REGULAR COUNCIL MEETING

The Regular Council Meeting was held on November 28, 2016 at 7:30 p.m. with Council President Slavin presiding. Council members present were Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mr. Anderson was absent.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Fire Chief Carey, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 8:26 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. Larry Josefowski, President, Friends of Old Dover, informed members that he and members Mrs. Cindy Christiansen, Ms. Bonnie Johnson, Ms. Jan Crumpley, and Mrs. Donna Josefowski wanted to make a special presentation and invited Mayor Christiansen to the floor. Mr. Josefowski presented Mayor Christiansen with the first copy of their Dover Trivia Game, in honor of his support for their organization. Mr. Josefowski advised that the game was something that the Friends of Old Dover were doing to help celebrate the 300th anniversary of the City of Dover. He stated that they hoped to be a big part of the celebration over the coming year. Mayor Christiansen expressed his thanks and accepted the Trivia Game on behalf of the members of Council, stating that they would be playing the game the following day. He also thanked members for their efforts toward historic preservation in the City.

Mrs. Johnson informed members that the game was on sale for $20 at the Delaware Store at The Green and State Street and that it was very interesting, noting that she had brought extra boxes if anyone wanted to purchase them that evening.

Ms. Alexis Simms, homeless, stated that she was present on behalf of the homeless again, not to put members down but to beg them to give the homeless something. She indicated that it would be a really cold winter, the old Dover Public Library was still empty, and there were plenty of buildings on Loockerman and Division Streets that were still empty and could be used. Ms. Simms advised that they could clean buildings up themselves if they were given to them and were just asking for somewhere and for members to have kind hearts. She stated that members were not out in the cold so they did not know how she felt; however, she guaranteed if this was somebody in members' families, one of their kids or grandkids, they would not want them out in the street. Ms. Simms stated that they were people, not animals that have fur when wintertime comes, but humans that have skin and get cold fast.

Mr. Eric Abernathy, 436 West Duck Creek Road, Clayton, stated that he had read in the paper and heard on the news that veteran homelessness had been ended in the State of Delaware and he wanted to let people know that it had not ended. He advised that he was a veteran and had a place to stay; however, technically he was homeless because he did not have his own address and he knew that there were other veterans out on the street that still had no place to stay. Mr. Abernathy indicated that they were getting no help and nothing was being done for them, noting that if things were going

to be put in the paper or on the news, they should be telling the truth. He stated that the truth was that there are still veterans in this state that do not have a place to stay and are homeless, and this needed to be addressed.

Ms. Khadija Gray, Kent Budget Inn, stated that she and Mr. Derrick Gray were part of a homeless family who works and lives in a budget motel paying $300 per week. She advised that it is hard not knowing where you are going to live and noted that they have no convictions or evictions. Ms. Gray stated that their place was condemned by the City of Dover and they were left out in the cold with no place to go, and if it were not for Pastor Appling and the other people there, they did not know where they might wind up. She indicated that nobody was listening to them and that Mr. Gray had had full custody of Alexis since she was born and was asked by the State why he did not receive child support. Ms. Gray advised that this was all that the State had said, but they wanted to call the Division of Child and Family Services (DCF) and remove their child from them. Ms. Gray stated that this was unfair, when all they were asking for was a hand up, not a handout. She explained that they were in support of tiny housing or any kind of housing that is available and needed. Ms. Gray stated that there are a lot more people who work hard for everything and are not homeless by choice, noting that a lot of them do not have an option to go home and lie down. She requested that when members go home, they think about the homeless because they are people too.

Mr. Timothy Lee Tague stated that he was present on behalf of the homeless, noting that he had just found a place in a trailer park in Hartly. He indicated that he was helping out other people so they do not go out into the cold. Mr. Tague asked how City sidewalks could be raised up to where people can trip, noting that his girlfriend was on crutches because of the sidewalks. He stated that something must be done with these sidewalks before somebody else hurts themself, noting that they could sue the City for a sidewalk not being fixed.

Mr. Aaron Appling, Pastor at Victory Church, 2660 Forest Avenue, informed members that a place had finally been found in Delmar Pediatric Center for Mr. Richard Harmon, the 600 lb. man who had been coming to the Open Forum. He stated that Mr. Harmon could legally go there after being housed for six (6) months at their church, which according to the County was illegal, although it was okay for him to be on the street. Pastor Appling stated that getting Mr. Harmon a place was a blessing; however, they had to do that almost entirely on their own without real help from any agencies, although there were a few that did help once they really dug really deep. In addition, he noted that Mr. Abernathy, who had just spoken, was a senior citizen and a Vietnam War veteran who spends six (6) days a week taking food to the homeless on the streets. He stated that Mr. Abernathy had been asked repeatedly at the library to stop giving sandwiches out for people to eat, which Pastor Appling stated he thought was discriminatory, noting that if anybody else was eating at the library, the homeless people had a right to eat as well and could not be discriminated against. He indicated that this was unjust and if it were to continue, they would definitely have a problem with that as an organization and a civil rights group. He stated that if members wanted to give them a facility to use to feed the homeless downtown, they would be happy to take that anytime, and the homeless would then be in that facility. Pastor Appling advised that they would run it eight (8) hours per day if they had to and had the manpower to do so.

Pastor Appling explained that in recent times they had been told that no other organizations had been helped by the City, or that monies were not available in the City to go toward this issue; however,

one (1) of the representatives who is a lawyer had sent them some paperwork. He indicated that their lawyers looked into it, and the City does get money and has helped Interfaith and Code Purple, in some way or another, even if it was not direct financial money, they purchased a building. Pastor Appling stated that they knew that there were other things that could be done to help, noting that the streets were getting cold outside and the number of homeless people was increasing. He stated that families were brought up here, not just the stereotypical people, and he had received six (6) or seven (7) calls in the last two (2) weeks from homeless mothers who were getting ready to be put of the motel system. Pastor Appling stated that we, as a government, are funding these motels and paying more for a room at a hotel than they would pay to live in a house, which he thought was ridiculous. He expressed the need to come up with another solution rather than giving them vouchers to motels and asked members to participate in helping them in this area.

The invocation was given by Chaplain Wallace Dixon, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mr. Slavin asked that item #2b, a presentation by Mayor Christiansen on the initiative to end veterans' homelessness be added to the agenda.

Mr. Sudler moved for approval of the agenda, as amended. The motion was seconded by Mr. Hutchison and unanimously carried.

Mr. Lewis requested that item #6-C(3)(c) - Council Committee of the Whole /Legislative, Finance, and Administration Committee Report - Proposed Ordinance #2016-27 Amending Chapter 18 - Animals, Section 18-4 - Running At-Large, Section 18-5 - Dog Licenses Required, and Section 18-10 - Same-Seizure and Impoundment, and Appendix F - Fees and Fines, be removed from the Consent Agenda.

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

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF NOVEMBER 7, 2016

The Minutes of the Special Council Meeting of November 7, 2016 were unanimously approved by motion of Mr. Neil, seconded by Mr. Lewis and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF NOVEMBER 14, 2016

The Minutes of the Regular Council Meeting of November 14, 2016 were unanimously approved by motion of Mr. Neil, seconded by Mr. Lewis and bore the written approval of Mayor Christiansen.

PRESENTATION - RECOGNITION OF SERVICE - JAMES G. MCGIFFIN, JR. - DOVER HUMAN RELATIONS COMMISSION (MARCH 2014 - OCTOBER 2016)

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

CERTIFICATE OF APPRECIATION

Presented to

James G. McGiffin, Jr.

Dover Human Relations Commission

March 2014 - October 2016

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

November 28, 2016

Mr. McGiffin stated that he had started with the reconstituted Dover Human Relations Commission (DHRC), along with a number of other people, and was very sorry that almost all those people had to leave for one reason or another but, notwithstanding that, the Commission had done some work. Mr. McGiffin advised that he had learned that the City, particularly the professional staff that the DHRC had a chance to deal with, interview, and talk to hold diversity as important, and he was gratified and not surprised to learn that. He noted that he had lived in the City for 27years and sat where members were now sitting for a while. Mr. McGiffin advised that he had known that there were a lot of good things going on but never had a chance to dig that deep, and it was gratifying and encouraging to learn that. He expressed his hope that the City would continue to explore how it can improve. Mr. McGiffin stated that he loves this City, and those present, and thanked them very much.

As former Chair of the DHRC, Mr. Sudler thanked Mr. McGiffin for his input, wisdom, and guidance under the new DHRC and stated that he had done a great job.

Mr. Lewis agreed with Mr. Sudler, noting that he had also served on the DHRC.

PRESENTATION BY MAYOR CHRISTIANSEN ON THE INITIATIVE TO END VETERAN HOMELESSNESS

Mayor Christiansen informed members that on November 11, 2016, at the Delaware Memorial Bridge during the Veteran's Day celebration, Vice President Joe Biden, Senator Tom Carper, and Governor Jack Markell announced that the State of Delaware was the third state to complete their initiative to end veteran homelessness. He stated that, during the course of the last 18 months, the initiative identified 489 veterans, and 415 veterans were successfully housed. Mayor Christiansen indicated that it is a misnomer to state that veteran homelessness in the State of Delaware, or across the country, has ended, noting that this is not really the case and the battle continues. He advised that on Monday, November 14, 2016, he, along with Retired Major Bill Farley, Chairman of the Delaware Veterans Commission and Chairman of the Mayors Challenge to End Veteran Homelessness/Dover Welcome Home Committee, and Police Chief Paul Bernat, traveled to the White House to be among 150 elected officials from the State of Delaware and across the country who accepted the Mayors Challenge to End Veteran Homelessness. Mayor Christiansen stated that

this was done in Dover by putting together a conglomeration of citizens who worked tirelessly over the last 18 months to successfully house 89 veterans. He advised that he was very honored to be at the Conference to End Veteran Homelessness, sponsored by First Lady Michelle Obama and Second Lady Dr. Jill Biden, who began the initiative. He indicated that the citizens of Dover rose to the occasion to help those who are less fortunate.

Mayor Christiansen reiterated that the battle to end veteran homelessness continues, but announced that he had appointed, or would be appointing over the next few days, a number of citizens to address the issue of chronic homelessness among Dover's civilian population, including a member of Council who had agreed to serve. He advised that the goal of this blue-ribbon commission would be to determine who the homeless are by name, just as they did in the Mayors Challenge to End Veteran Homelessness. Mayor Christiansen noted that they will identify where they are from, how they became homeless, and the details of their situation.

Mayor Christiansen stated that what Dover had also done right was to address the issue of chronic homelessness not as a government entity but as a community of established shelters, churches, fraternal organizations, and individuals. He advised that the commission would be asked to determine how they could do better as a community, including combined efforts to end the issue of chronic homelessness, such as implementing the template established by the Mayors challenge to end chronic homelessness among veterans and veterans' families. Mayor Christiansen suggested a plan which would put into place rapid, permanent housing, not temporary housing, and contact with those who are homeless and with the appropriate agencies, both state and federal, to provide services which are not part of the City's mission. He stated that he would ask this commission to make recommendations to state and federal authorities on how the model that was used to address the issues of veteran homelessness the City of Dover could be used to address this important issue. Mayor Christiansen advised that he would solicit members' input over the next two (2) months.

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

During the Regular City Council Meeting of October 24, 2016, members considered the 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. Members deferred this item for future consideration at the next meeting.

During the Regular City Council meeting of November 28, 2016, Mr. Hare reminded members that this item was deferred until more information could be received and noted that he and Mayor Christiansen had spoken with the Dover Air Force Base and the Base Commander. He noted that they had told Mr. Hare that what the City had been doing in the last six (6) months and in the last few years had seemed to work. Mr. Hare stated that the Base had not had any issues and noted that the Base receives a call in advance telling them when a big event is scheduled to be held. He indicated that they had advised that it was up to the City to make the decision and not the Base, but they did not have a problem with what had been happening. Mr. Hare noted that Mayor Christiansen also had a discussion with the Colonel.

Mayor Christiansen stated that, following a meeting with the Base Commander, they emphasized the concern of the entire Council regarding the potential that the Dover Air Force Base has on this community as an impact engine that generates $94M in revenue for the City of Dover. He advised that he and Mr. Hare made it explicitly clear that they wanted to maintain the relationship with DAFB and reiterated to the Wing Commander the City's commitment to the safety of DAFB, and to seeing it thrive, working with them as a good neighbor, and realizing that their mission superseded the City's authority on any infraction. Mayor Christiansen advised that a request was made to notify the Base when permits for these events were to be pulled, that they be reviewed, and that the City continue its vigilance on any future entities going into the area dictated by the crash zone and the crash plan. He stated that he felt very satisfied that the City continues to have a great working relationship with DAFB and that the agreement that the City has in place with Fordham will not violate that trust or the City's working relationship with DAFB.

Mr. Hare stated that what the Mayor had said was basically what the Wing Commander had told him, that it had been working. The Wing Commander told Mr. Hare in his initial contact that he thought it was not an issue, but Mr. Hare wanted to let him talk to both the Mayor and himself.

Mr. Sudler thanked the Mayor and Mr. Hare for reaching out to DAFB and getting additional information regarding this very sensitive matter, noting that the City did not want to overstep its boundaries or create a bad taste in the neighboring relationship with DAFB, in his opinion.

Mr. Hutchison asked if DAFB was requesting a monthly schedule in writing. Responding, Mayor Christiansen stated that they would like advance notification when permits are pulled for events at Fordham. He stated that they want to review the permits as they come in, 30 days in advance.

Mayor Christiansen thanked Mr. Hosfelt for escorting them to the initial meetings, noting that he felt it important to have Councilman Hosfelt's presence there as well.

Mr. Hutchison stated that some modification had been made with Fordham in order to allow them to have more events. He questioned how long that was for and whether that time period was completed. Responding, Mr. Slavin stated that he believed it was until the end of the calendar year. He suggested that one of the actions that members may want to entertain is to extend the 80 hours per calendar year for another calendar year.

Mr. Hutchison asked if the Mayor was still hoping to get something from the legal department in writing pertaining to this issue. In response, Mayor Christiansen stated that he was, and until then, the wishes that had been expressed to them were within reason and still protected the integrity of the mission of the DAFB, which was Job #1 for the City of Dover.

Mr. Hare added that the colonel, the Wing Commander, relayed to him while on a trip that they did not have issues with a two-hour event, but their main concern was with big events with a lot of people there.

Mr. Hosfelt asked whose responsibility it would be to make notification. Responding, Mayor Christiansen stated his opinion that permits would be pulled through the Department of Planning and Inspections and could be relayed through the Wing Commander's Office. If there is difficulty once

permits are pulled, they could notify the Mayor and he would make sure they were hand carried there.

Mr. Hosfelt suggested that notification could be made the responsibility of the requesting party, noting that he was worried about the extra work. In response, Mayor Christiansen advised that this could be at the pleasure of Council, reiterating that he could hand carry them. Mr. Hare stated that it was his understanding that Fordham had been doing the notification in the past and suggested that they continue to call the Wing Commander's office and let them know that there is an event.

Mr. Hosfelt indicated that he had not understood what the purpose of the Board of Adjustment was. After looking at their agenda and researching this, it seemed to him that this was an issue for the Board of Adjustment and he did not understand why members would change an ordinance that did not need to be changed. He stated that this was a simple request and Fordham could go to the Board of Adjustment, noting that they have the support of the DAFB and could get it done, rather than changing an ordinance that he felt could open up Pandora's box. Mr. Hosfelt stated that he thought everyone understood where he stood on this matter, noting that he did not know why members were not using the procedures that were put in place.

Mr. Neil referenced Mr. Hare's comments that DAFB did not have a problem with what was being done in the past and noted that Fordham and Dominion had expanded what they were going to do. He stated his concern that this would be a significant change. Mr. Neil indicated that he knew that the City's position was that the City wants to protect the existing business at Fordham and Dominion. He reiterated his concern about an expansion and questioned why the ordinance would be changed if the Board of Adjustment works, as had been stated by Mr. Hosfelt.

Mr. Sudler asked Mrs. Ann Marie Townshend, Director of Planning and Community Development, if the ordinance needed to be changed after hearing the concerns of Council. In response, Mrs. Townshend stated that she believed that the two (2) options would be to change the ordinance or for Fordham and Dominion to go before the Board of Adjustment. Mrs. Townshend advised that the motion that came out of the Committee was to change the ordinance to 80 hours per year.

Mr. Sudler asked if the activity recently being conducted by Fordham brewery had consisted of 80 hours of additional activity. Responding, Mrs. Townshend advised that, as of last week, they were at 39 hours since the beginning of July; therefore, they were almost at the 40-hour limit for five (5) months of the year.

Mr. Sudler advised that he was under the impression that the last time this was considered that the Planning Department was concerned about Fordham conducting additional activities and deemed this a violation. In response, Mrs. Townshend explained that, from a zoning standpoint, the issue was that the facility is a manufacturing facility and the events that they were having were a public assembly use, which is not permitted in the Accident Potential Zone (APZ). She advised that staff had to look at public gatherings as a temporary use which, under the current ordinance, was limited to five (5) days.

Mr. Slavin commented that there was a risk of over-thinking and over-regulating this issue, noting that having Fordham go to the Board of Adjustment had always been an option. He stated that when

members had this discussion previously, they heard how expensive it would be for a small business to go to the Board of Adjustment, noting that the burden of proof is very high and is placed on the business owner. Mr. Slavin advised that he thought that Council should honor the good faith arrangement they made when they left the room the last time this was considered, which was to go out to the Base and ask them what they thought about it, and if they did not have a problem with it, let out 80 more hours a year. Mr. Slavin stated that it seemed to him that Fordham, the Base, and Council had all crossed this together and this is where they were and they set out to do what they were going to do.

Mr. Sudler indicated that, due to the fact that Council had shown good faith and Fordham had shown good faith and waited on the research that the Mayor and Councilman Hare had brought back, he thought it only fair and just to move forward as members said they would do after the research was brought to the table.

Mr. Sudler moved to extend an additional 80 hours per calendar year for 2017 for Fordham Brewery to operate as they have. The motion was seconded by Mr. Lewis.

Mr. Hare noted that Fordham may decide during this year that they want to go to the Board of Adjustment and get it changed. He advised that 80 hours would not cover all of their events for the year and some are taken offsite, noting that they were at 39 hours and still had another month to go. Mr. Hare indicated that it would be Fordham's decision if they decide to go to the Board of Adjustment. He indicated that he thought 80 hours was a good decision, noting that Council could change it or renew for next year.

Mr. Hosfelt stated that Mr. Hare was telling members that Fordham was already exceeding the 80 hours that members would change the ordinance to; therefore, they should go to the Board of Adjustment. He questioned why Council did not send them to the Board of Adjustment to begin with. Responding, Mr. Hare stated that if it was sent to the Board of Adjustment and approved, Fordham may get 130 or 140 hours and could do whatever. He indicated that 80 hours would have a little control on it.

Mr. Hosfelt noted that Mr. Hare had just told members that Fordham was going to exceed that. In response, Mr. Hare reiterated that Fordham would have events somewhere else, noting that they might go to the museum or the Agricultural Museum. He stated that they have different places to do some events because the 80 hours does not cover everything they want to do. Mr. Hare indicated that the 80 hours would suffice for what they can do at the brewery and does not upset the Base. He advised that if they get an adjustment, they might get 120 hours and do more there, noting that this would be a benefit, but it would be their decision if they want to go to the Board of Adjustment. Mr. Hare noted that he and the Mayor had discussed the 80 hours with the Wing Commander, and they were fine with it.

Mr. Hosfelt stated that before long everybody else in that zone would be doing the same thing. Mr. Hare responded that this might occur if there were other breweries in there that have or want 80 hours, but right now Fordham was the only one.

Mr. Hutchison asked how many event were being held per month onsite versus offsite per month.

Mr. Hosfelt moved to suspend the rules to allow Mr. Telle to speak, seconded by Mr. Hare and unanimously carried.

Mr. Ryan Telle, Vice President of Marketing, Fordham and Dominion Brewing Company, 50 Stable Way, Clayton, stated that the most events they had ever had in a single month at the brewery was two (2), stating that typically, on an average, there was one (1) event every month consisting of three (3) hours from 5:00 p.m. to 8:00 p.m. He indicated that the 80 hours they were proposing was something they could manage with onsite and they would not pre-plan any more than 80 hours in 2017. Mr. Telle advised that this was not what they wanted, but they could live with it, noting that many breweries in the country or even in the state were doing this on a daily basis. He stated his understanding that they were not manufacturing facilities, but were built to entertain. Mr. Telle explained that in order for them to compete and grow, they need to be able to have people see their world. He indicated that they could make the 80 hours work but they knew they would have to pre-plan other events outside the brewery because they knew they would be at 80 hours. Mr. Telle noted that they were currently at 39 hours and would not have another event for the rest of the year because they promised they would be within 40 hours for the remaining six (6) months of 2016. He stated that they could not possibly do anything in an hour at their brewery, so they would sit at 39 hours until January 1, 2017 until the 80 hour proposal is approved.

Mr. Hutchison asked how many times per month they go offsite. Responding, Mr. Telle advised that they are offsite in different states. They do standard sales and marketing type things but do two (2) to three (3) in Delaware at various locations, whether in Dover or elsewhere in the state, for marketing purposes or collaborations. Mr. Telle explained that these are sales team oriented and are planned on a different budget, noting that anything they do at the brewery is done by pulling the permit, tracking the hours, and so forth.

Mr. Hutchison expressed his hope that Mr. Telle and every one of Fordham's employees understood that Council's concern was the issue of encroachment on DAFB. Mr. Telle responded that this was 100% understood.

Mr. Hutchison advised that this was a very serious concern, looking at Fordham's increased activity, and noted the need to follow guidelines. He asked that if a change is made that it be on a temporary basis, 90 days at best, until the City at least has feedback in writing from the legal department at DAFB.

Mr. Telle promised that the 80 hours they were asking for was way less than what they had done for the last few years, noting that it had just surfaced this year. He stated that they wanted to make sure that they were doing it right and that it was something that everyone agreed upon. Mr. Telle advised that having five (5) days in a calendar year would diminish any potential future success for their small business and it was just not possible in any small business, especially in the beer industry. He explained that their product does not sell itself and they have to educate and touch people on a daily basis, noting that he wished that was not the case, but unfortunately it was.

Mr. Sudler asked if he felt that the 80 hours, if granted by Council, would allow him to receive monetary stability to go forth to the Board of Adjustment within a year or two, if deemed necessary by his company. In response, Mr. Telle stated that he would have to talk to his business partners,

noting that he did not see why it would not help, but it was ultimately not his sole decision. He advised that it was not something they could financially do right now; however, he thought that over the next year or two, if the business continued to grow as it has, then they certainly could.

Mr. Cole noted that the Board of Adjustment could be somewhat expensive. He questioned the make-up of Mr. Telle's business partners and if they were all small business owners. In response, Mr. Telle advised that there were two (2) main owners, one (1) of whom was a logistics company owner who goes all over the world, and Mr. Telle had met him only twice. He explained that this individual was not a big backer of this kind of deal but was a friend of the primary owner. Mr. Telle stated that the primary owner had his money wrapped up in restaurants in the State of Maryland. He noted that he had ventured into the brewery because one (1) of his restaurants started as a brew pub, the beer outgrew the brew pub and they needed to find space to mass produce, and now it is in Dover.

Responding to Mr. Cole regarding whether there were any corporations tied in, Mr. Telle advised that there was a 33% Anheuser-Busch ownership, but they do not even claim Fordham, help them financially at all, or help with any sort of distribution.

In response to Mr. Cole regarding the role of Anheuser-Busch, Mr. Telle explained that Fordham and Dominion are two (2) separate brands, with Fordham being the original owner and original brand portfolio. He noted that in order to acquire Dominion in 2006, Fordham needed backing through Anheuser-Busch. Mr. Telle indicated that Anheuser-Busch helped to do that and had essentially been silent owners since, noting that there is no financial help and there is a vacant seat on the board.

The motion to extend an additional 80 hours per calendar year for 2017 for Fordham Brewery to operate as they have was carried by a roll call vote of five (5) yes (Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Hare, and Mr. Slavin), three (3) no (Mr. Cole, Mr. Hosfelt, and Mr. Hutchison) and one (1) absent (Mr. Anderson).

HUMAN RELATIONS COMMISSION REPORT - OCTOBER 18, 2016

The Dover Human Relations Commission (DHRC) meeting was held on October 18, 2016 at 6:10 p.m. with Vice Chairman McGiffin presiding in the absence of Chairman Henderson. Members present were Ms. Mullen, Reverend Paige, and Mrs. Sadusky. Ms. Bogle was absent.

Mr. McGiffin welcomed Reverend Rita Paige as a new member, stating that the DHRC was delighted to have her.

Election of Committee Chair - Community Engagement Committee

The Commission nominated Ms. Wanda Mullen to serve as Chair of the Community Engagement Committee.

DHRC Diversity Research Project

Mr. McGiffin advised that, a couple of years ago, former Commissioner Gene Ruane had discovered *Reinventing Diversity*, a book about measuring diversity in local government, which Mr. Ruane thought was done well. The book described a very

extensive process by which one could investigate a local government to determine where it stood on diversity and cultural competency. Mr. McGiffin advised that, before Mr. Ruane left the DHRC due to moving to California, it was agreed that the DHRC would conduct a diversity survey. Rather than hiring someone to do the extensive academic-level survey recommended by the book, it was agreed to do a non-scientific study that would assess the City government on issues of diversity and cultural competency.

Mr. McGiffin explained that he had developed questions that would allow the Government Policy, Programs, and Practices (GPPP) Committee to interview department heads for about 45 minutes regarding diversity, and he also devised an online or paper survey that would be made available to all staff. It was hoped that information received from the survey and interviews would allow the DHRC to come to some conclusions about where the City was with respect to diversity and make recommendations. Mr. McGiffin stated that he and Mr. Henderson interviewed eight (8) or nine (9) staff members from December 2015 through January 2016. They then posted the online survey and made printed copies available. Mr. McGiffin estimated that there were approximately 23 responses to the survey. Noting that the City has over 300 employees, he stated that between the interviews and the surveys, they heard from approximately 10% of the employee base. Mr. McGiffin wrote up the results in the Dover Human Relations Commission Diversity Research Project report, which was distributed to members of the Commission. He had hoped that members would read and react to the report by making observations and possibly developing recommendations, which had been their assignment between the last and current meetings.

Referring to his email dated October 6, 2016, DHRC Diversity Research Project, Mr. McGiffin stated that he had submitted his own observations regarding the report. Members were provided a handout entitled "Response, Observations and Recommendations to DHRC Regarding Cultural Competency and Diversity Survey Conducted by Jim McGiffin and Ted Henderson," which was submitted by Mrs. Sadusky. Mr. McGiffin advised that other members had not been heard from in regard to the report.

Mr. McGiffin explained that the report was not something that the City could rely on as scientifically valid; however, he believed it provided some insight on where the City is with respect to diversity and cultural competency. For example, he noted that City staff tended to respond well regarding the City Manager with respect to diversity issues and thought that the City Manager was sensitive, aware, and talked about and promoted diversity. However, Mr. McGiffin stated that the City has a profound commitment to diversity in some documents and most department heads do not know about it unless it is something that they work with. For example, he indicated that the finance director knows what the budget states about diversity because she writes the budget, and the Human Resources (HR) Director knows what the HR policies are with respect to diversity; but no one else knows about these things. Mr. McGiffin believed that employees have a sense that the City tries to promote diversity in the

workplace, either through recruiting and hiring or through actual workaday matters, but they do not really have a sense about where that comes from, and he found it interesting that staff was unaware. He noted that there was also a sense among some of the survey respondents that talking about diversity is a load of rubbish and distracts people from doing their jobs, or that it is too political and the City has no business doing it.

Mr. McGiffin asked members to share their thoughts regarding how they would like to proceed. Mrs. Sadusky stated that she believed that members should come up with some formal recommendations, noting that she had suggested that two (2) DHRC members meet to discuss this. Mr. McGiffin felt that the Government Policy, Programs, and Practices (GPPP) Committee could discuss formal recommendations. He indicated that the GPPP Committee currently consists of himself and Mr. Henderson, and Mr. Henderson sat in on all of the interviews and was an active participant. He expressed disappointment that Mr. Henderson was not present because he felt that Mr. Henderson's perspective might be different than his own, noting that he and Mr. Henderson come from very different backgrounds. Mr. McGiffin stated that they had both talked to the same people at the same time, and he would love to hear how the information struck Mr. Henderson. Mr. McGiffin believed it would make sense to work up some recommendations and he believed the GPPP Committee could do this.

Mr. McGiffin believed that the survey revealed that there were issues regarding diversity awareness all through the ranks of City staff, with the possible exception of the City Manager, who received positive ratings from those addressed. He noted that he and Mr. Henderson had not talked to the City Clerk's Office about diversity, because he felt they were part of the DHRC. Mr. McGiffin did not feel that there was a lack of goodwill; however, he felt there may be a lack of awareness regarding: a) how important the City has made diversity and cultural competency, b) how important diversity and cultural competency are on their own, and c) how spending more time and giving more attention to diversity and cultural competency might make the City a better place to work and live. He noted that respondents pointed out a lot of positive things that the City does; for example, they loved the cadet program, which they felt was recruiting people from diverse backgrounds, which was a great thing.

Responding to Mrs. Sadusky, Mr. McGiffin explained that the cadets are employees who are in the jurisdiction of the police who are trained but are not armed officers. He noted that there are cadets who work at the libraries and patrol on bicycles.

Mr. McGiffin noted that respondents also liked the clean-up day and the many festivals, stating his opinion that the diversity of these festivals was interesting. He felt that there were some very good things that the City was not publicizing or making information available about to staff and the general public, so there would be room for recommendations and growth in this area.

Ms. Mullen agreed that there was room to educate employees from the top level all the way down. She expressed interest in hearing from staff who are not managers regarding their feelings, knowledge, and ideas about cultural diversity and competency, as well as what kind of training they had been provided. Ms. Mullen advised that she is a firm believer that anything that is not understood can easily be abused. She expressed a desire to get information out on this subject as something that needs attention and felt that there was room for improvement.

Reverend Paige asked if there was a mandatory requirement for diversity training in City government. Responding, Mr. McGiffin stated that such a requirement was not discovered through the course of the interviews and survey, although he knew that training had been available. He indicated that, when serving as a City Council representative, he attended training that was not specifically diversity training but had to do with gender roles in the workplace. Mr. McGiffin stated that the training was not well received by participants, and he got the sense that employees were required to be there. He was not aware of any mandatory training on diversity or cultural competency. *(City Clerk's Office Note: Subsequent to the meeting, Mrs. Kimberly Hawkins, Human Resources Director, advised the City Clerk's Office that diversity/harassment training is required for all employees under the supervision of the City Manager.)*

Reverend Paige felt that diversity training should be required, at least for senior staff and supervisors. Responding, Mr. McGiffin stated that they had talked to a lot of the senior staff and no one had mentioned any type of training; therefore, he did not believe there was this type of mandatory training. Reverend Paige suggested that this be a recommendation, and Mr. McGiffin agreed.

Reverend Page asked if there was a requirement that at least one (1) member on interview panels be a minority. Responding, Mr. McGiffin could not recall whether there was any particular requirement for panel composition.

Responding to Mr. McGiffin, Mrs. Jody Stein, Administrative Assistant, advised that the HR Department has three (3) staff members. Mr. McGiffin stated that Mrs. Kimberly Hawkins, Human Resources Director, had impressed Mr. Henderson and himself with her knowledge of diversity issues in the workplace, particularly in recruiting and hiring; however, there was not a lot of protocol that Mrs. Hawkins was bound to follow. They got the sense that Mrs. Hawkins generally does the right thing, but there were not a lot of requirements. He explained that Mrs. Hawkins indicated that she was open to improvement, as were all of the managers they spoke with. Mr. McGiffin stated that diversity issues were a high priority for HR and Procurement, but not for other departments.

Mr. McGiffin felt it would be helpful for a couple of people to develop a plan regarding the observations and conclusions from the report outside of a DHRC meeting, but he was unsure who those people would be. Mrs. Sadusky offered to work with Mr. Henderson on developing a plan in this regard. Mr. McGiffin stated

his understanding that members would encourage Mr. Henderson to get a couple of members together to develop a plan.

DHRC Committee Updates

Government Policy, Programs, and Practices Committee (McGiffin)
No update was provided.

Community Engagement Committee
No update was provided.

Education Committee (Bogle)
No update was provided.

New Business

Development of Concise Statement - Mission and Functions of DHRC

During the Dover Human Relations Commission meeting of September 21, 2016, members discussed DHRC Updates, Education Committee report. 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. McGiffin suggested putting discussion of who the DHRC is and what they do on the next meeting agenda.

Mrs. Mullen moved to table the discussion regarding the "elevator speech", seconded by Mrs. Sadusky.

Mrs. Sadusky suggested that members give themselves some homework and look at the DHRC's mission and vision statements and each come up with a thumbnail message in layman's language.

Mr. McGiffin asked if notice could be sent out to remind members to do this homework and questioned if it would be appropriate for it to come from Mr. Henderson. He suggested that Mr. Henderson be asked to send something to members asking them to review the mission statement and other documents in anticipation of the discussion of this agenda item. Mrs. Sadusky asked if this could possibly be done a week prior to the meeting.

Mr. McGiffin requested the Clerk's Office to request Mr. Henderson to send something out to members a week before the meeting to remind them to review the Commission's mission and vision statements and to develop a thumbnail message in layman's language.

The Committee tabled the discussion regarding the development of "an elevator speech."

Old Business

DHRC Vacancies (First and Fourth District)

Mr. McGiffin advised that this would be the only meeting where he would share attendance with Reverend Paige because he had been appointed to another governmental entity and, under the City's rules, he could not serve in his new capacity and on the DHRC. Mr. McGiffin noted that a number of engaged, talented, and interested individuals had been unable to continue service on the DHRC because they had been appointed in a capacity that made them ineligible to serve on the Commission, and he felt that this prohibition reduces the pool of potential commissioners. Mr. McGiffin advised that he had suggested someone who was unaffiliated to take his place and that Mrs. Sadusky also had some potential candidates in mind.

Responding to Mr. McGiffin, Mrs. Jody Stein, Administrative Assistant, stated that the DHRC had two (2) vacancies in the First District and one (1) in the Fourth District. In addition, she noted that Mr. McGiffin's seat in the Third District would become vacant effective October 19, 2016. She indicated that several applications had been submitted and provided to Council for review, one (1) of which was from the Third District.

In response to Mrs. Sadusky regarding the appointment procedure, Mrs. Stein explained that the Council President makes nominations for DHRC appointments, which must be approved by City Council.

Mr. McGiffin suggested that members schedule their next meeting. Ms. Mullen stated that she preferred Tuesday nights to Wednesdays. After further discussion, members agreed to tentatively schedule the next meeting for Thursday, November 17, 2016 at 6:00 p.m., subject to Mr. Henderson's approval.

Mrs. Sadusky expressed thanks to Mr. McGiffin for his service on the Commission and her regrets that he was leaving and members congratulated him on his new opportunity.

By consent agenda, Mr. Neil moved for acceptance of the Human Relations Commission Report, seconded by Mr. Lewis and carried by a unanimous roll call vote (Mr. Anderson absent).

SPECIAL COUNCIL COMMITTEE OF THE WHOLE/SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - OCTOBER 26, 2016

A Special Council Committee of the Whole Meeting was held on October 26, 2016 at 6:00 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson (arrived at 6:24 p.m.), Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole (arrived at 6:40 p.m.), Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mr. Sudler was absent. Mr. Keller was present. Mr. Shelton was absent. Mayor Christiansen was also present.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

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

Fire Department Response to Public Safety Study - Fire/EMS Operational & Administrative Analysis

Mr. Brian Bashista, President, Robbins Hose Company, expressed appreciation on behalf of the Robbins Hose Company, stating that the members of Council and the City Manager spent a lot of time putting the Fire/EMS Operational & Administrative Analysis together and the report proved a lot to the Company. He indicated that parts of the analysis, if approved, would be beneficial in enhancing public and fire safety; however, other parts would be catastrophic to volunteerism within the City of Dover. Mr. Bashista noted that the Fire Department held eight (8) meetings about this report, starting in March, and indicated that 11 very senior members of the Fire Department were involved. Mr. Bashista noted that he had been with Robbins Hose Company for 23 years and that, of those present, he probably had the least amount of time with the Department. He advised that there was a lot of knowledge of the day-to-day operation of the Fire Department and what was necessary for continued volunteerism in the City. Mr. Bashista explained that they spent a tremendous amount of time trying make sure they could answer questions and opened their eyes to look at new ideas or things that could be done differently in the future.

Mr. Rhodes apprised members of the background of the fire company, stating that in 1869 the town purchased 40 fire buckets, six (6) ladders, and four (4) fire hooks in case of fire. In November 1882, 17 men met at Odd Fellows Hall on Loockerman Street and one (1) dollar was collected from each of the men present, and the treasury for Robbins Hose Company was established. He stated that on January 28, 1883, the first fire was reported. A committee was later appointed to visit the State Legislature in an effort to obtain appropriations. Mr. Rhodes advised that the Robbins Hose Company was granted $200 and an Act of Incorporation was established on January 25, 1883.

Mr. Rhodes indicated that the Dover Fire Department is composed of all volunteers, explaining that a volunteer is defined as “a person who voluntarily offers himself or herself for a service or undertaking willingly and without pay.” He explained that Robbins Hose Company volunteers are grandparents, fathers, mothers, sons, daughters, and even grandchildren. Mr. Rhodes stated that the majority of their volunteers are residents of the City of Dover, and the remaining volunteers live within the City’s fire district, which is not limited to the City of Dover. He indicated that most of the volunteers are men and women in the community who work full-time jobs, while others are students and some are retirees. Mr. Rhodes stated that some volunteers are second and third generation firefighters. He advised that when the fire siren blows, these volunteers stop what they are doing and respond to the stations to answer the call for service, leaving dinner tables, birthday parties, and family events. Mr. Rhodes noted that in some of the most severe weather conditions, they are gone

from their families for several hours, and sometimes for days. He pointed out that families at home also make sacrifices, and without their support the Robbins Hose Company could not be successful. Mr. Rhodes indicated that those who were seated behind him were a group of very dedicated individuals who continue to respond and support the goals and objectives of the Robbins Hose Company. He informed members that Robbins Hose Company responded to 1,345 calls for service in 2016 and they had responded to 1,074 calls to date in 2016, totaling 800.09 hours of on-the-street service. Mr. Rhodes advised members that at any given time, these individuals risk their lives to protect the life and property of the citizens that they serve without hesitation.

Mr. Paul Eichler, Firefighter, Robbins Hose Company, stated that he had held several past positions with the Fire Department and was a member of the committee that President Bashista formed to review the report. He advised that the Company's committee was formed in March and was comprised of President Bashista, Fire Chief Buck Carey, Deputy Chief Ron Rhodes, past Chief William Rhodes, Mr. James Hurley, past Chief Wayne Hutchison, past President Brian Wasko, past President and present Treasurer Terry Whitham, past Chief and past President Carlton Carey Sr., Secretary Al Farling, and Mr. Eichler.

Mr. Eichler reviewed a presentation entitled, "Analysis by the Center for Public Safety Management, LLC - Comments by the Robbins Hose Company No. 1, Inc. of Dover, Delaware". He credited Mr. Farling for the presentation, noting that Mr. Farling had spent more hours putting this together than anyone could possibly imagine.

Mr. Hosfelt expressed appreciation for what the Fire Department does, stating that the reason for many of the City's questions was that, other than the Mayor, they do not have the experience that members of the Fire Department have and do not live in their world.

Mr. Neil stated that one of the greatest things that a person can do is to put their life on the line for their neighbor, which the Fire Department does. He stated that this was brought home vividly by the recent Wilmington fire. Mr. Neil advised members that he came from Baltimore, where he served as news and sports director for a major Baltimore radio station, and later as press officer for the Mayor of Baltimore. He recalled being called out for a four-alarm fire at midnight while he was watching a movie, stating that he understood what members of the Robbins Hose Company must do when there are such calls. Mr. Neil expressed great regard for these individuals, noting that the report also praised them. He assured them that his questions did not mean that he did not support them and noted that his senior community looks forward to the Fire Department's annual visit to the community with Santa at Christmastime.

Mr. Neil stated that he recognized that the cost of a paid fire service would probably be beyond the City's means, unless taxes were raised. Referring to CPSM Recommendations #21 (The City of Dover should reassign the dispatching function

at the Dover Fire Department and move all fire dispatching to the Kent County 911 Dispatch Center) and #37 (The City of Dover should transfer its fire dispatching duties to the Kent County 911 Communications Center), Mr. Neil noted that the Fire Department had commented that moving fire dispatch would increase the number of general alarms and decrease the number of silent alarms. They had also indicated that this would lead to more apparatus on the road and fewer responders due to volunteer burnout. Mr. Neil asked why they believed these things would happen. *(City Clerk's Office Note: The list of recommendations has been excerpted from the CPSM Operational and Administrative Analysis Final Report and enumerated.*

Responding, Mr. Eichler indicated that the Fire Department's dispatchers go through training regarding the types of calls that the Department runs for the types of property throughout the district, which ranges from a very heavy urban area to a very rural area. They are able to discern the type of response with guidance from the leadership of the organization and the relationships that have already been established through the efforts of the Fire Marshal's Office. Mr. Eichler explained, for example, that Robbins Hose Company has relationships with Wesley College and Delaware State University and has experience in responding to alarms on those campuses.

In addition, Mr. Eichler informed members that, as stated by Chief Rhodes, the Fire Department received over 1,300 calls last year, which indicates that they are hitting the street more than three (3) times per day, just in regard to fires. He advised that they have nothing to reflect the number of Emergency Medical Services (EMS) runs, expressing his belief that the study referenced over 7,000 to 8,000 runs. Mr. Eichler indicated that there are a lot of demands on the Department's dispatchers, including providing the appropriate response, tracking the response while en route and at the scene, and further communications between the City Fire Marshal's Office, Building Inspector's Office, and State Fire Marshal's Office. He noted that these demands are continuously expanding, since calls are increasing within their fire district and throughout the County. Mr. Eichler stated that the burden carried by the Fire Department's dispatchers was doubtless matched by the burden faced by the County, due to the increase in population and the incredible problems at the societal level today. He indicated that it would be a huge disservice to Kent County's organization and to the citizens of the City and the Fire Department's fire district to put the County in a position of trying to take care of the very generic mix of the volume in Dover in addition to the volume that the County carries. Mr. Eichler advised that the Department takes a lot of pride in being unique not only to the City but to the County. He stated that it would be a huge step backwards to place Robbins Hose Company in the position of being one (1) of 18 organizations, noting that he was not disparaging any of the fire companies that they work with, some of whom had members who were currently covering Station No. 1 at Governors Avenue for them. Reiterating that the call volume throughout Kent County was ever increasing, Mr. Eichler stated that a message would be missed or there would be an error in response, and unfortunate incidents such as the one in Wilmington could become very prevalent in Dover. He explained that dispatchers fulfill a specific, valuable, need based upon criteria that had been developed by the City with regard to the

responsibilities that are handled in-house, and they provide a tremendous benefit to the citizens that are served. Mr. Eichler indicated that the City could not get a better value for its money than the services provided by the dispatchers through the Fire Department.

Mr. Neil stated that, according to what he read in the report, PrimeCare perhaps did not maximize emergency service; therefore, it was suggested that the City issue a national Request for Proposals (RFP) to see if a national company could be brought in to provide maximum service at a lower cost. He indicated that this possibility was connected to how many trucks would be in the two (2) firehouses. Mr. Neil asked if EMS could be housed in the fire houses. Responding, Mr. Eichler advised that there had been at least three (3) renovations of 103 South Governors Avenue through the years. Each time the renovations were designed and implemented to best benefit the fire apparatus housed in those buildings at the time. Mr. Eichler noted that they also currently house the City of Dover Fire Marshal's inspections truck, and are happy to do so; however, it puts a squeeze on the space. He indicated that the number of apparatus required gives them no leeway in terms of moving things out or reducing the fleet. In addition to considerations related to housing vehicles, Mr. Eichler stated that they were not equipped or set up for the living quarters, administrative space, and everything else that would be needed to support an EMS function out of 103 South Governors Avenue. He noted that members were currently "sitting in each others' laps administratively" in the available space. Mr. Eichler explained that, while they do have bunk space available, it is designed for very limited use specific to either bad storms or wintertime sleep-ins, when crews stay there in anticipation of bad weather. He stated that it would be a tremendous cost for Robbins Hose Company and the City to even consider making those changes since the buildings were not designed for that use. In addition, Mr. Eichler advised that he personally would be very hesitant to put an ambulance crew in one of the buildings because of the way that the Fire Department operates, noting that this approach would change a lot of the culture within the Fire Department.

Mr. Hosfelt, referring to CPSM Recommendation #21 (The City of Dover should reassign the dispatching function at the Dover Fire Department and move all fire dispatching to the Kent County 911 Dispatch Center), questioned why there would be a decrease in the number of silent alarms if the fire dispatchers were moved. Responding, Mr. Eichler explained that there are arrangements specific to Wesley College and Delaware State University because of the number of false alarms received from those facilities. In past administrations, the Fire Chief and Fire Marshal explained to these institutions that Robbins Hose Company could not run to their campuses for problems caused by a kid who pulled a pull station, etc. They had worked with the institutions' public safety forces so that those forces would get there first and identify whether or not there was an actual problem. In regard to silent alarms, Mr. Eichler stated that when they are notified of a call they check to see who is available in the station, noting that there may be four (4) people in the station who are able to take an engine to respond. He advised that this is a luxury they would not be able to enjoy if the dispatching function was moved to Kent County.

Responding to Mr. Hosfelt, Mr. Eichler clarified that the term "silent alarm" is something that the Fire Department uses in-house, and a "cold response" refers to going without lights and sirens. He stated that cold responses fall under the Fire Department's protocols for each type of call.

In regard to CPSM Recommendation #31 (The Dover Fire Department should mandate that all officers participate in additional officer related training each year in order to be eligible to retain their positions), Mr. Hutchison asked if more training was needed than was being received on a regular basis. In response, Mr. Eichler stated this was absolutely true and that there are challenges placed on the Department and its membership. He noted that when someone calls, Robbins Hose Company shows up and works hand in hand with responders from other agencies. Mr. Eichler indicated that there are resources available to allow them to take care of these problems; however, there have been expansions in the demand for special operations and increasing challenges regarding new construction and how it is affected by fire. Mr. Eichler stated there was a need for more time to be applied to training, as well as training on different topics.

Mr. Hutchison asked how long duty officers had been in place in the Department. Fire Chief Carey explained that this began in the mid 1970s, but really got going in 1997 when he became chief. He noted that they also began running silent alarms in 1997. In regard to the responsibility of the duty officer, Chief Carey advised that when there is an incident at DSU or Wesley College, rather than waking everyone up, the dispatcher calls the duty officer assigned for the day. This officer makes a decision whether to ride to the location or wait for security so they know what the incident is.

Responding to Mr. Hutchison regarding the duties and responsibilities of dispatchers, Chief Carey explained that they clean and maintain the trucks, check the fluids and water, make sure there are no leaks, and check the lights and air pressure. They use a daily checklist to go over the trucks and make sure that the air bottles are all holding up on pressure, since they sometimes leak. Chief Carey stated that if there is a leak in the air pressure for the braking systems, the dispatchers notify the proper people, and they check the radio systems as well. They also clean and perform maintenance on the building.

Responding to Mr. Hutchison, Chief Carey advised that in the event that the Kent County 911 Center goes down, the County sends some people to the Dover Fire Department. In regard to CPSM's recommendation to move the dispatching function at the Dover Fire Department to the Kent County 911 Dispatch Center, Chief Carey stated that this would put more burden on the Kent Center. He indicated that he would not get into the details of how things are run in the County for 17 out of the 18 companies that they run; however, he indicated that he would not want to be part of it.

Mr. Hutchison advised that he had reviewed the document regarding the operations of the Robbins Hose Company and stated that the Company should be very proud of this document. Speaking as a resident and as someone who served 25 years with the Dover Police Department, including five (5) years as Police Chief, 10 years as Mayor, and a current member of Council, he stated that the citizens of the City could be very proud of each member of the Fire Department. Mr. Hutchison indicated that the document allowed the opportunity to look at the Department from a different point of view. Although there were possible changes that Chief Carey would look at and that staff had commented on, he stated that past and current members of Robbins Hose Company could be proud of their accomplishments. Mr. Hutchison thanked Chief Carey and his staff for the comments and stated that he looked forward to working with them in the future.

Mr. Sudler thanked the members of the Dover Fire Department for the excellent job that they do. He asked what challenges the Department is faced with in regard to new construction materials. Responding, Mr. Eichler stated that there are concerns specific to the lightweight construction practices that had come about within the last 10 years or so, and he noted that this relates for the most part to the construction of single-family and multi-family residential dwellings. He indicated that truss construction is very strong when it is unaffected by heat and other factors; however, when it is affected by heat it falls apart very quickly. Mr. Eichler advised that a house fire earlier this year off Wyoming Mill Road started toward the back of the house and was helped considerably by vinyl siding. The fire went into the attic space of the house, which took away the structural integrity of the roof, and there was a roof and ceiling collapse with members inside. In addition, Mr. Eichler explained that open floor plans, with a wide-open foyer and living area, are now popular. He informed members that the older housing throughout the City is well compartmentalized, which makes firefighting a little easier, noting that a door that is shut helps to contain fire. Mr. Eichler advised that a recent fire on Kirkwood Street was contained to one (1) bedroom specifically because of this type of construction; however, the newer type of construction would fail under fire conditions.

Mr. Slavin echoed the comments made by his fellow Council members and stated that it may be difficult for members to express their thanks personally because of the depth of the Fire Department's service, which was breathtaking. He advised that he always states that the Dover Fire Department has kept his family safe every minute of their lives, and he appreciated that and wanted to thank them personally. Mr. Slavin stated that those chosen to represent the Fire Department, including Chief Carey, Mr. Eichler, and others, had conducted themselves in a way that reflected a very high degree of professionalism. He explained that in every conversation held with them, they were open to listening and firm in their commitment to the Fire Department, and the City came to understand the Department's concerns a lot deeper through their spirit and what had been achieved. Mr. Slavin reiterated Mr. Hosfelt's comment that the City does not live in the world of the Fire Department and is trying to understand it a little more. He indicated that the City understood the Fire

Department's concerns and hoped that they had begun to understand some of the City's concerns. It was Mr. Slavin's opinion that this matter pertained to the safety of the Fire Department's members on the job, the well-being of Robbins Hose Company, and the safety of the citizens of Dover, and he hoped that a series of shared concerns was beginning to develop. He advised that good organizations are not exempt from critical analysis, stating that questions can always be asked about how they can get better. Mr. Slavin stated that exemplary organizations welcome such looks to incorporate them into continuous improvement, and he advised that he saw this from the Robbins Hose Company and from the City. He expressed pride that everyone was able to look at this together, stating that sometimes consultants understand and sometimes they do not, which was reflected in the report, and he stated that this was okay. Mr. Slavin stated that this healthy dialogue had allowed for a deeper knowledge and appreciation for what the Fire Department does and that he hoped that the dialogue would continue beyond this meeting and report, and that it would be something that the City and the Fire Department could rely on over time.

Mr. Slavin indicated that he had questions related to the Robbins Hose Company comments that they did not have an opinion, or when they commented that CPSM's recommendations related to City of Dover ordinance issues; however, he would like to discuss them in-depth at another time to determine if the Fire Department thought these were good ordinances, if they could help to improve them, if they could help to make a better decision, or if the City could help to make these issues better for the citizens, Robbins Hose Company, and everyone involved. Mr. Slavin thanked the Fire Department for their efforts, acknowledging that this was a nerve-wracking undertaking with a lot of attached anxiety; however, he indicated that this was a sign of a healthy organization, where members believe in what they are doing and are protective of the health and well-being of the organization.

Referring to CPSM Recommendation #10 (The DFD should work with the Dover 911 Police Communications Center in an effort to classify and dispatch fire calls into emergency and nonemergency response categories), Mr. Hosfelt asked for an explanation of the difference between a fire called in on a land line and a call made on a cell phone. He questioned how calls are transferred and what decisions are made. Responding, Chief Carey explained that all 911 calls made through a cell phone or from those who live in the City of Dover go directly to the Dover Police Department. If they find out that there is a fire, they automatically transfer the call to the Dover Fire Department dispatchers as a one-button transfer. Chief Carey indicated that response times would not be any quicker if referred to the Kent Center because 80% of the Fire Department's calls are through the Dover Police Department. He advised that the remaining 20% of the Fire Department's calls come through the County and relate to a smaller rural area in the County. Chief Carey advised that everything is tied into the City.

Mr. Hosfelt questioned if the Robbins Hose Company's area of responsibility was greater than the City itself, and Chief Carey stated that the Fire Department does go outside the City limits.

In response to Mr. Hosfelt regarding CPSM Recommendation #13 (Dover should request from ISO a reevaluation of its August 2015 review after making adjustments in its fire hydrant testing procedures and the transfer of fire dispatching to Kent County), Mr. Eichler explained that ISO refers to the Insurance Services Organization.

Referring to CPSM Recommendation #18 (The City of Dover should reorganize the structure of fire department operations so that the supervision and management of the Dover Fire Department is unified and under the direction of the City Manager), Mr. Hosfelt asked if the charter, constitution, and by-laws of the Robbins Hose Company could be provided. Responding, Mr. Bashista stated that those documents would be provided.

In regard to CPSM Recommendation #23 (The City of Dover, through the Emergency Services Manager, should review all selection, promotional, and personnel issues carried out by the Volunteer Association in order to ensure compliance with city regulations, and state and federal guidelines), Mr. Hosfelt noted that Robbins Hose Company's comments referenced the City Solicitor's opinion of December 8, 2008 and asked for elaboration. Mr. Eichler provided a copy of a legal opinion from Mr. Nicholas Rodriguez, City Solicitor, dated December 8, 2008. He explained that this correspondence was generated as a result of inquiries from previous Robbins Hose Company administrators regarding issues going on in the Fire Department at that time.

Referring to CPSM Recommendation #24 (The City of Dover should revisit its current prohibition of allowing employees to respond as volunteer firefighters without docking their pay or requiring utilization of leave time), Mr. Hosfelt advised members that when he previously worked for the Dover Police Department, he had gone against this policy. He explained that, at that time, if a firefighter was working for the Police Department and the Police Department wanted them to respond and could clear this individual, the individual was allowed to respond. Mr. Hosfelt asked if there had been issues with Robbins Hose Company members in the City's workforce who were unable to respond while working, and if the Company had been caught short-staffed because of this. Responding, Mr. Eichler stated that there are provisions, such as letters of insurance, coverage, and training, that allow for members of other fire companies to ride with the Dover Fire Department, and this opportunity is open to City employees. Mr. Eichler indicated that if there is a call of sufficient magnitude and they are short-staffed, they would call other fire companies anyway. The assistance that they would get from a City employee leaving their regular responsibility would be welcome; however, they would hopefully have a lot more additional people on the street.

Regarding CPSM Recommendation #28 (The city, under the direction of the new Emergency Service Manager, should be responsible for fleet maintenance and vehicle acquisition for the Dover Fire Department), Mr. Hosfelt asked if Robbins Hose Company agreed that if the City is putting up funds for a ladder truck or engine, this

purchase should go through the City's purchasing policy and bid process. He questioned if this recommendation was a matter of the Fire Department having a position on the committee that chooses the apparatus. In response, Mr. Eichler indicated that Robbins Hose Company had previously established this relationship and noted that Fire Department personnel communicate with Mrs. Donna Mitchell, Controller/Treasurer, with regard to how the financing for the apparatus will be structured and how monies are included for maintenance. He stated that he would absolutely defer to members of Robbins Hose Company regarding the design and need for the apparatus, what would fit, where the apparatus would be taken, and how it would be used within the City. Mr. Eichler indicated that there are different aspects to the process, reiterating that the relationships are there already, and this would depend on what part of the process was being discussed.

Mr. Anderson thanked the Robbins Hose Company for their service and taking the time to answer questions. He asked why fire technicians would not fulfill some of the dispatch duties and why Robbins Hose disagreed with the creation of an Emergency Services Manager. In regard to an Emergency Services Manager, Mr. Eichler responded that they did not feel that this position was necessary, noting that the Fire Department has a recognized process and chain of command that is listed in the City code. He advised that their organization is set up administratively and operationally such that they have processes in place for leadership in providing fire services to the citizens of the fire district, not just the citizens of the City. Mr. Eichler noted that they had established relationships with the City Fire Marshal's Office and Code Enforcement Office and work very well together with them. He indicated that, when looking at where improvements could take place, they did not see any advantage to an Emergency Services Manager as far as the day-to-day running of the Fire Department. Mr. Eichler explained that they have people in place with training, experience, and knowledge, including the subtle institutional knowledge of access through the neighborhoods and what will aggressively take care of a problem. He noted that the leadership structure was there already. In regard to a fire technician or other position that would be developed, Mr. Eichler advised that there were already processes in place, and that conversations regarding pre-planning and these types of things had been such that they were now better prepared. Acknowledging that they could always do a better job, he reiterated that they already have a rapport with City departments and communications go back and forth. Mr. Eichler indicated that he did not see the Emergency Services Manager as a necessity or a vast improvement to the operations serving the citizens.

In regard to CPSM Recommendation #40 (The DFD should conduct a formal Standards of Response Coverage analysis under the guidelines of the Commission on Fire Accreditation International (CFAI)), Mr. Anderson noted the reference to organizations that "deal with volunteer fire organizations." He asked if the Commission on Fire Accreditation International (CFAI) does not deal as much with volunteer organizations. Responding, Mr. Eichler stated that he did not know the full scope of the services that the Commission offers; however, they largely direct their efforts toward large municipal departments that are fully staffed. He indicated that

a lot of their criteria is based upon the integration of many departments and divisions falling under a fire department. Mr. Eichler advised that Robbins Hose Company would be happy to see what programs they have available; however, it would be too far outside the scope of the Department's operations to be applicable. He stated that their comment made note of the National Volunteer Fire Council, which is an organization specifically dedicated to volunteer fire departments. Mr. Eichler stated that they had commented on continued communications with ISO, on how they rate the City, the input that insurance companies and entities can take into consideration for coverage, and how the Fire Department's protection levels affect this. He stated that, while the CFAI is probably far outside the scope of the citizens, there are plenty of other organizations that the Dover Fire Department would be able to find if they need resources.

Mr. Anderson stated that there is a lot of value to an accreditation process; however, it takes a major resource investment. He asked if this type of investment would take a volunteer organization away from its core function or help with its core function. Responding, Mr. Eichler advised that taking on an accreditation process would be a tremendous burden upon Robbins Hose Company and the City of Dover, regardless of what organization they would affiliate with to attain the accreditation.

Mayor Christiansen thanked the members of Robbins Hose Company for their service over the last 134 years, noting that it was his privilege to have been part of it for a time. He indicated that the men and women of Robbins Hose Company have continued to perfect their skills, as exemplified in the report. Referring to CPSM Recommendation #22 (The City of Dover should reduce the number of full-time dispatchers from five to two, reclassify this position to a Fire Technician designation, and eliminate the Fire Chief's Assistant position), Mayor Christiansen stated that attending to the workload of leading the Fire Department, as well as their home lives, takes a lot of officers' time. He indicated that adding the Fire Chief's Assistant was one of the things that was of the greatest assistance in the smooth running of Robbins Hose Company. Mayor Christiansen stated that he was bothered that many of the recommendations made by CPSM were already in place and he questioned who they had talked to. He noted that they had extensive conversations with members and officers of the Fire Department, and some of these best practices were already in place. Mayor Christiansen stated that some of the recommendations were substantiated handily by the members of the Robbins Hose Company that were present. He stated that he did not think that this was the best report that could have been obtained for the dollars that were spent on it. Mayor Christiansen thanked the members of the Department for their continued service to the City and echoed Mr. Slavin's words by thanking them for protecting his family 24/7, 365 days per year.

Referring to CPSM Recommendation #11 (The DFD should modify its response protocols in an effort to reduce the number of units responding to those calls that are screened sufficiently to determine that they are nonemergency in nature), Mr. Anderson noted that Robbins Hose Company follows the best practice protocols

and questioned whether these practices are State Fire Commission or national standards. In response, Mr. Eichler indicated that best practice protocols fall back to Robbins Hose Company's experience regarding the type of call volume experienced in the City. Referring to page 55 of the Public Safety Study - Fire/EMS Operational & Administrative Analysis, he noted that the study identified that the use of the silent alarm and duty officer was a best practice. Mr. Eichler advised that there is a combination of sources in this regard. He noted that this also tied back to the earlier discussion regarding calls from Wesley College and Delaware State University, stating that presumably practices would be based on the experience the Fire Department had in properly taking care of the different types of calls.

Mr. Anderson questioned why Robbins Hose Company believed that the Fire Marshal was best left with building code and not the Fire Department. In response, Mr. Eichler stated his understanding that a lot of the concerns that come from the work of the Fire Marshal relate immediately and specifically to the building code issues and ordinances that the City had undertaken. He indicated that this was a well-established relationship that should continue and was probably the least resistant path to getting problems taken care for both City staff and citizens in terms of the immediacy of addressing problems. Mr. Eichler advised that the Fire Department receives information from the Fire Marshal regarding concerns raised through their inspections and has a strong history with the Office itself, regardless of who is occupying the Fire Marshal position.

Mr. Anderson questioned if there was some concern about adopting the 2015 International Code Council International Fire Code standards in the building and real estate community. He asked if doing so would raise costs without bringing much more into the safety mix. Responding, Mr. Eichler indicated that, in addition to being a firefighter with Robbins Hose Company, he is Chairman of the Delaware Fire Sprinkler Coalition. He explained that the 2015 edition of the International Residential Code is the latest edition that is becoming available for jurisdictions to adopt and to implement. Mr. Eichler noted that since 2009, a provision for the inclusion of residential fire sprinkler systems had been included within that residential building code. He indicated that, unfortunately, state-wide, when jurisdictions adopt that particular edition of the Residential Building Code they specifically delete the sprinkler requirement, whether they are small towns or large municipalities. Mr. Eichler indicated that a lot of concern is based upon myth and misconceptions, specifically regarding the cost that it adds. He noted that, at this time, the national average cost of adding residential sprinklers to a property is $1.61 a square foot. Mr. Eichler stated that the houses under construction in Dover are approximately 1,500 to 3,000 square feet, so the total added cost would be less than $5,000. He explained that statistics from Prince George's County, Maryland; the State of Maryland; Scottsdale, Arizona; as well as the State of California specifically and directly state that sprinklered properties have yet to suffer a fire fatality. Mr. Eichler advised that the subjective desire not to install sprinklers due to the added cost is largely a misdirection of intention at best. He explained that, with the passage of House Bill #133 at the State level last spring, builders are required to

provide educational materials to all customers coming in for new homes regarding the installation of residential sprinklers. Mr. Eichler indicated that a growing coalition in Delaware is pushing to revise the ordinances that are on the books. He stated that the specific recommendation from the study recognized that it is largely nothing but a benefit, not only for those who live on a property but for those persons surrounding that property. Mr. Eichler stated that a fire does not stay in one place, noting that there are many examples, such as three (3) houses in Magnolia that were taken out by one (1) fire. He encouraged members to look at including residential fire sprinklers in the adoption of the building code to protect persons in the home. Mr. Eichler noted that there were construction projects going on now through Habitat for Humanity, which he stated was a wonderful organization. He indicated that the families with the opportunity to take ownership of these properties may be the least able to suffer and recover from a fire. Mr. Eichler pointed out the need to look at the protection of the immediate neighborhood and the members of the Robbins Hose Company when they respond to calls, so that they would not be subjected to some of the factors regarding the failure of lightweight construction when subjected to heat. Mr. Eichler stated that sprinklering was almost a no-brainer, and this was a good recommendation from the study and a trend that he hoped would be followed and pursued.

Fire Chief Carey thanked Mr. Slavin and Mr. Hosfelt for working together with himself and Mr. Bashista since this matter began. He noted that it had been frustrating to the Fire Department and thanked members for their support and working with the Department. He expressed his hope that this matter could be finalized after the next month or so and that everyone would approve of how this matter proceeds.

By consent agenda, Mr. Neil moved for acceptance of the Special Council Committee of the Whole Report, seconded by Mr. Lewis and carried by a unanimous roll call vote (Mr. Anderson absent).

COUNCIL COMMITTEE OF THE WHOLE REPORT - NOVEMBER 15, 2016

The Council Committee of the Whole Meeting was held on November 15, 2016 at 6:02 p.m., with Council President Slavin presiding. Members of Council present were Mr. Sudler, Mr. Lewis, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mr. Anderson and Mr. Neil were absent. Mayor Christiansen was also present. Civilian members present for their Committee meetings were Mr. Caldwell and Mrs. Horsey (*Parks, Recreation, and Community Enhancement*), Mr. Blakeman (*Utility*), and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*). Ms. Arndt *(Utility)* was absent.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

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

Proposed Ordinance #2016-25 Amending Appendix B - Zoning, Article 6 - Off-Street Parking, Driveways and Loading Facilities and Article 12 - Definitions

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that Proposed Ordinance #2016-25 had been requested by Council President Slavin. She explained that the City had received a number of complaints from residents about tractor-trailers parked in commercial parking lots, mainly when these vehicles are not in a loading zone. Mrs. Townshend stated that the Proposed Ordinance would not allow tractor-trailers to be parked in the lesser intense commercial zones or in all residential zones. She explained that active loading or unloading would be permitted; however, long-term parking would not. Mrs. Townshend indicated that in the higher intensity commercial zones, such as service commercial, highway commercial, institutional and office, and community and regional shopping center, tractor-trailer parking would be permitted only in areas that are designated as loading zones or loading areas. She advised that if this amendment to the Zoning Ordinance came out of committee, there would be a first reading before City Council. It would then be referred to the Planning Commission, where it would be subject to a public hearing. It would then be subject to another public hearing before City Council.

Mr. Hare asked if the owner of a shopping center could allow someone to park a tractor-trailer on their private property. Responding, Mrs. Townshend stated that the ordinance would not allow it. She advised that it would allow parking in a loading zone in a highway commercial, service commercial, larger shopping center, or institutional and office zone. Mrs. Townshend noted that tractor-trailers were often being parked in front of commercial buildings in parking areas that are striped for car parking.

Mr. Slavin explained that very large vehicles had been parking for extended periods of time, which detracted from the quality of life at some of the neighborhood strip malls, noting that these vehicles idle overnight and during the day while drivers are at rest. He indicated that this was an issue that the City had been pursuing for years. Mr. Slavin stated that the City had gotten some resolution when Royal Farms opened on Pearson's Corner Road; however, tractor-trailers were beginning to be seen back in the City. He informed members that he had heard related concerns from a number of residents living in different districts in the City, and he stated that this was a worthwhile amendment.

The Committee recommended adoption of Proposed Ordinance #2016-25.

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

Community Development Block Grant (CDBG) Program Quarterly Update (July, August, and September)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, referred members to the Community Development Block Grant (CDBG) Quarterly Report for July, August and September 2016. She stated that the grant year had just started; therefore, expenses were beginning to be incurred. Mrs. Townshend indicated that funds had been expended only on the Dover Interfaith Mission for Housing project at this point, noting that contracts were signed with the City's grant recipients in the fall and expenses would be coming in over the next several months.

UTILITY COMMITTEE

The Utility Committee meeting was held with Chairman Cole presiding.

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

Mr. Scott Koenig, City Manager, reviewed the Quarterly Report for the Capital Investment Plan (CIP) as of September 30, 2016. Referring to the Capital Investment Plan - Project Tracking Report, He explained that the draft report is issued by the Finance Department and sent to the Public Works and Electric Departments to update the notes section prior to distribution to Council. Mr. Koenig stated that the total funding source for the CIP was $18,825M as of September 30, 2016.

In reference to the General Fund - Major CIP Projects, Mr. Koenig stated that the General Fund Projects were design projects at this point. He advised that the Old PW2 Site Improvements project was in design and would provide a good idea about what could be built at the old PW2 site, as the City transitions from a storage facility to what was hoped to be a wetlands restoration project. Mr. Koenig noted that improvements would be moved from the Old PW2 site to the Schutte Park site.

Mr. Koenig advised that the FY-16 Street and Alley Program had been completed and closeout documents were being finalized. He stated that the Valve Replacement - Silver Lake Dam was also complete and staff was working on final invoicing and project close-out. Mr. Koenig indicated that the Salt Storage Barn project had been bid several times, and the last time this was done, the City rejected the bids. He informed members that the project had gone back to the purchasing agent for distribution under a performance standard to obtain an acceptable building condition and layout, and it was hoped that those bids would be back soon for Council's review. In reference to the Persimmon Park Place Drainage Study, Mr. Koenig explained that the City had been working with several State legislators to fund and to evaluate drainage problems that are occurring on the boundary between Persimmon Park Place and the Wild Meadows subdivision. He stated that staff expected to bid this project out shortly, and funding would come before Council.

Regarding the FY 2017 projects, Mr. Koenig advised that staff was working on vehicle purchases and pointed out the Annual Contribution to Robbins Hose

Company for Ladder 1. He stated that staff would be working on park improvements this year and noted that the Video Storage Array was part of the Police Department's funding. Mr. Koenig reminded members that the FY 17 Street and Alley Program had been authorized by City Council and construction would begin shortly and noted that there were several other small CIP changes in the General Fund.

Referring to the Community Transportation - Major CIP Projects, Mr. Koenig advised that there were funds left over from the Pat Lynn Drive/Dover High School Storm Drain Pipe project from a number of years ago, and staff must complete the paperwork to move this funding to another project. He explained that the Lincoln Park Center project was on hold, noting that funding was not available at the moment for the acquisition of land. Mr. Koenig indicated that the project's design had been prepared and, if the project is picked up at a future date, staff could move forward at the point where they left off on the project. He informed members that construction was underway for the East Water Street Brick project. Mr. Koenig advised that the knee wall had been built and estimated that the contractor would complete the project, clean up, and backfill everything in the next two (2) to three (3) weeks. He stated that the project seemed to be going well, even though this was a high traffic area.

In regard to the FY 2016 projects, Mr. Koenig noted that the Boggs Drive Paving Project was a Community Transportation Fund (CTF) project that was carried forward into the FY 2016 Street program, which had now been awarded. He indicated that this project would get underway with paving in either late Fall 2016 or early Spring 2017 and reminded members that this was a location where a sewer line was replaced approximately 16 - 18 months ago. Mr. Koenig stated that Mrs. Ann Marie Townshend, Director of Planning and Community Development, had brought forward the Pedestrian Enhancement - Mallard Pond Pathway project, which was mostly complete. He advised that staff was working on the final change order and closeout documents and noted that this was a major improvement to the park on the west side of town that enhances the walking path extending toward the Dover High School property.

Referring to FY 2017 projects, Mr. Koenig stated that funding had been received to improve a paper alley, which he stated he thought was located between Kirkwood and West Streets. He advised that 200 feet of this alley would be improved with a stone underlay and a two-inch mat to provide access to the rear paper alley properties. Mr. Koenig stated that staff was working to fund portions of the FY 2017 Street Program. He noted that Senator Brian Bushweller had committed some funds and Representative Sean Lynn had also indicated that he would be committing funds. Mr. Koenig stated that the General Assembly needed to make changes to prevailing wage language related to CTF. He stated his understanding that those changes would take place in January.

In reference to Electric Improvement & Extension Fund - Major CIP Projects, Mr. Koenig informed members that Mr. Harry Maloney, Electric Director, was

working on the interconnection meter upgrades listed under FY 2014, explaining that these meters read the interconnection between the City's and Delmarva's systems. Mr. Koenig explained that staff was also evaluating whether the City should advance in the direction of smart metering technology and the timeline for advancement.

In reference to FY 2015 projects, Mr. Koenig indicated that staff was also working on items related to the West Dover Connector. There was a lot of utility relocation work going on, especially in the North Street area, as the Delaware Department of Transportation (DelDOT) widens the intersection of the West Dover Connector and Hazlettville Road at the Royal Farms. Mr. Koenig advised that staff received a letter that day from DelDOT authorizing reimbursement for approximately $150,000 of electric work that the City would perform. He explained that staff was also working on the 69kV Rebuild at Horsepond Road, as well as dropping portions of the Towne Point Distribution Feeders underground.

In regard to the FY 2016 projects, Mr. Koenig informed members that the Blue Hen Apartments and the Tall Pines Condos were complete, noting that these were private projects where the City made system improvements. He noted that the developer pays the City for these improvements, which are completed in concert with the development. Mr. Koenig advised that there would soon be 24 new housing units at Tall Pines, located at Kenton and Chestnut Grove Roads, where exterior work was currently being done.

Mr. Koenig advised that a number of FY 2017 projects were in process, noting that some projects related to Hirsh Industries were complete. He indicated that there were also a number of small improvements going on in the system. Mr. Koenig stated that large projects, such as the Van Sant Inspections and McKee Run Boiler Repairs, were moving forward and the power plant contractor and staff were working their way through the FY 2017 CIP. He noted that Council had reviewed a Change Order regarding the McKee Run boiler repairs during the Regular City Council Meeting of November 14, 2016.

In reference to the Water/Wastewater Improvement & Extension Fund - Major CIP Projects, Mr. Koenig stated that the proposed 1.0 million gallon (MG) elevated water storage tank that was intended to be near Maple Glen at the northern boundary of the City had been outstanding for some time. Staff had been working on an alternative site, and he advised that he thought it had been tied down with the developers, and staff had been working on an agreement with them. Mr. Koenig explained that as soon as an executed agreement was obtained, staff would come forward to Council to authorize the City's side of the agreement for potential site purchase and location of a new 1.0 MG elevated tower on the north central boundary of the City in the McKee Road area.

Mr. Koenig informed members that the Westover Pump Station had been authorized for construction for a while; however, there were some conflicts with overhead power

lines that had to be adjusted. He advised that this project would start up again late in 2016 or very early in the Spring of 2017 under the same parameters and costs.

Under the FY 2015 projects, Mr. Koenig stated that the Hazlettville Road Interceptor Sewer project had been bid out several times, and a bid was finally obtained that was reasonable to go to construction. He noted that the project was complete in the field and they were working on the close-out documentation. Mr. Koenig advised that the Retreat Pump Station was under construction, and he hoped that project would close out in the next few months.

Mr. Koenig stated that, under FY 2016 projects, the design work was wrapping up for Water Treatment Plant Process Improvements. He noted that staff had been working with the State on the Revolving Loan Fund and the project would go out to bid shortly. Mr. Koenig indicated that staff had to meet all the conditions of the funding and project guidelines for the State. He advised that design of the Rolling Acre Pump Station occurred last year, construction was proposed for this year, and the construction package was being coordinated with the procurement officer. Mr. Koenig reminded members that the bids for the Delaware Avenue Sanitary Sewer were approved by Council during their meeting of November 14, 2016.

With regard to the FY 2017 projects, Mr. Koenig noted that there were vehicle and equipment purchase, water meter and sewer meter replacement, and wellhead redevelopment projects. He stated that a fence project at Well #6 was authorized several meetings ago, and staff was also working on a future supply well. Mr. Koenig advised that projects related to pump stations that are in design would be completed this year, and construction would follow shortly in the following fiscal year. He advised that Inflow and Infiltration (I&I) projects would also be developed and brought forward, stating that he thought they would include Bradford Street sewer improvements that staff would bring forward later in the current fiscal year.

Mr. Koenig advised that the capital plan was moving forward, reiterating that approximately $18M was being spent on improvements related to these projects. He indicated that some projects were moving very quickly and others had experienced minor glitches; however, he was very proud of how staff was working the projects through the system, noting that a number of backlogged projects in the inventory had been completed. Mr. Koenig stated that staff had been experimenting with the project summary that was being sent to Council and expressed his hope that some electric projects would come forward shortly in a similar fashion.

Updates

Green Energy Funding and Programming

Mr. Scott Koenig, City Manager, reviewed the Green Energy Summary as of October 28, 2016, explaining that this document is used by the Electric Department for tracking. He reminded members that the City collects Green Energy Funds as part of a fee that appears on electric bills. Mr. Koenig stated that a portion of the funds that the City collects is dedicated to the repayment of improvements related to the

Dover Public Library, and funds are also distributed in relation to individual grants. He advised that approximately one (1) year ago, the City put a hold on new solar grants because of changes being made at the State level. In Mr. Koenig's opinion, the flow of requests for grants had slowed down.

Mr. Koenig informed members that there was increased activity and interest in load management, energy efficiency, and going through buildings and trying to evaluate ways to improve efficiency, noting that there are companies that perform audits of individual properties. He explained that there are opportunities through the Sustainable Energy Utility (SEU) to finance things such as LED lighting. Mr. Koenig noted that although there are such opportunities for the City, in general the City's electric load seemed to be flattening out as the City grows. He indicated that the long-term expectancy is for businesses to invest in higher efficiency units for pumps, motors, and HVAC, which reduces their load. Mr. Koenig stated that as new businesses and housing are brought in, they are basically replacing the load that is becoming more efficient. He advised that this trend was expected to continue for the foreseeable future, as people become more adept at looking at their energy bills and figuring out how to save money and drive down the cost.

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

Mr. Scott Koenig, City Manager, advised members that the City had struggled to maintain its National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit for some time. He explained that staff had made a lot of progress over the last few months in getting the City into compliance. Mr. Koenig stated that the City had received verification that it had completed the outstanding items from the Department of Natural Resources and Environmental Control (DNREC) Conciliation Order by Consent that was issued earlier in 2016. He indicated that a majority of the items were related to delivering paperwork to DNREC and then continuing to follow up and improve the City's paperwork and reporting processes. Mr. Koenig stated that staff had installed new inlet skimmer boxes at industrial sites to decrease the amount of unwanted materials entering the stormwater system, and had also been working with the St. Jones Reserve and the Partnership for the Delaware Estuary to create additional public outreach partnerships, which are all part of the permit. In addition, he advised that they had been working on things like only rain down the drain placards on catch basins and had also been working with its authorized contractor on the Illicit Discharge and Detection and Elimination Program. Mr. Koenig explained that the gentleman who was originally running this program for the City left for a private sector job, and another young man, who would be introduced to members at some point, had now taken over this position. Mr. Koenig advised that this staff member had hit the ground running and was helping to coordinate these activities. He noted that this was a very labor intensive permit with a personal touch, and a combination of things that were being done operationally must be reported. Mr. Koenig advised that some things related to construction would add value to the permit, and staff must write all these things into the permit response. Mr. Koenig stated that staff was

moving toward compliance and had been successful at adjusting the annual reporting period to line up better with budgeting. He indicated that the Public Works Department Monthly Report would gravitate toward items that are required and important for the permit, so that multiple reporting avenues used by staff could feed information into the permit over time. Mr. Koenig noted that staff had made a lot of progress and expressed pride that they had been working diligently to come into compliance. He stated that this permit would be an ongoing expense since it must be maintained in perpetuity.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

Customer Service Staffing Plan

Mr. Kirby Hudson, Assistant City Manager, stated that members had probably seen complaints from some of their constituents regarding the lag time being experienced at the Customer Service Department. Mr. Hudson reminded members that the Customer Service Department provides support for more than 23,000 utility accounts and performs other functions to support City operations. He noted that staff levels had been reduced in recent budgets to meet general budget targets; however, the department was very inefficient at its current level. Mr. Hudson stated that some key employees in the department had decided to retire, compounding the problem. He advised that a request for retirement had been received last week from Ms. Denise Roberson, Customer Service Supervisor, who had been with the department for approximately 25 years. Mr. Hudson stated that her last day would be December 16, 2016, and she would be sorely missed.

Mr. Hudson stated that staff was recommending revising the staffing plan for the Customer Service Department to restore staffing to the level it was several years ago. He noted that the wages and salary budget for the Department would be increased by $97,500 for the remainder of FY 2017 and, if approved, budget amendments would be made at the appropriate time. Mr. Hudson stated that increased customer interaction was required and customer satisfaction was reduced to an unacceptable level. He indicated that the Customer Service Department was continuously experiencing long phone waiting times, lines in the drive-through, and lines in the lobby extending out of the door and into the vestibule. Mr. Hudson advised that this was unacceptable and was creating customer dissatisfaction and adding to high levels of stress on the remaining staff. He noted that several members of Council, in particular Councilmen Hutchison and Sudler, had expressed concerns over these issues, and staff had been requested to prepare an optimal staffing plan for consideration. Referring to the Customer Service Department Staffing Needs Assessment, Mr. Hudson explained that staff was requesting an increase of five (5) full-time employees, which would be partially offset by the reduction of part-time employees from four (4) to two (2). He indicated that staff would be added to the Billing and Collection, Customer Services, Cashiers, and Meter Reading sections.

Mr. Hudson informed members that the annualized cost for the proposed increase in staffing levels for this department would be approximately $195,000 in FY 2017.

Mr. Hudson advised that, for the remainder of FY 2017, a budget increase of $97,500 would be necessary to cover the anticipated cost of the proposed changes, noting that this increase in funds could be covered through a budget amendment from the anticipated carry-forward balances as follows:

Electric Fund:	$ 97,500 x .625 = $ 60,937.50
Water/WW Fund:	$ 97,500 x .201 = $ 19,597.50
General Fund:	$ 97,500 x .174 = $ 16,965.00

Mr. Hudson indicated that the Electric Fund currently had an FY 2016 favorability of approximately $7.5M, the Water/Wastewater Fund had an FY 2016 favorability of approximately $374,000, and the General Fund had an FY 2016 favorability of approximately $930,000. He stated that these funds could be used to fund the proposed staffing plan, provided that Council authorized the changes.

Staff recommended approval of the revised staffing plan for the Customer Services Department. The wages and salary budget for the Department will be increased by $97,500 for the remainder of FY 2017. Budget adjustments will be made at the appropriate time.

Mr. Sudler thanked Mr. Hudson, stating that approximately 60 to 75 days ago he had called the Customer Service Department to inquire about utility services and it took over 37 minutes on more than two (2) separate occasions to speak with a representative. He expressed concern that the time period that one must wait to speak to a representative could impact potential earnings and businesses for the City. Mr. Sudler advised that he believed that looking at the budget again and approving the requested increase would bring additional earnings to the City and also satisfy constituents. He asked how many positions would go to Customer Service, Meter Reading, and Billing, noting that he would like to see at least three (3) go to Customer Service, perhaps one (1) to Meter Reading, and one (1) to Billing. Mr. Sudler stated that he believed that Customer Service was likely the top priority to obtain satisfaction in the process.

Responding to Mr. Sudler, Mr. Hudson advised that the Customer Service area had been revamped to address security issues.

Mr. Hudson stated that staff was requesting to put five (5) Customer Service Representatives in this area, which he calls The Fish Bowl, noting that at one time there had been four (4) part-time employees there. He indicated that these four (4) part-time positions would be reduced to two (2) part-time employees, who would be removed from that area and placed into a small call center that was placed in an area in the back. These employees would have staggered times; therefore, there would be a dedicated person to aid in answering the phone at any point during the day.

Mr. Hudson explained that general operations currently require the five (5) full-time employees who are on the Customer Service floor to take care of customers in front and also answer the phone. He indicated that by having one (1) or two (2) people constantly on the phone in the back and also having the ability to monitor the phone, different people could be appointed to make calls between servicing customers.

Mr. Hudson explained that three (3) employees would be serving as cashiers, including two (2) at the window and one (1) at the drive-thru, noting that there was a supervisor in this area. He stated that the metering section had lost an individual due to retirement, and Mr. Ryan Carroll was the logical choice to fill this position since he had previously worked in metering. He advised members that Ms. Kathy Divver, Customer Service Manager, had retired, and her position had been budgeted to be upgraded to a Director, since a Director for the Department was sorely needed. Mr. Hudson reiterated that Ms. Roberson would have to be replaced and this position was also budgeted.

Mr. Sudler questioned what the projection was for decreasing the amount of time that a customer would have to wait to be accommodated. Responding, Mr. Hudson indicated that staff would start off by attempting to decrease the wait time to the 10-minute range, if not lower. He advised that with five (5) Customer Service agents on the floor, at least one (1) part-time person who would be able to service the phone at key high-volume times, and the ability to see how many calls are coming into the queue, this should allow for alternating some of the employees who are on the floor. As soon as employees are finished servicing a face-to-face client, they could pick up a phone call, and once the phone level reduces a little, the employees in the back should be able to service them.

Referring to the Customer Service Department Staffing Needs Assessment, Mr. Hosfelt noted that there were currently six (6) vacancies and asked if five (5) additional positions would be added.

In response, Ms. Patricia Marney, Billing Supervisor, advised that six (6) employees had left the City, and these positions were currently being recruited. The five (5) requested positions would be additions to the current staff level. Responding to Mr. Hosfelt, Ms. Marney stated that after the six (6) vacant positions were filled, there would be 11 total staff.

Mr. Hudson stated that exceptionally poor service was being experienced. He noted that five (5) or six (6) people had left and staff had not had an opportunity to fill these positions, although they had started the interview process. Mr. Hudson explained that there had been one (1) interview for the Director the previous day, two (2) that day, and one (1) was scheduled for the following day. Staff was looking to get a favorable response any day to start a cashier, after which Mr. Carroll would be permanently removed. Mr. Hudson advised that Mr. Carroll was covering for an employee in Meter Reading who was on vacation. He stated that staff was slowly

ramping back up and was hoping that with the requested staffing all the issues that members had been hearing about would disappear.

Referring to the figures reflected in the Background and Analysis section of the request, Mr. Hosfelt asked Mrs. Donna Mitchell, Controller/Treasurer, if she had any concerns. Responding, Mrs. Mitchell indicated that the she did not have concerns, stating that although an ordinance had not yet been brought forth for the carry-forward balances, there was sufficient money to cover the amounts listed.

Mr. Hutchison thanked Mr. Hudson and Mr. Scott Koenig, City Manager, for bringing this matter forward. He indicated that he, like Mr. Sudler, had a firsthand opportunity to call and see a delay in Customer Services. Mr. Hutchison stated that this matter needed to be addressed and he would gladly support it, noting that what the Customer Service Department does every day for the City's customer base is very important.

Mr. Hudson informed members that the previous day had been an exceptionally bad day for staff since the receptionist had to go to the doctor and one of the billing people received an emergency call from her son's school and had to leave because he was ill. He stated that two (2) employees were on vacation and the customer line was going out the door. Mr. Hudson advised that Councilman Lewis came by the Department the previous day and was concerned to see eight (8) people in line, and Mr. Hudson had responded that only eight (8) people represented a good day since the line usually extends out the door. Mr. Hudson informed members that these were the sorts of things that staff was trying to resolve.

Mr. Slavin asked how long it had taken to accumulate the number of vacancies that the Department currently had. Responding, Ms. Marney indicated that the vacancies were since January when Ms. Robin Parker, Customer Service Clerk II - Collections, left.

Mr. Hudson explained that Ms. Robin Parker was initially hired as a part-time collector; however, because staff was experiencing issues on the floor and needed more help, she was never fully given an opportunity to do collections and was constantly being pulled out of the office to help the cashiers or Customer Service. He advised that a long-time employee in Metering retired soon after that. Mr. Hudson indicated that Ms. Dorothy Morris, Customer Service Clerk III - Cashiers, who worked in the drive-thru, recently retired and he reiterated that Ms. Roberson was getting ready to retire and Ms. Divver had already done so.

Mr. Slavin asked what the typical length of time would be to replace an employee who announces they are leaving; for example, if an employee gave two (2) weeks notice tomorrow. Mr. Hudson stated that the length of time varies and that staff would start putting paperwork together instantly.

Mr. Slavin asked how long the process takes and for the position to be posted. Responding, Mr. Hudson explained that the issue was not so much that it takes long for the process or for the position to be posted, but when the Human Resources (HR) Department is able. He advised that it was not just the Customer Service Department that had issues. He noted that the Public Works Department had up to 13 or 14 vacant positions at one time. Mr. Hudson advised that emphasis was put on trying to hurry with a lot of those key positions and Customer Service was in this battle at the same time as Public Works.

Mr. Slavin asked how long a period is required after an employee is hired and begins working before staff is comfortable having them on the floor. He noted that the Department currently had five (5) vacancies and was asking to hire six (6) employees, and he did not want anyone on Council to feel there would be an immediate fix once members vote yes. Mr. Slavin indicated that it would be a long, slow process to get employees to the point of being independent workers. Responding, Mr. Hudson stated that when he and HR interview candidates, they look to see if they can get people who have not only customer service experience but also experience dealing with utilities, which is difficult to find. He estimated that it would take approximately six (6) months to be comfortable.

Mr. Hudson invited members to come by the Customer Service Department. Aside from being given a tour, he stated that he would like members to look at what employees have to do, noting that it is more than just greeting customers and taking their money. Mr. Hudson explained that it is not an easy job, and there are a lot of different screens and other things that go into it. He noted that things must move quickly, and the phone is ringing while people in line are waiting and wondering why staff is on the phone when they could be taking care of their needs. Mr. Hudson invited those members who have an interest to come by to see what staff goes through. He stated that within 10 or 15 minutes they would understand that it takes a very disciplined individual to sit there and take the heat that staff does every day, and he commended staff.

Mr. Slavin thanked Mr. Hudson for bringing this forward. He stated that he believed that there are a few places in City government where if certain things are done wrong, the City will hear about it, no matter what else is done right, and one of those is how people interact with the City to pay a bill, whether on the phone or in person. Mr. Slavin advised that if there is undue delay or any kind of duress, immediate judgment is invited on the rest of the City's operations; therefore, the City would do well to take care of those retail moments when people are walking in the door and interacting with staff. Mr. Slavin noted that it had been stated that the City had sufficient funds to cover the request from the carry-forward balances, and he assumed this was after applying the financial policy regarding where those balances would be directed. He expressed the desire to remind Council of those financial policies.

Mrs. Mitchell explained that the policy states that if the City has favorable revenues, they go toward capital, and if there are favorable personnel expenses, they are to go

toward Other Post-Employment Benefits (OPEB) and pension liabilities. She indicated that any favorability in operating expenses is not designated. Mrs. Mitchell advised that this money would have to come from either the revenue bucket or personnel favorability. She indicated that she had not looked at this recently; however, the last time she did, the operating expenses were generally breaking even and there was enough favorability in personnel to cover this request.

Mr. Slavin stated that the reason for those policies was so that if a large transfer tax or other source of revenue is known when the year starts, this revenue would be dedicated to a one-time expense rather than an ongoing expense. In addition, Mr. Slavin stated that there would be a little bit of risk, since the City could meet its bills this year but would be pushing hard on FY 2018 and would be adding additional expenses there.

Mrs. Mitchell agreed, stating that approximately $700,000 of the $900,000 in the General Fund was revenue, some of which had been used to purchase capital – the land by the police station. She reiterated that the $900,000 favorability was in the General Fund, noting that the Water/Sewer and Electric Funds were fine and had no problems.

Mr. Slavin stated that if the request receives a favorable recommendation, members may want to ask staff for more information by the time it comes to Council for action.

Mr. Hosfelt asked if $197,000 would be the total cost for five (5) employees plus benefits. Responding, Mr. Hudson noted that health care was expensive. Mr. Hosfelt stated that he thought it would be more, and this figure sounded low to him. In response, Mr. Hudson stated that this was what staff saw in the figures.

Dr. Stewart indicated that she shared Mr. Hosfelt's concern about the vacancies and asked what the center looked like when fully staffed. She questioned how many extra hours per week would be gained by moving two (2) positions to full-time and if this would justify basically doubling the cost. In response, Mr. Hudson stated that these employees would be busy and would not have down time or be sitting around. He indicated that the part-time employees currently work 29 hours per week and would work 40 hours per week as full-time employees.

Mr. Hare stated his understanding that, if the request was approved, there would be 24 employees in the Department, consisting of 22 full-time and two (2) part-time staff members. There would be a Meter Reading Supervisor, Cashier Supervisor, Billing Supervisor, and Customer Service Supervisor. Mr. Hudson noted that there would also be a Director. Mr. Hare asked if the supervisors are working supervisors. Responding, Mr. Hudson advised that supervisors have duties, do not just go out on the floor and direct, and are working supervisors.

Mr. Hare asked if meter readers work eight (8) hour days five (5) days per week. Responding, Mr. Hudson explained that meter reading includes reading and servicing meters, as well as doing disconnections and reconnections.

Mr. Hare questioned if this would be eight (8) hours a day, five (5) days per week for four (4) or five (5) people. Responding, Mr. Hudson stated that staff cannot keep up with the daily reports that they receive for cuts because they do not have enough individuals, noting that staff could experience anywhere from 175 - 200 cuts in one (1) day. In addition, he noted that staff must turn the power back on when the customer pays. Mr. Hudson explained that there had been issues in the past when they performed approximately 60 cuts in one (1) day. He stated that when a customer comes in at the end of the day after work and wants their electricity turned back on, this may not be done until the next day because the City does not have enough personnel to return and turn the power back on.

Dr. Stewart asked if staff had thought about hiring more part-time people instead of taking positions to full-time, since benefits become quite expensive. In response, Mr. Hudson explained that there had been problems in the past with hiring part-time employees, since these individuals are typically looking for full-time work. Although it was thought that some of those hired as part-time would become great employees, they ended up leaving because they needed full-time work with benefits. In addition, Mr. Hudson stated that part-time people do not put their heart and soul into the job because they are only there for a few hours, and the work ethic is not there. Mr. Hudson advised that staff is planning for two (2) part-time positions for the call center, one (1) of which will be filled by a current part-time employee who does not want any more hours. He indicated that staff hoped to find a retiree or someone who wants part-time work for the other position, but those individuals are few and far between.

Mr. Cole asked when the Department was last evaluated with its full staffing of 17 full-time and four (4) part-time employees. He noted that the current level was 11 full-time and four (4) part-time employees and the Department was obviously shorthanded, so there were a lot of waiting and calls. Mr. Cole stated that he was open to the request; however, five (5) more employees were being requested and it was not known what the Department would be like with 17 full-time and four (4) part-time employees.

Mr. Hudson explained that staff has a high number of interactions with people, some of whom consider this to be the height of their day, especially the elderly. He advised that, although he did not want to call these people complete shut-ins, they like coming in and talking to someone, and staff are probably the only ones that they will get a chance to talk to and they have to cut them off and move them on in the most courteous way. Mr. Hudson indicated that students come in, as well as realtors, since there are a lot of people moving in and out at certain times. He noted that he had been overseeing this operation for over a year.

Mr. Cole questioned if the Department had ever been fully staffed. Mr. Hudson stated that it had not. He indicated that the Mayor could attest to the fact that, at its height before employees started leaving, the Department was less in size than it had been some years ago.

Mr. Cole asked if the request for 17 full-time and four (4) part-time employees was based on where the Department needed to be or if staff was looking for more employees based on the 11 full-time and four (4) part-time employees. In response, Mr. Hudson stated that the Department was at 17 four (4) years ago, before the population in Dover grew. He explained that staff was asking for more people than everyone was now used to seeing; however, the request was for the Department to be exactly the same as it used to be years ago. Mr. Hudson advised that he was asking for the jobs that were in place before he came to the City and before Council cut jobs.

Mr. Cole stated that positions had not been cut, but the Department was reduced through attrition and retirement. Responding, Mr. Hudson stated that the Department was gutted. Mr. Cole noted that the Department was at 17 full-time and four (4) part-time positions and was still funded at that level. He advised that the request was now for 22 full-time and two (2) part-time positions, and was currently at 11 full-time and four (4) part-time, which was a total of 15 employees. He indicated that the Department was now short six (6) positions. Mr. Cole stated that the Department had always been at 17 and four (4) but had not been fully staffed.

Mr. Scott Koenig, City Manager, informed members that approximately five (5) or six (6) budgets ago, the Customer Service Department had no part-time employees and had only full-time employees. He noted that there was an additional cashier. Mr. Koenig advised that the City went through a period when the number of meter readers was downsized, as the City went to such things as automated metering. Mr. Koenig stated his recollection that there may have been a reduction-in-force in meter reading at one point; however, the reduction in Customer Service Representatives, etc. happened through attrition as the budget contracted. He advised that the City went through a three (3) or four (4) year period prior to 2011 when there was a contraction in the total number of employees. Mr. Koenig advised that previously there probably had been as many as 22 full-time employees, the same level that was now being requested. To Mr. Koenig's recollection, there had been no part-time employees, and he noted that the issue of part-time employees had been debated internally. He indicated that, although he would love to be able to say that staff could meet needs with part-timers, there had not been as much success with part-timers in this department as there had been, for example, in the library, which has a different type of work and work environment. Mr. Koenig explained that part-time employees in Customer Service may start out well, but then something changes, noting that they may not need to work anymore, or they get a full-time job elsewhere and are instantly gone. He stated that several months are spent training these employees, and then they take a position that is associated with full-time work.

Mr. Koenig indicated that the meter reader and managers who retired were all employees in the defined benefit pension plan, and the payroll burden of those wages was significant. He advised that new people coming in are in the defined contribution plan and, although the numbers for the medical package benefit are increasing, the overall payroll is not spiking like it would if they were in a defined benefit plan.

Mr. Koenig stated that if members reviewed some of the prior budgets from a number of years ago, they would see that staffing levels were at about the level requested. He indicated that the hope was to become more efficient; however, staff was challenged because the City, as a municipality, requires more paperwork than some other entities. Mr. Koenig explained that as there are more students, there are more required rental agreements, and the City tries to enforce rental permit ordinances and gets copies of leases and additional paperwork. He noted that the City does a lot of work for Catholic charities and people who are paying other people's utility bills, and also works with medical notes. Mr. Koenig indicated that the City has tried to apply additional pressure to get customers to pay, and staff must be able to take the money, cut the power, and turn the power on in a defined window. He noted that if it is too hot, staff has trouble cutting the power, and if it is too cold, the City cannot cut power by law. Mr. Koenig explained that staff has a backlog of work that had been growing over a number of years that had reached the point that the level of service was not being developed. He stated that a number of discussions had been held about changing the Enterprise Resource Systems. Mr. Koenig stated that, assuming this project goes forward, it would have a major impact on these employees because they are the interface of entering information into the billing system and pulling it out, and a workforce that is paying attention to detail is needed to accomplish this.

Mr. Koenig reiterated that a number of retirements were being seen, stating that staff was thin on corporate knowledge, and he noted that, in a municipality, corporate knowledge has meaning and value. He acknowledged that the request was a significant increase, stating his hope that at some point, if the positions were filled, the Enterprise Resource System is replaced, the new E-billing begins, and these type of process improvements are made, consideration could be given to whether the next position is needed, or if it should be altered to part-time. Mr. Koenig stated that the City had reached a level where Council members had expressed frustration and unhappiness, and the City's customers were at a disadvantage because the City was not providing the expected level of service.

Mr. Sudler moved to recommend acceptance of staff's recommendation and approval of the additional staffing for Customer Service as presented. The motion was seconded by Mr. Hutchison.

Dr. Stewart moved to amend the motion to three (3) full-time positions instead of the requested five (5). The motion was seconded by Mr. Hosfelt.

Mr. Sudler asked Mr. Hudson if three (3) full-time positions would work and how he felt about the amendment. Responding, Mr. Hudson indicated that staff would be behind and that they were hurting across the board. Customer Service agents were constantly moving those employees who could be moved into other areas of the operation because of sickness, emergency, or vacations. Mr. Hudson advised that staff had figured out that the request was at the optimal level needed so that the department is adequately covered if employees are on vacation or sick. He stated that the department may be a little thinner; however, they could still transparently cover all bases. Mr. Hudson stated that cutting two (2) people in an effort to save money could not work and urged members to come by and take a look if they did not believe him.

Mr. Hutchison advised that a lot of the people coming in for service are upset, whether for being cut or for something else, and having to wait in line makes the situation worse. He stated that this department has a very important job of serving the community day in and day out, and it was important that they have adequate staff to be able to do the work.

Mr. Hosfelt stated that this situation reminded him of an occasion before he was on Council when 10 police officers were added, and the impact of the addition was not known. He noted that there was an upcoming budget and it was unknown what the budget would bring in the coming year. Mr. Hosfelt expressed concern that adding five (5) positions mid-year sounded good now; however, he was unsure what it would sound like in July.

Mr. Hare noted that Mr. Hudson had invited members to come by, and Mr. Hare stated that he had been by and seen people standing in line while two (2) people in the side offices were sitting, laughing, and talking. Responding, Mr. Hudson indicated that he did not know what Mr. Hare had seen. Mr. Hare stated that when there is a line, there should not be anyone in the offices and employees should be out there doing something, whether they are a director, supervisor, or something else. He indicated that he did not disagree with hiring three (3) employees to get back to full staff, and if two (2) more were needed, two (2) more could be brought in. Mr. Hare stated that Mr. Hudson had advised that it takes six (6) months to hire an employee. Responding, Mr. Hudson advised that he had said that it takes six (6) months once employees are onboard to be trained to a proficient level.

Mr. Hare indicated that he did not think that anything would be lost by adding just three (3) employees, noting that if two (2) more were needed in three (3) to five (5) months, members could return to this matter, since only so many employees could be trained at one time. Responding, Mr. Hudson asked what Council was basing this on, stating that staff deals with this every day. He indicated that staff's request was not so that things would be easy for staff and so they could sit back, but they were making this request for a reason.

Responding, Mr. Hosfelt indicated that he did not think the request was for the purpose of making things easy for staff; however, he was concerned that the department had not been fully staffed for a period of time that Mr. Hosfelt was still not clear on, yet they want to be fully staffed and add five (5) positions. He stated that he did not understand why the department could not become fully staffed incrementally, see where it stood, and then come back and ask for two (2) or three (3) more employees if needed. Mr. Hosfelt advised that this would make more sense to him, stating that he was looking through the information and understood it; however, he stated that he did not think it was fair to come to Council asking to fill six (6) vacancies and state that five (5) more employees were needed.

Mr. Hudson advised that everyone was quick to say that they did not remember the Customer Service Department having this many issues years ago. He explained that over a number of years the department had been through attrition and had lost people, and they had not been able to get new people in. Mr. Hudson recalled having a conversation with Mr. Koenig when Mr. Hudson first came, and the idea at that time was that staff could not be added because Council had mandated not adding to the head count. Mr. Hudson stated that he did not know what else he could do and had to work with what he had; however, after doing this for a year, a number of people were coming to see him on a daily basis, the Mayor, or Mr. Koenig. Mr. Hudson stated that this problem would not go away by kicking the can down the road and putting a couple people here or there. He noted that he was not trying to put a strain on the budget; however, many members had been there and seen the types of issues that staff was going through.

Responding to Mr. Hudson, Ms. Marney stated that there were four (4) employees who had been discussed in terms of vacations. Mr. Hudson advised that four (4) employees had been neglecting to take vacations because they felt this would put an undue burden on their co-workers, and some of these individuals were in danger of losing time that they had accrued if it is not taken before the end of the year. He indicated that there was no way they would be able to do this, stating that he was asking for these employees to be able to take vacation without having to worry about being an undue burden on their co-workers.

Mayor Christiansen stated that he respected the opinions of all members of Council; however, he goes to Customer Service two (2) or three (3) times per week and it was absolute chaos when he was there the morning before. He indicated that he believed that, in addition to being fiscally responsible to its citizens, the City owes citizens a modicum of customer service, and he asked Council to consider this. Mayor Christiansen advised that he had worked with Mr. Hudson and Customer Service staff from time to time and saw some of the angst that they go through. He stated that members should rely on Mr. Hutchison's observations, as well as those of the remaining Customer Service staff, and provide the customer service that members of Council and staff had pledged to provide to the citizens. Mayor Christiansen noted that when he was there the day before, there were 13 people in line waiting for the three (3) Customer Service Representatives that were

there, as well as office staff, to have their bills resolved, or to have bills reprinted as the City required in new procedures that were adopted in January. He advised that he was the tenth person in line waiting to pay his bill. Mayor Christiansen indicated that he was unsure if Customer Service should be sacrificed, since this results in people contacting the City about the lack of customer service. Mayor Christiansen advised that he was unsure if this matter should be explored more; however, people need to be put in the trenches, and he is not someone that does that willy-nilly.

Mr. Slavin stated that members were trying to make decisions and there was a hunger for more information in order to do so. In the interest of compromise and keeping the wheels in motion, he asked the makers of the motion to amend the original motion to withdraw their motions, and that the Committee consider entertaining a motion to pass this matter on without recommendation at this time, with instructions to bring it back to Council two (2) weeks hence with the staffing plan for all 11 positions, when the posting dates and hiring dates would be, what the impact of those dates would be, and financial information from Mrs. Mitchell, including whether all 11 would be hired and start on the same day and, if not, if some would start in this fiscal year and others after July 1, 2017. In this way Council could address some of the concerns about what the costs are.

Mr. Hare asked how long it would take to get back to the original staffing level of 17 full-time and four (4) part-time positions. Responding, Mr. Hudson advised that paperwork holds up hiring, noting that after the interview and everything else, selectees who have college degrees must get their transcripts and then go through a background check, which takes time. He noted that entering the holidays might affect those who are responsible for the background checks, stating that his own hiring in January was held up by the things such as having to get his undergraduate and graduate degree information from the University of Pittsburgh during the holiday time.

Mr. Hare agreed that this matter could be deferred as Mr. Slavin had requested, noting that staff was authorized to hire 17 full-time and four (4) part-time positions and this would not happen in two (2) or three (3) months.

Mr. Slavin stated that he had offered the opportunity for Mr. Hudson and others to put the request together position by position, including when it was anticipated to advertise, interview, and hire for the positions and members could then consider the fiscal impact of that. He advised that there were two (2) concerns: 1) the staffing level and timing, and 2) the impact on the budget. Mr. Slavin stated that he thought everyone was in agreement that they wanted to solve the problem of customer service, expressing his appreciation for what everyone there had been going through. He informed members that he had been to Customer Service, but staff did not know this because he had pulled his baseball hat over his head since he had not paid his electric bill. Mr. Slavin advised that staff was not only doing a good job, but when they were under duress he did not see one person working for the City act like they

were under pressure, and they did nothing but act in a professional manner. He asked Mr. Hudson to pass that along to everyone there and thank them.

Mr. Sudler withdrew the motion to recommend approval of staff's recommendation for additional staffing for Customer Service, as presented. Mr. Hutchison withdrew his second.

Dr. Stewart withdrew the motion to amend the motion to three (3) full-time positions instead of the requested five (5). Mr. Hosfelt withdrew his second.

The Committee passed this matter on without recommendation to full Council for consideration at the next Council meeting, and instructed staff to provide a staffing plan with details of the timing of all 11 proposed hirings, as well as the fiscal impact on both FY 17 and FY 18.

During the Council meeting, Mr. Hare advised members that the proposal to increase the level of employees in Customer Service was brought before the Legislative, Finance, and Administration Committee, who had no recommendation and decided to send this matter to Council for further discussion and decision.

Mr. Slavin noted that staff had instructions from the Council Committee of the Whole to provide a staffing plan, the timing of the proposed hiring, and the impact on the FY 17 and FY 18 budget.

Referring to the Customer Services Department Staffing Needs Assessment Update 11/18/2016, Mr. Kirby Hudson, Assistant City Manager, advised that the top section of the spreadsheet, Current Vacancies, contained the information that Council had requested, including position posting date, when interviews were set up, the candidate to be chosen, and the hiring date. Referring to the Additional Vacancies Not Reported on Needs Assessment Prepared on 9/21/16 section of the spreadsheet, he stated that Ms. Denise Roberson, Customer Service Supervisor, had submitted her letter of retirement approximately two-and-a-half weeks ago, noting that she was a very important person in the organization. In addition, he stated that Mr. Ryan Carroll, who started off in Metering would be returning to Metering. Mr. Hudson explained that Mr. Carroll wore a number of hats and was out on the floor in the Customer Service area or working as a cashier and would be a great addition to Metering, which was missing some people. With reference to the New Positions section of the spreadsheet, Mr. Hudson stated that these were brand new positions being sought, in addition to backfilling the Current Vacancies.

In regard to Succession Planning, Mr. Hudson stated that starting in January, seven (7) employees would be eligible for retirement and would potentially be leaving at some point in the future. He noted that nothing had been heard about them retiring, but it is generally lucky to hear anything about retiring ahead of time. Referring to Cost Evaluation, Mr. Hudson advised that this information was provided by the Human Resources Department and pointed out the highlighted area which reflected a cost of approximately $194,000

In regard to the impact on the budget, Mr. Hudson stated that staff had pointed out that there were three (3) areas for carry-forward that had been approved by Mrs. Donna Mitchell,

Controller/Treasurer. He noted that there was approximately $60,937.50 from the Electric Fund, $19,597 from the Water/Wastewater Fund, and $16,965 from the General Fund. Mr. Hudson advised that they recently found out from a memo from Mrs. Mitchell that there was an additional $45,695 carry-forward in FY 17 from unspent funds from personnel savings.

Mr. Hutchison advised that the staff and personnel who work in the Customer Service Department have a very demanding and important job and, from personal experience, when you make a phone call there and get no answer and the phone rings and rings, that is wrong. He stated that the City must be able to take care of customers' needs and it was not doing that. Mr. Hutchison indicated that he, personally, had a bad experience there, as did Mr. Sudler, and this was not fair to the employees or to the City's customer base. He stated that he strongly supported addressing this issue and adding the current staff needed to take care of customer service and the Department's employees in doing the job that they are supposed to do.

Mr. Hudson stated that part of the problem was that, when trying to staff these positions, people generally think that all Customer Service people do is sit and answer the phone, take money, and that is the end of it. He noted that there is much more to the job, in addition to the heat that these individuals take when the lines are not moving fast enough. Mr. Hudson advised that he had been with this staff for approximately a year, since Mr. Scott Koenig, City Manager, asked him to help oversee all the operations. Mr. Hudson stated that the five (5) additional people requested would by no means put staff in a position to sit back, relax, and have down time. He explained that everything being asked for was needed, and he assured members that a lot of the complaints being discussed now would disappear if he got the right people.

Mr. Hare advised that he agreed with Mr. Hutchison to a certain degree; however, there was a need to be back to the full staff level first because the delays now were based on being down four (4), five (5), or six (6) people. He felt that it would behoove the City to get back to the full staff level and see how that works before deciding whether to add another six (6) or seven (7) people.

Mr. Hudson stated that prior to his time with the City, they were at the full staff level and it was not working, and this was why he was asked to come in and see what he could do about looking at things differently. He noted that having people leaving one (1) or two (2) at a time compounded the problem, and the Department was never at an optimal level. Mr. Hudson indicated that two (2) years ago, there were still complaints about long lines and people waiting on the phone, maybe not for 45 minutes, but certainly for 25 minutes or a half hour. He stated that filling the existing vacancies would be going back to what he was trying to fix in the beginning. Mr. Hudson advised that they would love to be able to wave a magic wand and get all 11, or however many people, there at once, but this would not happen. He explained that it takes time to get the right person, noting that they received over 100 applications for one (1) customer service agent position but had perhaps three (3) people that they seriously considered after going through everything. Mr. Hudson advised that everybody else was just putting in applications because they needed a job but did not have the skill set. He indicated that he had promised Mr. Koenig, the Mayor, and staff that, when all was said and done, he wanted Customer Service to be one (1) of the premier departments of the City, noting that he had only heard negative things about the Department when he came to the City. Mr. Hudson explained that he took the challenge to do better than just straightening it out so that it would not to be a department that people were trying to run away from but instead a place where they would like

to work. He stated that he cannot do this if he does not have people. Mr. Hudson stated that members were correct in saying that it is not fair to their constituents and residents, and someone who takes time from their job on their lunch hour to pay a bill should be in and out and not wasting their time waiting on the phone or being online to get service.

Mr. Lewis stated that it was important to provide constituents with essential services, and this was an essential service. He indicated that since Mr. Hudson could assure him and this Council that it would not affect the budget, that there is funding in the budget, and Council will not have to raise taxes because of this, he could support it. He thanked Mr. Hudson for his initiative in preparing the presentation.

Mr. Sudler asked if this department was the main source of income and money maker for the City of Dover. Responding, Mr. Hudson stated that it was the largest source.

Mr. Sudler indicated that, as a business owner, he knew the importance of good customer service as a business model, and if the City does not have good customer service, its business model would depreciate and profits would be affected. He stated that he fully reported staff's recommendation and felt that it was imperative that Council give the staff needed to be successful so that constituents will feel that their needs are being addressed ASAP, and that the frustration that they and Mr. Sudler were feeling as consumers, would no longer be in existence.

Mr. Cole asked if additional staff had previously been requested midway through a budget year by departments who were down and not fully staffed. Responding, Mr. Koenig advised that it had happened before, the largest request being the addition of police officers three (3) budget cycles ago. Mr. Koenig informed members that the initial memo had indicated that staff was asking for an increase in the budget for the Customer Service area of approximately $97,000 for FY 17. He explained that this additional funding would come from carry-forwards from FY 16 and be funded, if authorized by Council, when staff brings the budget amendment forward. Mr. Koenig noted that the information in the email from Mrs. Mitchell dated November 21, 2016, regarding FY 16 and FY 17 Budget Savings indicated that the City has some salary savings in the current budget for FY 17, at least in the General Fund. He stated that a budget adjustment would need to be made, at least in the Water/Sewer and Electric Funds, that would cover the additional cost associated with the request. Mr. Koenig advised that the annualized cost to fully fund the proposal in FY 17 dollars was roughly $195,000 for the full year with everybody on board. He stated that the FY 18 cost of the same thing would probably be a 3% - 5% increase because there would be a step increase that is under contract, there may be some adjustments related to medical insurance, and staff was not sure of the cost at this point. Mr. Koenig estimated that the FY18 cost of the proposal would probably be roughly $205,000 if fully staffed all year from July 1, 2017 to June 30, 2018.

Mr. Cole asked if taxes were raised when positions were added to the Police Department. Responding, Mr. Koenig stated that they were; however, a combination of things happened. He explained that those 10 positions were authorized in December, several police officers were sent to the academy in the spring, and the balance of the complement went to the academy in September of the next year. Mr. Koenig advised that in the intervening time between December and July, there was a proposed tax increase that accompanied that budget, and one (1) of the drivers was the additional police officers. He stated that in the case of the Police Department, it probably took two

(2) budget cycles to see the full cost because there were additional costs that had to be woven into the budget over more than one (1) cycle to get the full cost of those 10 officers in the budget. Mr. Koenig advised that he believed that those officers are fully staffed or at least in the academy at this point and will be making their way out to the streets shortly. He stated that in the case of Customer Service, staff was recruiting for existing positions. Mr. Koenig indicated that two (2) vacancies were happening, one (1) because of retirement and one (1) because a person was going back to the area where they previously worked; therefore, there were vacancies plus the additional positions. He stated that the $97,000 was probably a slight overestimate of the amount of money that would be needed because the City would have to get those positions filled.

Mr. Koenig stated that, as Mr. Hudson had indicated, there had been a lot of interest in positions, but as the funnel whittles down to the people that are interested, qualified, and that the City wants to represent its customers, the group of people tends to narrow, and it will take time to get fully staffed. He advised that, from the management standpoint, if the proposal was authorized, staff would then have the goal in mind and could work toward getting fully staffed, noting that full-year costs would hit the full budget in FY 18.

Mr. Hosfelt asked Mr. Hudson if he could guarantee that there would not be a tax increase in the next fiscal year to cover the request. Responding, Mr. Hudson stated that this was what the figures were showing. Mr. Koenig stated that staff cannot guarantee at this point that there would not be any rate or tax increases as part of the FY 18 budget. Mr. Hosfelt agreed, stating that this was the point he was trying to make. He stated that he was being told that going into next year and looking at a coming item on the agenda, members were looking at adding approximately $355,000 to the budget, and the budget process for the next year had not even been started.

In response to Mr. Koenig, Mr. Hosfelt stated that he was talking about a second request, and Mr. Koenig stated that this item was a potential addition to the budget. Mr. Hosfelt noted that $355,000 would potentially be added to a budget that they had not started, yet someone was telling him that there would not be a tax increase. He stated that he also wanted to have all the staff; however, the Department was not even fully staffed and did not know where it had been. Mr. Hosfelt suggested getting fully staffed and coming back with numbers to tell members where they are, what the call volume is, and how much time it is taking when fully staffed. He advised that he could not support this request until becoming fully staffed, stating that a lesson should have been learned three (3) budget cycles ago. Mr. Hosfelt advised that a 19% tax increase had then been sold in the interest of public safety. He indicated that he wanted to support the workforce but could not support it with this plan, stating that if they want to be fully staffed, they must give him some numbers based on that.

Mr. Hudson stated that he heard what Mr. Hosfelt was saying; however, the Customer Service Department system was not working when he first got here. Responding, Mr. Hosfelt noted that no one came to him or to Council at that time saying that this needed to be done. Mr. Hudson stated that no one in the Department felt that they had a voice, noting that he was the first to stick up for the whole crew. In response, Mr. Hare noted that the City Manager had stuck up for them as well.

Mr. Hudson stated that he did not want this body to be disillusioned, since if they were at full staff the Customer Service Department would still have the same problems, which would not go away.

He expressed his hope that by taking this route he would have leeway further down the line to make things better and reiterated that the problems would not just disappear because they were at full staff.

Mr. Hare, concurring with Mr. Hosfelt, stated that they could come back and look at this when the department is fully staffed to save the City from hiring another seven (7) people. He indicated that maybe only another two (2) or three (3) people were needed, noting that the department had not been fully staffed for so long that this was unknown.

Mr. Hudson asked that members look at what was being proposed, which was more than just bodies, but included where those people would work. For example, he stated that there were five (5) full-time Customer Service Agents in the front, some of whom would still be responsible for servicing a customer and getting on the phone when that customer is done. Mr. Hudson advised that, as part of the proposal, two (2) part-time people would be in a call center and would be answering the phone at staggered times. The five (5) people out in front would not necessarily have to man the phones since there would be dedicated people in the back. During high volume times, Staff can be adjusted to make things faster as a whole.

In addition, Mr. Hudson stated that there would be full-time, qualified people out on the floor, rather than part-time people who may stay for a few weeks, be trained, and then be out the door because they found a full-time job, noting that the proposal would eliminate this. He advised that there would also be a full-time collector, which the Department had not had in many years. Mr. Hudson indicated that it was staff's hope that this collector could be on the phone as soon as a customer is one (1) day late, which would help cut down on sending out meter readers to cut power. He explained that older accounts were being sent to SIMM Associates, the new collections agency, but that is for older accounts that staff could not get to previously under regular circumstances. Mr. Hudson stated that staff had a plan and was also looking to backfill someone in the cashiers section, noting that cashiers take in a lot of money.

Mr. Koenig advised that the total staffing level would take the Department back to roughly the same staffing level it was at in FY 2008. He noted that the positions would be in different places because in 2008 there were a number of meter readers, and new technology had taken that over. Mr. Koenig explained that the problem staff was experiencing was that there were more accounts, in some cases hundreds more accounts. He stated that the Leander Lakes apartment complex next to the new Dover High School represents hundreds of rental accounts, which are more time intensive than single-family home ownership because they turn over more. Mr. Koenig noted that staff must get copies of leases and lease addendums and there are a number of different things associated with rental properties. He reminded members that there had been discussion at the Council level about the number of rental properties in the City, and that number has a direct effect on the customer service operation.

Mr. Koenig advised that staff was asked by members to come before Council with a proposal to resolve their concerns about the level of service, noting that more than one (1) councilperson had expressed dissatisfaction with the level of service. From a staffing standpoint, he stated that staff had spent the better part of five (5) years trying to hold the line and reduce staff to the point where some systems had failed, and he had heard about this failure from a number of members of Council. Mr. Koenig informed members that Customer Service is the area that collects roughly $140M in

revenue for the City, from water and sewer payments to tax payments and miscellaneous bills. He indicated that $130M - $140M runs through this office, and this is the cash register for the City. Mr. Koenig stated that when staff tries to get customers to pay the City on time, they are unable to cut service to the number of people who owe money because there is not only the activity of creating the cut list, but also doing cuts and reconnects. He advised that this cannot be done with the number of people that are assigned to these activities. Mr. Koenig stated that this leaves a growing level of money owed to the City of Dover, noting that it is not comfortable talking to Council about this because staff are the ones who are held accountable for collecting the funds. He indicated that he understood the frustration of being in the middle of the budget year; however, staff was there because several members of Council asked them to prepare a plan and bring it forward. Mr. Koenig advised that this could wait until the next full budget; however, the decisions would not get any easier or cheaper because these five (5) people would still cost roughly $195,000 if they are hired in July of next year versus January. He stated that, in the current environment, staff could not guarantee that there would not be a tax or utility rate increase proposed because of things happening around the City. He stated that it was unknown what the State would do regarding State revenues. Mr. Koenig stated that this proposal, annualized as a $140M revenue, was not a lot of money in the big context of the budget. He noted that starting to add three (3) or four (4) different things would make it tough to bring in a balanced budget for FY 18; however, a number of people that have day-to-day interaction with this department were dissatisfied with it. Mr. Koenig stated that it was not because employees were not trying to provide a level of service. He noted that it is a difficult environment, some of the customers are angry, everybody wants immediate service as soon as they walk in, and nobody likes to stand in line and wait to be addressed for these types of activities. Mr. Koenig explained that staff was stuck between a rock and a hard place, wanting to provide the level of service but simply unable to do so with the existing people. He noted that adding in vacations, lunchtime, auto accidents, or illness makes the problem even worse.

Mr. Koenig stated that there were people retiring who had been there for at least 20 years and usually 25 plus years, which does not result in a one-to-one replacement. He noted that an employee working in this system for 25 years knows the utility billing, accounting, and customer service side, and it takes a substantial amount of time, a year or more, for someone new to learn the job. Mr. Koenig reiterated that staff developed this proposal because they had been asked to address the issue. He stated that he was hopeful that Council would authorize the additional funds to address the issue so that staff could go back, finish the plan, and put together a level of service that will reduce the complaints that members had been receiving with respect to this activity.

Mr. Cole suggested that some kind of compromise would move this matter forward.

Mr. Sudler stated that he was one of the Council members who asked for a proposal and could no longer stand by and watch his constituents be frustrated, or get the calls that he had been getting. He also stated his personal concerns about watching the City's Customer Service Department depreciate, based on the budget. Mr. Sudler expressed respect for members' concerns about the budget; however, he stated that constituents were the first priority and if constituents were saying that this was not working, Council had to make the tough decision to rectify the problem. He stated that he would support staff's recommendation and thanked the employees who had sacrificed by deferring their vacation time until it can be given to them. Mr. Sudler indicated that he did not feel

it was fair to employees to play with their vacation time because members cannot come to an agreement to authorize them to have adequate employees to provide great customer service.

Mr. Hare asked when the office was last fully staffed. Responding, Mr. Koenig estimated that they had been fully staffed two (2) years ago and had been down a couple of people for two (2) years.

Mr. Hare stated that the Department had been working without full staffing for the last two (2) years and all of a sudden needed five (5) more people. He indicated that they needed to be back to full operational staff and then see if two (3), three (3), or seven (7) more people were needed.

Mr. Hudson stated that two (2) years ago there were not enough staff to go out and make cuts. Responding, Mr. Hare advised that this matter was brought to members now, not two (2) years ago, and now it was being said that seven (7) more people were needed. In response, Mr. Koenig stated that five (5) full-time employees were needed. He explained that some of the part-time employees were created out of a full-time position several years ago in trying to maximize the number of hours that were available. Mr. Koenig reiterated that a number of retirements had created additional challenges. He stated that the request was for an increase in full-time staff of five (5) employees and a reduction of part-time staff from four (4) to two (2).

Referring to the Customer Services Department Staffing Needs Assessment, Mr. Hosfelt noted that the Department lost an employee on January 20, 2016 and it took three (3) to four (4) months to get permission to recruit. Responding, Mr. Koenig advised that this collections position was being held because staff was asking to convert it to full time. He explained that this occurred prior to Council becoming interested in this issue.

Mr. Hosfelt asked Mr. Sudler how many complaints he had received. Responding, Mr. Sudler stated that he could not answer offhand; however, there are 30 units leased at his property and all of them complain, in addition to others in the Fourth District. Mr. Hosfelt asked if Councilman Sudler had any idea how many there were, and Mr. Sudler stated that he did not. Mr. Hosfelt noted that there are 38,000 people in the City and members were possibly advocating to raise taxes for 30 people, and questioned what the percentage was.

Mr. Neil advised that the bigger picture was the image of the City and how to serve constituents. He stated that complaints had come not just from Mr. Sudler but from Mr. Hutchison and others that the City was not doing its job. Mr. Neil stated that he would vote to approve the request, but if it was approved it would take a long time before people would be hired, trained, and doing the job that is necessary. He noted that, in the meantime, the money would not be spent until the employees are hired, trained, and gearing up to do the job. Mr. Neil indicated that these are the people who are responsible for bringing money into the City for the services that customers are paying for. He expressed the need to give staff a chance, based on what had been discovered and proposed. Mr. Neil stated that there would not be an immediate result and it would take time; however, there was a need to give this plan a chance to perform, which could not be done by waiting to see what happens when everybody authorized is hired. He noted that hiring the employees who were already authorized would not do the job because it would only allow staff to catch up to what they had not done before.

Mr. Hutchison stated that Mr. Hudson had been there on an everyday basis for the last year, and Mr. Hutchison had listened to Mr. Hudson's frustrations, concerns, and complaints. He acknowledged that it took Mr. Hudson a year to bring this matter forward but, based on Mr. Hutchison's personal experience and discussion with Mr. Hudson about the frustrations in the workplace, he did not feel members had a choice and must step up to the plate and address this issue.

Mr. Hare questioned why it was not being made a priority to get the positions filled, noting that the office had not been fully staffed for two (2) years. He asked why the Human Resources (HR) Department was not getting them filled. Mr. Hare acknowledged that there may be some issues and he had been to Customer Service both when there were lines and when there were not, and had seen people sitting in the offices. He stated that there had been complaints and he could understand if the department had been fully staffed for two (2) years and the City was having these issues. Mr. Hare indicated that he would like to see what it would be like if it were fully staffed. He stated that it could take six (6) or eight (8) months to get back to full staff based on what had been happening in the last two (2) years and until they were fully staffed, he could not support another five (5) full-time people.

Mr. Sudler moved to accept staff's recommendation to approve the five (5) additional employees for the Customer Service Department. The motion was seconded by Mr. Hutchison.

Mr. Hosfelt stated that he thought it was amazing that Council was going to do this for less than 1% of the population.

Mr. Lewis asked if the Customer Service Department was an important department in the City that had in the past brought in revenue to offset tax increases, and Mr. Koenig stated that it absolutely had.

The motion to accept staff's recommendation to approve the five (5) additional employees for the Customer Service Department to relieve stress was carried by a roll call vote of five (5) yes (Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Hutchison, and Mr. Slavin), three (3) no (Mr. Cole, Mr. Hosfelt, and Mr. Hare), and one (1) absent (Mr. Anderson).

Study of City's Current Recruitment/Hiring Processes (Request of Councilman Lewis) (Deferred by the Committee during the meeting of October 25, 2016)
The Committee deferred this matter until the conclusion of the Human Resources fact-finding investigation, which was just approved at last night's Council meeting (11/14/2016).

Proposed Ordinance #2016-21 Amending Chapter 2 - Administration, Article IV - Officers and Employees, Division 5 - City Clerk, Section 2-281 - Appointment; Chapter 22 - Buildings and Building Regulations, Article II - Building Inspector, Section 22-31 - Office Created; Appointment; and Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-124 - Fire Marshal (Deferred by the Committee during the meeting of October 25, 2016)
Mr. Hutchison informed members that under the current ordinance, the Fire Marshal, the Building Inspector, and the City Clerk come up for reappointment at the Annual

Council meeting, and these individuals serve at the pleasure of Council. He recalled that Mr. Lewis had made a very good point at his very first meeting that he did not feel comfortable in voting to support these individuals because he did not know them and had not had an opportunity to work with them. Mr. Hutchison stated that if the ordinance were changed, these individuals would not have to come up for reappointment, and he reiterated that, once they are appointed, they serve at the pleasure of Council.

Mr. Sudler asked if members would have to evaluate their performance if they were not up for reappointment and, if not, if Council would be able to terminate their employment without a performance appraisal. Responding, Mr. Hutchison stated that the Proposed Ordinance would do nothing about evaluation and Council would still have a responsibility to evaluate its staff on a regular basis.

Mr. Sudler questioned what the advantage would be of changing what is currently in place. In response, Mr. Hutchison stated that these individuals, in most cases, had been appointed a long time ago, and the advantage would be that new individuals who were just elected to City Council and do not know staff would not have to vote on them. Mr. Hutchison noted that these individuals would have already been confirmed based upon their education, experience, and job knowledge and they would still serve at the pleasure of the Council.

Mr. Lewis stated, with all due respect to Councilman Hutchison, that he thought members were treading in murky water with this proposal. He noted that, when first sworn in to Council, he had made the comment that he did not have time after just coming onto Council to evaluate or review the personnel files, and thought it would be inappropriate to vote on someone that he knew nothing about. He indicated that he still stood by this. Mr. Lewis stated concern that by adopting the ordinance, members would be creating a Supreme Court where these people would be put in for life terms.

Mr. Hutchison stated that it was important to keep in mind that staff appointees serve at the pleasure of Council and they would carry on after having been appointed by Council before. He reiterated that every year newly elected officials were being asked to look at someone that they really do not know.

Mr. Lewis asked if it was not members' duty as elected officials to reappoint these individuals, noting that this practice had been in existence for years. He stated he was sure that this practice had been in practice when Mayor Christiansen was serving as City Council President and that it had been implemented for a reason.

Mr. Hutchison asked members to keep in mind that these employees serve at Council's pleasure.

Mr. Lewis stated that he understood; however, he had dialect with the Human Resources (HR) Director and was told that this was not true and that Council and the

employees may serve at Council's pleasure, but Council cannot just dismiss these employees like that and has to take progressive discipline. Mr. Hare stated that Council did not have to.

Mr. Hutchison expressed his hope that Council would use progressive discipline. He stated that it would not be fair to even consider telling someone who walked in today that they were done, and it would absolutely be the responsibility of Council to sit down, discuss this, and evaluate them.

Mr. Lewis indicated that if Council would like to dismiss a Council appointee mid-year, this would become very controversial and possibly bring lawsuits, and Council would be stuck trying to find somebody, as opposed to keeping the current practice and deciding not to reappoint them at Council's annual meeting if they were dissatisfied with performance. Mr. Hutchison questioned how many times this had been done over the last 50 years. Responding, Mr. Hare indicated that he knew of two (2) times. Mr. Hutchison asked members to consider appointing these individuals and not having to reappoint them every year at the Annual Meeting.

Following up on what Mr. Lewis had said, Mr. Hare stated that two (2) years ago there were five (5) new Council members. He asked what those five (5) people would do if they did not want to reappoint someone who had been there forever. Responding, Mr. Hutchison advised that if Council had a problem with one (1) of these staff members, they would not want to wait until the Annual Meeting to say goodbye.

Mr. Hosfelt stated that if an employee was not reappointed, as Fire Marshal for example, they would still be employed by the City, and Council would not be able to terminate a person without cause because they have five (5) votes. He indicated that he thought that this would probably apply to only two (2) positions within the City.

Mr. Hare indicated that he thought the City Solicitor and Deputy City Solicitor should be appointed every year because members might want to find out if someone else could offer a better deal rather than Council saying that they would not worry about it and go with whatever the City is charged. Mr. Hare estimated that it takes approximately 10 minutes every year to reappoint everyone and stated that he thought this would be changing something that really does not need to be changed.

Mr. Sudler advised that he is always open to new ideas but was not comfortable with how this would impact Council's power in regard to removing or appointing. He indicated that he would abstain from voting if this matter was voted on that night, stating that he was not comfortable and that more information and clarity was needed to make an educated decision on how this would affect City Council members and their right and power to appoint or remove someone. Mr. Sudler stated that, with all that had gone on recently in general, he was not comfortable giving someone supreme power where they would be appointed forever.

Mr. Slavin thanked Mr. Hutchison for bringing this issue up. Noting that this conversation was probably unsettling to appointees, he advised that he wanted to make sure that they understood that this was not directed to anyone in particular, stating that this was not the import of the dialogue that members were having. Mr. Slavin stated that, in his opinion, there was a huge difference between removing an appointee and simply not reappointing someone. He advised that at-will employees serve at Council's pleasure and that the advice that Mr. Lewis was given was simply not the case. Mr. Slavin stated that there is a legal opinion that states that they serve at Council's pleasure, and case law supports that as well; however, there is a court of public opinion, and removing someone in the middle of an appointment requires Council to explain that in ways that are understood and accepted by a large portion of the City. As a clear example, he indicated that the ordinance governing the City Manager states that if the City Manager is removed, Council has to provide reasons why. Mr. Slavin stated that it is clear that there is a reappointment process, but there is also a process which is similar, yet not similar, for removal. He advised that he would be very careful about this, stating that he feels it would be a very slippery slope and he has the feeling that it is not broken.

Mr. Lewis stated that he had just been offering a synopsis with respect to why he did not think this measure should be approved. Mr. Slavin stated that Mr. Lewis had referenced receiving advice saying that Council had to go through progressive discipline and, legally, this was not the case. Mr. Lewis stated that he had dialect with the HR Director and that is what he was told.

Mr. Sudler moved to defer this matter for additional research and clarity for future reference.

As a point of order, Mr. Slavin stated that deferring usually carries a date to be deferred until and that Mr. Sudler could postpone it indefinitely. Mr. Sudler withdrew his motion.

Mr. Lewis stated that, with respect to having dialect with the HR Director, he was also told that progressive discipline was in the City's Employee Handbook.

The Committee recommended postponing the issue indefinitely.

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

Proposed Ordinance #2016-26 Amending Chapter 2 - Administration, Article III - Standing Council Committees

Members were advised that during their Regular Meeting of December 14, 2015, City Council adopted Resolution No. 2015-16, which changed the Committee meeting format to a Committee of the Whole format on a trial basis. On May 23, 2016, Resolution No. 2016-05 amending Resolution No. 2015-16 by setting the Committee of the Whole meetings for the second and fourth Tuesdays of the month through

May 31, 2017, was adopted. It also directed that, if Council chooses to adopt this meeting format, an Ordinance amendment regarding the Standing Committees would be presented for adoption prior to the Annual Meeting in May.

Mrs. Traci McDowell, City Clerk, advised members that the Proposed Ordinance would set up the Council Committee of the Whole with each of the Council standing committees serving as subcommittees. The Council President would chair the Council Committee of the Whole and select the chairs of the subcommittees. She advised that the Council President and the chairs of the committees would each select one (1) civilian member to serve, as is currently done.

Mr. Lewis asked, if this route was chosen, if only one (1) civilian would be appointed, since the whole Council would be present. Responding, Mr. Hare stated that the Council President and the committee chair would each appoint one (1) civilian member.

Mr. Lewis questioned if civilians were necessary if the full Council would be present. Responding, Mayor Christiansen stated that when the original committee format was established many years ago, it was felt that civilians should be brought on as part of the committees in order to have a broad view of City issues and the input of the public. He stated that he thought it imperative that this format continue because, while the Mayor and members are elected officials, it is important to have citizens participate on any issues brought before Council. Mayor Christiansen cautioned Council not to abandon the time-honored tradition of having citizens participate from ground zero in the committee format. Mr. Lewis stated that he had the utmost respect for Mayor Christiansen and would definitely keep this under advisement.

The Committee recommended adoption of Proposed Ordinance #2016-26.

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

Proposed Ordinance #2016-27 Amending Chapter 18 - Animals, Section 18-4 - Running At-Large, Section 18-5 - Dog Licenses Required, and Section 18-10 - Same-Seizure and Impoundment, and Appendix F - Fees and Fines

Lieutenant Christopher Hermance, Special Forces Unit Commander, Dover Police Department, advised members that in January, the Department's Animal Control Officer initiated warrants on a suspect. In the text of the charge, the City ordinance referred to Title III and Title VII of the Delaware Code; however, at the first of the year the State changed all the animal-related charges to Title XVI under Health and Human Services, which the Office of Animal Welfare falls under. Lieutenant Hermance stated that the City's ordinances were referring to charges that do not exist. He reviewed changes made in the Proposed Ordinance, noting that, Sec. 18-4. - Running at large. (a) Unlawful would be changed to state that "It shall be unlawful for any person to permit any dog to run at-large" rather than any animal. Lieutenant

Hermance noted that the Department can only enforce the ordinance in relation to dogs, since this was all that they are capable of handling at this time.

Staff recommended adoption of the Proposed Ordinance.

Mr. Hosfelt moved to recommend adoption of Proposed Ordinance #2016-27, seconded by Mr. Hutchison.

Mr. Hare asked if the City would eventually get to cats. Responding, Lieutenant Hermance informed members that the Department was only able to take dogs to the Brandywine County Society for the Prevention of Cruelty to Animals (SPCA), and there are no contractors for cats at this time. He noted that staff was working with the Office of Animal Welfare to look at agencies that might come in with grant-related activities to collect the numerous cats in town.

The Committee recommended adoption of Proposed Ordinance #2016-27.

During the Council meeting, Mr. Lewis requested clarification, stating that he went home and re-read the code after the last Council Committee of the Whole meeting. He advised that under Section 18-4.(b), the last sentence states, "Should any police officer or animal control officer be unable, after using reasonable and diligent efforts, to apprehend such animal, he may destroy it." Mr. Lewis questioned the word "destroy", stating that mistakes happen, and if an animal hops a fence or digs a hole under it and gets out, the animal control officer tries to apprehend the dog. He stated that he has a dog that would not come running to the animal control or police officer and may be hesitant. Mr. Lewis asked if the officer would be authorized to shoot the dog. Responding, Police Chief Paul Bernat stated that officers had destroyed dogs in the past and those were vicious dogs, not dogs that could not be apprehended. He stated that this would be covered the way the code was written.

Mr. Lewis indicated that he would like to amend the ordinance to state "if the dog is vicious and attacks the officers." Chief Bernat noted that the dog could attack other people as well.

Mr. Lewis stated that other individuals could also be included. He advised that he would be pretty upset if his dog dug a hole, got underneath the fence, was at large, did not come to the officer when called, and was destroyed, under the code as written.

Mr. Lewis moved to amend the ordinance to state "if the dog is vicious and attacks the officer or others," seconded by Mr. Sudler.

Mr. Slavin advised that there was a motion to amend the proposed ordinance to include language referencing an animal acting in a vicious capacity toward the public or to the officer, with the exact language to be brought forward.

The motion to amend the proposed ordinance to include language referencing an animal acting in a vicious capacity toward the public or to the officer, with the exact language to be brought forward was unanimously carried.

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 the Committee during the meeting of October 25, 2016)
The Committee recommended postponing this matter indefinitely.

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

Mr. Lewis moved for acceptance of the Council Committee of the Whole Report, seconded by Mr. Sudler and carried by a unanimous roll call vote (Mr. Anderson absent).

REVIEW OF REQUEST FOR UTILITY CONNECTION ASSISTANCE - 420 REED STREET

During their Regular Meeting of September 26, 2016, City Council referred the request for utility connection assistance at 420 Reed Street back to Staff for a report back in 60 days.

Mr. Scott Koenig, City Manager, advised that the MauTiste Investment Group, Michael Maupin, Managing Director, had proposed the construction of six (6) duplex residential units at 420 West Reed Street. He stated that the request for utility connection assistance for the project included electrical system upgrades in the amount of $7,100 and water/sewer system upgrades in the amount of $59,915.

With regard to requests for assistance in the Downtown Development District, Mr. Koenig recommended that the City of Dover budget $50,000 for utility connection assistance for each utility (water, sewer, and electric) for a total of $150,000 per budget year. He recommended that the funds be reserved on a first-come, first-served basis and that the funding be capped at a maximum of $25,000 per utility, per project. Mr. Koenig advised that the previously approved allocation of $30,000 from the water fund to Mr. Brandon Pelton for the proposed extension of water service and fire line to 131 West Loockerman Street would be honored; however, future requests could not exceed $25,000.

Mr. Koenig recommended that the $150,000 for FY 17 be included in the first budget amendment being considered by City Council in the coming weeks. He noted that the water, sewer, and electric funds had prior year favorability from FY 16 which could be used to fund this incentive for FY 17. Mr. Koenig stated that the future funding will become part of the baseline budget request for FY 18 in the amount of $150,000. He advised that if the recommendations were approved, the MauTiste Investment Group would qualify for $7,100 reimbursement for electric connection expenses, up to $20,000 in water connection assistance, and up to $25,000 in sewer connection assistance.

Mr. Koenig noted that there had been substantial discussion about the costs associated with the extension of utilities in the downtown area being a detriment, or cause for delay, for a number of projects. He advised that this is an extension of infrastructure to serve existing and/or future customers, not an extension of free service, and that all of these extensions actually add value to the

property which indirectly, at some point, increases the taxable value of the property and increases the City's revenue projection from these properties in the future.

Mr. Koenig reminded members that the City had granted exemptions for building and other permits and had offered a tax incentive, in addition to reimbursements available from the State and County, to entice additional development downtown. He stated that those incentive had not been enough to spur the expansion that they expected to see in the Downtown Development District.

Staff recommended authorizing the City Manager to budget $150,000 in the first budget amendment to the FY 17 budget and to implement a utility connection assistance incentive in the Downtown Development District, with the exception of a previously approved incentive in the amount of $30,000 for 131 West Loockerman Street. The incentive package will not exceed $25,000 per utility per project. Incentives are committed on a first come first served basis.

Mr. Sudler moved for approval of staff's recommendation. The motion was seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hutchison, and Mr. Slavin), two (2) no (Mr. Hosfelt and Mr. Hare), and one (1) absent (Mr. Anderson).

ELECTION OF OFFICERS - ROBBINS HOSE COMPANY - YEAR 2017 FIRE LINE OFFICERS

The Fire Line Officers of the Robbins Hose Company are elected annually on the third Monday of November. Members were provided the results from the November 21, 2016 Robbins Hose Company Election for consideration as follows:

Fire Chief	-	Carleton Carey, Jr. *(uncontested)*
Deputy Fire Chief	-	Ronald Rhodes *(uncontested)*
First Assistant Fire Chief	-	David Carey *(uncontested)*
Second Assistant Fire Chief	-	Glenn Whitt *(uncontested)*
Third Assistant Fire Chief	-	Michael O'Connor, Jr. *(uncontested)*
Fourth Assistant Fire Chief	-	Michael O'Connor, III *(uncontested)*
First Fire Line Captain	-	Christopher Jacobs
Second Fire Line Captain	-	Sean Byron *(uncontested)*

By consent agenda, Mr. Neil moved for acceptance of the Fire Line Officers for Robbins Hose Company No. 1 for the Year 2017, as submitted. The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote (Mr. Anderson absent).

REZONING REQUEST FOR PROPERTY LOCATED ON THE WEST SIDE OF MCKEE ROAD - FIRST READING OF PROPOSED ORDINANCE #2016-28

A request was received to rezone property located on the west side of McKee Road north of College Road between 1216 and 1282 McKee Road, consisting of $4.35^{+/-}$ acres, owned by George J. Kays and John J. Kays. The equitable owner is Medcore Partners c/o Michael Graham. The property is currently zoned C-PO (Commercial and Professional Office) and subject to the COZ-1 (Corridor Overlay Zone) and the proposed zoning is IO (Institutional and Office) and subject to the COZ-1 (Corridor Overlay Zone).

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

Mr. Hare moved to refer the request to the Planning Commission on December 19, 2016 and set a public hearing for January 9, 2017 at 7:30 p.m. The motion was seconded by Mr. Neil and unanimously carried.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of Proposed Ordinance #2016-28 as read by the City Clerk, by title only, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED ON THE WEST SIDE OF MCKEE ROAD

FIRST READING - PROPOSED ORDINANCE #2016-24 AMENDING APPENDIX B - ZONING

Council President Slavin stated that consideration of this item was handled via their motion regarding the Fordham and Dominion Brewing Company and that Council did not need to take action.

FIRST READING - PROPOSED ORDINANCE #2016-25 AMENDING APPENDIX B - ZONING

Council President Slavin reminded the public that copies of the proposed ordinance were 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. Since the ordinance amends the Zoning Code, a public hearing is required. Staff recommended referral of the ordinance amendments to the Planning Commission on December 19, 2016 and that a public hearing be set for the Council Meeting of January 9, 2017, at 7:30 p.m., at which time final action by Council will take place.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the ordinance amendment would prohibit tractor trailers from parking in residential zones and in the lower intensity commercial zones and would limit the parking of tractor trailers to areas designated as either loading spaces or tractor trailer parking in the more intense commercial zones.

Responding to Mr. Hare, Mrs. Townshend stated that the Dover Code does not address the number of vehicles permitted to be parked in residential zones.

Mr. Neil moved to refer the amendments and set a public hearing before City Council for January 9, 2017 at 7:30 p.m., as recommended by staff. The motion was seconded by Mr. Lewis and unanimously carried.

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

PROPOSED ORDINANCE #2016-25 AMENDING APPENDIX B - ZONING, ARTICLE 6 - OFF-STREET PARKING, DRIVEWAYS AND LOADING FACILITIES AND ARTICLE 12 - DEFINITIONS

(Parks, Recreation, and Community Enhancement Committee)

FIRST READING - PROPOSED ORDINANCES

Council President Slavin reminded the public that copies of the proposed ordinances are 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. Final action by Council on the proposed ordinances will take place during the Council Meeting of December 12, 2016.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the proposed ordinances as read by the City Clerk, by title only, as follows:

PROPOSED ORDINANCE #2016-26 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE III - STANDING COUNCIL COMMITTEES

(Legislative, Finance, and Administration Committee)

PROPOSED ORDINANCE #2016-27 AMENDING CHAPTER 18 - ANIMALS, SECTION 18-4 - RUNNING AT-LARGE, SECTION 18-5 - DOG LICENSES REQUIRED, AND SECTION 18-10 - SAME-SEIZURE AND IMPOUNDMENT, AND APPENDIX F - FEES AND FINES

(Legislative, Finance, and Administration Committee)

FINAL READING - PROPOSED ORDINANCE #2016-22 WITH STAFF AMENDMENT #1 (SA#1)

The First Reading of the Proposed Ordinance was accomplished during the Council Meeting of November 14, 2016. Council President Slavin reminded members of the public that copies of the Proposed Ordinance were available at the entrance of the Council Chambers or on the City's website at www.cityofdover.com under "Government."

Mr. Lewis moved that the Final Reading of the Proposed Ordinance be acknowledged by title only, seconded by Mr. Neil and unanimously carried.

Mr. Scott Koenig, City Manager, reviewed the proposed ordinance amending the existing smoking regulations by making it unlawful to smoke on all City-owned property. He noted that an amendment had been proposed by Deputy City Solicitor Pepper to delete a component of the existing ordinance related to places of employment. Mr. Koenig advised that the potential penalties for someone caught smoking on City property would not exceed $25 each day and each violation would constitute a separate offense.

Mr. Lewis noted that he recently had dialect with Mr. Kirby Hudson, Assistant City Manager, with regard to the fees and fines and requested Mr. Hudson to address the full Council with respect to whether the fine should stay at $25 or be increased to $50.

Mr. Hudson advised that, although there is signage prohibiting smoking in the area, they were still experiencing some issues with people smoking at the library. He noted that when he and Councilman Lewis discussed the $25 fine, he thought it would be a deterrent; however, after continuously seeing more and more cigarette butts at the library, he thought it may need to be increased to $50 as a scare factor to have people obey the signs. Mr. Hudson advised that the library is the only area where they are having continuous issues and he noted that the City employees are going out of their way to make sure that when they take their smoke breaks they are not on City property.

Mr. Hudson reminded members that the proposed amendment was initiated as a result of two (2) mulch fires at the library caused when careless people threw cigarette butts into the flower bed. Staff thought that a no-smoking policy at the library would deter it; however, it had not.

Mr. Neil asked how many people had been fined and how much money had been collected. Responding, Mr. Koenig stated that nobody had been fined because the ordinance outlawing smoking on City-owned property had not yet been adopted.

Responding to Mr. Hare, Mr. Hudson advised that the signs indicating that there is no smoking within 25 of the library are the old signs, and the new signs will advise that there is no smoking on City-owned property with a reference to the Dover Code. Mr. Hare stated that he sees a lot of people on the sidewalks in the back part of the library smoking and suggested signage indicating that the parking lot is City-owned. Mr. Hudson advised that he had three (3) very large maps with the GPS coordinates indicating where all of the signs throughout the entire City will be. He stated that he thought it would be really difficult for anyone to say that they had no idea that they could not smoke on City-owned properties. Mr. Hudson also noted that the new signage will allow the police to give someone a ticket and collect a quick fine.

Mr. Sudler asked if the cadets would be able to issue tickets. Police Chief Paul Bernat stated that they would. Mr. Koenig clarified that they could not issue tickets with the old signage in place.

Responding to Mr. Hutchison, Mr. Koenig advised that the Police Department would be in charge of enforcing the smoking ordinance. Mr. Hutchison noted that they just had a difficult time deciding whether or not to hire enough people to take care of customer service and now the Police are going to be charged with the responsibility of running around giving tickets for people smoking, in addition to the responsibilities that they already have.

Mr. Sudler stated that he viewed it in the same way that the Police Department would enforce drinking in public with a open container. If they see it, they will issue a citation. Mr. Sudler stated that he did not necessarily think that the police were going to go looking to see who was smoking a cigarette within 25 feet. Mr. Lewis stated that he thought is was good that the cadets would be able to issue summonses because, from what he had heard, the bulk of the problem was at the library.

Responding to Mr. Lewis, Chief Bernat stated that the fine for parking in a handicapped spot is $100, in a fire lane is $50, and regular parking tickets are $20 to $25.

Mr. Lewis moved to amend Proposed Ordinance #2016-22 with Staff Amendment #1 (SA#1) by increasing the fine from $25 to $50. The motion was seconded by Mr. Sudler and carried by a roll call vote of five (5) yes (Mr. Sudler, Mr. Lewis, Mr. Cole, Mr. Hare, and Mr. Slavin), three (3) no (Mr. Neil, Mr. Hosfelt, and Mr. Hutchison), and one (1) absent (Mr. Anderson).

By motion of Mr. Sudler, seconded by Mr. Lewis, Council, by a unanimous roll call vote (Mr. Anderson absent), adopted Ordinance #2016-22, as amended, as follows:

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

That Chapter 54 - Health and Sanitation, Article I - In General, Section 54-4 - Smoking Regulations of the Dover Code be amended to read as follows:

Sec. 54-4. - Smoking regulations.

(a) *Generally*. The Surgeon General of the United States, the National Academy of Sciences, and other health organizations have linked passive exposure to tobacco smoke (secondhand smoke) to a variety of negative health conditions in nonsmokers, which has prompted the council to enact smoking regulations for the health, welfare and safety of residents of the city and to strike a reasonable balance between the rights of smokers and nonsmokers by regulating smoking in certain public places and places of employment.

(b) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bar or cocktail lounge area means that part of any restaurant or other establishment, to a depth of 20 feet from such bar, primarily engaged in the business of selling or dispensing alcoholic beverages or other beverages and duly licensed by the state for the same, but secondary to the restaurant or other primary use of the establishment.

Employee means any person who renders or has rendered any service to another for a consideration or its equivalent, under an expressed or implied contract, and who is or was under the control and direction of the latter when rendering the services, including temporary, provisional, casual or part-time employment.

Employer means an individual, partnership, association, corporation, governmental body or agency, or any other entity, for whom or for which one or more persons renders or have rendered any service on a salary, commission or other compensation basis.

Health care facility means any office or institution providing individual care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions.

Place of employment means any enclosed area under the control of a public or private employer, which employees normally frequent during the course of employment. A private residence is not considered to be a place of employment for the purpose of this section, nor is a motor vehicle of the employer used by employees in the course of employment.

Public conveyance means any taxicab, mass transit vehicle or school bus, or any vehicle offered to passengers for a fee.

Public meeting includes any meeting or assembly held in any room, auditorium or chamber wherein public, civic or governmental business is conducted and which is open to the public either as participants or spectators.

Public place includes any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, banks; educational facilities; health care facilities; day care centers, retirement homes, rest or nursing centers; property owned, occupied or operated by the city or any agency thereof; public transportation facilities; lobbies and reception areas, but not including the offices or work areas not entered by the public in the normal course of business or use of the premises. A private residence is not a public place, but the lobby or common area of a multifamily dwelling is a public place.

Restaurant means any establishment which is regularly used and kept open principally for the purpose of serving complete meals to persons for a consideration and which has seating at tables for 35 or more persons, and suitable kitchen facilities connected therewith for cooking an assortment of foods under the charge of a chef or cook. The service of only such food and victuals as sandwiches or salads shall not be deemed to be the service of meals. Any such establishment shall be duly licensed as a restaurant by the city and state.

Retail store means any establishment, the primary purpose of which is to sell or offer for sale to consumers, not for resale, any goods, wares, merchandise, articles or food for consumption off the premises.

Secondhand smoke means the smoke to which a person may be involuntarily exposed, either through a smoker exhaling the smoke of or from a tobacco product, or through the lighting or burning of any tobacco product.

Smoking includes the lighting, burning, holding or carrying of, or emitting, or inhaling, or exhaling the smoke of, a pipe, cigar or cigarette of any kind or any form of lighted object or device which contains tobacco.

Sports arena means any indoor facility primarily used for sports, cultural or similar events.

Taproom means any establishment which is regulated and licensed as such by the state pursuant to the Delaware Alcoholic Beverage Control Act (4 Del. C. § 101 et seq.), and which is provided with special space and accommodations and operated primarily for the sale by the glass for consumption on the premises of alcoholic beverages with the sale of food as

a secondary object, as distinguished from a restaurant where the sale of food is the primary object.

Tavern means any business selling spirits, wine or beer by the glass at retail for consumption on the premises, and which is duly licensed and regulated as such pursuant to the Delaware Alcoholic Beverage Control Act, and in which the sale of food is a secondary object, as distinguished from a restaurant where the sale of food is the primary object.

Theater means any indoor facility primarily used for the exhibition of any motion picture, stage drama, musical recital, dance, lecture or other similar performance.

(c) *Prohibitions*. Smoking is unlawful on all city-owned property and in "public places" as such term is defined in subsection (b) of this section, and in the following public places during the hours in which they are open to the public:

(1) Art galleries, libraries, museums and similar cultural facilities;
(2) Classrooms and lecture halls;
(3) Restaurants;
(4) Elevators;
(5) Health care facilities;
(6) Public conveyances;
(7) Public meetings;
(8) Retail stores, other than retail tobacco stores, the primary activity of which is the sale or promotion of tobacco and tobacco products and accessories; provided, however, that smoking may be permitted in those areas of enclosed shopping centers or malls that are external to the retail stores and are used by customers as a route of travel from one store to another and consist primarily of walkways and seating arrangements; and further provided that where smoking is permitted, the proprietor shall post a sign to that effect;
(9) Theaters and indoor sports arenas;
(10) Restrooms located in "public places" as such term is defined in subsection (b) of this section, and in the facilities listed in subsections (c)(1), (c)(2), (c)(5), (c)(6), (c)(8), and (c)(9) of this section; and
(11) Places of employment not exempted in 16 Del. C. § 2904.

(d) Violations; penalties; appeals.

(1) *Violations*. The following acts constitute violations of this section:

a. Smoking on city-owned property or in a posted nonsmoking area;
b. Failure to post a "No Smoking" sign as required by this section;
c. Failure to inform any person who violates this section, when such duty to inform arises as set forth in subsection (f) of this section;
d. Willful destruction or defacement of a sign posted as required by this section;
e. Failure to adopt a smoking policy as set forth in subsection (f) of this section.

(2) Penalties. Anyone who violates any provision of this section shall be liable for a fine as provided for in Appendix F-Fees and Fines. Each day such violation continues, shall constitute a separate offense. Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.

(3) Appeals. In the event that the enforcement of this section causes undue and extraordinary financial hardship peculiar to any person, then that person shall have the right to appeal this hardship to the council by written request directed to the city clerk. In considering the appeal, the council shall have the power to alter the terms and conditions of this section to meet any peculiar and extraordinary hardship proven by the person as long as such alteration or relief does not detract from the purpose and intent of this section.

(e) *Signs*. The owner or other person having the authority to manage and control any area designated as a no-smoking area pursuant to this section shall post, or cause to be posted, and prominently display, and shall maintain, no-smoking signs in conspicuous locations within such areas. Such signs shall clearly and conspicuously recite the phrase "No Smoking" and/or use the international no-smoking symbol and shall cite "Section 54-4 of the city Code." Signs shall be of sufficient number and prominent location to convey the message clearly and legibly to a person of reasonable sensibilities. Signs shall be at least one square foot in size, shall be affixed to the structure of the building and/or shall be so distributed that from any point in the no-smoking area at least one such sign is visible. A combination of fixed or pedestal type signs may be used.

(f) Enforcement.

(1) *Authority to restrict in employment and public areas*. The owner, proprietor, manager, or other person having the authority to manage and control any public place or place of employment, or a designated agent of such owner or manager, shall inform persons smoking in restricted areas of such places in order to warn them that they are in violation of the law. Any person may file a complaint with the licensing division of the department of planning and inspections or with the police department, alleging a violation of any provision of this section.

(2) *Procedures*. Upon complaint to the licensing division of the department of planning and inspections or the police department, each department shall have concurrent jurisdiction to enforce the provisions of this section by any of the following actions:

a. Notice. Serving notice requiring the prompt correction by the owner, proprietor, manager or other person having the authority to manage and control any public place or place of employment of any violation of this section;

b. Legal action. Advising the city solicitor of violations of this section in order to maintain an action at law or in equity to enforce the provisions of this

section, recover the fines and costs of prosecution, or prevent, enjoin, abate or remove or otherwise cause the correction of any such violation of the provisions of this section;

c. Summons. Issue to any person a citation or summons to appear in the justices of the peace court to answer to a charge of any violation of this section.

(h) Miscellaneous provisions.

(1) *Other prohibitions*. Nothing in this section shall be construed to permit smoking where it is otherwise prohibited by law or regulation.

(2) *Authority of owner*. Nothing in this section shall be construed to preclude any owner or other person having the authority to manage and control any public place or place of employment from prohibiting smoking to a greater extent than is provided by this section.

(3) *Fire safety*. Nothing in this section shall be construed to permit or authorize, or be permitted to result in a fire safety hazard or violation, as may be determined by the fire marshal, by anyone in attempting to comply with the provisions of this section.

(Code 1981, § 14-15; Ord. of 4-8-1991; Ord. of 4-12-1993; Ord. of 9-22-2003; Ord. No. 2009-09, 6-22-2009)

State Law reference- Clean Indoor Air Act, 16 Del. C. § 2901 et seq.

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, Chapter 54 - Health and Sanitation, Article I - In General, Section 54-4 - Smoking Regulations, Subsection (d) - Violations; Penalties; Appeals, Subsection (2) - Penalties of the Dover Code be amended to read as follows:

Chapter 54. - Health and Sanitation

Chapter 54. Health and Sanitation	**Fees and Fines**
Article I. In General	
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Sec. 54-4. Smoking regulations	
Subsec. (d) Violations; penalties; appeals	
Subsec. (2) Penalties	Not to exceed $50.00; each day such violation continues shall constitute a separate offense

ADOPTED: NOVEMBER 28, 2016

CITY MANAGER'S ANNOUNCEMENTS

There were no City Manager's announcements.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Sudler announced that on December 14, 2016 from 6:30 p.m. to 8:30 p.m. in the City Hall Council Chambers he would be partnering with Lieutenant Governor Bethany Hall-Long to conduct a forum on how to identify characteristics in loved one's personality in regards to heroin addiction. Lieutenant Governor Hall-Long will review State resources available to help individuals dealing with heroin addiction and mental health challenges.

Mr. Hosfelt congratulated Fire Chief Carey and the rest of his staff on their election and noted that their service and commitment for another year to the City of Dover and Dover Fire Department are appreciated.

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

Meeting adjourned at 9:24 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of November 28, 2016, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
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