Simms doubted that those present would go home, turn their heat off, and lie on the floor with a blanket, but if they did, she felt they might change their minds about the homeless. She stated that although the City receives millions of dollars, nothing was being done for the homeless. Ms. Simms stated that they would keep coming back to every meeting until something was done.

Mr. Richard Harmond, Dover, stated that he had been actively homeless for six (6) years and, although he had recently obtained a better support system, he needed more help. He indicated that he had been in and out of the hospital due to health problems, and other homeless people were going through the same thing. Mr. Harmond explained that, while living on the street, he had been beaten up, was unable to get the rest he needed, and became unable to focus. He stated that this led to depression and weight gain, noting that he now weighs 510 lbs. Mr. Harmond explained that it was difficult to find help when he was smaller, but now it is even more difficult. He indicated that he was speaking for other people, as well as himself, noting that homeless people have died from exposure. Mr. Harmond agreed with Ms. Simms that members had nice homes to go to and could take showers, noting that he had gone days, weeks, and years without taking a shower. He felt that if members were in the shoes of the homeless, they would view this situation differently. Mr. Harmond expressed frustration when people say that there is help out there, since he had been calling the Delaware Help Line (2-1-1) for three (3) months straight; however, they were doing nothing for him. He indicated that Pastor Aaron Appling's mother was his advocate and had been helping him to fill out paperwork, go to various doctors, and try to get help from the State, but they had not been able to find help. Mr. Harmond stated that without Pastor Appling, he probably would have died, since he was on his last bit of breath when he went to Pastor Appling's church. With Pastor Appling's assistance, Mr. Harmond was admitted to the hospital. He informed members that homeless people are often put out of hospitals because it is believed that they are just going there to sleep; however, this is not the case. He advised that the homeless are human and belong in a nice house, acknowledging that some of them make mistakes. Mr. Hammond believed that members were aware of systems and resources to help fix the homeless. He stated that there were a million excuses not to help someone, but felt that we could all do better by trying to fix the situation.

Pastor Aaron Appling, Victory Church, 2648 Sharon Hill Road, called on those present to raise their hands if they were homeless or had recently been homeless, and many people raised their hands. He thanked Ms. Simms and Mr. Harmond for their bravery in speaking about their situations. Pastor Appling noted that Ms. Simms is blind, suffering from lupus, pregnant, and homeless, and Mr. Harmond has a medical condition and weighs 510 lbs. He stated that they had been tirelessly working to find them help and had been unable to do so, having called a number that they were

provided for three (3) months without finding a place for Mr. Harmond. Pastor Appling stated that they had been helping Mr. Harmond in the back of their church for the last three-and-a-half months because they feared his death, but were not staffed or capable of doing this and were only doing so because he had no place to go. They were desperately trying to find a place and were now starting to have a little success. Pastor Appling indicated that they were also trying to find a suitable place for Ms. Simms, who has an income of $700 per month, but there was no affordable housing in the City or County. He advised that, if help was not received, Ms. Simms would be sheltered at one place or another by the State, who would send Child Services out and split the family up, but they would not provide adequate help to keep the family together.

Speaking as a pastor and on behalf of his church, Pastor Appling indicated that they were 100% on the side of those in the community who were suffering most. He advised that, as a community leader, he represented over 1,000 members of the community, and informed members that over 5,000 people had signed a petition on behalf of the homeless. Pastor Appling felt that the moral compass was broken since people who were suffering drastically in the City were being pushed aside. He stated that the time had come to not just say what is politically correct, but to actually start helping them. Pastor Appling informed members that for the last six (6) months to a year, his church had worked seven (7) days per week and provided over 150 meals every day. He advised that they provide meals twice per day and also pick up 14 to 40 people every night and take them back to the church for showers, food, and community. Pastor Appling advised that they receive no State, federal, or City funding for these efforts, and they were not asking for money but were performing a civil service. He asked what would happen to those people if the church stopped helping them, noting that if they were left in dire straits, there could be an uprising. Pastor Appling informed members that they were asking for more from the City's leaders, stating that members' responsibility was to not just to those who have money. He indicated that he had seen members ask questions of organizations that have money and pay taxes, but no questions were being asked of Mr. Harmond and Ms. Simms, who represent a real constituency. Pastor Appling commended Councilmen Anderson and Slavin for having reached out to them, but he indicated that if members were unable to represent the least in the community, then they were unfit to represent anyone.

Dr. Patricia Morris stated that she is a new resident of Dover, having only been here for six (6) months, and she almost became homeless, but by the grace of God, she did not. She explained that she had been homeless in San Diego after losing her son to heart failure, her house to a fire, and being forced from a job making $80,000 per year. Dr. Morris stated that she is now earning minimum wage, and had seen how much Victory Church was doing to help the homeless. Dr. Morris pointed out that there are many megachurches that do not do as much for the homeless as this church did. She advised that she had called some of the help numbers that Pastor Appling had referred to because she was trying to get help when she first moved here. Dr. Morris applied for jobs for a year and had never gotten an interview in her field at the various colleges in the community.

Dr. Morris advised members that people become homeless when there is no help, and noted that others had joined the church to provide help. She indicated that there should be more avenues to assist churches to get through to facilities and places for the homeless. Dr. Morris believed that the church was doing the work that the Lord had for them to do and the work of the kingdom that other churches were not doing. She was unsure if members would pay attention if all of these churches

started coming forward and suggested joining together in unity to get everyone to help. Dr. Morris informed members that she was working at Royal Farms, when she had a degree in education and 25 years' experience. She believed that Dover has little cliques that only want to hire their people, stating that she was told by an institution that they only hire their kind, although she did not know what this meant. Dr. Morris indicated that she was present to support helping the homeless in the community.

Mr. Hutchison asked if funding was available from the State of Delaware to address the issue of the homeless. Responding, Mayor Christiansen stated that, although the State of Delaware does have funds, the City of Dover does not receive this funding. He indicated that the 2-1-1 system, through the Department of Health and Social Services, is the repository of those funds, which to his knowledge, go mostly to New Castle County.

Mr. Hutchison questioned if the City of Dover receives anything to address this issue. In response, Mayor Christiansen advised that the programs in place in the City, such as the Mayor's Challenge to End Veterans Homelessness, Code Purple, individual church programs, and the Dover Interfaith Mission for Housing, operate through their own funding and grants. He indicated that homelessness was not a new issue. Mayor Christiansen stated that he understood the concerns of Pastor Appling and the speakers; however, he felt that it was not correct to say that the City of Dover was not doing anything to help the homeless. He noted many members of this Council had participated in helping the homeless, and continued to do so through serving meals and giving to the individual mechanisms in place.

Mayor Christiansen believed that the real issue that Ms. Simms and Pastor Appling had was with Kent County, who was levying the fines, and he suggested taking this issue to the County. He felt that the City was well aware of the plight of the homeless in the community. Mayor Christiansen stated that the Salvation Army and many churches throughout the City were taking this issue very seriously and had been in the trenches for longer than the last six (6) to nine (9) months, and he felt compelled to stand in their defense.

Mayor Christiansen expressed the desire to speak with Dr. Morris following the Open Forum, stating that he would like to find out which institution told her that they only hire their own and why this was said to her.

Responding to Councilman Sudler's question regarding what financial support the City of Dover provides from the budget to Code Purple and the concerns of the homeless, Mayor Christiansen advised that the City of Dover expends no taxpayer dollars toward Code Purple. He explained that there had been individual support and the mustering of support from churches throughout the community, who had opened up their churches as sanctuaries on evenings when the temperature goes below 32 degrees, serving hot meals and a place to stay for the 12 or 13 hours that they are able to staff. He reiterated that no City of Dover monies go into any of the operations that take care of the homeless.

Mr. Anderson agreed with the Mayor that there were no direct City funds for homelessness; however, funds in excess of $30,000 were directed by the City through Community Development Block Grant (CDBG) funding to help with this situation. He acknowledged that the problem is huge.

He explained that it is not that the City does not put place priority on addressing this problem, but unfortunately, the City is limited to expending only 15% of what the City receives in CDBG funding. Mr. Anderson agreed that, as Ms. Simms had stated, there was a severe shortage of housing for the disabled. He had noticed that the waiting lists now seemed worse than ever before, and he felt that this matter definitely needed to be included in comprehensive planning.

Ms. Vanell Dodd informed members that she had lived in the State for over 30 years and was a homeless mother of three (3), with grandchildren, etc. Since Ms. Dodd had been in Dover, there had not been any help for the homeless at all. Referring to previous comments, she stated that people could call 2-1-1 all day, and sometimes they respond, sometimes they do not. Ms. Dodd stated that there was only one (1) homeless shelter in Dover for women and asked where they were supposed to go. Referring to several other homeless individuals present, including her niece, Ms. Simms, she indicated that she calls these individuals her kids. She indicated that she had sat in front of City Hall and the Mayor's Office many nights in the freezing rain with some of these kids, who had nowhere to go. Ms. Dodd explained that she had laid on the ground with them just to make sure that they felt safe and had someone that knew how it was to be homeless. She advised members that if they stood outside in her shoes for just one (1) night to understand how cold it is or watch those kids cry or try to figure out what kind of meals they were going to have that day, members would understand what it is to be homeless. Ms. Dodd thanked the Mayor, Mr. Anderson, Pastor Appling and everyone for all that they were doing, indicating that there was nothing that the homeless can do for themselves, since they do not have homes. She stated that some of these individuals do not choose to be homeless, but there are no jobs and the rent is a little too high. Ms. Dodd advised members that she had worked with Mr. Burden on fixing up some of the houses in Dover, and still nothing had been done. She believed that houses could be made into homeless shelters or rented to some of the people who were trying to work, noting that some of the homeless are educated. Ms. Dodd felt that we all share and bleed the same blood and are supposed to be family. She questioned why there were so many problems with homelessness, stating that she felt like crying because she believed that everybody in America should have a home and a place to stay. Ms. Dodd questioned why there is no help where we live and why help is offered to other states.

Mr. Slavin noted that the City lost one of its truly great citizens with the passing of Harry Hettinger this past week and asked that members please join in a moment of silence.

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

AGENDA ADDITIONS/DELETIONS

Mr. Sudler moved for approval of the agenda, seconded by Mr. Neil and unanimously carried (Hare absent).

Mr. Anderson requested that item #5-B - City Manager's Report (July and August), be removed from the Consent Agenda.

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

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF SEPTEMBER 26, 2016

The Minutes of the Special Council Meeting of September 26, 2016 were unanimously approved by motion of Mr. Sudler, seconded by Mr. Neil and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF SEPTEMBER 26, 2016

The Minutes of the Regular Council Meeting of September 26, 2016 were unanimously approved by motion of Mr. Sudler, seconded by Mr. Neil and bore the written approval of Mayor Christiansen.

CERTIFICATE OF APPRECIATION - FRIENDS OF OLD DOVER

The City Clerk read the following Certificate of Appreciation into the record:

CERTIFICATE OF APPRECIATION

presented to

The Friends of Old Dover for contributing their labor time, and energy to clear weeds and debris from Constitution Park on September 24, 2016, and for their continued efforts to restore the appeal of this significant cultural and historical landmark.

Your public service and selflessness have increased the quality of life for the residents of the City of Dover.

October 10, 2016

On behalf of the Mayor and Council, Mayor Christiansen presented the Certificate of Appreciation to Mr. Larry Josefowski, President of the Friends of Old Dover. Mayor Christiansen noted that the Friends of Old Dover were going to play a very important role in the City's 300th Birthday, which would be kicking off at Dover Days 2017.

Mr. Josefowski shared the Friends of Old Dover's appreciation for the City's recognition. He informed members that Constitution Park is one of the City's smaller parks; however, it is one of the most used sites, noting that it is located near almost every significant downtown location. Mr. Josefowski stated that the condition of the park was brought to the attention of the Friends of Old Dover by Mr. Tom Smith, and he spearheaded the effort for the cleanup. He advised that a large amount of weeds and debris had been removed from the park; however, there was a lot more work to be done, including power washing; repairs to the mortar, electrical system, and lights; and work on the holly bushes. Mr. Josefowski indicated that the Friends of Old Dover looked forward to possible assistance from the City of Dover, which had been mentioned by Council President Slavin.

CERTIFICATE OF CONGRATULATIONS - DELAWARE STATE UNIVERSITY 125TH ANNIVERSARY

On behalf of the Mayor and Council, Mayor Christiansen and Councilman Sudler presented Dr. Harry Williams, President of the University; Dr. Victor Santos, Director of Government and

Community Relations; and University alumni and staff members in attendance with the following Certificate of Congratulations:

CERTIFICATE OF CONGRATULATIONS

presented to

Delaware State University on its 125th Anniversary

Delaware State University was established as the State College for Colored Students on May 15, 1891 by the Delaware General Assembly and, in its first year, enrolled a dozen students and offered five courses of study.

Through great determination, persistence, visionary leadership, and the demonstration of academic excellence, the College obtained university status in 1993, when Governor Thomas Carper signed legislation renaming the institution Delaware State University. The University is now a fully accredited, vibrant institution with a reputation for distinguished scholarship, enrolling more than 4,500 students and offering over 51 baccalaureate, 25 master's, and five doctoral degree programs through 21 academic departments and five distinct colleges.

Delaware State University has been recognized by the Association of Public and Land-Grant Universities as "1890 University of the Year" twice in recent years, and is ranked fourth among the nation's Historically Black Colleges and Universities. Throughout its history, the University has been a cornerstone of the Dover community, offering access and educational opportunities to diverse populations from Delaware, the nation, and the world.

The City of Dover extends its sincere congratulations.

October 10, 2016

Dr. Williams thanked members of Council for the incredible opportunity to recognize Delaware State University. He stated that the University started as a state college for colored students 125 years ago in 1891 and 125 years later, it is a full-fledged university. Dr. Williams advised that the college started with 12 students and three (3) faculty members on the Loockerman Plantation, and the Loockerman home is still standing there. He informed members that today, the University has a robust enrollment of over 4,500 students, 200 faculty members, 800 staff members, and over 19,000 distinguished alumni around the world.

Dr. Williams stated that he would pass the certificate of congratulations on to the board of trustees. He noted that they were blessed to have board member Dr. Wilma Mishoe in attendance, and informed members that her father was the seventh president of Delaware State University, inherited the University in 1960, and served with distinction for over 27 years.

Dr. Williams recognized others in attendance, including Dr. Mishoe's sister; the national president of the alumni association, Michelle Davis; members of the Kent County Alumni Association; and the Marshalls, who are the Hornets' number one fans, were inducted into the hall of fame, and wear their rings with a great deal of pride.

Dr. Williams noted that this was a great honor and thanked the City for supporting Delaware State University. He stated that they are a family, feel a part of this community, and are blessed to be here. Dr. Williams thanked everybody who had been a part of helping Delaware State become the University it is today.

Dr. Williams noted that Delaware State University's homecoming would be held this Saturday, October 15, 2016, and the parade would be marching straight down Loockerman Street.

Mr. Slavin noted that, with the adoption of the Consent Agenda earlier in the meeting, Reverend Rita Mishoe Paige was appointed to the Dover Human Relations Commission, and thanked her for her service.

PRESENTATIONS - 2016 MAYOR'S ARTS AWARDS

The Mayor's Arts Award was established to recognize the importance of the arts in Dover and to honor groups and individuals who have made outstanding contributions to the artistic and cultural light of our great City. The award honors visual and performing artists, arts educators, arts organizations, arts volunteers, and supporters of the arts. The recipients of this prestigious award exemplify excellence, inspire the community with their artistic pursuit, and insure a cultural legacy for future generations. Mayor Christiansen presented the 2016 Mayor's Arts Awards, as follows:

Jack and Jeffrey Kidner

Brothers Jack and Jeffrey Kidner formed a bluegrass ensemble known as Road 599 when they were quite young. The ensemble, a string bass and fiddle, performs regularly for local and regional events. Since that time, they have excelled in many competitions and have taken first place prizes in the Delmarva Folk Hero Contest and the National League of American Pen Women, Youth Artistic Excellence Competition.

The brothers are high school juniors at the time of their nomination. In addition to their musical talents, both are good students and play lacrosse and are active in their church.

Responding to Mayor Christiansen, Mr. Jack Kidner shared that he and his brother always had an interest in music growing up and decided to name their group after the road that their grandfather lived on. He explained that their grandfather would take them down to Sam Yoder's barn in Greenwood, where they would listen to a group called Little Roy Lewis and the Lewis Family play the bluegrass style music that they liked.

Mr. Jeffrey Kidner thanked the Mayor and members of Council for the award.

Michael Kosior

Mr. Michael Kosior is a percussionist who plays drums in several different bands, is active in the school marching band, and provides accompanying percussion for a variety of community activities

and events. He participates in drama productions and has performed in several shows at the Schwartz Theater. He is a good student and a member of the basketball team.

Mr. Kosior shared that he loves to play the drums and plays them every day, noting that he is in several bands. He stated that playing the drums is a lot of fun, he really enjoys doing it, and is glad that he is able to do it for the City.

Mayor Christiansen noted that Mr. Kosior had previously served very well on the City of Dover Youth Advisory Committee.

Inner City Cultural League

The Inner City Cultural League was founded in 1990 as a community artistic/cultural resource. The Sankofa African Dance Company, the Sankofa String Orchestra, and the Don-Del Theater Program are three (3) of the longstanding arts programs which provide for an experience in the arts for young people and an introduction to the arts genre of African and African American culture for the community at large. These three (3) programs have thrived through the years, led by volunteers and supported by family and friends.

Mayor Christiansen noted that former Councilman Reuben Salters founded this group, which continues to be long playing, long dancing, and probably one of the greatest cultural treasures in the City. He presented the award to former Councilman Salters' daughter, Mrs. Stroud, and Ms. Denise Hicks Barnes, Executive Director of the Inner City Cultural League.

Mrs. Stroud thanked the Mayor and members of Council and shared her and the Inner City Cultural League's appreciation for the City of Dover. She announced that there would be a string orchestra concert at the new cultural arts center on October 30, 2016 at 6:00 p.m.

Dr. James Wilson

Dr. James Wilson has worked the past six (6) years to promote and strengthen the arts in Dover through his work with Wesley College, the Delaware Choral Society, the Kent Chamber Choir, and the Wesley United Methodist Church. Dr. Wilson has built the music program at Wesley College from the ground up, and now approximately 20% of all Wesley students participate in one or more of its courses. Dr. Wilson is the first person to bring a fully-staged opera to Dover with the production of Amahl and the Night Visitors at the Schwartz Theater.

He is an accomplished soloist who has performed in a variety of locales up and down the East Coast. In addition to his role as a college professor, he is also a band conductor. His resume spans many years.

English Country Dancers

The English Country Dancers is a longstanding (four (4) decades) group of community-minded citizens who restored an historic art form of 18th and 19th century country dance. The troupe holds monthly English Country Dances, as well as dances on New Year's Eve and 12th Night. They perform publicly at the 18th Century Market Fair, A Day in the Life of the John Dickinson Plantation, Old Dover Days, First Night, the Delaware Agricultural Museum, Woodburn, and

numerous venues around Delmarva and the Mid-Atlantic states. They lead a variety of workshops and dances to teach the art and craft of dancing to community members.

Ms. Karen Smith, Dover English Country Dancers President, thanked Winfried and Edith Mroz and Alex and Rosemary Apostolina, who founded the Dover English Country Dancers in 1979, and all of the individuals who had continued the tradition since then. She announced that the group would be performing at the Dover Market Fair on November 5, 2016 in front of the State House, and invited everyone to attend to learn about their heritage and English Country Dancing. Ms. Smith noted that our forefathers danced as part of their daily activity, George Washington was reputed to be an excellent dancer, and there is no reason that everyone cannot join the Dover English Country Dancers there.

PROCLAMATION - NATIONAL COMMUNITY PLANNING MONTH

The City Clerk read the following Proclamation into the record:

WHEREAS, change is constant in every community and affects all of us, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be involved in making choices that determine the future of their community; the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in plan development and plan implementation; and

WHEREAS, the American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our communities and environment; and

WHEREAS, the 2016 theme is "Civic Engagement" which underscores the necessity of engaging the public, elected officials, and key leaders in discussions that shape the future of our community;

NOW THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim the month of October 2016 as **NATIONAL COMMUNITY PLANNING MONTH** in the City of Dover, and encourage all citizens to join me in recognizing the participation and dedication of the members of the City of Dover Planning Commission and the valuable contributions made by community and regional planners and our partner agencies at the State and county level, and extend our heartfelt thanks for the continued commitment to public service by these professionals and private citizens.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that on the third Monday of each month, the City's community planners and the Planning Commission meet to review all of the development applications, and those members have really made the City what it is today. She stated that the City has had a very diverse, representative

Planning Commission, and it had truly been a pleasure to work with the wonderful people on the Commission, as well as Council, to bring the vision to reality.

COUNCIL COMMITTEE OF THE WHOLE REPORT - SEPTEMBER 27, 2016

The Council Committee of the Whole Meeting was held on September 27, 2016 at 6:00 p.m., with Council President Slavin presiding (departed at 7:00 p.m. and returned at 7:03 p.m.). Members of Council present were Mr. Anderson (arrived at 6:20 p.m.), Mr. Sudler (departed at 7:01 p.m.), Mr. Neil (arrived at 6:15 p.m.), Mr. Cole (arrived at 6:09 p.m.), Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mr. Lewis and Mayor Christiansen were absent. Civilian members present for their Committee meetings were Mr. Keller and Mr. Shelton (*Safety Advisory and Transportation*), and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*).

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

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

Request for Four-Way Stop Sign - Wyoming Avenue and Westview Terrace

Mr. Scott Koenig, City Manager, advised members that Second District Councilman William F. Hare received a petition from area residents interested in the potential installation of a four-way stop condition at the intersection of Wyoming Avenue and Westview Terrace. The engineering staff in the Department of Public Works determined that a four-way stop was justified at this location based on the current Manual on Uniform Traffic Control Devices (MUTCD). In addition, Mr. Koenig indicated that there had been consistent speeding complaints on this section of road. Speed monitoring signs had been installed previously, but the dangerous conditions had persisted. He stated that staff had no objections to the request and had made preparations for the installation of the four-way stop at the referenced intersection. Mr. Koenig explained that, after roadside message boards were placed to alert motorists to the upcoming stop installation, several complaints and/or concerns were voiced by area residents regarding the planned installation. This item was placed on the Committee agenda to receive public comment and final direction on the request.

Mr. Koenig informed members that Wyoming Avenue was scheduled for the FY 17 paving program and would be paved by the end of the fiscal year, noting that bids for the program were scheduled for consideration by Council during their meeting scheduled for October 10, 2016. He explained that there is also potential for a change in traffic volumes in this area related to the opening of the West Dover Connector. Mr. Koenig indicated that although this bypass would not really reduce speeding, it may reduce the total number of cars traveling through the area, at least in the short term. He stated that staff's recommendation was that the four-way stop condition meets the technical merits and, if public comment is favorable, staff would prepare to install the signs either now or after the paving project; however, if the

testimony indicates that they would like to wait, staff is prepared to wait until a future date to install the signs.

Staff recommended the installation of a four-way stop condition at the intersection of Wyoming Avenue and Westview Terrace; however, final action should consider any public testimony received at the committee meeting.

Referring to the MetroCount Traffic Executive Speed Bin Chart, Mr. Hare stated that approximately 31,000 cars, or a rough average of 3,100 cars per day, traveled Wyoming Avenue in a 10-day period, according to this police survey. Approximately 19.4% of the traffic was traveling between 35 and 60 miles per hour (m.p.h.). Mr. Hare indicated that Police Chief Paul Bernat had stated that there was a speeding problem on Wyoming Avenue. Mr. Hare noted that he had been out on a day when the police were issuing tickets and they had already issued six (6) tickets by 12:30 p.m, when Mr. Hare had to leave.

Deputy Police Chief Marvin Mailey stated that the speed limit in the area was 25 m.p.h. He reviewed the MetroCount Traffic Executive Speed Bin Chart, explaining that there were 9,390 vehicles, or 29.8%, at 25 to 30 m.p.h.; 13,433, or 42.7%, at 30 to 35 m.p.h.; 4,776, or 15.2%, from 35 to 40 m.p.h.; and 1,055, or 3.2%, at 40 to 45 m.p.h.

Mr. Hosfelt stated that the majority of vehicles were traveling between 30 and 40 m.p.h.

Deputy Chief Mailey stated that the Police Department had been conducting enforcement in this area. He noted that traditionally police officers allow 15 m.p.h. over the speed limit in the City of Dover; however, this area had been a concern over several years, officers had been out there periodically, and officers had restricted the speed to 10 m.p.h. over the limit and were stopping vehicles on that basis. Deputy Chief Mailey stated that officers were continuing to see more cars in the area and stopping more traffic, and they would continue to do so.

Mr. Anthony DePrima, 575 Westwood Drive, stated that he had lived in the Woodbrook neighborhood for 25 years and had never had a problem getting onto or crossing Wyoming Avenue due to high speeds or high volume, unless there was a bicycle race going on. He did not deny that there was speeding in the area, stating that there had been speeding since he moved there, as well as a law enforcement presence. Mr. DePrima indicated that the speeds and the volumes do not cause a problem for accessing the street or crossing it. He stated that he opposed a stop sign at Westview Terrace and Wyoming Avenue, believing that it was an unnecessary inconvenience that would not work for the goal that was being established. Mr. DePrima explained that he had talked to a number of his neighbors who indicated that they did not understand the proposal and did not see a problem. He asked if those neighbors could stand and provide their names and addresses, and the following individuals did so: Mr. Jeramie Forbes, 524 Westwood Drive;

Mr. Don Stein, 522 Woodsedge Road; Mr. Tom Bursler, 523 Westwood Drive; Mr. Jeff Buttillo, 551 Westwood Drive; Mr. Jerry Abrams, 1110 Woodsedge Road; Mr. Ralph Taylor, 1017 Westview Terrace; and Mrs. Marsha Lees; 1014 Westview Terrace. *(City Clerk's Office Note: The petition requesting the installation of stop signs on the east-west intersection of Wyoming Avenue and Westview Terrace included the signatures of Mr. Ralph Taylor and Mrs. Marsha Lees.)*

Mr. DePrima stated that he had not obtained a petition, although he believed he could have done so since many people felt the same way that he did. He explained that he travels this road several times a day and felt that the proposed stop sign would be a nuisance to the approximately 3,000 people who would have to stop there every day, according to the traffic count cited. In addition, Mr. DePrima stated that one (1) of his neighbors pointed out that there are times when several cars stopped at the red light on Governors Avenue are all released when the light turns green. He felt that when these cars reach the proposed stop sign, they will each have to stop repeatedly as they wait for the cars in front of them to cross the four-way stop. Mr. DePrima reiterated that a four-way stop would not help the problem. He had analyzed the traffic study and believed it was flawed because the eastbound flasher on Wyoming Avenue was not working during the study, he had never seen it working, and it was still not working. Mr. DePrima believed that these types of flashing signs are effective and that speeds in the study were a little higher because the flasher was not functioning.

Mr. DePrima stated that, in terms of the volume of traffic, if the number of cars counted were compressed into an 18-hour period, they would equate to three (3) cars per minute, or one (1) car passing every 20 seconds on average. He felt that sitting at a stop sign for an average of 20 seconds would feel like a long time to drivers. Mr. DePrima stated that, when looking at the numbers in the study, the majority of cars were actually traveling between 25 and 35 m.p.h., and the average speed was 31 m.p.h.

Mr. DePrima felt that a four-way stop would not be an effective control because stop signs are safety control rather than speed control devices. He noted that there was not a safety problem at this location, stating that Chief Bernat had brought up this point with him, and there was not a record of accidents at this location. Mr. DePrima advised that a stop sign only affects the speeds in front of the sign as cars are starting to slow, and a car going between 30 and 35 m.p.h. requires between 110 and 140 feet to come to a stop. Outside of this range, there would still be a speeding problem. He stated that Mr. Hare had advised him that people were having a hard time getting out of their driveways; however, Mr. DePrima explained that there were only two (2) driveways within 150 feet of the stop sign, since residents on the north side of the road exit out onto an alley. He also believed that traffic volumes would decrease once the West Dover Connector opens. Mr. DePrima noted that cars were traveling from the south of Dover up State Street and Governors Avenue, making a left turn onto Wyoming Avenue and a right turn onto New Burton Road to go work at Playtex,

Dover High School, or General Foods, and this would definitely change when the Connector is complete.

Mr. DePrima reiterated that a four-way stop was not an effective speed control measure and this was not a safety issue. As a solution he recommended fixing the eastbound flasher, which had not worked since he could remember, and bringing back enforcement to the levels that were there before the flashers were installed. Mr. DePrima stated that his neighbors agreed that enforcement had left once the flashers were installed, and the motorcycle policemen that had been a standard had gone away, probably because the business went away. He noted that Chief Bernat had advised him that he had instructed traffic units to drop the standard for tickets from 15 m.p.h. over the speed limit to 10 m.p.h. over, which Mr. DePrima felt was a good move. He believed that bringing enforcement back, giving out tickets, and fixing the flasher would result in slower speeds. Mr. DePrima stated that if there continued to be a problem after the West Dover Connector was finished, measures should be considered that are designed to slow traffic over the whole length of the road. He indicated that there are many kinds of traffic calming measures, noting that Council was discussing one (1) such measure on State Street, and suggested not treating just a 300-foot section of the road but the whole road if enforcement does not work.

Ms. Laura Hauss, 1155 Yearsley Drive, stated that she travels down Wyoming Avenue at least 10 times per day and she is opposed to the proposed stop sign. She advised that she was not opposed to stop signs in general, and noted that 30 years ago she had petitioned the City of New York to upgrade an intersection with poorly placed stop signs to a four-way flasher, although they did not do this until there was a fatal accident. Ms. Hauss believed that the current situation was the opposite of the problem in New York City since people would not expect a stop sign in this location, and there would probably be accidents where there had not been any previously. She stated that many people start speeding around the corner from New Burton Road and suggested that this would be a good place to address the problem, rather than in the middle of Wyoming Avenue. Ms. Hauss indicated that there are several accidents each year on State Street and Wyoming Avenue and she had never seen any measures to address this situation. She did not think a four-way stop would address the problem of those having trouble getting out of their driveways because it would produce a line of cars waiting, noting that the intersection is especially busy in the morning rush hour and this would make their problem worse.

Ms. Elizabeth Hauss, 1155 Yearsley Drive, stated that she was against the stop sign and agreed with Mr. DePrima's comments. She indicated that she had lived there most of her life and is an avid runner who crosses this intersection twice on her daily runs, but had rarely waited to cross because the traffic moves so smoothly. Ms. Hauss did not see the benefit of a stop sign because this is a safety feature, not a speed feature. She felt that the petition with 30 people in support of the measure was completely irrelevant if it was not determined how many people were against it, and questioned if everyone in the area had been surveyed to see who was opposed.

Ms. Hauss advised that she had seen much more dangerous intersections throughout Dover that do not get any attention, and questioned if this was because they were not a special interest. She noted that there had been numerous fatal pedestrian accidents on State Street and Governors Avenue that had not been addressed, yet the intersection being discussed somehow warranted taxpayers' money. Ms. Hauss believed that the overpass would decrease traffic and eliminate those people who are speeding when trying to get to work. She stated that she was unsure why action was being taken now, noting that the problem may go away once the overpass is complete. Ms. Hauss believed that the people who are speeding were most likely not from the neighborhood, since people have more respect for their own neighborhoods in most cases. Ms. Hauss stated that she opposed the four-way stop overall, but would definitely like to see what happens after the overpass is in.

Mrs. Marsha Lees, 1014 Westview Terrace, thanked those who time the lights at Governors Avenue and State Street, stating that this is a great rotation. She advised that this allows traffic to go through efficiently late at night and this intersection was one of the best in Dover. Mrs. Lees advised that she was against the stop sign at Wyoming Avenue and Westview Terrace. She felt that Wyoming Avenue was as wide as Webb's Lane, which is a 35 m.p.h. street and, even though it has a school operating at times, it is a straight and efficient shot between Governors Avenue and New Burton Road. It was her opinion that the speed limit should be 35 m.p.h. on Wyoming Avenue and that speed bumps would be more effective for speed control because people are more worried about their cars than about the issues of time. Mrs. Lees indicated that she had lived in Atlanta and Denver and had been involved in City matters, traffic, and safety, and the engineers that she spoke to agreed that stop signs were not for speed control. She also favored waiting until the new Connector goes in.

Mrs. Debbie Grinstead, 320 Wyoming Avenue, informed members that she and her husband, Alan, had lived at this location for almost 15 years. She stated that when they first moved there, there were hardly any children on the street or in the neighborhood; however, there were now numerous children. Mrs. Grinstead stated that speeding had gotten progressively worse, and she had made calls about this on numerous occasions. She advised that they now have grandchildren and are very concerned, noting that it is a beautiful neighborhood with sidewalks, but there is constant speeding on the road. Mrs. Grinstead stated that those who oppose the stop sign do not live on Wyoming Avenue. She indicated that she would be more than happy to wait for a car, noting that she was almost hit today when backing out of her driveway prior to the arrival of a police officer who was monitoring speed. Mrs. Grinstead stated that she did not care about herself getting hit but was concerned about the children and safety in the neighborhood. She was grateful that no children or animals had been hit but questioned if it would have to come to that. Mrs. Grinstead acknowledged that a stop sign may not stop every occurrence; however, she felt that it would at least slow traffic down to the point where cars would not start off again and reach 60 m.p.h. before reaching the next stop between New Burton Road and Governors Avenue. Mrs. Grinstead stated that members could

opt for speed bumps if they chose. She explained that she and her husband observe speeding constantly while sitting on their porch, especially on weekends when police patrol does not seem to be as strong and there is drag racing down the street. Mrs. Grinstead suggested putting the stop sign in and removing it if the bypass takes traffic away, stating that if everyone was worried about taxpayer money, she would pay for the stop sign. She indicated that she did not want to see someone's child hurt because a few people were inconvenienced by stopping for an average time of 20 seconds.

Mr. Richard Cook, 516 Wyoming Avenue, stated that he had seen the traffic and the scofflaws on Wyoming Avenue increase dramatically. He stated that he did not agree with everything that had been said about the speed and statistics. Mr. Cook noted that the speed limit was 25 m.p.h., but those who drive at 30 m.p.h. or less comprised 37.9% of the traffic and approximately 62% were driving faster than that. He noted that almost 20% drive between the speeds of 35 and 60 m.p.h., and one (1) out of every five (5) cars on Wyoming Avenue was exceeding the speed limit by at least 10 m.p.h.

Mr. Cook referred to Mr. DePrima's comment that only two (2) driveways back out onto Wyoming Avenue near the intersection and informed members that one (1) of those driveways was his and there were two (2) additional driveways on the other side of Westview Terrace. He stated that if members wanted to change the speed limit, they should do that; however, if they wanted public safety, they must find a way to allow people to live on the street and not be concerned about whether a feral cat or a child chasing a ball into the street would be hit. Mr. Cook stated that a way must be found to slow traffic down. He advised members that the idea of a stop sign would be to provide a temporary pause between New Burton Road and Governors Avenue about midway. He indicated that it would not matter where the sign was, noting that it could be at Westview Terrace or Sunset Terrace, but Monroe Terrace would be a little too close to Governors Avenue to have any effect. Mr. Cook indicated that the two (2) electronic speed indicator signs installed on Wyoming Avenue cost a lot of money and were supposed to warn people of the 25 m.p.h. speed limit. He agreed that the sign on the west end of Wyoming Avenue had been out of operation for a while and was unsure why. Mr. Cook believed that the presence of the speed sensor signs was an admission by the City that there was a problem and stated that something should be tried to alleviate the problem. He felt that the police presence absolutely works because people see the police and slow down, noting that some people have applications on their phones that advise where the police are, which lets them know to slow down. Mr. Cook stated that the problem is with these people who know they are breaking the law and noted that this is a high-traffic road.

Mr. Cook advised that tonight was the first time that he had heard that there was consideration of paving the road and believed that making it smoother would exacerbate the problem. He did not feel it was an inconvenience to stop at a stop sign, noting that stopping while traveling 25 m.p.h. does not take a lot of time,

although traveling at higher speeds would require more braking and more time. Mr. Cook indicated that there was also a lot of cell phone use. He asked members to seriously consider this safety issue.

Mr. Ralph Taylor, 1017 Westview Terrace, stated that his neighborhood is fantastic, mature, and involved, and his neighbors socialize, have block parties, and do things together. He felt that this was a great place to live and raise kids. Mr. Taylor stated that the neighborhood was in transition and, since it is an area where young people with children can afford to live, families were coming in. Since there were more children, he felt it important to be conscious of children and the school bus situation. Mr. Taylor advised that he lives one (1) house from the corner and traffic moves at a really good clip, day in and day out. Mr. Taylor believed that the morning school buses were a legitimate concern and police officers must be there to see exactly what is going on. He stated that when he was previously serving as motorcycle policeman, he knew that he would not have to wait long at the corner of Wyoming Avenue and Westview Terrace before issuing tickets because there were many speeders there, including his neighbors. Mr. Taylor understood that the bypass would be coming and suggested that a compromise would be to review the study when the bypass is complete. He felt that the opening of the West Dover Connector was a legitimate point; however, from an eyewitness point of view, Mr. Taylor believed that the intersection was dangerous and a stop sign was needed and would be welcomed to slow people down. Mr. Taylor stated that he had observed a car that left the Oktoberfest last Saturday and traveled at an estimated speed of 65 or 70 m.p.h. down Wyoming Avenue, with a driver that was probably intoxicated. He felt that cars must be slowed down. He stated that children and families with legitimate concerns must be taken care of in the interim, and this could be later reviewed and the traffic pattern changed.

Mr. Ray Hebert, 515 Wyoming Avenue, informed members that the speeding in the area is awful. He explained that he can look out his front window and observe cars going by at 45 or 50 m.p.h. Mr. Hebert indicated that the police were there earlier in the day and cars were slowing down; however, as soon as the police leave, speeds increase. He agreed with Mr. Cook that many people have a phone application that identifies where police are and they slow down so they will not get caught. Mr. Hebert believed this was a safety issue and estimated that some cars travel 60 or 65 m.p.h. He felt that installing a stop sign would slow people down and did not feel this would be an inconvenience. Mr. Hebert noted that some of the neighbors who spoke lived on Westview Terrace, not Wyoming Avenue, so they do not see the traffic going by. He stated that he had seen school buses traveling down the road at an estimated 40 m.p.h. and screeching to a halt at Wyoming Avenue and Westview Terrace to let off children. Mr. Hebert indicated that this was a problem the City was aware of and had addressed before, and police could not be there all of the time. He believed that a stop sign would work since a stop sign had been placed on South Bradford Street, where he lived previously, and had slowed traffic.

Responding to Mr. Hosfelt, Mr. Koenig stated that he would look into the eastbound flasher. Mr. Koenig stated that the West Dover Connector was estimated to be completed in late spring or early June of 2017, in approximately eight (8) to nine (9) months.

Mr. Slavin advised that this issue was reminiscent of a speed problem experienced on Spruance Road, a wide road in the Third District, where a stop sign was installed and the speeding problem continued. He indicated that two (2) measures can be taken to slow speeding: 1) changing things physically with the road, or 2) make it expensive for people to speed so that recidivism does not occur. Mr. Slavin informed members that Spruance Road was a wide road where no one parked on either side because they had parking in front of the houses. The road was striped both down the center and with parking areas. Mr. Slavin indicated that this changed the entire field of vision for those coming down the road and caused them to slow down. He wondered if design might address the situation on Wyoming Avenue, and if there was an opportunity for striping or embedding reflectors in the road with the repaving contract. In response, Mr. Koenig indicated that this was a possibility, noting that a similar technique was used on Independence Boulevard by putting a double yellow line down the center, which provided a visual means of slowing down the traffic. He thought there was probably enough room on Wyoming Avenue to paint a center line and a white line along the edge of the parking bay to recognize it as on-street parking. Mr. Koenig stated that a number of techniques could be used as the paving is being done, noting that he did not expect this to happen before the end of the calendar year because of the timing of the contract.

Mr. Slavin asked if an alternate to the bid for the striping could be requested from the same company that does the striping, to obtain an idea of the costs. Responding, Mr. Koenig stated that the cost on Independence Boulevard was just under $5,000 and estimated that this addition to the Wyoming Avenue project would be approximately in the $4,000 to $5,000 range.

Mr. Slavin requested Deputy Chief Mailey to speak to Chief Bernat about creating special enforcement districts for speeding within the City so that a ticket would be issued as well as a City of Dover citation. Mr. Slavin indicated that this was previously discussed in regard to North State Street and Independence Boulevard and Chief Bernat had stated that he would research this issue. Mr. Slavin stated that this would place added fines for speeding because there would be a violation of the City of Dover ordinance as well and would indicate to a speeder that this was a costly error.

Regarding enforcement, Mr. Slavin advised Deputy Chief Mailey that there had been many comments from residents about enforcement and felt that they needed to see enforcement more frequently. Mr. Slavin acknowledged that when speed limits are enforced in neighborhoods, invariably someone who has complained about the speeding receives a ticket for speeding, and he cautioned those present to be careful.

Mr. Cole moved to table this matter, seconded by Mr. Sudler.

Mr. Hutchison stated that a very serious issue of public safety had been raised, and he felt that an alternative was needed to address the immediate issue, although maybe not with a stop sign. He believed that something must be done to address safety concerns due to speeders, noting that the Police Department could not be expected to be there on a regular basis. Mr. Hutchison did not have an issue with tabling the matter, but reiterated the need to address safety.

Mr. Cole indicated that he was open to amending the motion. Responding, Mr. Anderson stated that a motion to table cannot be amended. Mr. Cole stated that he was open to stipulations.

Mr. Hare stated that he was not opposed to tabling this matter because there was a speeding problem acknowledged by the City and some good suggestions to address it. He stated that he had not heard any reason not to have the stop sign, other than that it would be a nuisance and an inconvenience, and had not heard anything from a safety aspect. Mr. Hare questioned whether to wait for accidents or someone being hit before doing something.

Mr. Sudler asked if the initiator of the motion would be open to a friendly amendment. He stated that he would like to not only defer this matter but also request that the City Manager, or the appropriate division, repair the flashing light immediately, as a temporary fix to somewhat address the issues related to speeding. Mr. Sudler thought that the light could be restored back to where it was at once, to have something in place, until the City does the study.

Mr. Slavin advised members that there was a motion to table, which is not open for discussion. He asked the maker of the motion to withdraw the motion entirely.

Mr. Cole withdrew the motion to table the matter.

Mr. Cole moved to defer this matter until the October meeting, when staff will have recommendations as to some alternatives to meet the safety needs and concerns of the neighborhood. The motion was seconded by Mr. Anderson.

Mr. Neil apologized for arriving late to the meeting due to being involved in an accident in the library parking lot. He stated that he was impressed by the number of people who signed the petition and felt it imperative to do something for those with a legitimate complaint. Mr. Neil noted that there had been an issue of speeding on North State Street and that speeding was a problem in the City. He was unsure if some of the devices discussed for North State Street, with the help of the Delaware Department of Transportation (DelDOT), could be applied here. He noted that there were a number of devices that could be used to slow traffic that might be examined.

Mr. Keller stated that what had struck him was the issue of children, which he could appreciate as a grandfather. Acknowledging that it would not take much time to defer this matter, he felt that the sooner action was taken the better. Mr. Keller stated that he had gone out to the area and talked to some of the people. He noted that there were already sign poles in place and asked how long it would take to put up a couple of signs. Mr. Keller stated that he was ready to have signs put up right now and did not believe members should table this matter.

Mr. Hutchison stated that a new traffic device now in place on northbound North State Street had not been there very long and was very impressive. He explained that when approached, the device lights up and, if the driver is over the speed limit, it flashes and does a good job in slowing people down. Mr. Hutchison indicated that those kinds of devices should be considered.

Mr. Hare stated that he had seen devices in Virginia that flash when a driver is over the speed limit and take a picture. He asked if this was possible in Dover. Responding, Mr. Koenig advised that this technology existed but was not yet authorized at the State level. He indicated that the State legislature had denied this technology in 2010 or 2011.

Mr. DePrima noted that the study was flawed because the flasher was not working and requested that Council fix the flasher and redo the counts. Responding, Mr. Hare stated that the flasher did not have anything to do with the study, noting that two (2) cords were put across the street and the flashers did not count cars. Mr. DePrima stated his point was that the flashers work to slow traffic. He advised that everyone had acknowledged that it is helpful to have the flasher in place; however, for the entire study, the flasher was not working, so people were not getting the message to slow down. Mr. DePrima suggested fixing the flasher and running the study again, so that it would not be flawed.

Ms. Elizabeth Hauss questioned if a stop sign had ever been taken down. Noting that it had been mentioned that there were people drag racing, she stated that drag racers do not care about stop signs and would run through them, hurting someone at the stop sign who was casually looking right or left and not down the road at the speeder. She felt that if there was no four-way stop, drivers would be looking further down the road to see these potentially hazardous people. Ms. Hauss believed that putting up a stop sign would cause more accidents. She questioned how many accidents would have to occur for the City to remove the stop sign. Referring to the petition, Ms. Hauss stated that she could find 30 people to sign a petition saying that a unicorn should be President; however, this was irrelevant if it was not shown how many people were opposed, and that had not been done. She felt that it would be a different matter if the entire area was surveyed and the majority of the people in the neighborhood wanted the four-way stop.

Mr. Hosfelt stated that there was a motion on the floor to defer this matter for one (1) month to gather more information from staff and the Police Department. He assumed

that the Police Department could conduct a study with properly working flashers on both ends of Wyoming Avenue within a month, and more information could be gathered to make a better decision. Mr. Hosfelt noted that the there was a similar situation on Independence Boulevard in the First District, and striping had significantly reduced the speed. He advised that Independence Boulevard is similar to Wyoming Avenue because it is a cut-through or shortcut, and residents of that road seemed very happy with the results. Mr. Hosfelt noted that additional speed calming measures would be taken in that area.

In response to Mr. Sudler, Mr. Hosfelt stated that the original motion was to defer the whole matter for one (1) month to obtain further information.

Mr. Anderson stated that repairing the flasher was part of the motion to defer. Responding, Mr. Hosfelt stated that that was normal, routine maintenance which Mr. Koenig had already agreed to do. Mr. Hosfelt indicated that the motion on the floor was to defer this matter for one (1) month and gather more information from staff, and this motion had been seconded.

As a point of order, Mr. Sudler stated that he did not think that the motion was read according to his understanding that the flashing lights were to be fixed as a directive from the Committee to Mr. Koenig. He stated that he knew that Mr. Koenig said that he would do that; however, he did not think it was added in the motion. Mr. Sudler asked if this was part of the initial motion, and requested that the motion be read for the record.

At the request of Mr. Sudler, Chairman Hosfelt requested Mr. Cole to restate his motion for clarification. Responding, Mr. Cole stated that the motion was to defer the whole matter for one (1) month pending the completion of the flashing lights to better collect the information for the speed determination. Mr. Anderson confirmed that he seconded the motion.

The Committee deferred the whole matter for one (1) month pending the completion of the flashing lights to better collect the information for the speed determination.

Mr. Slavin thanked the community for coming out, stating that he was pleased to see people interested in safety in their neighborhood and expressed confidence that a solution would be reached together, whether through a stop sign, striping, enforcement, or all of these strategies. He urged those present not to let themselves be divided by whether or not a stop sign is installed, stating that what was important was that the community was united in their desire for a safer community. Mr. Slavin assured them that Council was willing to take measures to achieve this.

LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

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

Annual Review of Investment Policy

Mrs. Donna Mitchell, Controller/Treasurer, advised that an annual review of the City of Dover Investment Policy Statement had just been completed. She stated that staff reviewed changes recommended by Public Financial Management, Inc. (PFM), the City's investment advisory firm, and some of PFM's recommendations were incorporated into the policy amendments. Mrs. Mitchell indicated that many of the proposed amendments were administrative, such as changes in the names of rating agencies. She stated that a more significant change was the lowering of credit ratings from AA to A to enhance returns and provide more investment choices. In addition, referring to Section 8.8 of the Policy, Asset Backed Securities, Mrs. Mitchell explained that PFM recommended the addition of these securities, which include auto-loan receivables, credit card receivables, home equity loans, and manufactured housing loans. She indicated that she initially had some hesitation about including investments that include these types of notes; however, she reviewed the State's investment policy and found that this would mirror their policy. Mrs. Mitchell stated that she was comfortable adding these securities to the portfolio, as a single issuer was only a small portion of the City's portfolio and could not exceed 5%.

Staff recommended approval of the proposed changes to the Investment Policy Statement.

The Committee recommended approval of the proposed changes to the Investment Policy Statement, as recommended by staff.

By consent agenda, Mr. Sudler moved for approval of the Revised Investment Policy Statement *(Exhibit #1)*, seconded by Mr. Neil and carried by a unanimous roll call vote.

Discussion of Duties and Assignments of City Personnel

During the Council Committee of the Whole/Legislative, Finance, and Administration meeting of July 26, 2016, members discussed the Duties and Assignments of City Personnel and deferred this matter until members had all the information they needed. During their meeting of August 23, 2016, the Committee deferred this item until September 27, 2016.

Mr. Slavin reminded members that this agenda item stemmed from discussions during the 2016 Budget Review. It was his belief that members wanted to discuss the Planning and Inspections Department/Parks and Recreation Department cluster. Noting that Mrs. Ann Marie Townshend, Director of Planning and Community Development was not present, Mr. Slavin suggested that it might be best to defer this discussion.

Mr. Anderson noted that Mr. Sudler was not present either because he had to leave for an appointment.

The Committee deferred this matter until the next Council Committee of the Whole/Legislative, Finance, and Administration Committee meeting.

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

During the Council Committee of the Whole/Legislative, Finance, and Administration Committee meeting of August 23, 2016, members considered Designing and Expanding Recruitment for City Committees, Commissions, and Boards. Members deferred this matter until September 27, 2016 to allow the ideas to be solidified, Mr. Lewis and Mr. Anderson to review and refine it further, and for Mrs. Sass and the City Clerk's Office to work together.

Mrs. Kay Sass, Public Affairs and Emergency Management Coordinator, stated that she had reviewed the information pertaining to committees, commissions, and boards with the City Clerk's Office. She noted that at the previous meeting, she had suggested that social media postings of vacancies could be distributed through five (5) or six (6) postings starting at 10 to 12 weeks prior to applications being due, with repostings at six (6) to eight (8) weeks, two (2) to four (4) weeks, three (3) to five (5) days, and on the final date of the acceptance of applications. Mrs. Sass explained that she and the City Clerk are the individuals who are authorized to post on social media for the City and could cover this responsibility. She stated that they also believed that a link could be placed on the main page of the City website showing the listing of available committees, the openings, and the application. Mrs. Sass expressed her hope that each member had an opportunity to review the application that was proposed at the previous meeting, which she felt was a big improvement from the current application. She noted that it was much more thorough and requested information from applicants that should result in a diverse selection of individuals from across the City. Mrs. Sass explained that, when creating the application, Mrs. Traci McDowell, City Clerk, compared different applications, including those from Newark and the State of Delaware, and the best portions were incorporated in the proposed City application. It was Mrs. Sass's opinion that there were benefits to having laymen on committees, noting that some people approach matters by considering their financial impact, some by the time management impact, and others by the impact on the community as a whole. She expressed her hope that members would be open to not limiting an applicant because they did not believe that they were a subject matter expert. Mrs. Sass felt that everyone could offer something and felt it important to keep an open mind, noting that there are subject matter experts on staff that could help to clarify matters. She encouraged all individuals to apply and personally felt that committees should not be limited but should reflect the community as a whole.

Mr. Hutchison expressed his compliments regarding the proposed application and questioned how long applications remain on file after submission. Responding, Mrs. McDowell stated that applications are kept forever.

Dr. Stewart noted that she had not been present when this was previously discussed and asked whether the goal was to obtain more applicants, more qualified applicants, or more diverse applicants. Responding, Mr. Anderson stated his belief that the City was not hearing from enough people and indicated that he had been approached by

people who wanted to be involved in the City but were unsure how to do so, what positions were available, or were hearing about openings too late. He explained that he wanted to make the process simple so that individuals could go to one (1) place to see openings and how to apply. Mr. Anderson stated that the goal for the application was to provide useful information for members to review. He indicated that applications are currently not distributed unless requested. Mr. Anderson noted that if someone applies and is not chosen for a committee, their application would provide useful information that would allow them to be considered for different opportunities. He expressed the desire to get more people involved and to provide a pool of individuals that can be contacted to fill other vacancies. Mr. Anderson noted that it would also be helpful to be able to provide an explanation when asked about why someone was chosen and to be able to state, for example, that they had some background or interest, or that they were the only applicant. He stated that there are vacancies that have existed for years as a result of the current process, and he felt this illustrated that information was not getting distributed since there are frequently people who state they want to serve.

Mr. Neil stated his belief that people do not realize that they have an opportunity to serve and volunteer their time, and that opening up the pool for committees would give them an opportunity to become involved in government. He noted that Councilman Lewis was not present this evening but had previously suggested requiring training through the Delaware League of Local Governments (DLLG). Mr. Neil stated that it was difficult to find people who are interested enough in the City to volunteer their time and effort. He felt that they should not be discouraged by imposing requirements, which would close more doors than it would open. Mr. Neil suggested bringing individuals in, letting them experience what is here, and allowing them to go to staff and Council to understand aspects of government. He felt that staff had done a marvelous job in heading up this effort and providing a form to allow for a greater pool of people.

Mrs. Sass clarified that information had always been available on the website for all of the openings that had existed and that it was not a matter of this not being there for the public. She stated that sometimes it is a matter of people not being interested, and suggested that perhaps another way must be found.

Mr. Anderson disagreed, stating that he was aware of existing vacancies that were not reflected on the website. Responding, Mrs. Sass stated that the City had just converted to a new website and the priority was to make sure that meeting minutes and agendas required by law were posted. She noted that there would be several weeks of correcting errors found throughout the entire site. Mr. Anderson stated that he had looked at the website earlier in the day and all the vacancies were not listed. For example, he noted that the listing for the Dover Human Relations Commission (DHRC) was not current and that Mr. Kenneth Roach was still listed as the Fourth District Representative, although this position was vacant. Mr. Anderson noted that another committee listing was not current, although he could not recall what it was.

Mr. Hare stated that there were vacancies on the DHRC in the First and Fourth Districts and noted that it was incumbent on Council members to encourage people to get involved and make recommendations for committees. He asked if Mr. Anderson had made recommendations for the Fourth District. Responding, Mr. Anderson stated that he had not made a recommendation yet; however, he had reached out to people who were considering applying.

Mr. Hare stated that a vacancy on the Compensation Commission was about to be filled. He expressed his belief that requiring committee members to be trained through the DLLG might be counterproductive, noting that these were not high-paid positions but volunteer opportunities, and putting restrictions on them might discourage applicants. Mr. Hare agreed with the application process and having vacancies listed.

Mrs. Sass advised that staff would be happy to start promoting openings if Council was ready and wanted staff to do so.

Mr. Slavin stated that the reason for the discussion was to develop a wide expanse of diverse candidates with deep, varied backgrounds. He indicated that better information was also needed to vet candidates. Mr. Slavin stated that Councilman Lewis had raised this issue. As someone with responsibility of making many of these appointments, Mr. Slavin stated that he had not been calling members to tell them that there were vacancies and request names, noting that the process was not as simple as just thinking about who would do well in a position. He explained that he had run into roadblocks, noting that in some cases individuals were already serving on other boards or commissions at the State or County level. In addition, Mr. Slavin noted that an individual's appointment must be vetted by their employer to make sure there are no conflicts of interest, and they must go through the City's Clean Hands Ordinance. He stated that some boards require residence by district, and some do not. Mr. Slavin advised that it is not a simple process of penciling in names on rosters and obtaining appointees. He indicated that some are volunteer positions and others offer a meager amount of pay, and that people work a lot these days, often working varied hours, leaving those who work Monday through Friday from 9:00 a.m. to 5:00 p.m. few and far between. Mr. Slavin stated that Council would continue to work at this.

In regard to training, Mr. Slavin felt there should be an onboarding process for new appointees to any committee, commission, or assignment, similar to the process that a full-time or part-time employee goes through. He asked that the City Clerk's Office or the Human Resources Director look at this process and provide members with an overview of what that process involves. Mr. Slavin stated that he was not convinced that sending these individuals to another organization for training would fit the City's needs, noting that he was unsure what training Mr. Lewis was proposing that they be sent to. Mr. Slavin believed that useful information would include how meetings are run, how to access information on the City's website, who appointees can call within the City, and what resources are available to them. He noted that a huge portion of

the training would be related to Freedom of Information Act (FOIA) laws so that people would be grounded when they walk in the door.

Mr. Hare recalled that, in the 1990s, one-hour workshops were held for newly-appointed committee members, and explanations were provided about FOIA rules, etc. He agreed with this approach, rather than sending members elsewhere for training.

Mr. Slavin stated that it may be cheaper to bring a resource in to train all appointees in one (1) place, rather than sending them elsewhere.

Referring to page 4 of the proposed application, Mr. Shevock questioned why it would be desired to have applicants indicate if they or a relative have a disability, and to describe their disability, gender, and ethnicity. He noted that providing this information was optional; however, he questioned what it had to do with working on a committee. Responding, Mrs. Sass indicated that it would be up to members' discretion whether this should be included; however, she advised that this was included to make sure that the committees, commissions, and boards represent a true snapshot of the Dover community. She explained the desire to ensure that minorities include various groups such as African-Americans, women, and Indians. Mrs. McDowell stated her belief that these questions came from the State and probably dealt with obtaining someone with the experience needed for a particular committee. She noted that, in creating the new application, there was a lot of discussion about diversity and the makeup of committees. Mrs. McDowell noted that staff could not say what the races or nationalities of current members were because they never ask. Mr. Slavin explained that these questions reflect standard information gathering required by Equal Employment Opportunity (EEO) practices. He stated that this information is optional, but the City would try to capture it to show that its recruitment process is fair.

Mr. Neil suggested including a statement that the City does not discriminate under any circumstances in regard to ethnicity, gender or disability. He also expressed the importance of making sure that the disabled can get into the City's facility. Mr. Neil noted that there could be difficulty because it is not very convenient for someone in a wheelchair to come into the Council Chambers to serve on a committee, and allowances may have to be made.

Mr. Anderson felt it was a good suggestion to add that the City provides equal opportunity and does not discriminate on any lawful basis.

Mr. Slavin indicated that the discussion had pivoted and was now addressing EEO policies. He advised that he, Mr. Scott Koenig, City Manager, and Mrs. Kim Hawkins, Human Resources Director, had discussed this approximately two (2) weeks ago. Mr. Slavin stated that had noticed that when he clicked on the EEO policy statement on the old City website, it indicated that it was "under construction," and he was unsure what had caused this. He informed members that

he had asked Mrs. Hawkins to prepare a full briefing on what the City's policy is, what its goals are, where the City is vis-a-vis those goals, and what strategies are in place with recruitment and hiring. Mr. Slavin indicated that he believed that some of his questions had been shared with members of Council. He stated that this matter was scheduled for consideration during the Council Committee of the Whole/Legislative Finance, and Administration Committee's second meeting in October. Mr. Slavin expressed his opinion that the EEO statement should go on everything that the City has, not just hiring-related information.

Mr. Anderson agreed with Mr. Slavin and stated his hope that members would review the report prepared by Dr. Bobby Jones related to recruitment that Council passed and enacted, which he felt had fallen a little by the wayside. *(City Clerk's Office Note: During their Regular meeting of February 13, 2012, Council accepted the Legislative, Finance, and Administration Committee's recommendation that the Minority Recruitment Committee (MRC) Report be referred to staff for a report back to the Committee within 60 days. During their Annual meeting of May 14, 2012, Council accepted the Implementation Plan for the Minority Recruitment Committee Recommendations, as recommended by the Legislative, Finance, and Administration Committee.)*

The Committee recommended acceptance of staff's recommendation.

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

Members were provided "Proposed Recommendations for Advancing a more effective Recruitment Process for City Commissions, Committees and Boards", as submitted by Councilman Lewis. Referring to this document, Mr. Anderson noted that most of the five (5) recommendations it included had been implemented.

The Committee recommended that the five (5) points submitted by Councilman Lewis be adopted, with division of the question between point #4 and point #5, and that point #5 be voted upon separately.

At the request of Mr. Anderson, Mrs. McDowell read "Proposed Recommendations for Advancing a more effective Recruitment Process for City Commissions, Committees and Boards" into the record.

Referring to the recommendation regarding advertising and publishing vacancies, Mrs. Sass advised members that she had absolutely no problem doing the social media and website postings; however, she explained that she did not have an advertising budget and suggested that this recommendation be rephrased. Responding, Mr. Anderson stated that it would be up to members to come up with the money to advertise and it was not for Mrs. Sass to be concerned with. He noted that the recommendation was to "advertise/publish" and did not mandate advertising; therefore, a press release could be issued and would have no cost.

Responding to Mr. Neil, Mr. Anderson stated that advertising would not necessarily mean paid advertising.

By consent agenda, Mr. Sudler moved for approval of the Committee's recommendation for adoption of "Proposed Recommendations for Advancing a more effective Recruitment Process for City Commissions, Committees and Boards" points #1 - #4. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

The Committee deferred consideration of "Proposed Recommendations for Advancing a more effective Recruitment Process for City Commissions, Committees and Boards" point #5, related to the requirement of training for board, committee, and commission appointees, until the next meeting of the Council Committee of the Whole/Legislative, Finance, and Administration Committee, and to recommend that the City Clerk's Office and the Human Resources Director come back with an explanation of the onboarding process for new appointees.

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

Mr. Hare questioned if this would relate to members of committees, commissions, and boards attending DLLG training. Responding, Mr. Slavin stated that this question would be deferred until members determine what can be taught in-house.

By consent agenda, Mr. Sudler moved for acceptance of the Council Committee of the Whole Report, seconded by Mr. Neil and carried by a unanimous roll call vote.

MONTHLY REPORTS - AUGUST 2016

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

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

Mr. Anderson, referring to the Human Resources section of the City Manager's Report (July and August), indicated that there was a breakdown of the progress that had been made which relates to minority recruitment and asked what the breakdown was for full- and part-time employment. He requested that the City Manager provide this information at a future meeting.

Mr. Slavin indicated that members would be briefed on the City's efforts regarding Equal Employment Opportunity (EEO) during the Council Committee of the Whole Meeting scheduled for October 25, 2016 and noted that perhaps Mr. Scott Koenig, City Manager, and Mrs. Kim Hawkins, Human Resources Director, could answer those questions at that time. Responding, Mr. Anderson thought that would be appropriate.

Mr. Sudler moved for acceptance of the City Manager's Reports for July and August. The motion was seconded by Mr. Anderson and unanimously carried.

ACCEPTANCE OF PROPOSAL - SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) MASTER HARDWARE/SOFTWARE REPLACEMENT - SOLE SOURCE VENDOR

Mr. Scott Koenig, City Manager, reviewed a sole source vendor quote for replacement of the Supervisory Control and Data Acquisition (SCADA) Master Station software. He informed members that the Master Station receives all of the analog data, door alarms, and manages the controls for all of the City's electrical substations and wastewater lift stations. Mr. Koenig stated that the Master Station is comprised of dual host servers, dual operator consoles, paging systems, a web server, two (2) firewalls for DMZ, and one (1) remote access/support firewall. He noted that the Master Station also allows the operators to modify and control the City's electrical grid remotely, thus reducing the amount of time outages affect customers and residents. Mr. Koenig advised that if this purchase is not made from the qualified sole source vendor, the City would be forced into a position of completely overhauling all of the existing monitoring equipment in all the City's substations and lift stations to be compatible with the new software selection. He stated that selection of another vendor will significantly increase the cost of the proposed project. Mr. Koenig informed members that the requested expenditure amount includes $114,370 for the Master Station software replacement and associated training for two (2) personnel who are tasked with the day to day maintenance of the SCADA system.

Mr. Koenig stated that additional expenditures will be required to complete the project; however, these costs are included in the overall project budget of $150,000. He advised that the City's current equipment will soon reach the end of its life expectancy, noting that the system runs continuously (twenty-four (24) hours per day, seven (7) days per week) to monitor and track anomalies in the electrical and wastewater systems. Mr. Koenig stated that the additional firewalls will be required to conform to upcoming implementations of North American Electric Reliability Corporation (NERC) Critical Infrastructure Protection (CIP) Cyber Security Standards.

Mr. Koenig stated that staff recommended purchasing the SCADA Master hardware and software from the sole source vendor, Siemens Energy, Inc. for $114,370.

Mr. Hare moved for approval of staff's recommendation. The motion was seconded by Mr. Cole and carried by a unanimous roll call vote.

EVALUATION OF BIDS - SOUTH NEW STREET WATER MAIN REPLACEMENT

Mr. Scott Koenig, City Manager, reminded members that the Fiscal Year 2017 Capital Improvement Plan includes a project called Water Quality Improvements. He stated that staff identified the need for upgrading the existing four-inch (4") water main located in South New Street, between Loockerman Street and Water Street, explaining that the existing undersized main was installed in approximately 1960 and is made of unlined cast iron pipe. Mr. Koenig informed members that this project will replace this main with a new eight-inch (8") cement lined ductile iron pipe water main, which will provide City of Dover customers with improved water quality, increased system reliability, and improved fire protection.

Mr. Koenig stated that the bid was advertised to the public as an Invitation to Bid in accordance with the City's purchasing policy by the City's Purchasing Agent under ITB #17-0002PW and bids were opened on July 27, 2016. He reminded members that the original bids were brought to Council, but were rejected. Mr. Koenig advised that a second Invitation to Bid was advertised in accordance with the City's purchasing policy by the City's Purchasing Agent under ITB #17-0009PW and bids were opened on September 22, 2016. He stated that the City received bids from Aztech Contracting, Inc.; Eastern States Construction Services, Inc., and Gateway Construction. Mr. Koenig noted that staff reviewed the submissions and found that the Aztech Contracting, Inc. bid met all requirements for the qualification of the project.

Mr. Koenig stated that staff recommended awarding the contract to Aztech Contracting, Inc. for the City of Dover New Street Water Main Replacement Project, bid #17-0009PW, for the amount of $246,593.37.

In response to Mr. Hosfelt, Mr. Koenig confirmed that two (2) bids were received with the first bid submission. He stated that the original evaluation of bids included Aztec Contracting, Inc. in the amount of $206,088.60; however, they were deemed non-responsive because they did not fill out all of the correct paperwork to make their bid responsive. The second bid received with that first bid submission was from Teal Construction, Inc. in the amount of $292,500, which was staff's original recommendation to Council. Mr. Koenig reminded members that during their Regular Meeting of August 22, 2016, Council rejected the bids and opened the project for another bid solicitation. He stated that the project was rebid shortly thereafter.

Mr. Hosfelt asked if the rebid included the same project guidelines. Responding, Mr. Koenig stated that there were some minor changes to questions that were part of the original bid documents, but the same exact project parameters were in the rebid.

Mr. Sudler asked what minor changes were made from the initial bid solicitation to the second bid solicitation which may have driven a higher cost. In response, Mr. Koenig stated that he did not think that any of the changes drove a higher cost in the bid documents. He explained that there were questions asked during the review period and answered as part of addendums in the first bid package, and those answers became incorporated into the project documents for the second bid, so that there were no unanswered questions in the original project scope that was sent out for the second bid. Responding to Mr. Sudler, Mr. Koenig stated that he did not know what those questions were.

Mr. Neil stated that the original bid was obviously about $40,000 less but it was incomplete. He asked if Mr. Koenig was satisfied that the amount was complete in terms of the second bid by Aztech. In response, Mr. Koenig stated his understanding that the bid documentation that was not complete was not related to the bid sheet, explaining that they did not turn in all of the project support documentation the first time. He stated that staff was satisfied that the documentation that was submitted this round was complete and met the qualifications of bid review.

In response to Mr. Neil, Mr. Koenig reiterated that the base bid from the lowest responsive bidder who answered all the questions in the initial bid solicitation was $292,500.

Mr. Anderson moved for approval of staff's recommendation to award the contract to Aztech Contracting, Inc. for the City of Dover New Street Water Main Replacement Project, bid #17-0009PW, for the amount of $246,593.37, seconded by Mr. Neil.

Mr. Sudler moved to suspend the rules to allow for public discussion from the constituent in the audience, seconded by Mr. Lewis and unanimously carried.

Ms. Denise Hicks Barnes asked if the New Street Water Main Replacement Project would include any road repair in the area, stating that those roads are really bad and if would be awesome if repair was included. Responding, Mr. Koenig stated that the $246,000 expense would only include the replacement of the water main, explaining that the paving of the road, including concrete rehabilitation, would be proposed about a year after the water main project is complete, so that there is time for the gravel to settle.

Mr. Anderson stated that he was pleased to support this particular option, indicating that he thought the taxpayers were definitely well served by the Council saving approximately $45,000, which could go towards other desperately needed projects. He noted that the City has a number of projects to deal with, including water projects and water piping.

The motion for approval of staff's recommendation to award the contract to Aztech Contracting, Inc. for the City of Dover New Street Water Main Replacement Project, bid #17-0009PW, for the amount of $246,593.37 carried by a unanimous roll call vote.

EVALUATION OF BIDS - FY 2017 STREET AND ALLEY PROGRAM

Mr. Scott Koenig, City Manager, informed members that, in concurrence with the City of Dover's Capital Investments Plan, it is proposed to rehabilitate various pavement and concrete sections throughout the City of Dover during Fiscal Year 2017. He stated that the total length of scheduled street repaving is approximately 1.72 miles (9,075 linear feet). Along with repaving, this project includes installing 59 inlet protections, removing and replacing approximately 430 linear feet of type I curb, 3,190 linear feet of type III curb & gutter, 230 linear feet of type III modified curb with 2' pan, 13,390 square feet of 6" driveway apron, 21,325 square feet of 4" concrete flatwork, 1,800 square feet of 4-inch concrete flatwork, 15 catch basin frame and head, and 170 linear feet of concrete valley gutter. Mr. Koenig advised that concrete work also consists of installing 129 linear feet of new type III curb & gutter, 10,300 square feet of new 4" concrete flatwork, 460 square feet of new 6" driveway apron, and installation of 385 square feet of detectible truncated domes. He noted that other items included in this project were 1,020 linear feet of double yellow solid striping, 1,900 linear feet of single yellow dash striping, 150 square feet of stop bar, 1,920 square feet of crosswalk bars, and 1 "SCHOOL" marking. Mr. Koenig stated that the proposed locations included in the proposed scope of work to be completed under the FY 2016 Fall Street & Alley Program were Delaware Avenue (District 3), Buck Drive (District 3), Wyoming Avenue (District 2), Mockingbird Avenue (District 2), Lincoln Street (District 4), and North West Street Alley (District 4).

Mr. Koenig informed members that bids were opened on Wednesday, September 21, 2016, and two (2) contractors submitted unit price bids for the proposed work to be performed. He stated that, based on the proposed quantities, staff was recommending awarding the contract to George & Lynch, Inc. of Dover, Delaware, using the without prevailing wage amount of $1,317,651.10 identified in

the bid tabulation. Mr. Koenig advised that George & Lynch, Inc. was determined to be the low bidder and their previous work with the City was found to be satisfactory. He stated that it was staff's opinion that the bid represents the fair market value, and their qualifications are in accordance with the requirements of the project.

Mr. Koenig stated that, as of October 5, 2016, the total available funding for the program was $1,037,600. He advised that this included $825,000 in City funds and $112,600 in signed Community Transportation Fund agreements, with an additional $100,000 of committed Community Transportation Funds. Mr. Koenig informed members that the City is going to continue to seek additional funding from area legislators. He stated that the contract documents allow for the City to alter the estimated quantities by up to 25%; therefore, the contract can be adjusted to match the available funding.

Mr. Koenig stated that staff recommended awarding a unit price contract, based upon bid #17-0008PW for the FY-2017 Street and Alley Program to George & Lynch, Inc. using the non-prevailing wage unit prices for each work item submitted. The current value of the contract is $1,037,600 based on the current available funding. Actual quantities and locations will be adjusted to match the available funding. Work will be performed in strict accordance to the bid specifications. The final value of the contract will be based upon the final available funding in accordance with the contract language.

Mr. Anderson noted that some of the streets listed were some of the worst streets in the City when it comes to repair. He asked if these streets were chosen on the basis that they are in the most need of repair or based on the length of time since they were last resurfaced. Responding, Mr. Koenig explained that there are various criteria that go into the selection. He stated that these are some of the worst street lengths; however, he noted that Buck Drive, for example, was an area where the City replaced the sewer line about a year and a half ago. Mr. Koenig explained that, as indicated during the discussion of the previous item, Evaluation of Bids - South New Street Water Main Replacement, the City wants to come back about a year after these major capital improvements, and finish off the paving sections, so that the road is essentially new from visibility and driving standpoints. Mr. Koenig advised members that staff tries to look throughout the City and balance the program as much as possible. He stated that the FY16 program had a significant amount of expense in the First District, and a number of Community Transportation Funds were identified in that district. Mr. Koenig explained that staff matches up the ratings of the system, the capital plan related to water and sewer rehabilitation, as well as available funding from area legislators and tries to hit as many of those marks as possible, and that is how this program was laid out.

Mr. Hare moved for approval of staff's recommendation to award a unit price contract, based upon bid #17-0008PW for the FY-2017 Street and Alley Program to George & Lynch, Inc. using the non-prevailing wage unit prices for each work item submitted. The current value of the contract is $1,037,600 based on the current available funding. Actual quantities and locations will be adjusted to match the available funding. Work will be performed in strict accordance to the bid specifications. The final value of the contract will be based upon the final available funding in accordance with the contract language. The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote.

APPOINTMENT RECOMMENDED BY COUNCIL PRESIDENT SLAVIN - HUMAN RELATIONS COMMISSION - REVEREND RITA MISHOE PAIGE - FOURTH DISTRICT (TO FILL THE UNEXPIRED TERM OF JANE HICKS) - TERM TO EXPIRE FEBRUARY 2017

Council President Slavin recommended the appointment of Reverend Rita Mishoe Paige to serve on the Human Relations Commission representing the Fourth District (to fill the unexpired term of Jane Hicks) for a term to expire February 2017.

By consent agenda, Mr. Sudler moved for approval of the appointment of Reverend Rita Mishoe Paige, as recommended by Council President Slavin. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

CITY MANAGER'S ANNOUNCEMENTS

Mr. Scott Koenig, City Manager, advised that the City had begun the fall 2016 water system flushing and would be flushing the water system Sunday through Thursday night for the next three (3) weeks, noting that the City tries to post where the system flushing will be on the City's website. He asked that any water quality concerns be addressed to either the Department of Public Works or the City Manager's Office, and that all questions be directed to the City Manager's Office.

Mr. Koenig reminded members that several months ago, Council authorized the repair of sewer in North State Street. He announced that the City would be holding a community meeting and notice had been sent to area residents and interested parties. Mr. Koenig stated that the meeting would be held at Longwood Hall, Room 104, 21 North Bradford Street, on October 13, 2016, at 7:00 p.m. to go over the construction schedule and inform the neighbors of the City's expectations in regard to interruptions during this project. He explained that there will be traffic diversions and some night work involved, and the City is trying to do everything possible to get the work lined up with the community needs and the schedules for area events.

Mr. Koenig reminded everyone that leaf collection starts next week and the City will be in full operations for leaf collection as of Monday, October 17, 2016.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Sudler reminded constituents that a meeting in regard to Dover Park is forthcoming and will be announced at the second meeting this month.

Mr. Sudler congratulated Reverend Rita Mishoe Paige, his aunt, for being appointed to the Dover Human Relations Commission, noting that he thought she would do a great job in the Fourth District. He stated that he was very proud of her and what she had done thus far. Mr. Sudler indicated that he thought Reverend Paige had a lot to offer and would be a great asset and that he was looking forward to her sharing her skills and abilities with the City.

Council President Slavin wished a belated Happy Birthday to Councilman Sudler.

Mr. Neil stated that tomorrow night marks the holiest day of the Jewish New Year and hoped the members of Council would join him in wishing the members of the Jewish faith an easy fast, starting tomorrow night during their prayers through Wednesday.

Mr. Cole recognized the City's Parks and Recreation Department, explaining that his two (2) children have been in various programs out there, his son is in the soccer program right now, and he has heard nothing but positives from the parents. Mr. Cole stated that the City has a first rate facility, and commended everyone for their good work.

Mr. Hosfelt announced that the Delaware Department of Transportation (DelDOT) would be holding a public workshop to solicit public input on the proposed improvements to Kenton Road between State Route 8 and Chestnut Grove Road. He stated that the public workshop is scheduled for October 24, 2016 at the Dover High School cafeteria and the public is invited to attend anytime between 4:00 p.m. and 7:00 p.m.

Mr. Anderson reminded everyone of the upcoming homecoming parades, noting that Dover High School's was scheduled for Friday evening, and Delaware State University's was scheduled for Saturday. He congratulated each of those organizations for their great partnerships in this community. Mr. Anderson also congratulated Capital School District on their Super Senator Day, which happened last Saturday. He thanked the District for engaging the community in regard to the needs of families.

Mr. Anderson thanked Senator Bushweller and Representative Carson for their work with Community Transportation Funds and encouraged other legislators to do the same.

Mr. Slavin also thanked Representative Bennett, noting that she was in attendance during this evening's meeting and is a big supporter of the City of Dover.

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

Meeting adjourned at 9:06 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of October 10, 2016, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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Exhibits
Exhibit #1 - Revised Investment Policy Statement

City of Dover, DE

Investment Policy Statement

Dated October 10, 2016

1.0 Governing Authority

It is the policy of the City of Dover to invest public funds under its control in a manner that will provide the highest investment return consistent with the maximum safety of principal, while meeting cash flow needs of the City. The investment program shall conform to all state and local statutes governing the investment of public funds.

2.0 Scope

This Investment Policy Statement (the "Policy") applies to all financial assets of the City of Dover for which the City retains direct or indirect daily control. Funds for which the City has retained outside fund manager(s) shall also be governed by this Policy or, in the case of bond proceeds, related governing bond documents.

2.1 Accounts

2.1.1 Cash and Liquidity Accounts: The majority of the City's cash balance available for investment is maintained in the cash and liquidity accounts. These accounts will be managed and invested by investment managers, selected by the City Council through competitive bid, in order to maximize the return to the City while, at the same time, providing for safety of principal and sufficient liquidity for the City to meet its cash needs. The City will manage its short-term investments to ensure sufficient liquidity and prevent their premature sale for the purpose of covering expenditures. Short-term investments should mature at face value in sufficient amounts to meet any liquidity needs.

2.1.2 Reserve Cash (Intermediate) Account: To the extent cash is not expected to be needed on short notice, the City shall invest such funds in the Reserve Cash Account. This fund shall be managed and invested by an investment manager or managers**,** selected by the City Council after a competitive bid, in order to maximize the return on said money to the City while providing for the safety of principal.

All of the City of Dover's funds are accounted for in its Comprehensive Annual Financial Report. Those funds to which this Policy applies include (excluding the Deferred Compensation Plan and Pension Trusts):

2.2 Funds

2.2.1 General Fund
2.2.2 Capital Project Funds
2.2.3 Special Revenue Funds
2.2.4 Enterprise Funds
2.2.5 Internal Service Funds
2.2.6 Any new fund created by the City Council, unless specifically exempted

3.0 Objectives

The primary objectives of the City of Dover's investment activities, in order of importance shall be:

3.1 Safety

Preservation of principal is the foremost objective of the investment program. To attain this objective, funds shall be diversified among securities of high credit quality and liquidity, so that risk of loss of principal is minimized.

3.2 Liquidity

The City's investments shall be made for such periods as to enable the City to meet all operating requirements that may be scheduled or reasonably anticipated.

3.3 Return on Investments

A goal of the investment program shall be to maximize investment return within the constraints of Sections 3.1 and 3.2.

4.0 Delegation of Authority

Authority to manage the City of Dover's investment program is derived from this Policy, which is approved by City Council, and "Dover Code, PART I, Subpart A, Article II, Section 17" (attachment B) which states in part that "The Controller/Treasurer shall be the custodian of all of the City funds."

The City's Controller/Treasurer shall:

1) Review this Policy annually and recommend changes, if any, to City Council;
2) Be charged with implementing the Policy, and may delegate authority to make investments to an investment advisor. The Controller/Treasurer shall be responsible for all investment transactions and shall establish controls to regulate the activities of the investment advisor, if any.
3) Ensure that records of the City's investment activities are kept for ten-years.

5.0 Prudence, Ethics and Conflicts of Interest

Any official of the City or investment advisor/manager empowered to make investments on behalf of the City of Dover shall comply with the following:

5.1 "Prudent Person" Rule

Investment decisions shall be made with the judgment and care which persons of reasonable intelligence, under circumstances prevailing at the time the investment is made, would exercise in the management of their own investments assuming that their objectives are those shown in Section 3.0 of this policy.

5.2 Ethics and Conflict of Interest

The delegate authorized to make City investments shall act at all times in an ethical manner, and shall not engage in activity that could impair or be perceived to impair their ability to make impartial investment decisions. They shall disclose to the Mayor and City Council any material interests in financial institutions with which the City has financial dealings, and which may be related to the performance of the investment program. Employees and officers shall refrain from undertaking personal investment transactions with the same individual(s) with whom business is conducted on behalf of the City.

6.0 Authorized Institutions and Dealers

All broker/dealers that desire to become qualified for investment transactions with the City shall meet the following:

1. Primary dealers and regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule)
2. Capital of at least $25,000,000 or capital of $5,000,000 for firms incorporated in the State of Delaware
3. Registered as a dealer under the Securities Exchange Act of 1934
4. Member of the Financial Industry Regulatory Authority (FINRA)
5. Registered to sell securities in the State of Delaware
6. Engaged in the business of effecting transactions in U.S. government, federal agency, and corporate securities for at least five (5) consecutive years

To the extent the City utilizes the services of an outside Investment Advisor, it shall be the responsibility of the Investment Advisor to maintain an approved list of brokers.

7.0 Safekeeping and Custody

To ensure that securities are deposited in an eligible financial institution prior to the release of funds, all trades of marketable securities will be executed by delivery vs. payment ("DVP").

Further, all securities will be held by an independent third-party custodian, in the name of the City, and evidenced by safekeeping receipts in the City's name. The custodian shall provide daily confirmation of held securities as well as a monthly transactions and holdings report.

8.0 Authorized Investments and Trading of Securities

The Controller/Treasurer or authorized delegate may invest only in the types of securities listed below. The maximum stated maturity of any security shall be limited to 10 years at settlement, unless otherwise stated. The maximum average maturity of the portfolio shall be seven years. For asset backed and Agency mortgage backed securities, the maximum maturity shall be defined as the weighted average life ("WAL"). WAL is a convention that estimates the expected weighted amount of time, in years, for the principal amount of an issue to be fully paid. For Agency mortgage backed securities, WAL shall be limited to 10 years, measured at the settlement date, provided by Bloomberg Financial Markets. For asset backed securities, the average life must not exceed two years, except for such securities that are subject to periodic reset of coupon or interest rate - - these may have an average life not to exceed three years.

8.1 United States Government Securities

Marketable securities issued by the U.S. Government and supported by the full faith and credit of the U. S. Treasury either by statue or an opinion of the attorney general of the United States. The maximum maturity shall be limited to 10 years. Up to 100% of the portfolio may be invested in this sector.

8.2 Government Agency Securities

Debt securities issued by government-sponsored enterprises ("GSE"), federal agencies, federal financing banks, and instrumentalities of the U.S. Government. The maximum maturity shall be limited to 10 years. Up to 50% of the portfolio may

be invested in this sector, with a maximum of 20% in any one issuer.

8.3 Certificates of Deposit and Time Deposits

8.3.1 **Domestic Institutions**: Issued or endorsed by a domestic bank, or a savings and loan association, organized and supervised under the laws of the United States and denominated in U.S. dollars; provided, however, that deposits are fully insured or guaranteed by the Federal Deposit Insurance Corporation ("FDIC").

If not insured by the FDIC:

- The banking institution must have assets of not less than $5 billion; and
- Issuers must have a short-term rating in the highest category by Standard & Poor's, Moody's, or Fitch and a long-term rating of at least the "A" category by Standard & Poor's, Moody's, or Fitch.

The maximum maturity of any investment in this sector shall be limited to 10 years at trade settlement. This sector shall not exceed 25% of the total portfolio. No single issuer shall exceed 5% of the City's portfolio.

8.3.2 **Delaware-Domiciled Institutions**: Issued by or endorsed by any bank or savings association domiciled in the State of Delaware and organized and supervised under federal or State of Delaware banking laws which does not meet the requirements of Section 8.3.1 hereto; provided, however, that:

- For each of the latest two years, the bank or association has had a return on total average assets of 0.50% or greater and an average capital ratio (defined as total equity capital to total assets) of at least 1 to 20, or the instrument is secured as set forth in Section 9, "Collateralization of City Deposits," hereto; and
- Not more than the lesser of $10 million or 25% of an issuer's total equity capital, may be invested in any one issuer. (Investments due to mature in one business day may be excluded from the computation of this percentage.)
- The Board expressly affirms that, consistent with these guidelines, Delaware banks and savings associations should be considered as a source of investment.
- The maximum stated maturity of any investment in this sector shall be limited to 10 years at time of purchase. This sector shall not exceed 20% of the total portfolio. No single issuer shall exceed 5% of the City's portfolio.

8.4 Corporate Debt Instruments

Such instruments include commercial paper bankers' acceptances, and non-convertible senior debt securities (bonds and debentures).

8.4.1 Corporate securities must be denominated/issued in US dollars. Many foreign corporations issue debt/securities in the US market, in US dollars.

8.4.2 No single issuer shall exceed 5% of the City's portfolio.

8.4.3 Commercial Paper shall be limited to a final maturity of 270 days. This

sector shall not exceed 25% of the total portfolio. Issuers shall be rated in the highest short-term category by Standard & Poor's, Moody's, or Fitch.

8.4.4. Bankers' Acceptances shall be limited to a final maturity of 365 days. This sector shall not exceed 25% of the City's Portfolio. Issuers shall be rated in the highest short-term rating by Standard & Poor's, Moody's, or Fitch.

8.4.5 Corporate bonds and debentures shall be limited to a final maturity of 10 years. This sector shall not exceed 50% of the total portfolio. Issuers shall hold a long-term rating of at least the "A" category by S & P, Moody's, or Fitch.

8.5 Repurchase Agreements

The underlying collateral shall consist of U.S. government and/or GSE securities provided, however, that:

8.5.1 All repurchase agreements must be governed by a written master repurchase agreement;

8.5.2 Agreements will be entered into only with respect to underlying securities in which the investment manager may otherwise invest as described above, and only with a recognized U.S. Government/broker or a bank which meets the requirements set out under paragraph Section 8.3.1 or 8.3.2 above;

8.5.3 In the case of repurchase collateral held in book-entry form in the Federal Reserve System, all deliveries of securities must be made, for the transfer thereof, through the Federal Reserve book-entry system to the account designated by the investment manager for such purpose. Securities held in certificated form must be delivered to the investment manager or a custodian as directed by the investment manager.

8.5.4 Any collateral employed under this paragraph shall be counted towards the applicable maximum limits set forth within these guidelines for such type of investment, and such collateral shall be valued at market at not less than 103 percent of the maturity value of the agreement and marked-to-the-market as requested by the investment manager.

8.5.5 Repurchase agreements shall be limited to a maximum maturity of 90 days from date of purchase. This sector shall not exceed 50% of the total portfolio. No single issuer shall exceed 25% of the City's portfolio.

8.6 Registered Investment Companies (Money Market Funds)

No single fund shall exceed 25% of the City's portfolio. Money market funds shall be rated AAA by Standard & Poor's. A current prospectus must be obtained before investing in any money market fund, and current holdings reports must be maintained at least each month.

8.7 Mortgage-Backed Securities

Mortgage-backed securities issued by the following: Government National Mortgage Association (GNMA), Federal National Mortgage Association (FNMA) or Federal Home Loan Mortgage Association (FHLMC). This sector, combined with the asset backed security sector, shall not exceed 10% of the total portfolio.

8.8 Asset Backed Securities

These investments include auto loan receivables, credit card receivables, home equity loans, and manufactured housing loans. These can be fixed or floating rate and must be rated in the highest long-term category by Standard & Poor's, Moody's, or Fitch. This sector, combined with the mortgage-backed security sector, shall not exceed 10% of the City's portfolio. No single issuer shall exceed 5% of the City's portfolio.

8.9 Municipal Obligations

Taxable and tax-exempt securities issued by state and local governments and public authorities in the United States. The maximum stated maturity of any investment in this sector shall be limited to 10 years at time of purchase. This sector shall not exceed 30% of the City's portfolio. No single issuer shall exceed 5% of the City's portfolio. Issuers shall be rated in at least the "A" category by Standard & Poor's, Moody's, or Fitch. Additionally, Issuers in the short term market (under one year) shall be rated at a minimum of "mig-1" or "sp-1" for Moody's and S&P.

8.10 State of Delaware Investments Pool

8.10.1 Delaware Local Government Investment Pool (DELGIP) -The investment in this pool is permitted in relation to the City's cash flow and the guidelines set forth by the State of Delaware. The investment in this pool will not exceed 25% of the total funds available and will be monitored by the City's Finance Department on a monthly basis.

8.10.2 Delaware Local Government Retirement Investment Pool (DELRIP) The investment in this pool is permitted in relation to the City's Post-Retirement Benefits Fund. The investment in this pool will not exceed 25% of the total funds available and will be monitored by the City's Finance Department on a monthly basis.

8.11 Trading Securities

The Controller/Treasurer is hereby authorized to sell securities prior to their stated maturity date in the following circumstances:

1. A security with declining credit may be sold prior to its maturity to minimize loss of principal;
2. A security swap may be executed if it would improve the quality, yield, or target duration of the portfolio;
3. Securities may be sold to provide needed liquidity.

8.12 Internal Control on such transactions

8.12.1 An investment report will be provided to the Council on a quarterly basis.

8.12.2 All investment reporting documents will be provided to the independent auditors.

8.12.3 Investment records will be kept by the City for ten (10) years.

8.12.4 The trading shall not involve any hedge, derivatives and/or borrowing funds for trading purposes.

A summary of permitted investments is below:

Investment Type	Sector Limit	Issuer Limit	Maturity Limit	Credit Quality Minimum
United States Government Securities	100%	100%	10 Years	N/A
Government Agency Securities	50%	20%	10 Years	N/A
Mortgage-Backed Securities	Combined 10% limit	N/A	10 Year WAL	N/A
Asset Backed Securities		5%	2 Year WAL	Highest long-term rating by Fitch, Moody's or S&P
Municipal Obligations	30%	5%	10 Years	Long-term rating of at least "A" by S&P, Moody's, or Fitch For issuers in short term market, rating of at least "mig-1" or "sp-1" for Moody's & S&P
FDIC-Insured Deposits	25%	5%	10 Years	N/A
Certificates of Deposit and Time Deposits (not insured by FDIC)	25%	5%	10 Years	Highest short-term rating by Fitch, Moody's or S&P. Long-term rating of at least "A" by S&P, Moody's, or Fitch
Delaware-Domiciled Institutions	20%	5%	10 Years	N/A
Commercial Paper	25%	5%	270 Days	Highest shot-term rating by Fitch, Moody's or S&P
Bankers' Acceptances	25%	5%	365 Days	Highest shot-term rating by Fitch, Moody's or S&P
Corporate Bonds and Debentures	50%	5%	10 Years	Long-term rating of at least "A" by S&P, Moody's, or Fitch
Repurchase Agreements	50%	25%	90 days	N/A
Registered Investment Companies (Money Market Funds)	100%	25%	N/A	AAAm by S&P
Delaware Local Government Investment Pool	25%	N/A	N/A	N/A
Delaware Local Government Retirement Investment Pool	25%	N/A	N/A	N/A

9.0 Collateralization of City Deposits

If the City deposits funds in any financial institution, those funds will be subject to the

following collateralization requirements. The financial institution shall:

9.1 Collateralize the City's daily ledger balance(s) if, for any quarter during the most recent eight quarters the bank has not met both of the following two criteria:
- Return on total average assets of 0.50 percent or greater.
- Average capital ratio (total equity to total assets) of 5.00 percent or greater.

9.2 If either criterion in paragraph 9.1 is not satisfied collateral must be pledged and shall consist of one or more of the following securities:
- U.S. Government securities
- U.S. Government agency securities
- Federal Home Loan Board letters of credit
- State of Delaware securities
- Mortgage backed securities as referenced in Section 8.7
- Securities of a political subdivision of the State of Delaware with a Moody's rating of "A" or better

9.3 Ensure that the securities pledged as collateral (except for Federal Home Loan Board letters of credit) have a market value equal to or greater than 102 percent of the ledger balance(s) in the account(s) marked to market each day.

9.4 Ensure that securities pledged as collateral are housed at the Federal Reserve Bank or a mutually agreed upon third party depository. (The trust department of the winning vendor will not be acceptable.)

9.5 Provide reports on a monthly basis to the City Finance Department detailing the collateral pledged.

9.6 Provide a Call Report (Consolidated Report of Condition and Income, FFIEC 031) on a quarterly basis to the City Finance Department.

10.0 Policy Considerations

If securities owned by the City are downgraded by either Standard & Poor's or Moody's to a level below the quality required by this Policy, it shall be the City's policy to review the credit situation and make a determination as to whether to sell or retain such securities in the portfolio.

If a security is downgraded two grades below the level required by the Policy, the security shall be sold immediately.

If a security is downgraded one grade below the level required by this Policy and matures within 6 months, the security may be held to maturity. The Controller/Treasurer may determine to sell the security if it is determined that there is a probability of default prior to maturity.

If a decision is made to retain a downgraded security in the portfolio, its presence in the portfolio will be monitored and reported monthly to the Controller/Treasurer.

11.0 Internal Controls

The Controller/Treasurer is responsible for establishing and maintaining an internal control

structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The Controller/Treasurer shall also establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following:

- Control of collusion
- Separation of transaction authority from accounting and recordkeeping
- Custodial safekeeping
- Prohibition of physical delivery securities
- Clear, written delegation of authority to subordinate staff members
- Written confirmation of transactions for investments and wire transfers

12.0 Performance Standards

The City of Dover's investment decisions shall be made with the objective of obtaining a rate of return commensurate with the investment risk constraints and the cash flow needs. On a quarterly basis, the Controller/Treasurer shall compare the City's portfolio against the

Merrill Lynch 0-5 Year U.S. Treasury Index, in terms of time-weighted total return and average duration for the period under review.

13.0 Reporting

At the end of each calendar quarter, the Controller/Treasurer will submit a report of all quarter-ending investments to the Mayor and City Council. Reports shall include the following:

- Listing of individual securities held as of last day of reporting period, sorted by sector
- Par, market, and amortized cost values of each security
- Coupon, current yield, and final stated maturity date of each security

14.0 Investment Policy Adoption

The City of Dover's investment policy will be adopted by the City Council after review and recommendation of the Legislative and Finance Committee. The policy will be reviewed at least once every year by the Legislative and Finance Committee, which is charged with considering the existing policy and any recommendations to modify the policy. Any modifications to the policy must be approved by the City Council.

LEGEND

1. Original approval by City Council - November 14, 1988
2. Revised policy approved by City Council - March 7, 2005
3. City Council Approved with No Changes – April 14, 2008
4. Revised policy approved by City Council – July 25, 2011
5. Revised policy approved by City Council – August 12, 2013.
6. Revised policy approved by City Council – September 8, 2014
7. Revised policy approved by City Council – October 10, 2016

ATTACHMENT A

GLOSSARY

AGENCIES: Federal agency securities, otherwise known as "Government Sponsored Enterprises."

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large denomination CD's are typically negotiable.

BANKERS ACCEPTANCE: A short-term credit investment which is created by a non-financial firm and whose payment is guaranteed by a bank.

COLLATERAL: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

COMMERCIAL PAPER: An unsecured obligation issued by a corporation or bank to finance its short-term credit needs. Maturities typically range from one (1) to 270 days.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR): The official annual report for the City of Dover. It includes five combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and a detailed Statistical Section.

CORPORATE BONDS: A debt security issued by a corporation based in the United States of America. Such bonds usually have a par value of $1,000, have a term maturity, and are traded on a major exchange.

DEALER: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns, in an attempt to limit risk.

FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to $250,000 per deposit.

FEDERAL FUNDS RATE: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL HOME LOAN BANKS (FHLB): The institutions that regulate and lend to savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks vis-a-vis member commercial banks.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae): Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FMHM mortgages. The term "passthroughs" is often used to describe Ginnie Mae's.

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

LOCAL GOVERNMENT INVESTMENT POOL (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

MARKET VALUE: The price at which a security is trading and could presumable be purchased or sold.

MATURITY: The date upon which the principal or stated value of an investment becomes due and payable.

MORTGAGE-BACKED SECURITIES (MBS): An investment instrument that represents ownership of, and is backed by, an individual interest in a pool of mortgages such as those issued by Ginnie Mae or Freddie Mac. Principal and interest from the individual mortgages is used to pay principal and interest on the MBS.

MUNICIPAL NOTES AND BONDS: Securities issued by a state, city, or local government to finance operations or special projects.

PRUDENT PERSON RULE: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody

state--the so-called legal list. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

QUALIFIED PUBLIC DEPOSITORIES: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

RATE OF RETURN: A measure of worth, either at security or aggregate portfolio level, over a period of time. There are many return conventions, including but not limited to yield to maturity at cost, yield to maturity at market, yield to worst, time weighted total return, dollar weighted total return.

REPURCHASE AGREEMENT (RP OR REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money, that is, increasing bank reserves.

REVERSE REPURCHASE AGREEMENT: The purchase of a security by a dealer with the agreement to sell it back to the seller at a fixed price at a later date. Typically used by owners of securities to finance short-term needs without having to liquidate the security.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

TIME DEPOSITS: A savings account or CD held for a fixed term or with the understanding that the customer can withdraw only by giving advanced notice.

TREASURY BILLS: A short-term (less than one year) non-interest bearing discount security issued by the U.S. Treasury department to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

TREASURY BOND: Long-term U.S. Treasury securities having initial maturities of more than 10 years.

TREASURY NOTES: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months or one year.
UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1: also called net capital rule and net capital ratio.

Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

VARIABLE RATE MASTER DEMAND NOTES: A floating rate security with initial maturities and indexed rates chosen by the investor. The interest rate is adjusted periodically, usually off a standard such as that prevailing on a Treasury Bill or the prime interest rate.

YIELD: The rate of annual income return on an investment, expressed as a percentage.

INCOME YIELD is obtained by dividing the current dollar income by the current market price for the security.

NET YIELD or YIELD TO MATURITY is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

SPECIAL COUNCIL COMMITTEE OF THE WHOLE

A Special Council Committee of the Whole Meeting was held on September 7, 2016 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson (arrived at 6:04 p.m., departed at 7:18 p.m., and returned at 7:21 p.m.), Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mr. Sudler was absent. Mayor Christiansen was also present. Mr. Keller was present. Mr. Shelton was absent.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

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

AGENDA ADDITIONS/DELETIONS

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

Public Safety Study - Fire/EMS Operational & Administrative Analysis

Mr. Scott Koenig, City Manager, reminded members that while the FY 16 budget was being developed, Council considered a request from the City Manager's Office to study the umbrella of public safety services, including police, fire, fire support, and Emergency Medical Services (EMS) services. He noted that the EMS component relates to ambulance service in the City of Dover. Mr. Koenig explained that the fire and EMS aspects of the report would be discussed this evening. He stated that the study was requested to provide a perspective based on national benchmarks from subject matter experts with experience working with fire, emergency management, emergency medical, and ambulance services in various parts of the country. Mr. Koenig indicated that this was an effort to review the excellent levels of service that the City of Dover enjoys and look at how business could potentially be done in a different fashion and how services could evolve when moving into the next round of challenges. He noted that, as the City grows, it is facing resource constraints, evolution of the workforce, advances in technology and information technology, which all have a role in decisions regarding providing services to citizens, visitors, and businesses. Mr. Koenig noted that the 110-page report provided by the Center for Public Safety Management (CPSM) was posted to the City's website and distributed to members of Council and the Safety Advisory and Transportation Committee. He stated that the report contained 49 recommendations.

Council President Slavin advised that the study would be discussed as a healthy dialogue between the Fire Department, constituents, and members of the Council Committee of the Whole. He noted that none of the recommendations had been accepted by Council, he did not expect that they all would be accepted, and he did not believe that any would be accepted without dialogue taking place. Mr. Slavin indicated that there had been open dialogue with Mr. Brian Bashista, President, Dover Fire Department, and Fire Chief Carleton Carey, Jr. on this issue. Mr. Slavin advised that the results of the report would be heard this evening and in October 2016 the Fire Department would be given an opportunity to provide their response and reaction. Mr. Slavin believed that everyone would agree on some of the recommendations and others would be more controversial. He stated that there may be more meetings after the October meeting if more dialogue is needed.

Mr. Thomas Wieczorek, Director, CPSM, congratulated members for looking at operations from a very comprehensive viewpoint, noting that CPSM did a forensic review by going into raw CAD data, looking at all the different components, and using the data to develop recommendations drawn from best practices around the world. He noted that the result was not mandates that carry the weight of law but a series of recommendations developed by CPSM, as representatives of the International City/County Management Association, that can be implemented with policy from Council and advice from the Safety Advisory and Transportation Committee. Mr. Wieczorek stated that some recommendations would be easy to implement, some difficult, and some may be impossible. He expressed appreciation for the opportunity to work with the City over the past 10 months and in the future.

Mr. Wieczorek explained that CPSM was created by the International City/County Management Association approximately 10 years ago during the same time period that the international fire accreditation group was created between the international fire chiefs and international city management. Their charge was to look at research and development, training and education, helping select the chiefs, and operational and performance analytics. Mr. Wieczorek advised that they came into the organization with an audit-like process, beginning a series of steps and looking at different components of the organization in a business-like manner. From that, they were able to draw upon their team with best practices from around the world to create recommendations. Mr. Wieczorek advised that they use an audit-like process in an effort to create a basis of data that can be used to compare agencies in a variety of manners. He explained that, as the Executive Director for the former Commission on Fire Accreditation International, he had previously tried to use National Fire Incident Reporting System data but found a substantial problem with this data, especially in the fire service. Since this data was found to be incorrect and unusable, CPSM had been trying to create a database with clean and accurate data to provide a good basis for making comparisons.

Mr. Wieczorek explained that Mr. Mike Iacona, Senior Manager for Fire and EMS, would be reviewing the report in depth with members as he was the project leader, and Mr. Iacona had been assisted by Mr. Jack Brown and Mr. Peter Finley, CPSM Associates. He indicated that Dr. Dov Chelst, who heads qualitative analysis for CPSM, had also been involved, as well as a team of individuals at the Ph. D. and master's levels who work strictly on analyzing CAD data. Mr. Wieczorek noted that one of their biggest problems is that it usually takes three (3) to four (4) months to clean the data. He explained that not all data systems record data accurately, so it cannot be extracted accurately, and this is not unique to Dover. Mr. Wieczorek noted that, in one city, it took them almost a year to clean up data so that they could begin the analysis.

Mr. Iacona stated that he was pleased to be part of this process, having had some familiarity with Dover and the Eastern Shore. Mr. Iacona advised that he was familiar with this work, having spent 38 years in the fire service, primarily in Florida. He explained that he had started as a firefighter, rose through the ranks, and assumed the role of Fire Chief in Orange County, Florida, in the Orlando area. Mr. Iacona stated that he became Fire Chief in Flagstaff, Arizona in 2002 and recently retired. He estimated that he had done approximately 70 such studies and enjoyed going to communities to see the dynamics and mechanics of how people provide this very vital service.

Mr. Iacona stated that Dover had an excellent system, and the City should be proud of the services being provided in the community in a very unique way. He noted that volunteer services are some of the most difficult to maintain, and are becoming more so as the dynamics of society change. Mr. Iacona stated that the formula in Dover was working well, and everyone should be proud. He noted that he was very impressed with the level of commitment, the caliber of people, and the intensity of their desire to serve the community.

Mr. Iacona reviewed a presentation entitled, "Operational and Administrative Analysis - Dover Fire Department" ***(Attachment #1)***. Referring to page 7, Findings and Recommendations, Organizational Needs, he explained that CPSM was suggesting phasing in efforts, noting that changes would not happen overnight. Mr. Iacona stated that there would be a building process, and eventually there would be noticeable improvement in the system and goals would be achieved. He noted that some of the biggest expenditures in the Fire Department related to apparatus, and CPSM believed that more organization was needed in terms of an apparatus replacement schedule and a funding mechanism. Mr. Iacona stated that setting a 15-year time frame for apparatus was a good approach, noting that the City's workload may be a little less than typical. He suggested anticipating the replacement of apparatus according to this time frame and committing dollars to the purchasing process.

Mr. Iacona stated that CPSM believed that the relocation and consolidation of the dispatching service to Kent County should be considered, noting that Kent County offers this service, had indicated that they would do it at no charge, and were currently involved in the dispatching of Dover EMS activities and other volunteer entities in the area. He stated that the way dispatchers are used in Dover is commendable, noting the difficulties that volunteer entities have in terms of the support needed to keep an organization going, including maintaining equipment, checking if it is viable or needs repairs, etc. Mr. Iacona indicated that it is hard for people with other lives and careers to be involved in the maintenance support function, noting that dispatchers were doing this in Dover, which was very viable and should be continued. However, he stated that there were difficulties in accomplishing inspections, pre-planning, and performing preventative tasks, and CPSM thought this would be more useful for the dispatchers. Mr. Iacona recommended that dispatchers be reclassified as fire technicians that would go out into the community, identify risks, and provide feedback to emergency responders through training avenues. He stated that the suggestion was to restructure the process and use that personnel effort in other ways; however, he noted that one (1) of the ways that the City was doing this was very viable and suggested that it be continued.

Referring to page 8, Findings and Recommendations, Deployment, Mr. Iacona suggested limiting the number of apparatuses that respond as first line apparatus, given the nature of the community and the workload that was evaluated. He explained that this would be beneficial in two (2) ways: 1) there would be rolling stock that could be depended on and could be deployed in a regimented fashion, and 2) it would limit the amount of equipment that would have to be replaced throughout the life cycle. Mr. Iacona stated that the City could muster a sizeable workforce that would handle the majority of incidents with primary response apparatuses of three (3) engines, one (1) ladder, one (1) heavy rescue, and two (2) command units and the additional utility or reserve apparatus that is there.

Mr. Iacona stated that standardizing response protocols was recommended and noted that vehicle accidents involving first responders are the second cause of death in the fire service nationally. He suggested minimizing the frequency of running with lights and sirens as a safety factor, since it is hard to judge the public's response to these situations. Mr. Iacona indicated that the Emergency Services Manager should have oversight of the ambulance service, greater standards and performance measures should be built into the ambulance contract, and ambulance units should be staffed with a minimum of two (2) Emergency Medical Technicians (EMTs). He explained that the current requirement was for one (1) EMT and one (1) individual who is a driver with basic first aid. Mr. Iacona stated that CPSM believed that every ambulance attendant should have EMT as a basic level of training.

In reference to page 9, Findings and Recommendations, Training, Mr. Iacona believed that command and supervisory training should be criteria for the ascension of fire officers and chief officers into leadership ranks. He indicated that it was also recommended that there be a progression from firefighter to officer, mid-level officer, and chief officer since a lot of experience is gained in these roles.

In regard to training for volunteers, Mr. Iacona noted that when volunteers go into someone's home wearing a Dover Fire Department uniform, there is a normal affiliation with the City, and ultimately there may be a legal implication for the work that is done as it reflects on the City. He stated that there should be very specific training that deals with workplace behavior and supervisory responsibilities. Mr. Iacona noted that in some cases volunteer supervisors are supervising City employees and there are labor implications in that relationship, so the study recommended training and clear understanding as to the rules with regard to workplace behavior.

Referring to page 10, Mr. Iacona stated that sprinklers should be required in all new residential construction, explaining that fire sprinklers are almost 99% effective in putting out fires or limiting their spread but are ineffective when someone turns them off or interrupts their capacity to work effectively. He indicated that this is difficult to get through the building community; however, it has a dramatic impact and is effective in protecting the community.

Mr. Anderson asked Mr. Iacona to explain his EMS recommendation, why the City was paying a premium to have EMS, and how this could be changed. Responding, Mr. Iacona stated that it was very natural for EMS to be a component of fire service. He advised that many communities separate fire services and EMS; however, he felt they should be joined because the frequency of fires in a community is much less than medical emergencies. Mr. Iacona indicated that accidental and non-accidental injuries are usually 90% of the workload, so the linkage of fire services and EMS is natural. He felt that having a secondary ambulance provider made a lot of sense, explaining that this is what is usually phrased a two-tiered system, where fire services become the first responder and EMS then comes to stabilize and transport. Mr. Iacona advised that there was limited application for joint activities in the City's system and this occurs mostly when there is a hazardous situation, such as a vehicle accident with fuel present or patient extrication. He noted that typically if 911 is called for a medical emergency, only the EMS component responds. Mr. Iacona stated that communities were seeing the need for EMS much more frequently than fires or the impacts of mass destruction, so there was a natural evolution toward melding the systems. He indicated that one (1)

of the study's recommendations was to bring the ambulance service under the umbrella of the Fire Department and operate from fire stations, or to have closer alignment, because EMS was being requested from the citizens much more often than fire calls.

Mr. Anderson asked Mr. Iacona for the pros and cons of issuing a Request for Proposals (RFP) for EMS. In response, Mr. Iacona explained that public safety services evolve over time, and the standards placed on the current provider were very limited in terms of the level of training, standards of response, and various criteria that could be built into the ambulance contract. He felt that there was a natural meld between the fire service and EMS where fire, being a part of the EMS process, had involvement in oversight, monitoring of standards, and delivery of patient care. Mr. Iacona explained that the melding of the two (2) services is the direction that most communities are going to and this was believed to be appropriate in the Dover community.

Responding to Mr. Anderson regarding the benefit of doing a national RFP, Mr. Iacona stated that this would open the market and allow for competition. He noted that he was involved in an RFP process for ambulance services in Key West, Florida, where an entity was charging a $700,000 subsidy to the city to provide EMS with very little regulation and very few performance measures. Mr. Iacona advised that, through the competitive bid process, the current holder of the license reduced their price from $700,000 to approximately $400,000, and they also received a series of proposals. He noted that two (2) entities offered to do it for no subsidy, and the award was given to a zero (0) subsidy entity, a European company that wanted to get a foothold in the U.S.

In response to Mr. Anderson regarding the meaning of a 90% fractile requirement, Mr. Iacona stated that if there was an eight-minute response time requirement, a fractile requirement of 90% would indicate that 90 out of 100 calls should be responded to in under eight (8) minutes, and the response time for the remaining 10 calls could be over eight (8) minutes.

Responding to Mr. Hosfelt regarding whether the City was meeting that percentage, Mr. Iacona stated that the City's current contract had no response time criteria.

Mr. Hosfelt, referring to the Operational and Administrative Analysis, Dover Fire Department, Dover, Del., Final Report - March 2016, page 47, Table 5-10: 2015 Mutual Aid EMS Units Dispatched into Dover, noted that the number of times that Prime Care units were unavailable and mutual aid EMS units were required to respond in Dover was exceedingly high. He pointed out that CPSM reported that Prime Care was unavailable for 21.2% of the incidents in a 10-month period and asked if this statement was based on CPSM's experience or if there was a benchmark the City was compared to. Responding, Mr. Iacona stated that this was anecdotal. He advised that most ambulance contracts have provisions whereby if a certain performance standard is not met, a fine is levied against the charges paid to that service. Mr. Iacona explained that this provides an offset, which keeps the system honest. He stated that CPSM felt the numbers were exceedingly high and should be addressed.

Mr. Hosfelt asked if CPSM had numbers in mind for the number of Basic Life Support (BLS) units the City should have on standby or ready to go on a daily basis in the future. In response, Mr. Iacona stated that a better way to approach this would be a performance measure indicating that a level of

performance will be achieved 90% of the time. He advised that this would be simple quantification in terms of distance and time. Mr. Iacona stated that typically one could average about 30 miles per hour, or two (2) minutes per mile, and by looking at the service distribution and building out that distance on the basis of this formula, a maximum could be determined. He noted that typically they were in the eight (8) to 10 minute fractile and were responding to incidents in eight (8) to 10 minutes 90% of the time. Mr. Iacona informed members that fire service is the first responder in most systems and will respond in a much shorter time frame, because the criteria for EMS is to get the first responder on the scene in four (4) to six (6) minutes. The higher level of EMS care, or paramedic care, is in the eight (8) to 10-minute time frame, so there is usually a tiered approach. Mr. Iacona stated that most systems are structured so that first responders, who can perform basic CPR and first aid, arrive in four (4) to six (6) minutes, and a higher level of care arrives in eight (8) to 10 minutes. Mr. Iacona suggested, if an RFP is developed, that benchmarks be built into the timeline for a fractile delivery, such as 80% or 90% in eight (8) or 10 minutes.

Mr. Hutchison asked Mr. Iacona to expand on training and staff for the Fire Department. In response, Mr. Iacona stated that initial training efforts were very comprehensive and effective; however, improvements could be achieved in the area beyond initial training. He noted that the fire service is typically a very long-tenured operation, and individuals may stay involved for 20 years. Mr. Iacona stated that this is often not the case in volunteer organizations; however, there is still an evolution, and a one- or two-year firefighter is not expected to have the competencies that would be seen in a more seasoned individual with eight (8) to 10 years of experience. He indicated that initial training is robust, intensive, and monitored; however, improvements could be made in ongoing training at the mid-management, leadership, and supervisory levels, including refreshers. Mr. Iacona noted that there was a provision for a "lifetime membership" in the organization with less training requirements; however, he felt that realistically training should never be less. He believed that as individuals become more seasoned in their profession, their need for a refresher grows, because systems and the delivery of service change, and a level of readiness must be maintained. Being up to date with the tactical approaches to fire, EMS, hazmat scenarios, and the various things that are encountered requires ongoing training. Mr. Iacona stated that CPSM saw a need for ongoing training, performance assessments, and monitoring of those efforts to improve this system.

Mr. Hutchison asked if more fire departments were going toward national accreditation. Responding, Mr. Iacona stated that accreditation is not easy to achieve and is very labor intensive. He advised that the accreditation process helps an organization fine tune and hone its skills. Mr. Iacona stated that accreditation forces an organization to look at its systems, monitor them for ongoing improvements, and establish goals; however, it does not guarantee increased proficiency and is not the solution to all of the problems.

Mr. Hutchison asked if there was a difference between a volunteer fire department versus a paid fire department as far as accreditation. In response, Mr. Iacona felt it would be more difficult for a volunteer organization to achieve accreditation because the mechanics are labor intensive. He noted that a series of iterations is involved that is sometimes questionable in terms of whether they change service delivery. Mr. Iacona was not sure that the time and effort necessary to go through this process was what Dover needed at this point in time, and he believed this had been included in the recommendations as a long-term effort.

Mr. Neil asked if CPSM had looked at the impact of the special relationship between the City's Fire Department and neighboring fire departments within Kent County. He noted that these organizations work together on major events that can attract as many as 90,000 people, such as NASCAR races and the Firefly Music Festival, and this would also occur in the event of a disaster. Responding, Mr. Iacona stated that CPSM was very impressed with the level of coordination that existed, and that was one of the reasons that they made the recommendations with regard to the Kent County 911 system. He indicated that this orchestrated the collective effort of neighbor helping neighbor, because the majority of the neighboring agencies that Dover coordinates with are under the umbrella of Kent County 911. Mr. Iacona felt that Dover was very fortunate to have a working relationship between these entities. He stated that the key was to foster that relationship so that the organizations could work seamlessly hand-in-hand, so that the boundaries between the entities in the 911 system would be imperceptible. Mr. Iacona estimated that there were eight (8) different entities in surrounding communities, and they found out about the different ambulance providers because in many instances they were covering for PrimeCare when PrimeCare was unavailable. He reiterated that PrimeCare was unavailable more often than CPSM thought was appropriate.

Mayor Christiansen questioned to what extent CPSM dealt with the Delaware State Fire School and the training that they offered to the Dover Fire Department and the other fire departments throughout the State of Delaware. He noted that this organization is prominent nationally. In response, Mr. Iacona stated that the Delaware Fire School and its working relationship with the community was a tremendous resource. He indicated that Dover was fortunate to have that facility and those personnel readily available, and CPSM's recommendations with regard to training were very in-depth and specific due to the availability of this resource in the community. Because there was day-to-day interaction with the Fire School, Mr. Iacona believed it would be a shame not to take advantage of it and build that training capacity into Dover's system.

In response to Mayor Christiansen, Mr. Iacona advised that he was aware that the Fire Department encourages its members to go to the Delaware State Fire School, and that some of the members of the department are instructors there. He indicated that he had reviewed the reference to the Robbins Hose Company in the City's Charter, as well as an additional agreement that facilitated this relationship. Mr. Iacona indicated that CPSM's impression was that adherence to the agreement or utilizing the Fire School for day-to-day working relationships was not being effectuated as well as it could have been.

Mayor Christiansen questioned if CPSM had researched the law that states that the fire chief is the supreme authority of the fire department in the State of Delaware. He believed that if there is intercession with a fire or emergency services administrator, the authority of the fire chief would not be undermined, he would just become another high-paid official within the City government.

In regard to the proposal to make the fire dispatchers fire technicians, Mayor Christiansen stated that the City's Inspections Department and Fire Marshal's Office do the inspections and identify hazards within the City, and he believed that taking this action would be redundant. Mayor Christiansen explained that he had some experience with this matter, and he was appreciative that emergencies on the fire scene in the City were handled by personnel who knew Dover's situation, stating that he was referring to the dispatchers. He explained that the people working at the fire station are those

who can anticipate and work through the worst of disasters, even the young, inexperienced officers. Mayor Christiansen advised that one of the reason that the Kent Center was established was because Dover had answered most of the fire calls for Kent County, and it was felt that the workload needed to go elsewhere so that Dover could emphasize their efforts on Dover fire calls. He believed that Dover emergencies are first priority in Dover and are not coming through other companies that may be dealing with situations.

Mr. Slavin stated that members had heard about what was included in the report; however, he noted that what was not included were comments about negativism, deficiencies over coverage areas, or risks to citizens because of the City's operations. Instead, he had heard the opposite, that the City had great operations, and he assumed that the silence regarding problems reflected a good standard of practice and coverage. Mr. Slavin questioned if there were risks to the men and women of the Fire Department and the citizens. Responding, Mr. Iacona indicated that two (2) things stood out in his perspective of the community and his limited understanding of the interaction and operations of the Fire Department. The first was the vulnerability of Dover as a likely target for terrorist activity because it is a state capital and a bastion of government. Mr. Iacona noted that if he were in this community, he would want to ensure that there are pre-planning, contingency efforts, and understanding of process. The second consideration was the limited interaction that exists with Dover Air Force Base, which is also a significant, notable target. Mr. Iacona believed that greater collaboration and contingency planning was needed in the event that something occurs in those environments. He stated that these were the only two (2) things that he would elevate, and he recommended that those issues be fleshed out.

Mr. Hare stated that the dispatchers do more than waiting for the phone to ring and dispatch, and they have other duties, such as keeping equipment ready. He noted that, during his time in the City, he had a house that almost burned down and the Fire Department was very quick to respond. Mr. Hare noted that he had never had anyone come to him expressing negative comments about the Fire Department's performance. He acknowledged that they may have some internal things they need to correct; however, he felt that the Fire Department was doing what needs to be done. Mr. Hare stated his understanding that insurance companies rate fire departments on a scale of one (1) to four (4), with one (1) being the best. He believed that the insurance company had indicated that the Dover Fire Department had a response time faster than Wilmington's paid fire department, and would have rated Dover at the top level; however, rated the Department at a level two (2) because volunteer fire departments cannot be rated at a one (1). Mr. Hare acknowledged that there were things that could be tweaked; however, he stated that when there is a fire, they are there, and he had heard many people say this. Mr. Hare informed members that a house caught fire on Riverside Drive in July, and the gentleman whose house it was had nothing but praise for the Fire Department. Although there may be some administrative things that are not being done as they should, including recordkeeping, he felt that they should be given a lot of credit for being there when there is a fire or a need.

In response to Mr. Hare, Mr. Iacona assured members that CPSM recognized this level of care, noting that he prefaced remarks by indicating the commendability of the system that the City has. He felt that this could now be embellished, revisited, and some options could be considered. Mr. Iacona stated that this would ultimately be the City's decision, stating that CPSM had provided

a series of perspectives, and he would be departing from the City and leaving members with the report. CPSM would also provide access after the report for follow-up or questions. Mr. Iacona stated that they were present to support the report, but reiterated that it would ultimately be Council's decision regarding how they choose to protect their community. He reiterated that there were no State or federal mandates, and that CPSM had been asked to look at this from a different perspective and provide some alternatives to consider.

In regard to the service contract and performance standards, Mr. Hare felt that the Fire Department had maintained their training and level of efficiency and did not understand why they would have to sign a contract telling them that they had to be better than they are. He felt that they were meeting standards and was unsure if a contract was needed.

Mr. Keller commented that, when reviewing this incredible report, he noticed a score of 68.7 out of a possible 70 and asked for an explanation. Responding, Mr. Iacona informed members that this was the Insurance Service Office (ISO) rating, which ranks community fire protection on a one (1) to 10 scale, with one (1) being the highest level of performance, achievement, or coverage, and 10 being a service that is virtually nonexistent. He indicated that a number of insurance agencies structure their premiums on the basis of what this scoring is, the logic being that the premium related to fire protection would be lowest for a Class 1 department. Mr. Iacona explained that a Class 10 rating would indicate that there is virtually no fire department, so the insurance premiums impacted by fire departments would be higher. He noted that the portion of homeowners' insurance attributable to fire protection is approximately 20% to 25% of the premium. Mr. Iacona stated that the lower the scoring, the lower the associated premium. At a 68, the Dover Fire Department was a little more than two (2) points from a Class 3 rating. Mr. Iacona noted that there were a number of areas in which the Dover Fire Department was very close to a higher rating, and CPSM made some recommendations that they believed may raise the rating to a Class 3 if revisited by ISO.

Mr. Hutchison asked if any of the other fire departments that Mr. Iacona personally evaluated were volunteer fire services. Responding, Mr. Iacona stated that he had evaluated a number of volunteer entities and combination departments and, as Chief of Operations in Florida, he supported three (3) volunteer entities in the county in training, mutual aid, equipment refurbishment, and things of that nature. Two (2) of the other CPSM team members had careers with volunteer and combination organizations, and their team was structured to reflect the nature of the community.

Referring to page 10 of the report, Mr. Hosfelt requested clarification regarding the comment that, "Our analysis did not reveal any illegal or unethical practices; however, there is concern that improved oversight is warranted." In response, Mr. Iacona advised that the difficulty they saw was that dispatchers, who are involved as employees and are part of a collective bargaining agreement, were being supervised by members of the volunteer association, who are non-employees. It was believed that training should be strengthened to enable them to provide that level of supervision.

Referring to page 21, Mr. Hosfelt quoted the recommendation that, "The City of Dover should revisit its current prohibition when allowing employees to respond as volunteer firefighters without docking their pay or requiring utilization of leave time in providing this service." He asked if CPSM had seen this in other cities and how it had worked. Responding, Mr. Iacona stated that there are always

individuals who test the systems; however, the systems that they had seen that utilized employees wearing dual hats were effective. He explained that they had seen that a number of people working for the city had difficulty responding because of this prohibition; in fact, at one time the fire chief was a dispatcher, and this policy did not make sense. Mr. Iacona acknowledged that issues could arise and someone could get hurt during this activity; however, they felt these issues were manageable. He noted that it is difficult to recruit and retain qualified volunteers in this day and age, and it was felt that the City was hindering the effort since this restriction was being placed on employees who were wearing two (2) hats in responding while in a paid status. Mr. Iacona thought that this could be massaged a little bit to work better in the system.

Mr. Anderson referred to the recommendation to restructure the equipment response. He noted that the Dover Fire Department has responsibility for not only the City of Dover but also the surrounding areas, and backs up other jurisdictions and fire districts. Mr. Anderson asked how adopting this recommendation would affect the ability to provide back-up and maintain a sufficient response time in the City. Responding, Mr. Iacona stated that the issue they were attempting to address was to implement more standardization for the types and numbers of equipment that respond to the various types of incidents. For example, a structure fire in a single-family residence would get a specific response, and a call identifying something less significant, such as a smell of smoke or wires arcing, would have a scaled-down response. Mr. Iacona explained that, in this way, a whole service contingent would not be sent to something that is likely to be a non-emergency situation and the response would be gauged on the basis of inquiry that is done at the dispatch center. He advised that dispatch centers that are professionally operated have a series of questions with a specific format to eventually deduce whether there is a likelihood for a true emergency or not. However, Mr. Iacona advised that, in looking at the numbers of people that were assembled for incidents, there was not a frequency for being able to staff more than a certain number of apparatuses. He noted that if 17 or 20 people respond or come in, this limits what can actually be dispatched. In looking at the numbers and what it typically takes to manage these incidents, CPSM felt that standards should be set up.

Referring to the recommendation on page 8 regarding Continuity of Operations Plans (COOP) and a Continuity of Government (COG) Plan, Mr. Anderson asked for an explanation of the difference between these plans. Responding, Mr. Iacona indicated that a COOP is contingency planning for facility operations and involves planning for situations such as a building becoming unavailable due to flooding from a broken pipe, or if the server for the payroll system goes down. He cited another example of planning for a diminished workforce, noting that this was considered when the Asian flu was an issue. In this case, questions had to be answered such as, if half the workforce was no longer available, what services would be curtailed; what employees would take with them if they had to leave the building; and where employees would go. Mr. Iacona explained that COG is related to ascendancy of authority and deals more with people than operations, such as who would take the role of city manager or council president if they are gone.

Mr. Hosfelt asked what CPSM was looking for from the City following the City's review of the study. In response, Mr. Iacona explained that their studies begin with a conference call. Their point of contact is asked to invite those individuals that they want to be part of this call to attend, and there is a discussion about what the deliverables and expectations are, and whether certain elements are wanted. Mr. Iacona noted that CPSM explains what they plan to do and determines if this is the

product that is expected. He stated that CPSM then does a data analysis and provides the document back to the other party in draft format to determine if there are errors and omissions. Mr. Iacona advised that once the data report is approved, he and his team do the field analysis, using the data to justify or evaluate the situation. They then take the data, write up their findings, and give the report to the point of contact and ask them to make sure that it is accurate and has no incorrect elements. Mr. Iacona stated that they also talk about the mechanics of how things will be presented and determine the right forum for conveying the thought process. He explained that they discuss the best way to convey the information diplomatically, and this is looked at from the perspective of the substance and accuracy of the information. Mr. Iacona advised that after CPSM provides the draft report, there is a conference call to go over all of the points raised by the client. Adjustments are made and a final report is sent, which is close to the final product, although it is still subject to change.

Responding to Mr. Hosfelt, Mr. Iacona confirmed that the process would be the same, whether the study is of the Police Department, Fire Department, or the ambulance service.

Mr. Hosfelt stated his understanding that when the study of the Police Department came back from CPSM it was given to the Police Chief for his review, and asked if the same opportunity was afforded to the Fire Department when this initiative came back. In response, Mr. Scott Koenig, City Manager, explained that all of the raw data, including tables, etc., was sent to the Fire Department for review electronically and no comments were received back by the City Manager's Office. Mr. Koenig advised that he had reviewed the data and the data tables seemed to add up. He noted that questions were sent back and forth. Mr. Koenig indicated that when the stage of a final report was reached, a meeting was held in the City Manager's Conference Room, where it was intended to give the Fire Department the information and let them read it and respond before putting anything out publicly. Mr. Koenig indicated that the Fire Department declined to make comments, and at that point staff decided to release the document. In his opinion, the opportunity for response was at the meeting where the members who were there declined the opportunity to edit and make comments before it was sent out. Mr. Koenig noted that he did not take any of the comments or recommendations from the consultant out of the report, and the comments and questions that he sent back were more context, formatting, and spelling issues. Mr. Koenig reminded members that, in regard to the Fire Department, the City is dealing with a third-party entity that does not have any reporting requirement to the City. If the Fire Department takes the report and distributes it, at that point it is out, and this can occur before members of Council see it. He advised that if it was left on a desk by accident, it would be out, so the context of how to get the information to people would become somewhat distorted. Mr. Koenig stated that no information was transferred back and forth to the ambulance provider. Staff got the raw data that was assembled, and had no conversations with the ambulance service. Mr. Koenig indicated that the recommendations were the recommendations, and they would be acted upon.

With respect to the Police Department, Mr. Koenig explained that the Department was provided the data collection summaries and analysis. Data collection with the Police Department was much more difficult. He noted that the Police Department is completely within the realm of the City. Mr. Koenig stated that the raw draft report was distributed electronically to the Police Chief and the Mayor, and they were asked for comments. He stated that this report had not yet been finalized but

would be finalized shortly. Mr. Koenig reiterated that with the Fire Department the City was dealing with a third-party, private company that basically provides service to the City, so there were some confidentiality issues. He noted that there would have been problems if the Fire Department had disclosed the report, even by accident, before there was an opportunity to meet with affected employees. Mr. Koenig informed members that when the Fire Department declined to provide comments, staff essentially had to meet with the employees prior to distribution, so that it was not a surprise to those employees when the information came out.

Council President Slavin advised that the meeting that Mr. Koenig referenced included himself, Mr. Hosfelt, Mr. Bashista, and Mr. Carey. He explained Mr. Carey and Mr. Bashista were offered a copy of the report, but they were very sensitive to the fact that they did not want to be the two (2) members of the fire company that had access to the report, believing that all members deserved the benefit of that access. Mr. Slavin advised that they all made the decision at that point that it would be in the best interest of everyone to simply release the report all at once. He noted that all members of Council saw it on the same day and at the same time that all members of the fire company did, to avoid discussion of who had it when.

Mr. Koenig agreed that this type of setup created a difficult situation for all sides, because the City has an obligation, as the employer, to employees that may be affected by the report, and the fire company had an obligation to share the information as soon as they got it. This became a timing issue; therefore, it was agreed at the meeting to distribute the report as written.

In response to Mr. Hutchison, Mr. Koenig stated that, to his knowledge, there had been no assessment or evaluation of the Fire Department in the past. He indicated that the only similar analysis was the accreditation process at the Police Department, which involves looking at operational procedures and recordkeeping. He noted that a study relating to the Fire Department was conducted by Haggerty and Haggerty, Certified Public Accounts and Management Consultants, and it related to accounting and reporting structures regarding audit and finance, rather than service-level delivery or improvement of service delivery over time. Mr. Koenig did not believe that the Haggerty and Haggerty study got to the depth of information that this study had provided across the board. He stated that any previous discussion of the Fire Department did not include ambulance service and the level of ambulance service activity, and the City had never conducted that type of study.

Mr. Anderson noted that there was a recommendation that one (1) of the benchmarks be the presence of two (2) EMTs and asked if this was something that was not always being done. In response, Mr. Iacona explained that current contract does not require a minimum of two (2) EMTs on ambulances. He advised that in their evaluations of other communities, the norm was for ambulance service to be provided at an even higher level, what is called advanced life support, with paramedics. Mr. Iacona stated that a paramedic can provide a whole host of preventative and invasive type cares; therefore, the level of care being provided should be notched up a bit. He felt it would ultimately behoove the City to look at ambulance service being advanced life support sometime in the future, since this was the national benchmark in most communities.

Responding to Mr. Slavin, Mr. Iacona confirmed that this would be advanced life support provided by the County.

Mr. Paul Eichler, firefighter, Dover Fire Department, advised that he had been a firefighter for over 20 years, currently holds the rank of firefighter, and had held several positions throughout the Department. On behalf of himself and his colleagues present this evening, he thanked the City for the opportunity to review their operations and practices. Mr. Eichler thought it had benefitted them immensely to be able to tell what they were doing well, where they needed to do a bit more homework, and to identify those issues coming from the conversations and studies that largely had no impact on their operations and further separate them. He thanked Mr. Iacona, who had pointed out several best practices that the Fire Department currently employs in their delivery to the City. Mr. Eichler stated that it meant a lot to the Department as they strive to be a professional organization, regardless of how they are staffed in terms of the volunteer versus career conversation.

Mr. Eichler indicated that the Fire Department had done a lot of due diligence already with regard to the information that was presented. He informed members that, since reviewing the study, a committee from the Department had met several times. He noted that they had put a lot of work into the review and looked forward to the opportunity next month to break it down and provide some of their recommendations and thoughts.

Mr. Eichler encouraged everyone to keep in mind that the delivery of emergency medical services to the citizens of Dover is extremely unique. He believed that anyone would be challenged to find another system in the country that delivers services in the same way. In light of some of the challenges experienced through the years, Mr. Eichler felt comfortable saying that the Dover Fire Department does an excellent job, exceeding the majority of the country in delivery of fire services and support of the emergency medical services that are delivered in the City and throughout the fire district. He stated that they were very proud of the relationships that they had built through the years with their fellow organizations, and thought they had nothing to look forward to but continued wonderful relations, specifically with this body, as well as with all of their fellow service providers. Mr. Eichler appreciated the opportunity to comment, stating that he was very comfortable saying, on behalf of President Bashista, Chief Carey, and their members both present and absent, that they enjoy working with the City and look forward to continuing to do so. Although he believed that there may be more challenges to be addressed in October, he felt this would help them to continue to move forward.

Mr. Hutchison thanked those responsible for the report. He noted that he had the opportunity to see first hand what the Fire Department is capable of doing. Mr. Hutchison indicated that he had seen it operate in all kinds of weather conditions, day and night, and believed that Dover has a first-class volunteer service, which is what the report had said. He informed members that he had an opportunity to review the report with Fire Chief Carey, and Mr. Hutchison had a better insight into some of the things that Chief Carey and the Fire Department were doing and changes they were making. He felt that this was not a negative report but a good report and that only 49 recommendations spoke well of the volunteer fire service. Mr. Hutchison expressed thanks for the report, which he believed provided a tremendous opportunity to look at this matter from a different perspective.

Mr. Hosfelt thanked the gentlemen from CPSM for their presentation and expressed pride in the service provided by the Dover Fire Department. He noted that he had held discussions with

Mr. Bashishta and had agreed that another Special Council Committee of the Whole/Safety Advisory and Transportation Committee meeting would be held on October 19, 2016 at 6:00 p.m. to hear from the Fire Department regarding the presentation. He welcomed those from CPSM to attend.

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

Meeting adjourned at 7:38 p.m.

Timothy A. Slavin
Council President

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Attachments
Attachment #1 - Presentation - Operational and Administrative Analysis - Dover Fire Department

Dover Fire Department



CPSM
Center for Public Safety Management, LLC

Operational and Administrative Analysis

Dover Fire Department

Dover, DE

September 7, 2016

CPSM
Center for Public Safety Management, LLC

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CPSM
Center for Public Safety Management, LLC

Presentation Agenda

Project Methodology

Initial Observations

Findings and Recommendations

Questions



CPSM
Center for Public Safety Management, LLC

Project Methodology

The project began with an analysis of fire department administrative and operational information.

On-site meetings with key stakeholders in November 2015.

A response and workload analysis was completed.

Additional communication with City staff and the Volunteers Association for clarification of information and understanding of operations.

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Center for Public Safety Management, LLC

Initial Observations

Dedicated Corps of Volunteers, Committed Service Delivery.

DFD is at a crossroads in finding ways to enhance its Volunteer services in order to meet the growing service demands of the community.

Improved coordination is needed between the Volunteer Association and the City of Dover.

The expanded use of National Training Standards, recognized Officer Certifications and Professional Credentials are needed.

Dispatch operations should be centralized.

Expanded efforts in fire prevention and hazard assessment.

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Findings and Recommendations

Organizational Needs:

Hire an Emergency Services Manager with oversite for Fire, Ambulance Services and Emergency Management functions.

Establish a service contract between the City and the Volunteer Association that specifies working relationships and performance standards.

Institute an apparatus replacement program and shift vehicle purchase and maintenance responsibilities to the City.

Improve incident reporting and Fire Department recordkeeping.

Transfer dispatching duties to Kent County and reclassify Fire Dispatchers to Fire Technicians.

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Findings and Recommendations

Deployment:

Limit primary response apparatus to 3-Engines, 1-Ladder, 1 Heavy Rescue and 2 Command Units (Not including reserve units and utility vehicles).

Respond a separate Chief or Duty Officer vehicle to all major incidents to establish the command and safety functions.

Adjust response protocols to standardize response assignments and when appropriate send fewer units to non-emergency calls.

Expand the Emergency Services Manager's oversight of ambulance operations and require EMT training for all ambulance personnel.

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Findings and Recommendations

Training:

Move to the NFPA-1001 Standard: Firefighter I & II Qualifications.

Insure that Fire Officers and Chief Officers achieve and maintain command and supervisory training as a component of their selection.

Institute training requirements for all Volunteers regarding workplace behavior, supervising City employees and operating in public forums as representatives of the City.

Insure that all emergency response personnel maintain skills qualification and personal readiness to operate safely in hazardous environments.

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Findings and Recommendations

Prevention:

Conduct a fire risk analysis and pre-fire planning in high risk occupancies and critical infrastructure.

Utilize Fire Technicians (former Dispatchers) to conduct pre-fire plans and safety inspections - providing this information to response personnel.

Consider the reassignment of the Fire Marshall's Office under the umbrella of the Emergency Services Manager.

Adopt fire code provisions that requires automatic fire sprinklers in all new residential construction.

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Questions ??



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DOVER HUMAN RELATIONS COMMISSION

The Dover Human Relations Commission (DHRC) meeting was held on September 21, 2016 at 6:00 p.m. with Chairman Henderson presiding. Members present were Ms. Bogle, Mr. McGiffin, Ms. Mullen, and Mrs. Sadusky.

AGENDA ADDITIONS/DELETIONS
By unanimous consent, the agenda was approved as presented.

DHRC Committee Updates

Government Policy, Programs, and Practices Committee (McGiffin)

DHRC Diversity Research Project

Referring to the Dover Human Relations Commission Diversity Research Project Report, Mr. McGiffin reminded members that former Commissioner Gene Ruane had suggested that determining the City of Dover's diversity and cultural competency as an organization would be a fundamental step in establishing what the DHRC should do as a human relations commission. Mr. Ruane had discovered *Reinventing Diversity*, by Howard Ross, which he thought would be an excellent guide. Mr. McGiffin explained that he and Mr. Ruane had formed the DHRC's Government Policy, Programs, and Practices (GPPP) Committee, whose first task was to consolidate the recommendations in the book into a digestible form. Mr. Ruane then resigned from the DHRC due to relocating. Mr. McGiffin advised members that he and Chairman Henderson developed a series of questions from the book and addressed them to a number of the members of the City's leadership team during interviews. They then asked a subset of the questions to all City employees through an online survey. Mr. McGiffin noted that the survey was also made available by hard copy to employees, although no one had claimed a hard copy.

Mr. McGiffin estimated that there were 25 or 26 survey respondents and 35 sources of data between interviewees and survey respondents. He explained that his report included a history of the project, followed by the questions that were asked and the responses to each of the questions. Mr. McGiffin advised that the responses offered in the report sometimes included both survey responses and responses of interviewees, as well as his summaries of interview responses in some cases. He noted that there were some questions that were answered only by the Human Resources Director because they were specific to human resources.

Mr. McGiffin indicated that the next step would be to complete the report by deciding the meaning of the responses in a section called "Observations and Conclusions." If desired, the DHRC could then make recommendations based on the survey responses. Mr. McGiffin recommended that this be done by the DHRC as a whole, rather than by just himself and Mr. Henderson. He suggested that members review the questions and responses and discuss, as a group, what they mean, for example, the responses that would have been expected versus those received. Mr. McGiffin noted that one of the questions asked was, "Is there an historical event, person, something significant that happened, or somebody significant who was around, that brings to mind the questions of diversity and cultural

competency?" He noted that the most common response referenced the Webster case, which involved a City police officer, an injured man who was arrested, and his subsequent criminal trial and settlement with the City. Mr. McGiffin advised that this matter was topical when the interviews were done in December 2015 and January 2016, and was still in the news when the survey went out over the summer. He indicated that he had fully expected someone to mention the NAACP lawsuit that had resulted in the City's current method of electing Council members. Mr. McGiffin explained that the City's district divisions and election of an at-large Council member were the result of a lawsuit that he estimated had happened more than 30 years ago, and although he thought someone would mention this, he found it interesting that no one did. In addition, Mr. McGiffin noted that no one had mentioned school desegregation, which he felt may seem ancient history to some; however, this had been a big topic in Dover. He noted that he knows many people who went to the black high school and others to the white high school, and these are people that are still in commerce today. Mr. McGiffin thought that someone from the City might have thought that significant. He stated that his comments were not criticism but an example of the kinds of observations that might be useful.

Mr. McGiffin advised members that Mayor Christiansen at one time had urged DHRC members not to forget about the City's history. In thinking about the rather limited response to the question about a particular person or event that brought to mind questions of diversity and cultural competency, Mr. McGiffin believed that the Mayor's comment had been wise. He felt that the Mayor's point was that the DHRC should proceed using a lens that would allow members to see not only where they want to go, but where the City had been, because that would help them to get where they want to go,

Mr. McGiffin explained that one of the DHRC's observations may be that people do not think about the history, and a conclusion might be that people need to be reminded of this. He suggested that members might then recommend that the DHRC Education Committee develop opportunities to present historical perspectives on diversity and cultural competency issues. For example, during African-American History Month, the DHRC could encourage or even help sponsor a program specific to Dover about significant things that happened in Dover that redound today, but that people are not conscious of.

Mr. McGiffin stated that this was just an example of the observations, conclusions, and recommendations that might result from the study. He noted that there were 20 questions, and each would give an opportunity to make some kind of observation. Mr. McGiffin advised that, generally speaking, respondents thought that the City was aware of diversity issues and tries to address issues with cultural competency. He noted that the survey results showed a broad range of opinion, with some who felt diversity was a distraction from giving jobs to the best person, irrespective of any other consideration, and others who felt the City had not gone nearly far enough in addressing diversity issues.

Mr. McGiffin indicated that the City's leadership was generally positive about what Dover does to respect cultural competency and to try and develop diversity, and that there were a lot of hiring and management practices that are tuned in to that issue. Mr. McGiffin stated that Mr. Scott Koenig, City Manager, received a lot of positive comments, and many people thought the City Manager

worked hard make people aware. Some comments from both the survey results and the interviews suggested that City Council could do a much better job of recognizing the importance of diversity and dealing with issues with a greater degree of cultural competency. Mr. McGiffin stated that this was a message that should probably be conveyed in some form.

Mr. McGiffin suggested that members come to the next meeting with their thoughts about observations, conclusions, and recommendations to be compiled during the meeting. He noted that some of the questions have very simple answers. For example, he stated that the first question was, "Are diversity and cultural competency articulated as values in the mission/vision/value statement of the City?" Mr. McGiffin noted that a lot of respondents did not know, although some knew that it was stated specifically in the City's purchasing policy. He stated that one observation might be that more people who work for the City should know what the City says about itself.

Mr. McGiffin moved to recommend that the members of the Dover Human Relations Commission respond to the question, "What are your observations, conclusions, and recommendations regarding the DHRC Diversity Research Project?" via email to the City Clerk's Office, with their input to be compiled so that members could finish the Dover Human Relations Commission Diversity Research Project Report at their next meeting. The motion was seconded by Ms. Mullen and unanimously carried.

Education Committee (Bogle)

Ms. Mullen explained that she had attended meetings of the White Oak/Towne Point Civic Association and the Capitol Park Civic Association. She informed members that there were not many people in attendance who were familiar with what the DHRC does, and she educated them and offered the Commission's help if needed. Ms. Mullen felt that raising awareness in the community about the DHRC and what it does should be a priority.

Ms. Bogle stated that she had met with Dr. Dan Shelton, Superintendent of Schools, Capital School District, and with Ms. Tonya Guinn, Supervisor of Student Support Services, to discuss ways that the District could use the DHRC's support. They mentioned many issues involving young people in the school district, such as violence and shootings in the community. Ms. Bogle advised that Dr. Shelton had discussed the possibility of the City heading up a committee that would pool different entities across the community to talk about these issues and make decisions about addressing them. Ms. Bogle noted that, as previously mentioned by Ms. Mullen, people do not recognize what the Commission can do, and she had done her best to explain. She suggested that members discuss the DHRC's particular mission and focus and how they can best support the school district. Ms. Bogle advised members that the school district had named housing developments and other people and entities that could be involved. She indicated that it was a matter of deciding where to start and what to do. Ms. Bogle stated that the DHRC could possibly invite Dr. Shelton and Ms. Guinn to a meeting to obtain more specifics about what they were looking for.

Mr. McGiffin stated that it would be a legitimate and worthwhile endeavor for members to find out exactly what Dr. Shelton had in mind. He felt that if Dr. Shelton was asking the DHRC to convene

a group of stakeholders from various interested parties within the community, this would be a good role for the DHRC, and the DHRC could sponsor or even facilitate such a meeting.

Mr. Henderson stated his understanding that the DHRC serves as a conduit and their function is human relations. He noted that members must be careful about how they conduct meetings and communicate with one another, as they were advised by Deputy Solicitor William Pepper several months ago.

Mr. McGiffin stated that the primary function of the Commission is to advise City Council. He noted that convening a meeting involving stakeholders on an issue identified by Dr. Shelton would allow members to gather information. This information could provide a basis to advise Council on what is going on. Mr. McGiffin noted that the DHRC would be providing eyes and ears in places where Council is not going, and he felt this was a very valuable function. He noted that all members have a level of competency that may allow them to see and suggest solutions to problems. In addition, Mr. McGiffin felt that just providing a forum for people who are trying to solve a problem to talk could be a useful function in itself, since this could allow people to develop their own solutions.

Responding to Mr. Henderson, Ms. Bogle stated that she could contact Dr. Shelton or Ms. Guinn to arrange a meeting if desired.

Ms. Bogle felt it would be useful for DHRC members to have a session to develop an "elevator speech" or unified message about the DHRC, and for members to know what each of its committees stands for so that they could speak intelligently about what they do.

Mr. Henderson advised that members had previously discussed having a retreat to get together as a commission, but this had not occurred due to the many changes in the DHRC. He felt that members needed to get together and define themselves. Mr. Henderson noted that he had been serving as Chair for only a few meetings and needed to get his feet firmly on the ground.

Ms. Bogle indicated that members had discussed waiting until there were more members; however, she felt that moving forward would be useful for current members to provide structure when others come in.

Mrs. Sadusky questioned whether members wished to have Dr. Shelton and Ms. Guinn come to speak with the DHRC. Mr. McGiffin stated that he was unsure if it would be beneficial to have them come in while the DHRC was weak in terms of its membership. Ms. Bogle questioned if a logical next step would be to contact the school district, let them know this was being discussed, and advise that the DHRC was hoping to work with them. Ms. Mullen agreed with that approach, stating the desire for those from the school district to know that they had been heard. Mr. McGiffin stated that if members wanted to wait until they are at full strength before inviting them, then Dr. Shelton and Ms. Guinn should be advised that the Commission was going through some turnover and would get

back to them soon when it is back up to full membership. Mr. McGiffin noted that the other option would be to invite them to come now.

Mr. Henderson felt that members needed to feel comfortable about what the DHRC's function is so that they could present a unified message, as mentioned by Ms. Bogle. Ms. Bogle concurred, stating that being on the same page was even more important than being at full strength when bringing someone in.

Responding to Mrs. Sadusky, Mr. McGiffin stated that the DHRC has a mission statement and a lot of documentation about what they are and what they do; however, this would not answer the question of how this could be explained in 50 words or less.

Ms. Bogle expressed concern that the group was ever evolving and that people would be pointed elsewhere if there was no set time for them to come to the DHRC.

Mr. Henderson expressed a desire for those who come to feel that they are in an environment where people know what they are doing and what their mission is. He offered to work on developing a statement for the DHRC.

Mr. McGiffin suggested putting discussion of a thumbnail explanation of who the DHRC is and what they do on the next meeting agenda.

Old Business

DHRC Vacancies (First and Fourth District)

Mr. McGiffin advised members that he had been nominated by the Governor to be a family court judge; therefore, his tenure on the DHRC was about to end because members of the Human Relations Commission cannot hold another appointed position. Mr. McGiffin stated that he would be present at the next meeting if it was scheduled before October 25, 2016. He indicated that he represented the Third District on the DHRC and had a replacement in mind for his seat.

Mr. Henderson stated that it was vitally important for the Commission to get its feet on the ground if it was going to make a difference. He indicated that he had contacted the Mayor and Council President Slavin about the need for members. Mr. Henderson felt that the provision that prohibits individuals from other holding other positions should be amended, noting that the best people are those who are involved in other things, and that is why they are asked to serve.

Mr. Henderson expressed his opinion that the Commission was important because of things that are going on now, noting that words such as racism and xenophobia were being tossed around. He stated that every time he hears about another person being killed by a police officer, it tears his heart out. Mr. Henderson felt that the DHRC could be on the tip of being a calming agent, noting that he had gotten involved in the Commission because he wanted to make a difference. He stated that solving problems early on will prevent problems later down the road. Mr. Henderson felt that term the racism was being minimized, but there was nothing minimal about it. He stated that people had died for the right to vote and had been lynched in this country. Mr. Henderson did not believe that hatred and bigotry should be minimized. He felt that the Commission could have a role before

things escalate in the community, noting that when people become frustrated they turn to other things. Mr. Henderson encouraged members not to minimize how important they could be in providing advice and serving as a conduit for people who may be hopeless or angered by what is going on, and indicated that he did not want anything to happen in the Dover community. He stated that comments regarding the Webster case had come up over and over again, and this was brought up not by black individuals but by white individuals who wanted justice. They wanted to do what was right and felt that the Webster case was outrageous, and Mr. Henderson found this very encouraging. Mr. Henderson stated that he would not give up on the DHRC but would ask the Mayor and Council to either provide commissioners to work with or dismiss the Commission.

Responding to Mrs. Sadusky, Mrs. Stein stated that there were four (4) current vacancies on the Commission, not including the position that would be vacated by Mr. McGiffin.

In response to Mr. McGiffin, Mrs. Stein stated that the City ordinance stated, in reference to the DHRC, that, "No member of the commission shall hold any elected or appointed office under the Government of the United States, or the state, county, or city."

Mr. Henderson suggested the possibility of reaching out to former Commissioner Kenneth Roach who had mentioned possibly having someone to replace him.

After further discussion, members agreed to schedule their next meeting for October 18, 2016 at 6:00 p.m., and established October 13, 2016 as an alternate date.

Mr. McGiffin moved for adjournment, seconded by Mrs. Sadusky and unanimously carried.

Meeting adjourned at 6:52 p.m.

Theodore A. Henderson
Chair

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COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole Meeting was held on October 11, 2016 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Lewis, Mr. Cole, Mr. Hosfelt (arrived at 6:01 p.m.), Mr. Hare, and Mr. Hutchison. Mr. Neil was absent. Mayor Christiansen was also present (departed at 7:43 p.m.). Civilian members present for their Committee meetings were Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*).

LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

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

AGENDA ADDITIONS/DELETIONS

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

Request of Fordham & Dominion Brewing Company - Amendment to Appendix B - Zoning, Article 3 - District Regulations, Section 22 - Airport Environs Overlay Zone (AEOZ), Subsection 22.4 - Exemptions, Paragraph (c) - Temporary Uses of the Dover Code/Proposed Agreement Approving 80 Event Hours Over 12 Months

During the Council Committee of the Whole/Safety Advisory and Transportation Committee meeting of July 26, 2016, members were provided an Overview of the Airport Environs Overlay Zone Related to Dover Air Force Base and Fordham Brewery.

During the Council Committee of the Whole/Legislative, Finance, and Administration Committee meeting of October 11, 2016, Mrs. Ann Marie Townshend, Director of Planning and Community Development, referred to the letter from Mr. Ryan Telle, Vice President of Marketing, Fordham and Dominion Brewing Company, dated September 14, 2016, requesting an amendment to the Zoning Ordinance; the Zoning Interpretation & Administrative Policy - Temporary Uses Involving Public Assembly within the Airport Environs Overlay Zone (AEOZ) dated June 2, 2016; and her letter to Mr. Dan Louder dated August 1, 2016 documenting the agreement between the City and Fordham and Dominion Brewery Company that was reached in June 2016. She advised members that Fordham was requesting an amendment to the Zoning Ordinance.

In response to Mr. Sudler's request for the background regarding her position on this matter, Mrs. Townshend explained that the City adopted the Airport Environs Overlay Zone (AEOZ) in 2001 based on the Air Installation Compatible Use Zone (AICUZ) study performed by the Air Force for the Dover Air Force Base (DAFB) space. She stated that this study was based on modeling that the Air Force does to determine a noise contour, which includes areas where noise from air traffic is expected to be higher. Mrs. Townshend informed members that, within these areas, there are certain recommendations for how building construction is dealt with to attenuate the noise, as well as prohibitions on certain uses, such as residential, in the higher noise zones. She indicated that the study also identified the crash zone and two (2) accident potential zones. She stated that a land use compatibility table came from the AICUZ study that included compatible uses within the different

noise zones, the clear zone, and the two (2) accident potential zones, and identified uses that were incompatible. Mrs. Townshend advised that, beginning in 2001, the City adopted these provisions into the Zoning Ordinance and they became part of its land use regulations. She explained that the DAFB updated the AICUZ study in 2010 and the information in the land use tables did not change; however, the noise contour shrank. Mrs. Townshend noted that accident potential zones stayed the same, because these areas off the runways had not changed since the initial adoption of the AEOZ zone in 2001.

Mrs. Townshend advised members that when Fordham and Dominion Brewery Company opened in 2003, they opened as a brewery, which is a manufacturing use, subject to the provisions of the AEOZ. She stated that, over time, their use evolved beyond what is permitted in the accident potential zone with the number of events they were having. Mrs. Townshend noted her belief that this was an honest evolution and Fordham was not attempting to avoid compliance with the Code. She informed members that Fordham was obtaining permits for some, but not all, of the events, and staff learned that more and more events were being held in the industrial area through social media. Mrs. Townshend indicated that the Fire Marshal's Office reached out to Fordham to get a better sense of the events they were holding, told them they needed to get permits for these events, and determined that Fordham was operating beyond the scope of the ordinance. She explained that the Zoning Ordinance allows an exemption for temporary uses of no more than five (5) days in the AEOZ, and staff determined that these days did not have to be consecutive. Mrs. Townshend stated that staff sent an email to Council in this regard. Referring to her letter to Fordham and Dominion Brewing Company dated August 1, 2016, she stated that, based on discussions that were held, she had followed up with this letter that indicated that Council would allow Fordham to hold 40 hours of events in the second half of 2016, based on five (5) eight-hour days, and Fordham was not happy with this.

Referring to the letter from Mr. Telle, dated September 14, 2016, Mrs. Townshend explained that this was a request for a Zoning Text Amendment to expand the five (5) days to 80 hours. She stated that this was something that could not be done administratively or by a simple vote because it relates to a provision of the Zoning Ordinance.

Mr. Sudler questioned how long Fordham had conducted events that exceeded the permitted usage for events, to staff's knowledge. Responding, Mrs. Townshend stated that no special event permits were issued before 2012 and estimated that two (2) to three (3) permits were issued per year between 2012 and 2016 for events like Cheesetoberfest. She advised that there were some rather big events held there, noting that the Police and Fire Departments had such an event. Mrs. Townshend stated that these events did not raise any flags until staff started seeing more and more things on social media, such as monthly release parties. In December 2015, Fordham came to the Planning Commission for an expansion of the Brewery. Mrs. Townshend informed members that during the Development Advisory Committee (DAC) meeting in December, events were specifically discussed, and staff was told that Fordham has two (2) to three (3) events per year and did not want or expect that aspect of their business to grow. She indicated that everyone present agreed that if this was the expected use, this was in compliance with the Zoning Ordinance. Mrs. Townshend noted that the DAFB Community Planner is part of the DAC.

Mrs. Townshend advised that approximately a month later, staff started seeing more events on social media, and she believed this was because social media was becoming more used. She was told that there were events all along, but they were not events that the City authorized. Mrs. Townshend stated that the Brewery was in an industrial zone and, more importantly, in the AEOZ accident potential zone, and, based on the AICUZ study, the Zoning Ordinance limits uses that would have people gathering in large populations in this location.

Mr. Anderson stated that normally special events are thought of as larger events, rather than small tastings where 20 or 30 people happen to stop by. He questioned what legally constitutes an event. Responding, Mrs. Townshend indicated, as stated in her letter to Mr. Louder dated August 1, 2016, that the occupant load of the tasting room would be used to determine the threshold at which something is constituted to need a special event permit. The Fire Marshal's Office measured the tasting room and determined the occupant load to be 33, and staff stated at that point that anything with more than 33 people would need a special event permit. Mrs. Townshend advised that a special event permit is needed not only due to the number of people but also when an event involves a use that is not permitted in a zone, or an event is held in a building for which the use has not been approved. She noted that the industrial area was not designed for public assembly. Responding to Mr. Anderson, she indicated that the limit of 33 would apply to the number of people present at any given time when the tasting room is open, rather than 33 people over the course of an event.

Mr. Lewis questioned if the Planning Department saw anything out of the ordinary when the permits were issued. Responding, Mrs. Townshend stated that when Fordham had events there were tents and food trucks, which was what staff would expect for a special event.

Mr. Lewis asked if social media drove the Planning Department to investigate the Brewery. In response, Mrs. Townshend indicated that social media put this matter in front of staff. She explained that events are typically held when staff is not out on the roads and, since this is not a highly traveled area, it is not an area that staff would typically stumble upon. Mrs. Townshend stated that the predominance of social media made staff aware of a Code violation.

Mr. Lewis questioned if it was common for staff from Mrs. Townshend's department to stop by special events to make sure that everything is okay. Responding, Mrs. Townshend stated that staff is typically not assigned to events unless they are very large. She indicated that staff could be assigned to events if there was overtime available, but staff had not been allocated to this. Mr. Jason Osika, Fire Marshal, stated that the first year that the OktDoverfest was held in downtown Dover and Loockerman Street was closed, staff went out prior to the event to look at it. Mrs. Townshend stated that staff goes out and does pre-inspections.

Mr. Lewis expressed confusion, stating his understanding that an event had been going on at Fordham and Dominion for years. He indicated that he had not attended but was aware of it. In response, Mrs. Townshend reiterated that, going back to 2012, staff was receiving permit applications for two (2) or three (3) events per year. She did not know at what point events started happening on a monthly or more than monthly basis. Mrs. Townshend stated that this became more apparent through the use of social media, which was doing its job of letting people know what is happening. She believed that the event aspect of the brewery industry had increased and, as more

breweries had come online, breweries had been holding more events. Mrs. Townshend advised that, because staff knew that this was the trend in the industry, when Fordham came in with their application for expansion in December, staff was very clear that the event portion of the business could not grow. She stated that staff was told that it would not grow, and they took Fordham's word for this.

In response to Mr. Hosfelt, Mrs. Townshend confirmed that the five-day limitation was in the original ordinance and still stood.

Responding to Mr. Hosfelt, Mrs. Townshend indicated that Fordham could apply to the Board of Adjustment for a variance if Council did not want to change the ordinance. She explained that the Board of Adjustment meets on the third Wednesday of the month in the morning. Mrs. Townshend believed that Friday, October 14, 2016 was the deadline for the November Board of Adjustment meeting, and the second or third Friday of the month would be the deadline for their December meeting. She confirmed that there was still time for this matter to be placed on the Board of Adjustment agenda for the November meeting. Mrs. Townshend stated that she was aware that Fordham already had an attorney involved because she had spoken to the attorney, and she thought that Fordham would have an attorney come in for a pre-application meeting and put together an application. She recalled that the Code requires four (4) criteria for a variance, as follows: 1) is the use or activity compatible with the zone in which the property lies; 2) is it compatible with the surrounding uses; 3) would it damage the surrounding uses; and 4) is there an exceptional, practical difficulty that would create a hardship for the property if the City did not grant a variance. Mrs. Townshend advised that she had seen skilled attorneys do a very good job on applications like this.

Mr. Hosfelt noted that the Civil Air Patrol was located in this area. In response, Mrs. Townshend stated that a lot of the properties in this area were owned by Kent County and most of them were not in the Overlay Zone. She explained that the path comes off the end of the runway and a lot of areas that one might think intuitively are in the zone are not. Mrs. Townshend indicated that Janes Road in Dover Brook Gardens is not in the zone. She stated that the Air Mobility Command Museum was outside of the clear zone, and the DAFB spent a lot of money to relocate the Museum's entrance, which previously went through the accident potential zone.

Mr. Hosfelt questioned whether there would be time for an ordinance change before the end of the year if Fordham applied for a variance and was not approved. Responding, Mrs. Townshend stated that if Fordham went to the Board of Adjustment in November, it could come back to the Council Committee of the Whole near the end of November, a first reading could be held in December with Planning Commission consideration in January and a final reading before Council in February. She noted that Fordham would be able to hold five (5) events in the interim.

Mr. Shevock questioned if the Air Force would have to approve any changes. Responding, Mrs. Townshend indicated that the DAFB does not approve what the City adopts. She stated that they provide their model to the City and will not comment publicly on specific situations or make any official comments for the record. Mrs. Townshend indicated that the Air Force's official comment is in providing the AICUZ study. She stated that if the City made this change, the Air

Force would not have to approve it but would review it. Mrs. Townshend explained that, based on her interaction with the Air Force on this and other matters in the past, she believed that they would be very neutral as to opposing or supporting it, but would probably point back to the AICUZ study.

Mr. Slavin referred to Mrs. Townshend's comment that one would think intuitively that some of the properties are in the zone but they are not. Responding, Mrs. Townshend stated that there are some areas around the DAFB that, intuitively based on their proximity to the DAFB, one might assume they are in the zone. However, when looking at the flight patterns, the runway, and what has been identified as the accident potential zone, some of the properties that people assume would be more vulnerable are not in the accident potential zones.

Mr. Slavin stated that his conclusion was that it is clear that the zone is not applied evenly or equitably because there are properties that, as Mrs. Townshend had stated, instinctively one would think are in the zone but they are not protected by it. In response, Mrs. Townshend stated that one may think that properties are in the zone because of their proximity to the DAFB. However, the accident potential zones are based off modeling and data that is based on Air Force plane crashes over a number of decades. She explained that modeling and actual crash data are used to develop the accident potential zones. Mrs. Townshend advised that they have a much more scientific method of determining where these zones are than that a property is located near the DAFB, where one would think it would be more vulnerable. Her point was that there are places near the DAFB that are not in the accident potential zone because the modeling does not put them there.

In regard to the AICUZ study, Mr. Slavin stated that he was not comfortable establishing a precedent of the City ceding control over how its land is zoned to a federal study, especially when the agency doing the study would not approve or disapprove of things when asked. He did not believe it was good to establish this precedent when the agency decides to take a silent approach and let the City make up its mind. Mr. Slavin stated that he respected the City's Charter and ordinances; however, he felt that if something is found that is broken, it should be fixed. In regard to economic development, he stated that the subject business was an industry that the City should be inviting and recruiting to build, not turning away or trying to make things more difficult for. For example, Mr. Slavin stated that he attended an event at the Painted Stave in Smyrna on Friday night, which was formerly the old Smyrna Theater. He stated that this building had been a plumbing warehouse for 20 years and was now a public gathering place that holds any number of events during the year. Mr. Slavin advised members that when he asked the town manager of Smyrna how they got a plumbing warehouse to serve this function, she stated that they had made it work. He indicated that he liked the spirit of making it work, noting that there was a willing business, energy, and a desire to make it work rather than hold it up. Mr. Slavin suggested that, rather than holding up what had been said for years, maybe there was a moment to refresh this and take another look. He stated that if the City was going to say that it was business friendly in the community, this is where it would happen, and the City could start to move government aside a bit and let businesses develop and grow. Mr. Slavin indicated that this was discussed the last time that Fordham came before Council. He advised that Fordham's industry is a very fast moving and evolving industry, explaining that when Fordham came in as a bottling factory 10 or 15 years ago, that is what everyone believed it was going to be; however, if they had stayed a bottling factory they would probably not be in business at this time. Mr. Slavin stated that Milton allows and embraces the same activity. He felt the need

to widen the lens a little and, rather than getting frustrated with the fact that something was broken or did not fit, he expressed the need to get to the fix and just make this work.

Mrs. Townshend agreed that when the Code is broken it should be fixed; however, she was unsure that all members of Council agreed that the Code was broken in this regard. She stated that it was absolutely the prerogative of Council to change the Code if they felt that it was broken and needed to be changed, and she offered to do this if instructed to put forth an ordinance that does what was requested. Mrs. Townshend felt the need to let members know that the purpose of what the DAFB had put forward was to protect the public safety around the Base, as well as the longevity and viability of the Base. She stated that she would be remiss if she did not say that members could make this decision and find out in 10 or 20 years that this decision had been made at the expense of the DAFB. Mrs. Townshend stated that she did not want that to happen; however, she explained that the reality was that encroachment is one of the biggest factors that pushes bases out.

Mayor Christiansen asked if the Dover Behavioral Center was in the zone, and Mrs. Townshend responded that it was. She advised that this was discussed with the DAFB when the AICUZ study was done in 2010 when the ordinance was updated, and had also been discussed with them recently. Mrs. Townshend indicated that when the Dover Behavioral Center last expanded approximately five (5) or six (6) years ago, they went to the Board of Adjustment and obtained a variance. She stated her understanding that there was a lot of internal discussion at the DAFB at that time between the Wing Commander, other commanders, engineering which involves community planning, and health personnel, because the DAFB relies on the services of Dover Behavioral Health and it was already located there.

Mayor Christiansen asked if this discussion had been memorialized and could be reviewed by himself and members of Council. Responding, Mrs. Townshend advised that staff had the variance decision; however, she had not been privy to the meetings. She indicated that it was conveyed to her that there had been a lot of internal discussion about it by the DAFB. When staff updated the AEOZ, in discussions with the DAFB, staff asked what would happen if they changed the threshold in the ordinance. Mrs. Townshend explained that the ordinance states that an existing use that predates the ordinance could expand 10% or 20%, and this threshold was changed to 50%. This meant that the hospital that was there could expand 50% without having to go to the Board of Adjustment. Mrs. Townshend informed members that there had previously been attempts to establish a psychiatric hospital in many locations, and it ultimately was established in the 1990s in that location because nobody wanted it in their back yard. She stated that this was before the zone was put in place, and staff was very cautious and worked very closely with the DAFB so that the expansion happened in a way that would not be considered encroachment on the part of the Base. Mrs. Townshend advised that the City would not allow the psychiatric hospital as a new use or do any of the things that the DAFB indicated they would consider encroachment. Mrs. Townshend advised that she and Mr. Scott Koenig, City Manager, had met with engineering staff at the DAFB several times over the last several months and asked how Dover had fared on encroachment when the Air Force had done the Base Closure and Realignment Commission (BRAC) studies. She stated that she and Mr. Koenig were told that the DAFB had always been able to answer that Dover has no encroachment. Mrs. Townshend stated that she specifically asked about the Dover Behavioral

Health Center, and DAFB personnel stated that this was a pre-existing facility and the expansions were in conformance with what the City worked out with the DAFB for the ordinance.

Mayor Christiansen questioned if this understanding had been memorialized in writing, stating that anytime there is information like this he would like to see it in writing. Responding, Mrs. Townshend advised that when staff met with the DAFB in August, staff stated that the City was trying to understand the issue of encroachment and knew that the DAFB would not go on the record. She explained that staff asked how the DAFB had answered the question in the past and how the hospital affected it.

Mr. Hare felt that if the DAFB had stated that there had been no encroachment, they did not consider what Fordham had been doing for the last four (4) years as encroachment. In response, Mrs. Townshend stated that the DAFB relies on local government partners to enforce the ordinance. She stated her belief that at some point it would have been considered encroachment and that the DAFB did not know, any more than the City knew, the degree of the events that were going on at Fordham.

Responding to Mayor Christiansen, Mrs. Townshend advised that the Zoning Ordinance does not state that a day constitutes eight (8) hours. Mayor Christiansen stated that five (5) 24-hour days would equal 120 hours of permissible events. In response, Mrs. Townshend indicated that this was what Fordham's attorney had proposed in June 2016. She advised that she was not personally comfortable making that administrative determination because she felt it was against the intent of the ordinance. Mrs. Townshend recommended that Fordham go to the Board of Adjustment, either for a variance or for an interpretation.

Mayor Christiansen asked if Mrs. Townshend would grant that the ordinance states five (5) days, which constitutes 24 hours. Responding, Mrs. Townshend stated that the ordinance states five (5) days, and the responsibility for interpretation of the Zoning Ordinance is by Code assigned to the City Planner, and a decision of the City Planner can be appealed to the Board of Adjustment. Mrs. Townshend stated that she had indicated that she would not be comfortable supporting that determination and it could go to the Board of Adjustment.

In response to Mayor Christiansen, Mrs. Townshend stated that the occupancy calculation of 33 made by the Fire Marshal was based on the tasting room. She advised that 33 people could be there any day of the week, and outside events would involve special event permits.

Mayor Christiansen asked if Fordham had changed their management and if the previous management was not obtaining the required permits for events. Responding, Mr. Telle advised that the person responsible for obtaining permits for Fordham was no longer with the company and Mr. Telle was now in charge. He advised that Fordham had filed for proper permits for every event they had held since they first received a letter from Mr. Jason Osika, Fire Marshal.

Mr. Hutchison felt that the question before members was not one to which they could automatically respond yes or no. He expressed deep concerns about making any change that could be received as encroachment, citing the length of time that the DAFB had been in Dover and the Comprehensive

Plan that was in place. Mr. Hutchison noted the first-class partnership the City had and worked to improve with the DAFB, and the Base's 50-year-old relationship with the City of Dover, Kent County, and the State of Delaware. He stated that the DAFB is the City's second-largest employer and the City had been, and must continue to be, very sensitive to the Base. Mr. Hutchison stated that the Comprehensive Plan was put in place to protect Fordham, the citizens, and the DAFB. He did not believe that merely saying yes or no, without getting the facts from both sides, would be fair to anyone.

Mr. Sudler asked which of the four (4) elements that define the criteria for variance acceptance, including activity, compatibility to surrounding usage, damages, or exceptional practical difficulty/hardship to surrounding areas or the DAFB, was the biggest concern for the DAFB. Responding, Mrs. Townshend advised that Fordham had not applied for a variance, so she was unsure.

Mr. Sudler asked if Mrs Townshend thought this would create a hardship. Responding, Mrs. Townshend stated her belief that Fordham could make the case that not being able to have more events would pose a hardship for them. She explained that they would need to make that case at the Board of Adjustment meeting, and that is what they would hire an attorney for. Mrs. Townshend advised that she could not say that the case is made; however, she believed they could make the case. From the perspective of encroachment, she felt that it would be easier to sell the idea that the City was not encroaching if there was a variance rather than a change to the ordinance.

Mr. Hutchison noted that Article 3, Section 22.4 (c) of the City's Zoning Code addresses temporary uses and asked what this means to staff, as far as authority and flexibility, in addressing these kinds of issues. Responding, Mrs. Townshend stated that the temporary uses allows for five (5) days of temporary use, and explained that staff would view this as flexible, temporary, and no more than five (5) days over the course of the year. She indicated that this could go a little beyond what would normally be allowed as a permitted use in the zone. Mrs. Townshend noted that the DAFB had stated that on the days that there are events, the City could notify them so they could alter their flight paths so as not to interfere with these events. She felt that it would not be desired to do this on a routine basis.

In response to Mr. Hutchison, Mrs. Townshend stated that staff was treating the five (5) days specified as five (5) days in a year.

Mr. Anderson asked if the general guidelines of the study mentioned temporary uses or special permits. Responding, Mrs. Townshend stated that this was not in the table but was in the language that the DAFB provided to the City for the ordinance. She explained that it did not specify which temporary events would be acceptable because it was looking at them as not being longstanding. Mrs. Townshend stated that the five (5) days came from the Air Force, noting that the City had adopted language that was provided. Mr. Anderson stated his understanding that this was model legislation from the Air Force, and Mrs. Townshend confirmed that it was.

Mr. Anderson questioned what the Air Force defined as encroachment. Responding, Mrs. Townshend advised that they had not been very forthcoming with this information and this was

part of the challenge. She stated that they had provided the study and staff was able to ask questions, such as whether there had been encroachment, but was not able to get an answer for the question of at what point there would be encroachment. Mrs. Townshend indicated that Virginia Beach had allowed a lot of incompatible uses and the Virginia Naval Air Station almost left. She stated that she was unsure at what point this becomes encroachment and questioned if the City really wanted to find out. Mrs. Townshend noted that part of the challenge was that changing the Code would also open it up for others.

Mr. Sudler questioned, since the Air Force Base was not being very forthcoming, why it was believed that changing the ordinance would be encroachment. Responding, Mrs. Townshend stated that the request before members was to allow 80 hours of events per year. She explained that this would apply not only to the Fordham Brewery property but that another brewery could go in somewhere else and would also be allowed to have 80 hours of events and, based on the length of the events that Fordham had held, this could be upwards of 20 to 25 events in a year. Mrs. Townshend stated that in the Fall of 2015, she received an inquiry about another property in the accident potential zone from someone who was looking to purchase a property and put in a brewery. She stated that she had no more information and the inquirer had not identified themselves. Mrs. Townshend informed members that, knowing where the industry was going, she had advised the inquirer that a brewery was allowed; however, a large public event component would be a problem, and they did not look at the site. She stated that if the ordinance were changed, it would be changed for everyone and there could be more incompatible uses.

Mr. Hare noted that, as Mrs. Townshend had told the other party, the industry had been changing over the years and asked if this should be reevaluated, questioning whether businesses should be stifled because their industries are changing. He noted that other changes had been made in ordinances, not in the overlay zone but for growth and different things. Mr. Hare felt that this went back to what Fordham's attorney had said regarding the definition of a day, and that 40 hours is five (5) eight-hour days, but when five (5) days is multiplied by 24 hours, it would be 120 hours. He believed that Fordham was asking for 80 hours and may even be willing to accept 60 hours for the year, which would not even be five (5) days. Mr. Hare stated that outdoor events would probably be limited for five (5) months out of the year, from December through March. He agreed with Mr. Hutchison about the need for further information, getting a definition, and determining if five (5) days would be five times 24 hours.

Mrs. Townshend stated that this was the prerogative of Council. She indicated that she was not comfortable administratively determining that factors can be used and multiplied to get something that works. She stated that there were two (2) options, and the first option would be for the matter to go to the Board of Adjustment as a request for a variance or a request for an appeal for a Code interpretation. In this case, the Board of Adjustment would act as a judge, and their determination would be the law until the Code is amended. If the request was for a variance, a variance could be granted that is specific to Fordham's case. Mrs. Townshend advised that the second option would be for Council to change the Code, which was in their purview. She stated her view that this was for members to determine because she had shared her perspective and her background with the AICUZ.

Mr. Slavin stated his understanding that a potential business had already likely been turned aside because of this ordinance and because the explanation was given to them that the zone would not allow the industry that they were bringing in. Responding, Mrs. Townshend confirmed Mr. Slavin's understanding and stated that she had pointed the inquirer to other locations in the City that would allow this use.

Mr. Slavin expressed frustration because when the City was asked to figure out how 80,000 people could camp for three (3) nights in the City, mountains were moved to get it done. He stated that the City annexed and rezoned property and did everything possible to make that happen, and he was proud of the City's efforts. Mr. Slavin stated that he did not understand why there was not the same spirit in regard to a business that had been loyal to the City and the community. He noted that Mrs. Townshend had stated that this matter was Council's prerogative and he agreed.

Mr. Slavin moved to recommend amending Appendix B - Zoning, Article 3 - District Regulations, Section 22 - Airport Environs Overlay Zone (AEOZ), Subsection 22.4 - Exemptions, Paragraph (c) - Temporary Uses of the Dover Code as requested by Fordham and Dominion Brewing Company. The motion was seconded by Mr. Anderson.

Mr. Hutchison felt that this was one of the most important votes that members would make as elected officials of the City. He cautioned members about making the wrong move towards the DAFB and encroachment. Mr. Hutchison stated that no one supports economic growth more than he does, and he believed that Fordham had asked a fair question and members had the responsibility to get the answer. Mr. Hutchison stated that doing something tonight without knowing its impact on the DAFB would be wrong, and that he would not support anything that would send a question mark about encroachment on the DAFB. He hoped that members would take a step back and get the answer before voting to do anything to address this issue.

Mr. Hosfelt shared Mr. Hutchison's concerns. He noted that this matter would seem to be common sense; however, he said that common sense and the federal government do not work together. Mr. Hosfelt stated, to those in the room who may not be familiar with the military and the federal government, that if they want to close the base, they will just do so. He stated his belief that the military and the federal government would not care that the DAFB has the biggest mortuary, that they had just put in a new runway, or how much money they spend, and they would just close the base. Mr. Hosfelt was concerned about giving them any ammunition at all. He stated that the DAFB was one (1) of five (5) finalists that may receive another squadron of new tankers, and that would provide economic development for the City. He noted that a decision was supposed to be made in this regard by December 15th. Mr. Hosfelt stated that he understood that the City was trying to help Fordham out; however, with these thoughts in mind, he was leaning toward protecting and securing the sanctity of the DAFB. He noted that the DAFB does not provide a lot of information. Mr. Hosfelt believed that the City would be better off tabling this matter and letting Fordham apply to the Board of Adjustment for a variance rather than changing the entire ordinance. He questioned what would prevent other businesses from coming up with something else that they want to do that exceeds this if the ordinance were changed.

Mr. Anderson stated that he had seconded the motion because he did not want to see it die and thought it had some validity; however, he felt there were more questions that needed to be researched. He indicated that he would have trouble making this decision without seeing what the DAFB says and the definitions that they had given that the ordinance was based upon. Mr. Anderson noted that the DAFB was extraordinarily important to the City when it comes to economic development; however, he did not believe that small and medium-sized businesses should be handicapped. He felt that a balance could be reached; however, he stated that more information was needed and he would like to see this in the next couple of weeks.

Mr. Sudler stated that he would like to have more information from the DAFB and also not stifle the Fordham Brewery. He noted that he had heard his Council colleagues say in the past that if someone is not present to defend themselves or speak up, than it is obviously not important enough to them. Mr. Sudler stated that he was not saying that this was the case tonight, noting that he did not know how the DAFB operates and what they can and cannot publicly say. Mr. Sudler indicated that he liked the idea of a variance because this would not leave the City open to other entities coming in and taking advantage, as Mrs. Townshend had stated. Mr. Sudler stated that this was a tough decision; however, he was going to support the variance aspect. He recommended that Fordham do a variance so that it would not, at the present moment, affect the ordinance as a whole, and members could get further information and research in regard to how it would affect the City as a whole. Mr. Sudler stated that he did not believe there was enough information to change the ordinance, although he would support an ordinance change if members had enough information.

Dr. Stewart asked if changing the interpretation of the five (5) days from five (5) physical days to five times 24 hours, or 120 hours, would require a Code change or if this would just be a change in interpretation. Responding, Mrs. Townshend stated that this is a power that is given to the Board of Adjustment, not to Council.

Mr. Sudler stated his belief that a legal opinion was required regarding Mrs. Townshend's comment since the City of Dover has a city council-city manager form of government. He felt that City Council runs the City and did not see how the Board of Adjustment would have more power than Council. He felt that changing the interpretation would be a viable option and suggested the Council obtain a legal opinion.

Responding to Mr. Sudler, Mr. Slavin stated that if Council wanted to state the number of hours, they could. He believed that Mrs. Townshend was saying that if members leave it to interpretation, it would go to the Board of Adjustment; however, he explained that Council could interpret it for the City if they choose to do so.

Mr. Hare stated that the interpretation would be what a day is and whether it is eight (8) or 24 hours. Responding, Mr. Lewis stated that he concurred; however, he believed that it would ultimately come back to Council for approval. Mr. Hare stated that if legal counsel said that a day was 24 hours then five (5) days is 120 hours.

Mr. Cole questioned, if the Code was changed, whether it could be changed back if it was found in six (6) months that there was an encroachment issue.

Members were provided an email from Mr. David Bonar, former City Council President, dated October 11, 2016, Subject: Letter to Council, regarding this matter ***(Attachment #1)***.

Mr. Telle stated that he had written the proposal and asked for 80 hours, based upon an agreement that Council President Slavin, Mayor Christiansen, and a few others agreed upon six (6) months ago. He indicated that he was not trying to dissect 24 hours per day but took what was agreed upon for six (6) months and multiplied it by two (2), to get them through 12 months. Mr. Telle advised that Fordham is a small business and does not have marketing budgets to compete with the larger breweries in the country; however, they are the second largest brewery in the State. He indicated that Fordham figured out a few years ago that if they could be creative and let people into their world, it would work. Mr. Telle advised that they received the letter from the City and were not able to figure out how to come to terms with it, noting that this would 100% have a detrimental effect on their company. In regard to the variance option, he explained that he was still paying for the lawyer Fordham used in regard to the six-month negotiation. Mr. Telle stated that they do not have legal counsel on staff and hoped a decision could be reached today based on his proposal. He indicated that some of their events are for two (2) to three (3) hours and sometimes generate 100 or 300 people, and advised that it would be a problem to operate with five (5) events per year. He stated that they are not long and are held for three (3) hours per day, noting that there are not a lot of people. Mr. Telle advised that events are usually held from 5:00 p.m. to 8:00 p.m., so most people come after work, do not show up until 6:00 p.m. or 6:30 p.m., and are there for an hour-and-a-half to two (2) hours. He stated that these events were small when they first started having them, but the brewery evolved and more people started attending. Mr. Telle acknowledged that it was their fault that they were not pulling the proper permits, because they were unaware. When they were running events incorrectly previously, they were under the impression that those types of larger, ticketed events were the events for which permits were needed, and those were the events that were on file. Mr. Telle stated that he did not want to see anyone lose their jobs over this, noting that this was their 9:00 a.m. to 5:00 p.m. He expressed his hope that this could be figured out and taken care of so that they could go back to doing what they know how to do well.

Representative Sean Lynn, 31st District, 224 Columbia Avenue, felt that Councilmen Hutchison and Hosfelt had raised legitimate points and stated that it was not desired to put the City in the position of jeopardizing one (1) of the biggest economic development drivers to the City. Representative Lynn advised that sacred cows such as Kraft Foods, Dover Downs, DAFB, and Bayhealth are the tent poles of the local economy. He felt that this must be balanced against a larger perception that Dover is not really out for business. Representative Lynn stated that this was a perception but not a reality, and noted that this was not a slight to Mrs. Townshend. He believed that the City was losing to its neighboring cities and that Smyrna and Milford were succeeding in ways that Dover was not, which was unfortunate. Representative Lynn referred to the Painted Stave Brewery mentioned by Mr. Slavin, stating that this was not the only business that was growing in the town of Smyrna. He felt that it was a shame that, for whatever reason, other cities were more successful in getting new businesses and entrepreneurship than Dover. Representative Lynn felt the balancing test related to whether the DAFB would legitimately be in jeopardy if this were done, and secondly, how to work to change the perception about Dover being friendly for business and open and receptive to an ordinance change. He did not necessarily think that a variance would be the right way to go, noting that it would put an onus on the business. Representative Lynn indicated that the

business owner had stated that he was still paying off the lawyer who did the previous legal work for him, and seeking a variance would mean more time and money for a small entrepreneurship. He did not believe that this would send the correct message to the rest of the community that Dover is really open for business but would say that the City is more attached to a draconian ordinance than to making things easy for local business. He questioned how to make things easy but not sacrifice or jeopardize the DAFB, which he felt was a valid point. Representative Lynn felt that the easiest solution would be to pass the motion tonight. He noted that members would return in two (2) weeks to discuss this matter as whole during a City Council meeting. Representative Lynn advised that this would allow two (2) weeks to bring the DAFB back into the equation and see whether they genuinely believe that this would be an encroachment issue and get a finite answer for that. He felt that if this was not determined in two (2) weeks, perhaps it could be tabled for another two (2) weeks until a reasonable response is received from the DAFB. Representative Lynn stated that this approach would not cost a small business money to hire an expensive land use lawyer.

Representative Lynn noted that Mrs. Townshend had stated that the DAFB did not believe that existing uses are encroachments. He indicated that Dover Behavioral Health was in the zone, as well as the Dover Post and a number of other businesses which have high density. Representative Lynn stated that he was unsure that Fordham, as currently being operated, was an encroachment issue; however, he noted that if the ordinance was changed, it would still be in Council's purview to change the ordinance back the way it was if density or encroachment started to become an issue. He felt that the City would not want to be like Robins Air Force Base in Georgia, which was buying up mobile homes around the base to deal with encroachment issues. Representative Lynn stated that if members started to see that this was becoming a problem, they could change the ordinance, which he felt would be simpler than requiring an entity to go through an expensive variance process, which could ultimately lead to litigation. He did not think this was the solution and believed it would send the wrong message to the business community. Representative Lynn felt that Council was there to be leaders and send a message to the business community of their desire to work with them, but also send a message to the DAFB that states that they are number one and that the City cares about them the most.

Mr. Hare, referring to Representative Lynn's comments regarding Kraft Foods, Dover Downs, and the DAFB, noted that he had been involved with some of these and the City does go through hoops to help them, possibly because they are large entities with economic impact. He did not believe that they should be treated differently from any other business. Mr. Hare stated that he agreed with Representative Lynn and believed that this could be worked out through getting a definition of whether a day was 24 hours. He felt that the City sometimes learns from its mistakes and sometimes does not. Mr. Hare noted that, years ago, Wal-Mart wanted to put their transportation center in the technical park and the City said no because it was a technical park. He stated that Wal-Mart went to Smyrna and had been thriving there for years, while the City was still sitting out there with a lot of vacant lots.

Mr. Sudler stated that he respected the wisdom of Representative Lynn, who was a former Councilman for the City. He noted that he had also heard the comments from Fordham about financial hardship. Mr. Sudler questioned if members had the ability to change any decision that they made as Council members, and this was confirmed by Mr. Slavin. Mr. Sudler stated that he

wanted to send a message that the City was out for business. He noted that he respected DAFB and the thoughts of Mr. Hutchison and Mr. Hosfelt; however, Mr. Sudler felt that members should move forward since they could change their decision in two (2) weeks if this was not where they wanted to be. He stated his support for Council President Slavin's motion.

Mr. Hosfelt asked Mayor Christiansen if he could call the Wing Commander and get his thoughts. Responding, Mayor Christiansen indicated that he would discuss this at 8:00 a.m. on the following day and would take Councilman Hare with him as well.

Ms. Kate Gleeson, EXP Realty, 144 Kings Highway, stated that she would be sad if Fordham did not have more events. She advised members that she had been very excited to co-host a recent event at the Brewery for the Delaware Veterans Trust Fund and had a blast. Ms. Gleeson indicated that they were hoping to get on the calendar to do this again next year and she was planning to contact Fordham soon to see if they could be one (1) of the few events that Fordham could hold. Ms. Gleeson indicated that 144 people attended this three-hour event, they made over $4,000, and Fordham makes very good beer. She stated that this type of event makes people want to go there and she would be upset if this could not go forward somehow. Ms. Gleeson stated that she is a veteran and understands DAFB. She noted that she appreciated the comments made and asked Fordham to allow her to hold the next event.

Mr. Shevock questioned if this matter should be tabled until after the Mayor speaks with the Wing Commander. Responding, Mr. Lewis stated that a motion was on the floor. Mr. Anderson indicated that a motion to table would take precedence. Mr. Slavin stated that the import of the conversation was that the Committee could go ahead and pass this, and by the time it gets to Council, this conversation would have been held with DAFB. He noted that there was not a need to further delay this matter just to have a conversation.

Mr. Shevock asked if Fordham would apply for a variance in case something happened so that they would not lose anything. Responding, Mr. Telle stated that he did not anticipate doing this. He indicated that he had already spoken to a few of his colleagues and did not think they were willing to invest money in legal counsel, so this was not necessary.

Mr. Shevock stated that he was simply looking to save Fordham time. He indicated that this matter was not on the calendar for November and Fordham could lose a quarter of the year. In response, Mr. Telle indicated his understanding.

Mr. Shevock asked if, during this period, there was a chance of moving these events to an off-site location. Responding, Mr. Telle advised that events would be moved to different locations if the 80 hours for 12 months was settled on. He explained that, over the last few years, Fordham had done 80 hours and created a community following for this. Mr. Telle advised that more than 80 hours of events would be held throughout the year, but he was hoping that 80 hours could be done on the premises of the Brewery. He stated that additional events needed to support their marketing efforts would be done off-site.

The motion to recommend amending Appendix B - Zoning, Article 3 - District Regulations, Section 22 - Airport Environs Overlay Zone (AEOZ), Subsection 22.4 - Exemptions, Paragraph (c) - Temporary Uses of the Dover Code as requested by Fordham and Dominion Brewing Company was carried by a roll call vote of seven (7) yes (Anderson, Sudler, Lewis, Cole, Hare, Slavin, and Stewart), three (3) no (Hosfelt, Hutchison, and Shevock), and one (1) absent (Neil).

The meeting recessed at 7:13 p.m. and reconvened at 7:20 p.m.

Disposal of Excess Property - 45 South State Street - Former Dover Public Library

Mr. Scott Koenig, City Manager, advised members that the City of Dover had received several unsolicited inquiries about the availability of the property located at 45 South State Street, the location of the old Dover Public Library. He stated that these inquires had been reviewed on a case-by-case basis; however, the property had never been advertised for sale. Mr. Koenig advised that the most recent appraisal indicated that the 0.8587 acre property, including the building and associated land and parking, had an estimated market value of $1.62M.

Based on recent discussions, Mr. Koenig requested that Council deem this property as excess property and authorize the City Manager to dispose of the subject property using the Procedure for Sale and Disposition of Real Property, Standard Method of Disposition, Section 4-d-6, whereby the City obtains the services of a licensed real estate agent to broker a potential sale. He advised that staff was currently reviewing an advertised request for proposals for commercial real estate services. Mr. Koenig stated that the preferred real estate firm, once approved by City Council, could be used to market the property and seek potential buyers.

Staff recommended the following: 1) the properties known as 45 South State Street be declared excess property; and 2) authorize the City Manager to solicit offers for the properties using a commercial real estate firm. Any and all final offers for the properties must be approved by City Council.

Mr. Koenig advised that if Council receives an offer and elects not to sell the property, or at some point wishes to take the property off the market, this would be within Council's purview.

Responding to Mr. Lewis, Mr. Koenig reviewed the Building Plans - Proposed Property Lines for Transfer, and explained that the request included the old Dover Public Library building; the area labeled as Area 4, which is a sidewalk area formerly known as Budd Street; and Area 2, which included the Carriage House and approximately 30 parking spaces behind the old Dover Public Library. He explained that it did not include Weyandt Hall or anything south of the land. In response to Mr. Lewis, Mr. Koenig stated that the City did not have a master plan for the property.

Mr. Lewis expressed the desire to find out the big picture in terms of the future. He questioned if the City might be better off selling the whole lot and what the pros and cons of the sale were. Responding, Mr. Koenig stated that the pros of the recommended action would be that it would put the advertisement of this property in the public purview through a third-party real estate firm that would be motivated to get the City the highest price possible in the real property market. He

indicated that the down side of this discussion was that the City does not have a long-term answer for what to do in regard to either a new City Hall or renovations to existing buildings. Mr. Koenig advised that, although a facilities master plan was done in approximately 2006, this predated the library's move to its new location, and there was not a master plan for all facilities. He advised that the City had received inquiries about this property that Council had reviewed in recent months, and he thought there was still interest from the State of Delaware in the long term because they had a vested interest in downtown. Mr. Koenig explained that each of these discussions was very difficult to manage because Council had never given any direction to put the property up for sale. He advised that discussions dating back to 2009 about developing a potential financing plan for the new Dover Public Library anticipated the sale of the subject property to the State of Delaware for State offices; however, to Mr. Koenig's knowledge and the record, it was never declared as excess property or offered for sale on the market.

Mr. Lewis asked, as City administrator, if Mr. Koenig felt that the land should be sold as a whole rather than in pieces. Responding, Mr. Koenig stated that he believed that there was a market for the land in pieces; however, he explained that it would depend on Council's overall impression regarding a new facility and how quickly they planned to move forward. He stated that the State had a very specific interest in the property that included all four (4) areas of land reflected in the plans. Mr. Koenig noted that the request he was making tonight did not include the parking in front of the former library, because releasing the parking in front of the library adjacent to 5 East Reed Street would probably detract from the property located at 5 East Reed Street by reducing the amount of available parking. He believed that it would be appropriate to put this property on the market as excess property at this point.

Mr. Lewis asked if it was common practice for those who make offers for individual pieces of land to submit low offers because they are not getting the entire piece of land. Responding, Mr. Koenig stated that some would argue that every property offer that he had received over the last few years had been a low offer. He felt that staff had not received what he would call an over the market value for any of the properties placed on the market. Mr. Koenig advised that when properties are sold through bid or a bid selection through the City's purchasing agent, the numbers have typically been low for residential property. He stated that a lot downtown may sell for $15,000, and an unsolicited bid was recently approved for two (2) pieces of property totaling $26,000. Mr. Koenig indicated that the City was not getting market value for the properties being put up for excess property, noting that a lot of them were in depressed areas and related to the demolition of structures, or were strategic purchases because the City was trying to resolve a community problem. He stated that none of these properties had a value of $1.62M through a third-party appraisal. Mr. Koenig advised members that, in his opinion, the current property was different than the other properties that he had brought forth to Council in recent months.

Responding to Mr. Slavin, Mr. Koenig agreed that the copy of the Procedure for Sale and Disposition of Real Property was difficult to read and stated that he would be happy to have it executed as a current document.

Mr. Slavin believed that when a property is disposed of by the State of Delaware, after it has been passed through other government entities that may want the property and reaches the point of sale,

only an offer within 5% of the appraised value can be accepted. He asked if such a structure was in place in the City. In response, Mr. Koenig stated that this had not been the City's standard, noting that some properties had been more than 5% below their tax appraised value, especially property acquired through demolition that was not appraised by a third party.

Mr. Slavin suggested that a discussion be held and perhaps something be passed that would provide guidance sometime between listing the properties and entertaining the first offers. He indicated that this would prevent lowball offers from coming in and having to be screened, by establishing that the City would only accept offers within a certain range of the appraised value.

Mr. Anderson expressed his concern that there are different ways of finding value to the City and the community that are not necessarily a dollar amount. He indicated that there had been offers on this particular property from Wesley College and the MLK Jr. Education Center that would enhance the quality of life, the development of the City, and the community. Mr. Anderson felt that the City should make sure to entertain all offers and look at them from a holistic point of view. He noted that this view would consider such factors as the City's Comprehensive Plan and economic development strategy, as well as partnerships, for example, expanding the college security footprint and expanding the ability to have organizations like the Police Athletic League (PAL). Mr. Anderson stated that if the City spent money to build its own buildings, these things could cost millions; however, the City could save money by having partnerships with these types of organizations. He believed that the building should be declared excess and marketed so that it is not just politically connected but so that everyone has the chance to make an offer. Mr. Anderson did not want to exclude anyone's offer and believed they should all be reviewed.

Mr. Slavin stated that his comments were directed at a fee simple sale at the marketed price. Referring to the Procedure for Sale and Disposition of Real Property, Section 5 - Exceptions to Standard Method of Disposition, he noted that Exception D allows Council to donate land and buildings to a not-for-profit organization.

Mr. Lewis advised that he would like to see a master plan before voting on something like this, noting that it could not be known if this land would be needed in the future for a new City Hall or other City buildings.

Mr. Hare stated that this matter was vetted a few weeks ago and members had talked about putting it out there to see what would happen. He stated that someone might offer $2M for the property, plan to employ 75 people, and redo the whole building and expressed a desire to find out.

Mr. Lewis reiterated that he would like to have a master plan. Responding, Mr. Hare noted that this was why Council would be holding a retreat in November.

Mr. Shevock moved to recommend that the properties known as 45 South State Street be declared excess property, the City Manager be authorized to solicit offers for the properties using a commercial real estate firm, and that any and all final offers for the properties must be approved by City Council, as recommended by staff. The motion was seconded by Mr. Hutchison and carried, with Mr. Lewis voting no.

Incentive Program for City Employees Opting Not to Be Covered by the City's Health Care Plan

This item was deferred by the Committee Chair.

Initiate the Process Whereby the Review of the Mayor and Council Salaries Shall Be Conducted by the Compensation Commission

Mr. Slavin stated that all appointments but one (1) had been made to the Compensation Commission, and he had the name of someone who had agreed to serve and was waiting for vetting by the individual's employer. Mr. Slavin believed that he would hear back by the time this matter comes before Council. Mr. Slavin thought that if members passed a motion stating that they would initiate the process, the Commission would be ready to go in two (2) weeks.

Members were provided a handout, entitled "Salaries of Mayors and Elected Government Officials - October 2016." *(City Clerk's Office Note: Subsequent to the meeting, this handout was revised to reflect updated information received regarding the salary of the Mayor of Wilmington* ***(Attachment #2)****.)*

Mr. Sudler moved to recommend initiating the process whereby the review of the Mayor and Council salaries shall be conducted by the Compensation Commission. The motion was seconded by Mr. Lewis and unanimously carried.

Determination of Requirements in Addition to Being Economic or Business Oriented and Term Length for the Newly Added Minority Voting Members of the Economic Development Committee

During the Regular City Council meeting of September 26, 2016, members approved the Economic Development Committee's recommendation to add two (2) minority voting members who are economic development or business oriented to the Economic Development Committee, with qualifications and selection to be determined by Council and adopted Resolution No. 2016-11, amending Resolution No. 2016-09 Formally Establishing the Economic Development Committee.

Mayor Christiansen stated that it had been the intention to appoint two (2) minority voting members to the Economic Development Committee, and this had now been sanctioned by Council. He reminded members that this Committee was established by Council during the FY 2017 budget process. Mayor Christiansen stated that they wished these minority members to have economic or business-oriented qualifications and be approved by the members of the City Council. He advised that it was recommended that the term length for members of the Committee be in accordance with the Council year, which runs from May to May. Mayor Christiansen stated that this would provide the opportunity to appoint those persons nominated. He indicated that it was recommended that applicants fill out a form of interest, along with a resume of qualifications, to be brought to the Legislative, Finance, and Administration Committee for review, and that nominees be subject to the approval of Council. He also noted that applicants would fall under the Clean Hands Ordinance that all members of Council and committees are subject to.

Mr. Anderson expressed his support for this but questioned why the recommended appointment process was different from other committees. He stated that applicants typically go through the

process and are selected by the Council President, and nominations are taken to Council. He questioned why these applicants would go through a committee.

Mayor Christiansen stated his feeling, which he thought reflected the feeling of the Committee, that the process should be pristine, with no disrespect to the Council President. He felt that this would allow the opportunity for the entire body politic, which had made the individual appointments to the Committee as it stands, to follow through. Mayor Christiansen stated that this would provide a maintenance of standards in continuing that process.

Mr. Sudler asked if Mr. Slavin had any concerns in regard to the process being different. Responding, Mr. Slavin expressed his opinion that all of the processes should line up and stated that he was worried about asking the Committee to vet the people that they would be appointing. He stated that this does not occur for a reason and had some concerns about it.

Mayor Christiansen stated that this was not locked in stone and could be handled at the pleasure of Council.

Mr. Sudler moved to recommend using the standard Council President appointment process to appoint the two (2) minority members of the Economic Development Committee, seconded by Mr. Slavin.

Mr. Slavin stated his understanding that the intent of the motion was to recommend that the nominations for the appointment of minority members to the Economic Development Committee be made by the Council President; that the full Council vote on them; that the terms be for one (1) year, from May to May; and that the initial appointments be for a partial year from now through May. Responding, Mr. Sudler agreed that this was correct.

The motion to recommend that the nominations for the appointments of minority members to the Economic Development Committee be made by the Council President; that the full Council vote on them; that the terms be for one (1) year, from May to May; and that the initial appointments be for a partial year from now through May was unanimously carried.

Discussion of Duties and Assignments of City Personnel (Deferred during the meeting of September 27, 2016)
This item was deferred by the Committee Chair.

Onboarding for New Committee Members/Councilman Lewis' Recommendation #5
During the Council Committee of the Whole/Legislative, Finance, and Administration Committee meeting of September 27, 2016, members considered Designing and Expanding Recruitment for City Committees, Commissions, and Boards and reviewed "Proposed Recommendations for Advancing a more effective Recruitment Process for City Commissions, Committees and Boards," as submitted by Councilman Lewis. The Committee recommended adoption of "Proposed Recommendations for Advancing a more effective Recruitment Process for City Commissions, Committees and Boards" points #1 - #4; deferred consideration of point #5, related to the requirement of training for board, committee, and commission appointees, until the next meeting of the Council Committee of the

Whole/Legislative, Finance, and Administration Committee; and recommended that the City Clerk's Office and the Human Resources Director come back with an explanation of the onboarding process for new appointees. The Committee's recommendations were approved by City Council during their meeting of October 10, 2016.

Mr. Lewis stated his belief that it was imperative to provide basic, initial training for new members of City boards, committees, or commissions. He informed members that he had prior experience serving on many boards where he had not been given any initial training and had to rely on fellow board members, which he felt was unfair because he took up their time asking questions. Mr. Lewis noted that his suggestion would not affect current board members but would be for new oncoming members. He indicated that he was open to suggestions on how to do this training and whether City staff would be used or an outside agency, such as the Delaware League of Local Governments (DLLG). Mr. Lewis advised that he had done some research, and the DLLG offered training for the Board of Adjustment and planning that costs $50. He was unsure what kind of training was offered for other committees, although he indicated that the Human Relations Commission offers training through the State.

Mr. Cole stated that he receives training in his job and that City staff had been sent to training and brought back ideas. He indicated that Mrs. Ann Marie Townshend, Director of Planning and Community Development, had recently attended training that addressed developing a pilot program that would look at committees, boards, and new council members and suggested having Mrs. Townshend speak to this.

Mr. Lewis stated that he had been in contact with Mrs. Townshend, and she had sent him some information from the DLLG. He noted that the DLLG offers training for the Board of Adjustment and Planning Commission which is similar to 101 or introductory training. Mr. Lewis indicated that he was not suggesting that members take multiple courses or classes but one (1) course as an introduction, noting that some people have never served on boards before.

Mr. Hare noted that members were provided an email from Mr. David Bonar, former City Council President, dated October 11, 2016, Subject: Letter to Council (Attachment #1), and read the portion of the email addressing filling committee vacancies into the record.

Mrs. Townshend informed members that she had spoken to Mr. Cole about a management training program that she is enrolled in through the International City/County Management Association (ICMA). She explained that the training utilizes a book called *The Essentials of Council-Manager Relations,* and a good portion of the book is devoted to onboarding. Mrs. Townshend advised that the training requires a final project and she had been brainstorming what her final project would be, noting that the guidelines stated that it must be something out of a participant's normal area of responsibility. She stated that she had thought about the idea of developing an onboarding program, working with existing staff and other resources. Mrs. Townshend indicated that this would involve researching what other localities do for boards, commissions, and committees, as well as elected officials, and then having a canned, ready-to-go onboarding process. She noted that it makes sense for members of groups such as the Planning Commission and Board of Adjustment to go to those classes; however, in some cases training might involve using the City's own staff, finding videos

online, or bringing in someone from ICMA to do training. Mrs. Townshend stated that she would be glad to conduct research, put together a program framework, and work with staff and Council, because she has to do a project anyway.

Mr. Shevock requested that Mr. Lewis explain a statement that he put in the newspaper, and expressed his belief that the statement should have been made in the Chamber rather than in the newspaper. He noted that Mr. Lewis had done this several times. Mr. Shevock asked who Mr. Lewis felt was not qualified to be on a City committee. He noted that he felt that Mr. Lewis' statement was a smack to anyone who is serving on the committees. Mr. Shevock advised that Mr. Lewis had stated that just qualified people should be appointed, and questioned who was not qualified to be on the committees in the City. Responding, Mr. Lewis stated that he had not indicated that current board members were not qualified. Mr. Shevock felt that this was not what the statement had said, and indicated that he took offense to it. He advised that when Mr. Lewis publishes this in the paper, people read it.

In response to Mr. Shevock, Mr. Lewis advised that he made the statement because he thought that the boards should not be politicized. He felt that there was a need for a better recruitment process and to put qualified people on the boards. Mr. Lewis did not believe that members of Council should just appoint "Joe Schmoe" to a board or committee because they are a friend.

Mr. Shevock questioned if Mr. Lewis felt that committee members were "Joe Schmoes," stating that this is what Mr. Lewis had said in the newspaper. Responding, Mr. Lewis indicated that he had not stated this, and that Mr. Shevock was misinterpreting. Mr. Shevock indicated that a lot of people that he had talked to misinterpreted Mr. Lewis' remarks and there may be a mass exodus from the committees because of Mr. Lewis' statement. Mr. Shevock expressed his hope that there were a lot of qualified people out there. In response, Mr. Lewis indicated that this was why the recruitment process was being changed.

Mr. Hare indicated that he understood both sides, but noted that it was incumbent upon Council members to find qualified people, rather than telling someone to find qualified people. He advised that he was told that because someone did not like the process, they were not going to find people to serve. Mr. Hare stated that when Council members were elected, they were just unqualified people and knew what was expected of them. He suggested that perhaps members should look at what is expected of them and should be doing it.

Mr. Anderson stated that part of the job of a member of Council is to communicate with the public about his or her decisions. He strongly believed that if Council's discussion is limited to Council Chambers, they are not doing their jobs, because most of the public is not in Council Chambers. Mr. Anderson indicated that this is why members hold town hall meetings, write letters to the editor, and speak with the press when they ask questions. He felt that this is fundamentally Council's job; otherwise, they cannot get the right input back from the public.

Mr. Anderson felt that people would benefit from making more training available. He indicated that he was not typically in favor of mandating things; however, he believed it would be a bad decision to not take advantage of local training that would be set up in Dover for $50. Mr. Anderson believed

that training would allow people a different perspective so that they can have more of an independent, informed judgment. He thought that training for these boards should be encouraged and would allow for more diversity, experience, and perspective, and people with various backgrounds and professional understandings would feel that they could serve on the Board of Adjustment or Planning Commission without being experts in those fields. Mr. Anderson felt that these individuals would know they have support for the proper understanding and he supported Mr. Lewis' proposal.

Mr. Cole felt that there was no rush regarding point #5, noting that Mrs. Townshend was required to address this for her training, and this was outside of her job scope. He suggested tabling this matter and coming back to it in 60 or 90 days, or when Mrs. Townshend's research is done to see what it produces.

Mr. Hare informed members that in the 1990s when people were appointed to an entity such as the Planning Commission, they would have a 45-minute meeting with the Planner and review what happens and is expected in a meeting. He indicated that an individual appointed to the Utility Committee would meet with the Utility Director and an individual appointed to the Safety Committee would meet with the Police Chief to review the basics and to receive a little indoctrination, and this was handled similarly for the Legislative and Parks and Recreation Committees. Mr. Hare noted that this was done before individuals were confirmed by Council, and if they did not feel comfortable, they would decline the appointment. Mr. Hare stated that he agreed with Mr. Cole's suggestion.

Mr. Lewis moved to table this matter to allow Mrs. Townshend to conduct research and come back to Council at a future date with her findings. The motion was seconded by Mr. Cole and unanimously carried.

Proposed Ordinance #2016-21 Amending Chapter 2 - Administration, Chapter 22 - Buildings and Building Regulations, and Chapter 46 - Fire Prevention and Protection by Removing the Annual Appointment of the City Clerk, Building Inspector, and Fire Marshal (Sponsors: Hutchison, Neil, and Anderson)
This item was deferred by the Committee Chair.

Proposed Ordinance #2016-22 Amending Chapter 54 - Health and Sanitation, Article I - In General, Section 54-4 - Smoking Regulations and Appendix F - Fees and Fines
This item was deferred by the Committee Chair.

Proposed Charter Amendments - Removal of Annual Appointment Requirement for the City Assessor, Controller/Treasurer, City Solicitor, and Deputy City Solicitor; Gender Language Amendments; Administrative Amendments; and Typographical Corrections
This item was deferred by the Committee Chair.

Mr. Shevock moved for adjournment of the Legislative, Finance, and Administration Committee meeting. The motion was seconded by Mr. Hosfelt and unanimously carried.

Meeting adjourned at 7:57 p.m.

By unanimous consent, the Council Committee of the Whole meeting adjourned at 7:57 p.m.

Timothy A. Slavin
Council President

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Attachments
Attachment #1 - Email from Mr. David Bonar, former City Council President, dated October 11, 2016, Subject: Letter to Council
Attachment #2 - Salaries of Mayors and Elected Government Officials - October 2016, as revised October 17, 2016

Stein, Jody

From: DL Bonar <dlbassociates@gmail.com>
Sent: Tuesday, October 11, 2016 3:50 PM
To: McDowell, Traci; Stein, Jody
Subject: letter to council

It has come to my attention that there are a couple of issues being decided that concern me deeply, as a former Council member, President of Council and Interim Mayor and one who deeply believes in our city.
First, the application of Fordham Brewery to hold 80 hours of public events during 2017 at their property along Horsepond Road.
This issue was raised and addressed with only limited fanfare earlier, when it was determined to give them authority to hold 40 hours of events at the location between June and the end of calendar year 2016. This was granted and alleviated a need for greater discussion.
Now, since no counter offer for 2017 has been forwarded by the City of Dover, Fordham wishes to hold 80 hours of events in all of 2017.
To me, this seems a reasonable number of hours and I hope that members of Council see their way clear to grant this request without further delay or action. If you decide to disapprove it, you should be prepared to publicly justify your decision and back that decision up with facts, not just hypotheticals.

The second item of concern involves finding persons to fill vacancies on the various committees that so aptly serve our citizens. I commend Council for taking a look at this issue, but I fear you may be killing a gnat with a sledgehammer.
The quote in the Delaware State News by one member of Council of "This will make sure we don't just appoint anybody and that we just appoint qualified people," concerns me deeply. I would remind Council that before each is elected and sworn in to office, you are "just anybody" too. We have a difficult enough time in finding persons willing to take their time to serve on these committees, particularly when they learn how much of their time and effort it requires. The men and women serving as members of the community on these committees take time away from their families considering it an honor and civic duty. To make them "apply" to serve or to require those already serving to "reapply" is not only time consuming, but an insult to their willingness to serve. Council already has the responsibility to review applicants and approve or deny them in some cases. The Mayor has the responsibility of appointing committee persons as does the Council President.
Creating obstacles to community service does nothing but create an impediment in finding people willing to serve our city without running for office. I'd remind you that these positions, in all cases, make Council, the Mayor look like true public servants and our residents feel we are open to community input rather than hampering it.

--
David Bonar
218 N State Street
Dover, DE 19904
302-677-0847
302-242-2351(cell)

Salaries of Mayors and Elected Government Officials
October 2016
(revised)

Jurisdiction	Mayor Salary	Elected Official Salary	Comments About Form of Government
Annapolis, MD	$98,000 per year	Aldermen $13,500 per year	Mayor-Council - Mayor chairs meetings and serves as chief executive
Dover	$45,000 per year	Council President $8,652 per year, Council Members $7,416 per year	Council-Manager form of government
Kent County	-	Commissioners $30,806 per year	Levy Court - County Government
Middletown	$300 per month ($3,600 per year)	Council (including Vice Mayor) $200 per month ($2,400 per year)	Mayor-Council - Mayor serves part-time and Mayor's vote is a tie-breaker
Newark	$8,400 per year	Council $7,000 per year	Council-Manager - six (6) Council members and Mayor, each of whom have one (1) vote
Wilmington	Currently $115,276; budget authorizes up to $121,486	Council President $34,950/year (will increase in 2017 to $35,650), Council $27,650 per year (will increase in 2017 to $28,205)	Mayor-Council - Mayor is chief executive and administrative officer

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CITY OF DOVER
FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016
QUARTERLY REVENUE REPORT
As of September 30, 2016

				25.0%			
	GENERAL FUND	**FY17 BUDGET**	**YTD REVENUES**	**% BUDGET RECEIVED**	**COMMENTS**	**FY15 REVENUES**	**FY16 REVENUES**
1	Property Taxes	$ 12,481,900	$ 12,405,400	99.4%		$ 10,841,200	$ 12,434,600
2	Payment In Lieu of Taxes	413,200	32,700	7.9%		335,500	412,200
3	Transfer from Electric Fund	10,000,000	2,501,300	25.0%		10,000,000	10,000,000
4	Intrafund Service Receipts Electric	3,564,900	883,600	24.8%		3,478,800	3,628,000
5	Transfer from Transfer Tax Fund	1,672,700	447,000	26.7%		1,713,800	2,188,600
6	Business Licenses	1,467,000	1,403,100	95.6%		1,403,100	1,475,800
7	Intrafund Service Receipts Water/Wastewater	1,653,800	391,400	23.7%		1,341,600	1,422,000
8	Sanitation Fees	2,538,300	625,200	24.6%		2,578,900	2,527,500
9	Permits & Other Licenses	1,662,100	494,400	29.7%		1,490,200	1,735,800
10	Transfer from Municipal Street Aid Fund	673,100	-	0.0%	Q1 transfer of $168,400 done in Oct	664,300	673,300
11	Fines & Police Revenue	763,300	281,700	36.9%		666,700	652,000
12	Police Extra Duty Fees	525,000	20,300	3.9%		503,000	541,600
13	Transfer from Police Grant Funds	258,600	24,800	9.6%		127,100	159,600
14	Court of Chancery Fees	1,100,000	214,400	19.5%	September fees not yet received	1,118,700	1,123,700
15	Transfer from Water/Wastewater Fund	875,000	146,000	16.7%		500,000	850,000
16	Transfer from Contingency	-	-	0.0%		50,000	-
17	Transfer from Civil Traffic Penalties Fund	496,900	71,900	14.5%	Sept redlight revenue not yet received	495,200	442,800
18	Library Revenues & County Reciprocal Pymt	382,900	17,600	4.6%		480,800	419,700
19	Franchise Fees	680,000	26,700	3.9%	Q1 Verizon franchise fee not yet received	683,400	510,600
20	General Fund Grant Receipts	623,500	-	0.0%		733,900	572,500
21	Recreation Revenue	150,000	44,000	29.3%		149,300	183,200
22	Other Miscellaneous Receipts	151,300	37,600	24.9%		257,500	173,600
23	Interest Income	90,000	36,700	40.8%		35,100	172,100
24	2014 Bond Proceeds (Refinance 2003 Bonds)	-	-	0.0%		475,000	-
	TOTALS	$ 42,223,500	$ 20,105,800	47.6%		$ 40,123,100	$ 42,299,200
	Final Budget					**$ 39,795,600**	**$ 41,936,100**

CITY OF DOVER
FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016
QUARTERLY REVENUE REPORT
As of September 30, 2016

	WATER/WASTEWATER FUND	FY17 BUDGET	YTD REVENUES	25.0% % BUDGET RECEIVED	COMMENTS	FY15 REVENUES	FY16 REVENUES
1	Water Fees	$ 5,800,000	$ 1,780,500	30.7%		$ 4,889,000	$ 4,459,800
2	Wastewater Fees	3,800,000	1,027,100	27.0%		3,735,900	3,562,400
3	Wastewater Adjustment Fees - County Trtmt	3,000,000	812,500	27.1%		2,952,900	2,930,300
4	Groundwater Inflow Adjustment	1,938,000	520,100	26.8%		1,831,800	1,316,200
5	Water Impact Fees	252,000	191,100	75.8%		536,900	252,200
6	Wastewater Impact Fees	228,000	171,000	75.0%		482,200	230,200
7	Water Tank Space Leasing	366,200	10,500	2.9%		344,800	360,300
8	Interest Income	20,000	2,600	13.0%		2,300	3,616
9	Other Miscellaneous Revenues	63,000	41,200	65.4%		75,000	61,300
	TOTALS	$ 15,467,200	$ 4,556,600	29.5%		$ 14,850,800	$ 13,176,316
	Final Budget					**$ 14,386,300**	**$ 15,037,500**

	ELECTRIC REVENUE FUND	FY17 BUDGET	YTD REVENUES	25.0% % BUDGET RECEIVED	COMMENTS	FY15 REVENUES	FY16 REVENUES
1	Sales to Customers	$ 77,193,200	$ 23,735,800	30.7%		$ 77,011,700	$ 76,928,300
3	Utility Tax	1,287,900	380,600	29.6%		1,266,900	1,259,000
4	Transfer from Rate Stabilization Reserve	-	-	0.0%		3,000,000	7,000,000
5	Miscellaneous Revenue	899,600	227,400	25.3%		1,389,400	906,400
6	Interest Income	47,900	44,900	93.7%		21,200	10,500
7	Intrafund Service Fees - Water/Wastewater	-	-	0.0%		-	130,800
	TOTALS	$ 79,428,600	$ 24,388,700	30.7%		$ 82,689,200	$ 86,235,000
	Final Budget					**$ 81,766,000**	**$ 81,830,400**

City of Dover

Memorandum

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

To: Mayor and City Council

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

Date: October 19, 2016

Subject: Semi-Annual Inspection – Robbins Hose Company

In accordance with Section 46-43 of the City Code, the City Manager performed the required semi-annual inspection of the Dover Fire Department on Tuesday, October 18, 2016 at 8:00 a.m. with Chief Carleton Carey, Jr., and Mr. Carter Knotts, Fire Chief's Assistant. This inspection was held at Robbins Hose Station No. 1. The following items were discussed:

1) The roof at Station # 2 – The Chief indicated that the Station #2 roof leaked into the 2nd floor bathroom area during the past two (2) heavy rain events. Staff will follow up on this issue. This roof is approximately twenty-three (23) years old. Replacement will be considered in future CIPs.

2) The roof at Station # 1 – Chief Carey had previously indicated the roof has not leaked in 2016. New leaks have appeared in the communications center during the past two (2) heavy rain events. This problem will be monitored until resolved.

3) The Fire Department is still interested in the replacement of Engine #7. During a recent call in September, the fuel tank straps broke on this vehicle and the result was a fuel spill on Route 1.

4) Siren Maintenance – The maintenance on all seven (7) sirens is complete. The sirens should be inspected and evaluated for maintenance every four (4) or five (5) years from this point forward.

5) Recruitment/Retention Membership – Chief Carey indicated that the Fire Department has approached Wesley College to encourage the recruitment of new members. The Fire Chief indicated that Mayor intends to reach out to Delaware State University to encourage volunteer participation. Currently, 20 – 25 members respond to normal alarms.

6) Future minor improvement to Station #2 concrete ramp - Station #2 has identified a possible extension to the existing ramp (a 10'x10' area) to improve vehicular movement. A funding source must be sought for this improvement. This is not a critical request but it will continue to be pursued.

7) The vacant dispatcher position at Station #1 was filled in September. The vacant position at Station #2 is currently being recruited.

The Robbins Hose Company continues to provide an outstanding level of service to the City of Dover and the unincorporated areas of the fire district. Our volunteers are extremely dedicated to this community. Please feel free to contact me if you have any questions or concerns.

SDK/sdk

cc: Carleton Carey, Jr., Fire Chief
Donna Mitchell, Controller
Carter Knotts, Fire Chief's Assistant
Kirby Hudson, Assistant City Manager
Sharon Duca, Public Works Director
Mike Hamlett, Public Works Supervisor II

ACTION FORM

PROCEEDING: Legislative and Finance Committee	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Police	**DATE SUBMITTED:** 10/14/16
PREPARED BY: Captain Timothy Stump / Administrative Division Commander	
SUBJECT: FY17 Police Vehicles Purchase	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller/Treasurer	
EXHIBITS: None	
EXPENDITURE REQUIRED: $257,323.84	**PROJECT BUDGET:** $287,300
FUNDING SOURCE (Dept./Page in CIP & Budget): CIP Draft / 208	
TIMETABLE: After Council approves the vehicle order will be completed for all the vehicles	
RECOMMENDED ACTION: Approve the purchase as requested.	

BACKGROUND

The Police Department started the process for purchasing its FY17 vehicles in early August. IG Burton was the state contract vendor for Police Dodge Chargers at that time and similar to the previous year, the Police Department Fleet Manager contacted them to find out if there were any leftover 2016 vehicles remaining on the lot. The department purchased vehicles in a similar manner for FY16 and realized significant savings. There were two such vehicles on the lot at the start of the process and the contact at IG Burton stated we could obtain an additional eight 2016 vehicles at the same pricing.

Unfortunately, there were many questions that occurred during the usual process for requesting the new vehicles so the process took longer and the approval was not granted until later in September. Unfortunately, the state contract for 2016 vehicles expired on August 31, 2016 and IG Burton was not awarded the contract for 2017. Pricing was requested from Hertrich Fleet, the current state contract vendor, for 2016 and 2017 vehicles. They had no available black 2016 police pursuit Chargers and also provided discounted pricing below their current contract rates. However, it was still higher than the pricing from IG Burton.

Therefore, we are requesting to deviate from the city purchasing policy and to purchase the ten (10) 2016 vehicles that are available from IG Burton and the last 2017 vehicle from Hertrich Fleet. Because the IG Burton pricing is more competitive, they are the “LEAN” choice. As a result, a total of $29,976.16 in savings will be realized by the city.

ACTION REQUESTED

City Council to approve the purchase of the vehicles as requested.

FY17 POLICE DEPARTMENT VEHICLE PURCHASE

Item Description	Unit Price	Qty	Total Cost
FY17 Police Vehicle Budget		11	$287,300.00
2016 Dodge Charger - LDDE48 4 door Sedan Police RWD 5.7L V8 HEMI Patrol Vehicle (Patrol Vehicle) Exterior: black with black interior Quick Order Package Cloth Front/Vinyl Rear Seats Full Size Spare Driver Side Spotlight LED Spot Lamps Power Heated Foldaway Mirrors Deactivate Rear Windows/Doors 18” Wheels with Moon Cap Covers Front Reading Map Lights Equipment Mounting Bracket	$23,432.76	9	$210,894.84
2016 Dodge Charger - LDDE48 4 door Sedan Police RWD 5.7L V8 HEMI (Admin Vehicle) Street Appearance Group Fleet Park Assistance Group Power Heated Mirrors 18” Wheel Covers Front Reading Map Lights Floor Carpet including: Front & Rear Floor Mats	$22,755.00	1	$22,755.00
Vendor: IG Burton V03 793 Bay Road Milford, DE 19963 POC : Shayne Fannin Phone # : 302-422-3041 x 2004 Fax #: 302-422-1684 Email: sfannin@igburton.com Contract: GSS15013-POLICEVEH (pricing is below the FY16 State contract which expired on 8/31/16)			
2017 Dodge Charger - LDDE48 4 door Sedan Police RWD 5.7L V8 HEMI (Admin Vehicle) Street Appearance Group Fleet Park Assistance Group Power Heated Mirrors 18” Wheel Covers Front Reading Map Lights Floor Carpet including: Front & Rear Floor Mats	$23,674.00	1	$23,674.00
Vendor: Hertrich Fleet Services, Inc. 1427 Bay Road Milford, DE 19963 POC : Susan Hickey Phone**:** 800-698-9825 or 302-422-3300 Fax**:** 302-839-0555 Email: shickey@hertrichfleet.com Contract: GSS16013-POLICEVEH (revised quote above is 3.3% below current state contract pricing)			
Grand Total for Eleven Vehicles Above			$257,323.84
Budget Savings			$29,976.16

RECEIVED
OCT 06 2016
OFFICE OF THE CITY CLERK

ROBBINS HOSE COMPANY No. 1

DOVER'S VOL. FIRE DEPT.
Since 1882

October 5, 2016

To: Traci McDowell

From: Al Farling

Reference: Judges for 2017 Fire Line Officer Elections

Robbins Hose Company Fire Line Officer elections will be held on Monday, November 21, 2016. President Bashista is submitting the following recommendations to serve as election judges:

1. Mr. James Hurley - Judge
2. Mr. William Rhodes - Judge
3. Mr. Brian Wasko - Alternate

Please feel free to contact us with any questions or concerns regarding this matter.

Respectfully,

Farling

Al Farling, Secretary

CC: Brian Bashista

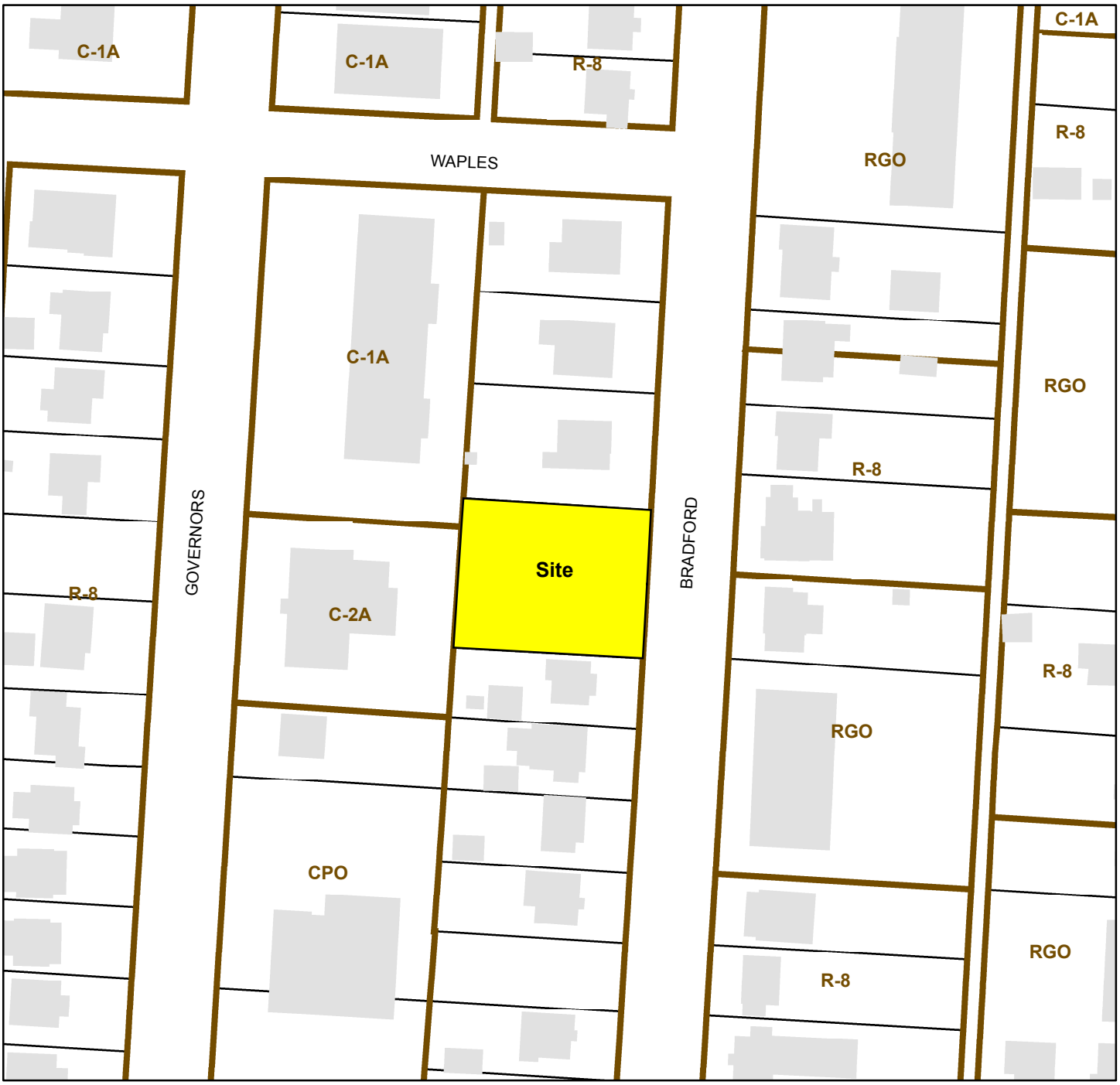
PETITION TO AMEND THE ZONING DISTRICT
First Reading before the Dover City Council
October 24, 2016

Applicants/Owners:	Capital Grange No. 18 Inc.
Address:	Unaddressed South Bradford Street parcel
Location:	West side of South Bradford Street south of Waples Avenue, and to the rear of 911 South Governors Avenue
Tax Parcel ID #:	ED-05-077.17-03-15.00-000
Size:	0.32 acres
Present Use:	Parking Lot
Proposed Use:	Parking Lot
Comprehensive Plan Designation:	Residential Medium Density
Present Zoning:	R-8 (One Family Residence Zone)
Proposed Zoning:	RG-1 (General Residence Zone)
Reason for Request:	To allow the existing use to remain on site instead of sunset due to City Council action requiring the sunsetting of nonconforming uses in residential zones
File Number:	Z-16-06
Associated File Number:	MI-16-13 Nonconforming Uses in Residential Districts
Ordinance Number:	2016-23

City of Dover

Department of Planning & Inspections

Application No.: Z-16-06



Title: Lands of Capital Grange
Ordinance #: 2016-23
Address: Unaddressed South Bradford Street parcel
Parcel ID: ED-05-077.17-03-15.00-000
Existing Zoning: R-8 One Family Residence Zone
Proposed Zoning: RG-1 General Residence Zone
Owner: Capital Grange No. 18 Inc.
Date: 10/13/2016

Legend

- 2012 Buildings
- Zoning
- Dover Parcels
- Subject Property

N
W E
S

0 62.5 125 250 Feet

FIRST READING

CITY OF DOVER
PROPOSED ORDINANCE #2016-23

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED ON THE WEST SIDE OF SOUTH BRADFORD STREET

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

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

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from R-8 (One-Family Residence Zone) to RG-1 (General Residence Zone) on that property located on the west side of South Bradford Street, south of Waples Avenue and to the rear of 911 South Governors Avenue, consisting of $0.32^{+/-}$ acres, owned by Capital Grange No. 18, Inc.
   (Tax Parcel: ED-05-077.17-03-15.00-000; Planning References: Z-16-06 and MI-16-13; Council District: 2)

ADOPTED: *

S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-23 REZONING - PROPERTY ON WEST SIDE OF SOUTH BRADFORD STREET\ORDINANCE - REZONING (Revised 05-20-2016).wpd

Actions History
10/24/2016 - Scheduled for First Reading - City Council

Draft

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2016-24

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

That Appendix B - Zoning, Article 3 - District Regulations, Section 22 - Airport Environs Overlay Zone (AEOZ), Subsection 22.4 - Exemptions, Paragraph (c) - Temporary Uses be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Section 22. - Airport environs overlay zone (AEOZ).

22.1 *Purpose and intent*. The airport environs overlay zone (AEOZ) is expressly intended to protect the public health, safety, and welfare by identifying areas impacted by high levels of aircraft noise, and the potential for aircraft accidents associated with airport operations, by regulating land use and the construction of buildings within such areas. The AEOZ is further intended to preserve and promote the integrity of the mission of Dover Air Force Base (DAFB) as a matter of local, regional and national importance, by regulating development and land use within the specific areas surrounding DAFB, and to protect DAFB from encroachment of incompatible land uses. The AEOZ shall serve as an overlay zone that applies additional standards and requirements to properties located therein.

(a) The AEOZ is based on information provided by the Dover Air Force Base's Air Installation Compatible Use Zone Study Update. The city shall work with the Dover Air Force Base to update the provisions of this section as needed.

(b) In case of conflicting standards and requirements, the more stringent standards and requirements shall apply. Uses prohibited by the underlying zoning designations of the properties within the AEOZ shall not be permitted by this section.

22.2 *Definitions*.

(a) *Air installations compatible use zones (AICUZ)*: is a department of defense program to achieve compatibility between air installations and neighboring communities.

(b) *Airport environs*: is the geographic area that is affected by airport air traffic operations and defined on the basis of those areas immediately impacted by aircraft noise of the 65 decibels (dBs) and greater noise exposure areas as delineated by the current and approved DAFB air compatibility use zone study. This area is represented as the airport environs overlay zone (AEOZ).

(c) *Day-night average A-weighted sound level (DNL)*: is a cumulative aircraft noise index which estimates the exposure to aircraft noise and relates the estimated exposure to an expected community response; a 24-hour energy average sound level expressed in decibels (dBs), with a ten-decibel penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m.

Draft

(d) *DNL contour*: is an isoline linking together a series of points of equal cumulative noise exposure based on Ldn metric. Such contours are developed based on aircraft flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft, and typical runway usage patterns.

(e) *Decibel (dB)*: is a unit of measure of sound pressure or intensity.

(f) *Ldn metric*: is the average equivalent A-weighted sound level during a 24-hour day, obtained by adding ten decibels to the hourly noise levels measured during the night (10:00 p.m. to 7:00 a.m.).

(g) *SLUCM*: Standard Land Use Coding Manual, U.S. Department of Transportation.

22.3 *Accident potential zones and noise zones*. The AEOZ is comprised of two basic regulatory components: accident potential zones and noise zones. This section establishes three accident potential zones and four noise zones. The boundaries of each of these zones are delineated on the City of Dover Zoning Map and are further described as follows:

(a) *Accident potential zones*:

(1) *Clear zone (CZ)* is that area immediately adjoining the end of a runway and which extends outward from the edge of the runway a distance of 3,000 feet and which is 3,000 feet in width (1,500 feet to either side of the centerline of the airport runway);

(2) *Accident potential zone I (APZ I)* is that area immediately adjoining the outer edge of the CZ and which extends outward from the boundary of the CZ a distance of 5,000 feet, and which is 3,000 feet in width; and

(3) *Accident potential zone II (APZ II)* is that area immediately adjoining the outer edge of the APZ I and which extends outward from the boundary of the APZ I a distance of 7,000 feet, and which is 3,000 feet in width.

(b) *Noise zones*:

(1) *Noise zone A (DNL A)* is that area within and bounded by DNL contour lines of between 65 decibels and 69 decibels of noise pressure.

(2) *Noise zone B (DNL B)* is that area within and bounded by DNL contour lines of between 70 decibels and 74 decibels of noise pressure.

(3) *Noise zone C (DNL C)* is that area within and bounded by DNL contour lines of between 75 decibels and 79 decibels of noise pressure.

(4) *Noise zone D (DNL D)* is that area within and bounded by DNL contour lines of 80 decibels and subject to noise pressure of 80 decibels and greater.

Draft

22.4 *Exemptions*. The following uses and structures are exempt from compliance with the provisions of this section:

(a) *Additions to existing one-family dwellings*. Additions to existing one-family dwellings may be permitted when all other applicable zoning district bulk requirements are met.

(b) *Additions to existing non-residential buildings*.

(1) Additions to existing non-residential buildings designed for human occupation shall be limited to a maximum increase of 50% of the floor area.

(2) Additions to existing non-residential buildings designed for storage, warehousing and other uses not designed or intended for human occupancy as a primary use are unlimited in floor area.

(c) *Temporary uses*. Temporary uses which include but are not limited to public gatherings, celebrations and outdoor entertainment events are permitted, so long as the period of operation does not exceed ~~five days~~ **80 hours in a calendar year**.

(d) *Temporary structures*. Temporary buildings and structures such as tents, pavilions, bleachers, etc., that are not used for residential purposes, and which meet said applicable requirements as contained within this zoning ordinance appendix are permitted, so long as such uses and associated structures are constructed incidental to a permitted use.

(e) *Accessory uses and structures*. Accessory uses and structures incidental to a permitted principal structure or use.

22.5 *Land use and development standards*. Any building or portion thereof constructed or placed within the AEOZ shall comply with the following standards:

(a) Unless specifically exempted under subsection 22.4 above, land uses shall be permitted or prohibited in accordance with subsection 22.6, land use compatibility table.

(b) Proposed structures situated within noise zones A through D shall be constructed with noise attenuation features to achieve the minimum interior noise level reductions specified by building type in subsection 22.6, land use compatibility table.

(c) In APZ I and APZ II, no structure may be erected over 60 feet in height, regardless of zoning district bulk regulations of the individual zoning district.

(d) All building permit applications for construction of new buildings or building additions not exempted under section 22.4, within AEOZ shall be accompanied by a written statement from a licensed architect or engineer, which lists all construction materials to be used and the resultant interior noise level reductions to be achieved. The written analysis provided by the engineer or architect shall demonstrate that the proposed construction will achieve compliance with the minimum required interior noise level reductions specified in subsection 22.6, land use compatibility table.

Draft

22.6 Land use compatibility table.

LAND USE COMPATIBILITY TABLE								
SLUCM No.	Name	Accident Potential Zones			Noise Zones in DNL dBA			
		Clear Zone	APZ I	APZ II	A 65—69	B 70—74	C 75—79	D 80+
10	***Residential***							
11	Household units							
11.11	Single units; detached	N	N	Y[5, 12]	Y[1, 12]	Y[2]	N	N
11.12	Single units; semidetached and attached	N	N	N	Y[1]	Y[2]	N	N
11.31	Apartments	N	N	N	Y[1]	Y[2]	N	N
12	Group quarters	N	N	N	Y[1]	Y[2]	N	N
13	Residential hotels	N	N	N	Y[1]	Y[2]	N	N
14	Mobile home parks or courts	N	N	N	N	N	N	N
15	Transient lodgings	N	N	N	Y[1]	Y[2]	Y[5]	N
16	Other residential	N	N	N	Y[1]	Y[2]	N	N
20	***Manufacturing***							
21	Food & kindred products; manufacturing	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
22	Textile mill products; manufacturing	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
23	Apparel and other finished products made from fabrics, leather, and similar materials; manufacturing	N	N	N	Y[1]	Y[2]	Y[3]	Y[4]
24	Lumber and wood products (except furniture); manufacturing	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	Y[4]
25	Furniture and fixtures; manufacturing	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	Y[4]
26	Paper & allied products; manufacturing	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	Y[4]
27	Printing, publishing, and allied industries	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	Y[4]
28	Chemicals and allied products; manufacturing	N	N	N	Y[1]	Y[2]	Y[3]	Y[4]
29	Petroleum refining and related industries	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
30	***Manufacturing***							
31	Rubber and misc. plastic products, manufacturing	N	N	N	Y[1]	Y[2]	Y[3]	Y[4]
32	Stone, clay and glass products manufacturing	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
33	Primary metal industries	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
34	Fabricated metal products; manufacturing	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
35	Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks manufacturing	N	N	N	Y[1]	Y[2]	Y[3]	N
39	Miscellaneous manufacturing	N	Y[5, 9]	Y[5, 9]	Y[1]	Y[2]	Y[3]	Y[4]
40	***Transportation, Communications and Utilities***							

135	41	Railroad, rapid rail transit and street railroad transportation	N	N	Y	Y[1]	Y[2]	Y[3]	Y[4]
136	42	Motor vehicle transportation	N	Y	Y	Y[1]	Y[2]	Y[3]	Y[4]
137	43	Aircraft transportation	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	Y[4]
138	44	Marine craft transportation	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	Y[4]
139	45	Highway & street right-of-way	N	Y	Y	Y[1]	Y[2]	Y[3]	Y[4]
140	46	Automobile parking	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	Y[4]
141	47	Communications	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	N
142	48	Utilities	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	Y[4]
143	49	Other transportation communications and utilities	N	Y[10]	Y	Y[1]	Y[2]	Y[3]	N
144	50	***Trade***							
145	51	Wholesale trade	N	Y[5]	Y	Y[1]	Y[2]	Y[3]	Y[4]
146	52	Retail trade-building materials, hardware and farm equipment	N	Y[5]	Y	Y[1]	Y[2]	Y[3]	Y[4]
147	53	Retail trade-general merchandise	N	N	Y[5]	Y[1]	Y[2]	Y[3]	N
148	54	Retail trade-food	N	N	Y[5]	Y[1]	Y[2]	Y[3]	N
149	55	Retail trade-automotive, marine craft, aircraft and accessories	N	Y[5]	Y[5]	Y[1]	Y[2]	Y[3]	N
150	56	Retail trade-apparel and accessories	N	N	Y[5]	Y[1]	Y[2]	Y[3]	N
151	57	Retail trade-furniture, home furnishings and equipment	N	N	Y[5]	Y[1]	Y[2]	Y[3]	N
152	58	Retail trade-eating and drinking establishments	N	N	N	Y[1]	Y[2]	Y[3]	N
153	59	Other retail trade	N	N	Y[5, 9]	Y[1]	Y[2]	Y[3]	N
154	60	***Services***							
155	61	Finance, insurance and real estate services	N	N	Y[5, 9]	Y[1]	Y[2]	Y[3]	N
156	62	Personal services	N	N	Y[5, 9]	Y[1]	Y[2]	Y[3]	N
157	62.4	Cemeteries	N	N	Y[11]	Y[1]	Y[2]	Y[3]	N
158	63	Business services	N	Y[5, 9]	Y[5],9	Y[1]	Y[2]	Y[3]	N
159	64	Repair services	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	Y[4]
160	65	Professional services	N	N	Y[5, 9]	Y[1]	Y[2]	Y[3]	N
161	65.1	Hospitals, nursing homes	N	N	N	Y[1]	Y[2]	N	N
162	65.1	Other medical facilities	N	N	N	Y[1]	Y[2]	Y[3]	N
163	66	Contract construction services	N	Y[5, 9]	Y	Y[1]	Y[2]	Y[3]	N
164	67	Governmental services	N	N	Y[5, 9]	Y[1]	Y[2]	Y[3]	N
165	68	Educational services	N	N	N	Y[1]	Y[2]	N	N
166	69	Miscellaneous services	N	N	Y[5]	Y[1]	Y[2]	Y[3]	N
167	70	***Cultural, Entertainment and Recreational***							
168	71	Cultural activities (including churches)	N	N	N	Y[1]	Y[2]	N	N
169	71.2	Nature exhibits	N	N	Y	Y[1]	N	N	N
170	72	Public assembly	N	N	N	Y[1]	N	N	N

72.1	Auditoriums, concert halls	N	N	N	Y[1]	Y[2]	N	N
72.11	Outdoor music shell, amphitheaters	N	N	N	N	N	N	N
72.2	Outdoor sports arenas, spectator sports	N	N	N	Y[6]	Y[6]	N	N
73	Amusements	N	N	Y[9]	Y[1]	Y[2]	N	N
74	Recreational activities (including golf courses, riding stables, water recreation)	N	N	Y	Y	Y	N	N
75	Resorts and group camps	N	N	N	Y[1]	Y[2]	N	N
76	Parks	N	Y[9]	Y[9]	Y	Y	N	N
79	Other cultural, entertainment and recreation	N	N	N	Y[2]	Y[3]	N	N
80	***Resources Production and Extraction***							
81	Agriculture (except livestock)	Y[8]	Y	Y	Y[7]	Y[7]	Y[8]	Y[8]
81.5 to 81.7	Livestock farming and animal breeding	N	Y	Y	Y[7]	Y[7]	N	N
82	Agricultural related activities	N	Y	Y	Y[7]	Y[7]	N	N
83	Forestry activities and related services	N	Y	Y	Y[7]	Y[7]	N	N
84	Fishing activities and related services	N	N	N	N	N	N	N
N	Mining activities and related services	N	N	N	N	N	N	N
89	Other resources production and extraction	N	N	N	N	N	N	N

Y (Yes)-Land use and related structures are compatible without restriction.

N (No)-Land use and related structures are not compatible and are prohibited.

Yx (yes with restrictions)-Land use and related structures generally compatible; see Notes 1-12.

NLR (Noise Level Reduction)-NLR (outdoor to indoor) to be achieved through incorporation of noise attenuation measures into the design and construction of the structures.

NOTES:

1 Require NLR of 25dB for DNL A.

2 Require NLR of 30dB for DNL B.

3 Require NLR of 35dB for DNL C.

4 Require NLR of 40dB for DNL D.

5 Require NLR of noise zone and building location and site planning, and design and use of berms and barriers can help mitigate outdoor exposure, particularly from near ground level sources. Measures that reduce outdoor noise should be used whenever practical in preference to measures which only protect interior spaces.

6 Require NLR of noise zone and special sound reinforcement systems are installed.

7 Associated residential uses require NLR of noise zone.

8 Structures are not permitted and personnel should wear hearing protection devices.

9 Facilities shall be low intensity.

10 No passenger terminals and no major aboveground transmission lines in APZ I.

11 Excludes chapels.

12 Maximum density of one dwelling unit per acre.

22.7 *Design standards*.

(a) All buildings and structures to be constructed or placed within the AEOZ shall be situated on the portion of the lot that affords the least noise impact to the proposed building or structure, wherever and whenever practicable. Buildings and structures shall be designed and oriented to minimize exposure to the noise source and should take maximum advantage of existing physical features to minimize noise impact. Windows, doors and other building openings shall be located the greatest possible distance away from the noise source.

(b) Landscape buffer plantings and related screening material shall be used whenever practicable to deflect noise away from areas intended for human habitation.

22.8 *Prohibited uses*. In addition to uses prohibited by subsection 22.6, land use compatibility table, the following activities are prohibited within the CZ, APZ I and APZ II zones of the AEOZ, including, but not limited to:

(a) Storage of explosives;

(b) Hazardous or toxic materials/waste;

(c) Aboveground transmission lines;

(d) Uses that release into the air any substance which would impair visibility or otherwise interfere with the operation of aircraft (dust, smoke, etc.);

(e) Uses that produce light emission, direct or indirect, which would interfere with pilot vision;

(f) And uses that attract birds or water fowl, such as, but not limited to, landfills, wastewater treatment facilities, and associated settling ponds, artificial marshes, dredge spoil materials, sand and gravel dredging operations and open fish farming.

(Ord. of 2-12-2001; Ord. No. 2013-01, 3-11-2013)

ADOPTED: *

SYNOPSIS

The Proposed Amendment would increase permitted temporary uses from a maximum of five (5) days to a maximum of 80 hours in a calendar year.

(SPONSOR: COUNCIL COMMITTEE OF THE WHOLE/LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

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239 Actions History (Most recent first)

240 10/24/2016 - Scheduled for First Reading - City Council

241 S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-24 APP B-ZONING, ART 3-DIST REG, SEC 22 AEOZ\ORDINANCE #2016-24 - APP B, ART 3, SEC 22 - AEOZ, SUB 22.4 C -
242 TEMPORARY USES.wpd

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