REGULAR COUNCIL MEETING

The Regular Council Meeting was held on January 23, 2017 at 7:53 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison.

Council staff members present were Deputy Police Chief Mailey, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Second Assistant Fire Chief Whitt, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present.

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. EShed Alston thanked members for the opportunity to speak, read correspondence that he received from President-Elect Trump, and provided members with related correspondence ***(Exhibit #1)***. Mr. Alston explained that he had been banned from Delaware State University and had sent numerous documents over the past eight years requesting that the ban be lifted. He advised that he is now seeking that the ban be lifted through a presidential pardon.

Mr. Alston stated that he had postings on YouTube under his name, and that Fredrick Baldone and Chris Miller have postings under Delaware Corruption.

State Representative Sean Lynn advised that he had circulated a letter, copies of which were provided to the Clerk ***(Exhibit #2)***. Representative Lynn expressed concerns relative to the hiring of the Chief of Police. He requested Council President Slavin to order a complete investigation of the facts and circumstances surrounding the alteration and public release of an official job posting that would preclude Deputy Chief Marvin Mailey from qualifying to be the next Chief of Police.

Mr. Steven Hall, speaking in reference to homelessness, stated that he was seriously beginning to believe that Council hears what they say and that their hearts go out for them. He stated that he believes in his heart that if they could help him, they would. Mr. Hall commended Council members for the great job they are doing and noted that he believes that someone is going to help them because it is cold, windy, and raining.

Ms. Katrina Stubbs stated that she previously had a misconception of homeless people, thinking that they were all on drugs, alcohol, or they were just lazy and did not want to work. She stated that, because of the economy, she and others like herself are not able to get jobs or afford apartments for $800 or $900 a month. Ms. Stubbs advised that there is low income housing; however, there is a two year waiting list. Ms. Stubbs noted that they can only stay at the shelter for 30 days and, depending on the shelter, they may be able to extend that for an additional 60 to 90 days, depending on their situation. Ms. Stubbs advised that because she is not recovering from drugs or alcohol, is not a veteran, does not have children, and is not physically or mentally disabled, she is considered able bodied. She is currently a substitute teacher and has been applying for different jobs; however, unfortunately, she has not found a full time, permanent job to be able to afford $800 a month for rent.

Ms. Stubbs advised that the churches and Code Purple are trying to help the homeless and she has contacted the resources for help that she could. She stated that she wanted members of Council to be aware that there are individuals like her and she is hoping that Council will build more shelters and that the existing shelters can extend the time for individuals like her. Ms. Stubbs noted that she is registered with the Department of Labor and Delaware Wonder and she has applied for different positions. She advised that she has a degree in Human Resources Management with a minor in business and has corporate experience, yet she is not able to get a job. Ms. Stubbs stated that she does not have a criminal record and has not done drugs, but she has not been able to get a full-time, permanent position.

Mr. Chip Angell stated that he has been homeless for a year and a half. He advised that, three years ago, he made $55,000 a year as a sous-chef with a 31 year career. Mr. Angell stated that he served a year in prison when he was 18 years old and when he came back there was a change in the law and he hasn't been able to work at a restaurant since. He advised that he lost his home and his family.

Mr. Angell asked Council members to allow people that are trying to help the homeless to secure a place so that people do not have to sleep in the snow and rain regardless of how they got there. He noted that if it were not for Reverend Appling and others, he may not have pulled himself out of the relapse he was in.

Ms. Elizabeth Jones stated that she was 60 years old and homeless due to losing her job. She advised that she had been to two shelters and Sheppard's Place was the last. After that, there was nowhere for her to go so she went to Code Purple and they gave her two blankets and she was sleeping on the street. Ms. Jones stated that anything could have happened to her sleeping on the street. She noted that WaWa let her sleep beside the building one night because she was scared.

Ms. Jones stated that the shelters encourage people to look for jobs but they don't have money when they get into the shelters and they need bus passes to help them get around. She also advised that some people have children and have no one to watch them while they look for a job so they get stuck in the system.

Pastor Aaron Appling stated that, on a personal level and as a community, they support Deputy Chief Mailey. He noted that they like him as an individual and would love to have him as the next Chief of Police. Pastor Appling cautioned Council to be thorough because things can get out of hand very easily if people that have been oppressed continue to feel like they are being trapped and oppressed.

Pastor Appling stated that they have been studying homelessness for over a year and suggested that the solution was to build something so that they can have a roof over their heads instead of spending money studying the problem. He stated that they could work with City officials and the Planning Department to build a facility that would not cost that much money and Code Purple would not have to find churches for shelters. Pastor Appling stated that it would save the city probably millions of dollars that they spend on arresting people, or in the hospital.

Pastor Robert Appling stated that they need housing for the homeless. He advised that everyone that Victory Church is working with is from the streets of Dover. Pastor Appling stated that he appreciates everything that the Council has done but they need help to find a solution. He noted that

he and his son both have rental properties in Dover that they are renting to homeless people to help them out. Pastor Appling also advised that his son has taken half a salary all of this year and part of the previous year so he could help the homeless. He noted that he will be 85 in March and he has given up his retirement from the church for the last four or five months so that they can help the homeless. Pastor Appling stated that they are looking at a couple of different properties in Dover and he will be talking to the Mayor about them once they settle on one that they would like to renovate and help with the needs of the homeless. He asked that the City not throw lots of regulations and rules and slow down what they are trying to do, but help them accomplish what they are trying to do in the City of Dover.

Ms. Sue Harris, 241 Pine Street, read the following statement regarding homelessness:

> "Pretty cold and nasty out there, isn't it? I hope tonight as you're running to your car to go to your warm home as I am fortunate to be able to do, as well, you'll remember these people who have nowhere to run to. No choice but to run to the refuge of a stairwell and a doorway or a soap tent with everything you own that's been drenched by the rain. There has been no Code Purple for the past week and probably not going to be any again until the end of this week. In September of 2015, the city of Dover approved a plan to purchase two properties from the House of Pride and as a part of the deal the city also received two additional vacant lots from the House of Pride.
>
> Kent County tax records show that the properties of 105, 106, 110, and 115 South New Street are now City of Dover properties. Anne Marie has quoted at Delaware State News as saying, the city will work with the Downtown Dover partnership and other community partners to ensure that the long term redevelopment of these properties is consistent with the restoring Central Dover plan. On page four of the strategic plan one of the strategies set forth is providing a range of housing opportunities that address the needs of the homeless to home owners.
>
> I have to ask, what housing opportunities have been provided to address the needs of the homeless? There seems to be opportunities for new home ownership however that doesn't address the needs of these folks here. These four lives that are owned now by the city represent an example of the opportunities that exist but for reasons yet to be provided seem to be not an option. I would like to hear what the plans are for, possibly those lives and others in the area. These could easily be used to establish unique and innovative housing solutions to house as many as 32 people, giving each person 200 square feet of personal living space.
>
> I'm leaving with you today concept drawings of pocket neighborhood ideas ***(Exhibit #3)*** that could easily fit on one of our city lots and house more people at what is an affordable rate at their level of income. There are lots of lots all over the city that could be used for pocket neighborhoods established for folks left at the bottom of the economic ladder. The idea is to think out of the box and to realize that we need to do something different and more affordable for those at the very bottom of the economic ladder. The drawings that I'll present to you today represent an

innovative combination of the idea of tiny houses of 200 square feet linked together, five or more, with a common overhanging roof and common porch.

The linking of the houses through common roofs and porches can make services even easier. Just an example. I'd like to request that we be put on the agenda for a regular council meetings so that this proposal and others can be seriously discussed and presented. The proposal is simple, together we can provide some innovative housing solutions that can be replicated in different areas all over Kane County and bring our affordable housing inventory a little closer to what the need is. I'll repeat once again, there are things you guys can do. Making comments to people that there isn't anything we can do is simply making you all look incompetent. Everyone sees that there are things that can be done that can't be done without the support of the city. There are things that the city can actively do to help with projects and support these efforts.

It's looking more and more like you don't want to do anything, not that you can't do anything. Well, and I don't pronounce this right, Maupin LLC has been approved to construct a six unit duplex on a quarter of an acre, just two blocks away from the corner of Reid and Kirk Wood, under a variance. I hope that these sorts of projects that we present would benefit people of the lower level of income that seems to be forgotten, could and would be considered in the same way. Thank you."

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

AGENDA ADDITIONS/DELETIONS

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

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

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF JANUARY 9, 2017

The Minutes of the Special Council Meeting of January 9, 2017 were unanimously approved by motion of Mr. Hare, seconded by Mr. Neil and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JANUARY 9, 2017

The Minutes of the Regular Council Meeting of January 9, 2017 were unanimously approved by motion of Mr. Hare, seconded by Mr. Neil and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF JANUARY 10, 2017

The Minutes of the Special Council Meeting of January 10, 2017 were unanimously approved by motion of Mr. Hare, seconded by Mr. Neil and bore the written approval of Mayor Christiansen.

CERTIFICATE OF APPRECIATION AND CONGRATULATIONS - BRADLEY S. EABY

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

CERTIFICATE OF APPRECIATION AND CONGRATULATIONS

presented to

Bradley S. Eaby

who was sworn in as Second District Kent County Levy Court Commissioner in January 2007, was elected Vice President of that august body in 2013, and continued to serve in that capacity until December 26, 2016. Throughout his service, Mr. Eaby displayed a level of skill and professionalism that fostered the respect of his colleagues and enhanced the quality of life for the residents of the City of Dover and Kent County. Mr. Eaby has resigned his seat on Kent County Levy Court to accept a position as State of Delaware Deputy Attorney General in the Civil Division, representing the Department of Transportation.

The City of Dover extends sincere appreciation for Mr. Eaby's dedication and commitment to Kent County and the City of Dover, offers congratulations on his new appointment, and wishes him great success in all future endeavors.

January 23, 2017

On behalf of the Mayor and Council, Mayor Christiansen and Councilmen Hutchison and Hosfelt presented the Certificate in appreciation for the years and service provided by Mr. Eaby.

Mr. Eaby stated that it had been a real pleasure to serve the County for the last decade and to work so closely with the City of Dover and he felt secure that the City of Dover was in good hands.

PROCLAMATION - BLACK HISTORY MONTH

The City Clerk read the following Proclamation into the record:

WHEREAS, Dr. Carter G. Woodson, the son of former slaves and a Harvard University scholar, noticed that black history was largely ignored or misrepresented in American History. Determined that the rich heritage of black Americans would not be forgotten, he founded the Association for the Study of African American Life and History in 1915 and organized the first celebration of Negro History Week in 1926. Black History Month became Dr. Woodson's legacy and is celebrated each February throughout the United States; and

WHEREAS, the Association for the Study of African American Life and History has selected "The Crisis in Black Education" as the 2017 National Black History Month theme; and

WHEREAS, in November 1922, the Delaware School Auxiliary Association provided funds through the generosity of Pierre S. du Pont to open Booker T. Washington Elementary School, which was the State's largest African-American school; and

WHEREAS, Delaware State University was founded in 1891 as the State College for Colored Students, one of the country's first land-grant educational institutions, with a primary focus on agricultural and educational courses of study. Delaware State University currently includes a 67 percent African-American enrollment and is nationally recognized as a Historically Black College and University (HBCU).

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE do hereby proclaim February 2017 as **BLACK HISTORY MONTH** in the City of Dover and urge all citizens to reflect on the crucial role of education in the history of African Americans.

HUMAN RELATIONS COMMISSION REPORT - NOVEMBER 17, 2016

The Human Relations Commission met on November 17, 2016 with Chairman Henderson presiding.

Chairman Henderson welcomed Mr. Gaddis as a new member of the Dover Human Relations Commission representing the Third District.

Election of Committee Chairs - Communications and Government Policy, Programs, and Practices Committees

Mr. Henderson noted that the positions of Chair were open for the Communications and Government Policy, Programs, and Practices Committees.

Mrs. Sadusky moved to open the floor for nominations for Chair of the Communications Committee, seconded by Mr. Gaddis and unanimously carried.

Mr. Henderson advised that the Communications Committee had outlined objectives from past meetings and suggested that the minutes from the previous meetings be reviewed to get an idea of the direction to go in, noting that there was flexibility in terms of what the Communications Committee would do.

Mr. Henderson moved to nominate Reverend Rita Mishoe Paige to serve as Chair of the Communications Committee.

There being no further nominations, Mr. Henderson closed the floor for nominations.

By unanimous consent, Reverend Rita Mishoe Paige was elected to serve as Chair of the Communications Committee.

In response to Reverend Paige, Mrs. Jody Stein, Administrative Assistant, City Clerk's Office, explained that Election of Chairs was placed on the agenda for both the Communications Committee and the Government Practices, Policies, and Procedures Committee. Chairman Henderson noted that the Government, Policies, Practices and Procedures Committee, which Mr. James McGiffin had previously chaired, was still open.

DHRC Committee Updates

Community Engagement Committee (Mullen)
No update was provided.

Education Committee (Bogle)
No update was provided.

Old Business

DHRC Diversity Research Project
During the Dover Human Relations Commission Meeting of October 18, 2016, members considered the DHRC Diversity Research Project. Mr. James McGiffin, former DHRC Commissioner, stated that he had written up the results of the DHRC questionnaire and survey in the DHRC Diversity Research Project report, which was distributed to members of the Commission, and he hoped that members would read and react to the report by making observations and possibly developing recommendations. Mr. McGiffin and Mrs. Sadusky had submitted observations; however, Mr. McGiffin stated that the other members had not. He indicated that 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. Mrs. Sadusky offered to work with Mr. Henderson on developing a plan.

Members were provided recommendations in response to the DHRC Diversity Research Project developed by Mr. Henderson and Mrs. Sadusky. Mr. Henderson noted that Question #1 in the Diversity Research Project questionnaire was, "Are diversity and cultural competency articulated as values in any mission/vision/value statement developed by the City?" Mr. Henderson noted that Mr. McGiffin had indicated in his observation regarding Question #1 that, "The professional leadership was surprisingly unaware of the published statements about diversity." Mr. Henderson explained that he and Mrs. Sadusky went to the City of Dover website, which he stated was a work in progress, to see whether the various departments had the word "diversity" in their mission statements and found that they did not. He indicated, therefore, that the response to Question #1 was that diversity and cultural competency were not articulated as values. Mr. Henderson advised that he and Mrs. Sadusky recommended that the City add "cultural competence" to the City of Dover mission statement and that this statement be seen as the City's website is opened up.

Mr. Henderson noted that he and Mrs. Sadusky had focused on the first three (3) questions in the survey, because these questions provided answers to the other questions, which were almost repetitive. For example, Question #5, "Is there any history, event, symbol, figure that affects diversity and cultural competency?" He stated that they felt that if the City's mission statement reflected diversity and cultural competency, this would be passed on through the departments.

Mrs. Sadusky advised that she had obtained the City of Dover mission and vision statements from Mrs. Traci McDowell, City Clerk. She indicated that she and Mr. Henderson had thought that diversity was mentioned in the mission statement; however, in actuality it was in the vision statement. Mrs. Sadusky stated that she and Mr. Henderson recommended that cultural competence be added to this.

Mr. Henderson advised that more work needed to be done before submitting the report to City Council, noting that the Commission now had recommendations; however, observations and conclusions needed to be developed, as stated on the last page of the DHRC Diversity Research Project Report. Mr. Henderson noted that Mrs. Sadusky had recommended diversity training of some type and asked her to elaborate. Responding, Mrs. Sadusky explained that the idea for annual diversity training came from a comment that Reverend Paige had made to her that most State agencies, including Reverend Paige's employer, require annual diversity training. Mrs. Sadusky stated that she thought it would be a good idea to have annual diversity and cultural competence training. She noted that she had heard the term "cultural competence" for a number of months and had not known what it meant until she spoke with Mr. Henderson. Mrs. Sadusky indicated that any kind of training that the City could do for their employees would be beneficial to everyone.

Noting that Mr. Gaddis had been a Spanish teacher, Mr. Henderson stated that Recommendation #10, "The City of Dover leadership will strive to make its services accessible to people with limited English proficiency," spoke almost directly to Mr. Gaddis. Responding, Mr. Gaddis explained that he had been a high school Spanish teacher and had worked with a Cuban refugee family for half of his freshman year at Rutgers while they were sponsored by a local church, which was a fascinating experience. He stated that these individuals were highly-paid professionals in Cuba who had a home on the beach as well as a home in town; however, their limited language ability put them into unskilled jobs. Mr. Gaddis advised that it had been his intent to help them learn English; however, he learned more from them than they did from him.

Mr. Henderson asked if members understood the definition of cultural competency, stating that he had his own idea of cultural competency and diversity. Responding, Reverend Paige stated that cultural competency means that an individual coming from one culture is just as competent as someone else coming from a different culture, and Mr. Henderson agreed.

Mr. Gaddis stated his opinion that cultural competence is acceptance of the person you are confronting, regardless of who that person is or where they came from, and treating that person with respect and normal human dignity, even if you may disagree with them. He indicated that he tried to get across to his foreign language students that you have to look at and accept what is there before making a judgment, explaining that you meet a new person, accept that the person is a different individual, and make a judgment after getting to know them. He stated that you do not have to like the person or like Spanish, but must give the person a chance to get

to know you and give yourself a chance to know them, regardless of origin. Mr. Gaddis noted that, in applying this to a city like Dover, it would be hard to cover every language that would be spoken in the population. He explained that he could not deal with those who speak Chinese or Russian; however, must try to help and respect them.

Mr. Henderson stated that he would describe cultural competency as acceptance of a person's background, noting that you may not understand it but you still accept and are sensitive to their background and diversity. He advised that he is enraged when people make insensitive jokes about others. Mr. Henderson stated that he thought competency is related to the word "component," explaining that all people are part of our community, and there should be a sensitivity toward that.

Mr. Henderson referred to Recommendation #8, "The City of Dover will provide stimulating, educational inservice training (about 4 hours) annually for all members of its staff, including leadership. This can include video presentations, (i.e., "Cracking the Code"), outside speakers, discussion etc." He advised that he had seen "Cracking the Code," which was an excellent movie. He noted that training that brings in outside speakers and discussions would help people understand that it is not all about them and the way that they see the world.

Mr. Gaddis advised that he was a fan of "Star Trek: The Next Generation" and had shown an episode called "Dharma" in his classroom that was a prime example of attempting to communicate and trying to understand communication in a totally different context. He explained that the Star Trek crew eventually came to understand how another culture communicated through metaphor. Mr. Gaddis indicated that different expressions were repeated until a crew member finally understood what it meant and was then able to use metaphor as well. He stated that he found it fascinating, explaining that it was similar to what non-English speakers encounter when listening to people who speak English. Mr. Gaddis indicated that this is also what people who speak English encounter if they try to understand people who do not speak English, noting that the "if" is a problem.

Mr. Henderson informed members that he had attended a Delaware State Human Relations Commission seminar where an eye-opening film was shown that talked about Hispanic culture and was as good as "Cracking the Code." He noted that the Hispanics had gone into zones where other businesses would not go, improving the community and enhancing the city. Mr. Henderson indicated that diversity and cultural competency are good for the community and that it makes sense to open a community to all God's people.

Mr. Gaddis stated that other people do not realize that getting to know another culture is good for each individual and makes them more sensitive.

Mr. Henderson reiterated that the Commission had observations and recommendations related to the Diversity Research Project, and the next step would

be to join the observations and recommendations. He stated that he would be willing to tackle this challenge. Mrs. Sadusky suggested that she and Mr. Henderson meet one (1) more time before the next DHRC meeting to work on joining the observations and recommendations.

Mrs. Stein advised that after the report was finished, it would go to Council for review and consideration. She indicated that the observations and conclusions would be inserted in the report, noting that Mr. McGiffin had completed the other portions of it. Mrs. Stein explained that the report would first be considered by the DHRC for review and approval.

Mrs. Sadusky stated that Mr. McGiffin's report looked pretty thorough and asked if it needed to be polished up. Responding, Mrs. Stein explained that Mr. McGiffin had asked members to provide input regarding their observations, conclusions, and recommendations, noting that input was received from Mr. McGiffin and Mrs. Sadusky. She noted that Mr. Henderson and Mrs. Sadusky had submitted recommendations and the idea was to link the recommendations with what members observed from the study.

In response to Mr. Henderson, Mr. Gaddis stated that he would be interested in working on completing the report.

Mrs. Sadusky moved that she, Mr. Henderson, and Mr. Gaddis would get together before the next DHRC meeting to summarize the recommendations and observations and put them together in a concise form, seconded by Mr. Gaddis and unanimously carried.

Mr. Gaddis offered his home as the site for this meeting.

Development of Concise Statement - Mission and Functions of DHRC

During the Dover Human Relations Commission meeting of October 18, 2016, members considered the Development of Concise Statement - Mission and Functions of DHRC and tabled the discussion regarding the development of "an elevator speech."

Mrs. Sadusky reminded members that they had planned to come up with a thumbnail description that would let people know what the DHRC does and what members do on the Commission, so that members would all be unified in what they say, if they are asked. She suggested that this be taken from the mission and vision statements in the City of Dover Human Relations Commission Strategic Plan 2015-2018.

Mr. Henderson asked if the mission was for each member to come up with an explanation. Responding, Mrs. Stein explained that the idea was for members to provide input so that they could agree on a brief summary. She indicated that she was unsure if members had thought about this or brought any suggestions to the meeting.

Mr. Gaddis noted that the vision statement was brief and indicated that he thought that members were trying to cut the three (3) paragraphs of the mission statement down into a sentence or two (2).

Mr. Henderson noted that this matter had been tabled during the last meeting and suggested that members agree to look over the mission and vision statements to come up with a plan at the next meeting. Responding, Mrs. Sadusky suggested that members look over just the mission statement. Mr. Henderson agreed, stating that the vision statement was good, but the mission statement could be capsulized into something shorter.

Mrs. Sadusky asked if members should send their comments to Mr. Henderson. Responding, Mrs. Stein stated that members could email their input to the City Clerk's Office for inclusion in the packet for the next meeting.

Mrs. Sadusky asked if members were looking for two (2) or three (3) sentences, and this was confirmed by Mr. Henderson.

Mrs. Stein noted that Ms. Bogle had termed this statement as an "elevator speech."

Mrs. Sadusky suggested that members come up with a deadline as to when they should submit information to the City Clerk's Office regarding their summaries. After further discussion, members agreed to establish a deadline of January 6, 2017.

DHRC Vacancies

Mr. Henderson noted that the Commission had a vacancy in the Fourth District and no representatives from the First District.

Mrs. Sadusky stated that she lives in the First District and asked if anything had happened with the recommendations that she had made for members. Responding, Mrs. Stein stated that one (1) gentleman had picked up an application but it had not been received by the City Clerk's Office. In response to Mr. Henderson, Mrs. Stein explained that the gentleman was from the First District.

Mr. Gaddis suggested getting in touch with a clergy person for a suggestion as to who might want to serve, and to get that person to at least apply. Responding, Reverend Paige pointed out that she and Mr. Henderson were both clergy and indicated that she was thinking of another attorney. Mrs. Sadusky stated that this was a good idea.

Mr. Gaddis suggested putting an ad in the Delaware State News or Dover Post. Responding, Mr. Henderson advised that it was the job of City Council to appoint people from each district, noting that he had been approached by Councilman Hare. Mr. Henderson indicated that he had been asking for additional members and they had been coming through. He explained that Council President Timothy Slavin is responsible for getting members on the Commission and stated that he would continue to press him. Mr. Henderson stated that a couple of months ago, the DHRC

was a great commission, everybody was involved, and things were happening. He explained that several members had resigned from the Commission since DHRC members cannot hold any other elected or appointed offices while serving. Mr. Henderson stated that there were currently four vacancies, which was approximately half of the Commission.

Mr. Gaddis expressed his understanding that the current DHRC was the second iteration of the Commission.

Mrs. Sadusky stated that she would mention the DHRC to her neighbor, who had expressed an interest. She advised that she had received an email from him and suggested that he contact the City, so she was unsure what happened and would double check with him. In response to Mr. Henderson, Mrs. Sadusky stated that her neighbor lived in the First District. She noted that this individual had served on the previous Commission, and he also had a neighbor who had expressed an interest.

Future Meeting Dates

After discussion, members agreed to schedule the next meeting for Thursday, January 19, 2017 at 6:00 p.m.

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

COUNCIL COMMITTEE OF THE WHOLE REPORT - JANUARY 10, 2017

The Council Committee of the Whole met on January 10, 2017 at 6:01 p.m., with Council President Slavin presiding (departed at 6:13 p.m.). Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Cole, Mr. Hare, and Mr. Hutchison. Mr. Lewis and Mr. Hosfelt were absent. Mayor Christiansen was also absent. Civilian members present for their Committee meetings were Mr. Caldwell and Mrs. Horsey (*Parks, Recreation, and Community Enhancement*), Ms. Arndt and Mr. Blakeman (*Utility*), and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*).

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

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

Proposed Ordinance #2017-01 Amending Chapter 70 - Offenses and Miscellaneous Provisions and Appendix F - Fees and Fines (Disorderly Premises)

During the Regular City Council Meeting of September 26, 2016, members approved the recommendation of the Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee to request that staff create a disorderly premises ordinance for consideration by the Committee within 60 days.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that they had asked her to work with the Police Department to adapt New Castle County's Disorderly Premises Ordinance to Dover. She indicated that staff had done this, and Proposed Ordinance #2017-01 had been reviewed by Mr. William Pepper, Deputy City Solicitor, the Police Chief, and the Deputy Police Chief. Mrs. Townshend explained that the Proposed Ordinance addressed the issue of disturbing activities and how they are dealt with for tenant-occupied, rather than owner-occupied premises. She stated that notice would be served and there would be applicable fines, noting that if there were three (3) violations within a 12-month period, the Police Department would notify the Department of Planning and Inspections, who would begin a Provisional Order, which is the first step toward revocation of a business license. Mrs. Townshend stated that fines listed on the second page of the Proposed Ordinance would be included in the fine section of the code and were not embedded in the ordinance itself. She stated that the ordinance included information that members reviewed previously, with the language adapted for Dover. Mrs. Townshend advised that the ordinance would be enforced by the Police Department, who would turn issues over to the Planning Department if there was a need to take action on a business license.

Mr. Anderson questioned the scope of the ordinance. He noted that Mrs. Townshend had referred to business licenses and asked if the ordinance also applied to rental houses. In response, Mrs. Townshend indicated that the Proposed Ordinance would apply to any premises, so it could apply to both businesses and rental properties. She stated that staff had considered that the Safe Communities Ordinance would apply to rental homes.

Mr. Anderson asked if the Proposed Ordinance would include residential and commercial properties, and Mrs. Townshend stated that it would, noting that there was a different mechanism in the Safe Communities Ordinance for suspension of rental permits already in existence. She stated that staff could add rental suspension into the Proposed Ordinance so that there would be one (1) more enforcement mechanism in this component as well.

Mr. Anderson stated that it could also be made clear that violations of the Disorderly Premises Ordinance would trigger the Safe Communities ordinance. He stated his concern was that the ordinance looked like it would apply to rental properties; however, he did not see a triggering mechanism in the ordinance.

Mrs. Townshend advised that staff was looking at the Disorderly Premises and the Safe Communities Ordinances being parallel, noting that there is the same notification process within the Safe Communities Ordinance. She explained that Proposed Ordinance #2017-01 would fill the gap by addressing business uses, noting that the City cannot shut down an owner-occupied property by revoking the license; however, the Police Department could issue fines that could become substantial. Mr. Anderson noted that a $1,000 fine was included.

Mr. Hutchison stated his understanding that if a renter was creating a problem, the renter would be cited rather than the owner. Responding, Mrs. Townshend stated that the Police Department would issue the fines; therefore, they would determine who the fines are issued to. She expressed her assumption that the Police Department would show up at the premises and issue fines to the occupant.

Mr. Hutchison stated that he liked what he read in the Proposed Ordinance; however, he wanted to make sure that the renter of the property would be held responsible rather than the owner. Responding, Mrs. Townshend advised that in the Safe Communities Ordinance, there is notification to the landlord before it gets to that point. She explained that staff had not had to suspend a rental permit under the Safe Communities Ordinance yet, but there had been a number of cases where there had been notification to a landlord who had no idea that something bad was going on, and the landlord stepped in at that point.

Mr. Hare advised that in his district there had been an issue with a house with a lot of trash and noise, with 10 - 15 people living in the house where there was only supposed to be four (4). He stated that the landlord was advised and was not upset but had asked the City to suspend their rental license and stated that they had been trying to get rid of the tenants for six (6) months. Mr. Hare indicated that landlords are notified if there is an issue and may say that they will try to take action.

As one (1) of the sponsors of the Proposed Ordinance, Mr. Slavin advised that it was not his intent to go after the landlords, stating his feeling that protections are already in place for this. He noted that the hole that exists is that behavior on the part of the renters cannot be penalized and the City could only go after the landlords. Mr. Slavin indicated that the Proposed Ordinance would allow the City to go after the people who are causing the problem. He noted that if a problem persists, it would become a landlord problem, and the landlord would be notified.

Mr. Hutchison stated that, after reviewing the ordinance, he believed it would enhance the City's ability to protect its citizens.

Mrs. Townshend advised that the Police Department and Code Enforcement Division had improved their communications relating to nuisance activities at rental properties in a meaningful way, and the Planning Department was getting very good information flow from the Police Department so that the Planning Department could respond appropriately.

Mr. Caldwell noted that a lot of tenants can cause problems outside the premises. In response, Mrs. Townshend advised that it appeared that the Proposed Ordinance addressed the vicinity, since it referenced obstructing vehicular or pedestrian traffic. She stated that the Proposed Ordinance could be enforced if it could be documented that the offenses were connected to the premises.

Mr. Sudler noted that there were two (2) concerns with the Proposed Ordinance regarding clarity and questioned whether the ordinance as written could address these concerns, or if clarification should be adopted into the ordinance. Responding, Mrs. Townshend stated that she thought the Proposed Ordinance as written would address the concerns and felt this was a matter of how it was applied. She expressed the need to work with both the Planning and Police Departments to make sure they understood that the Proposed Ordinance would be used in conjunction with the Safe Communities Ordinance and would address some of the things that Safe Communities did not get to.

Mr. Sudler suggested, when the Planning Department works with and has dialogue with the Police Department, that this dialogue be reported and disseminated among the Committee for the record. He indicated that this could be done to fall back on in case a situation comes up so that members could say what the intent of the ordinance was and that it was clarified. Mrs. Townshend agreed to Mr. Sudler's suggestion.

The Committee recommended adoption of Proposed Ordinance #2017-01.

By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Neil and carried by a unanimous roll call vote. (The First Reading of the ordinance will take place during the latter part of the meeting).

UTILITY COMMITTEE

The Utility Committee meeting was held with Chairman Cole presiding.

Dedication of Rights-of-Way and Public Infrastructure - Emerald Pointe

Mr. Scott Koenig, City Manager, stated that the City of Dover Department of Public Works had requested that all public infrastructure improvements related to the Emerald Pointe subdivision be dedicated to the City of Dover for permanent ownership and maintenance.

Referring to the list of public improvements associated with Emerald Pointe, as well as a map depicting the general location and configuration of the subject rights-of-way, Mr. Koenig informed members that the total construction value of the public improvements was $1,458,660.13.

Mr. Koenig reminded members that Council voted to abandon the stub portion of Topaz Circle south of Aquamarine Court in 2016. He stated that the removal of the curbing and paving in this area would be completed in 2017, in conjunction with other work throughout the City.

Mr. Koenig explained that staff had been monitoring a small sewer system issue, and if the City repaired the sewer system to bring it completely within standards, they would have to cut the road, which in some cases reduces the life of the road. Because the system had been performing, his recommendation was not to repair the sewer

because the repair would not yield any value to the overall infrastructure. Mr.Koenig advised that staff had been happy with the monitoring of this subdivision, all houses had been built, and Certificates of Occupancy had been issued. He reiterated that Council had taken action on the stub street, noting that after the dedication, upright curbing would be installed and the existing macadam would be removed. Mr. Koenig advised that property owners could then proceed with modification of their deeds to acquire that property if they so choose. Mr. Koenig stated that, to his knowledge, all of the houses in this subdivision were occupied, unless vacated through moving, etc.

Staff recommended acceptance of the dedication of rights-of-way and public infrastructure of the Emerald Pointe Subdivision, with dedication to include all of the referenced public improvements.

The Committee recommended approval of Staff's recommendation.

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

Property Tax Credit Request - Route 8 (New Development)

Mr. Scott Koenig, City Manager, advised members that the request for a property tax credit for new development on Route 8 came out of the City Manager's Office based on discussions with a developer of land along the Route 8 Corridor. He indicated that staff had been working with the developer of land on the south side of Route 8 which was formerly owned by Ennis Business Systems, LLC. Mr. Koenig stated that there had been associated demolition of buildings and the property had been cleared in anticipation of future development. He explained that Franchise Management Services, Inc. c/o Mr. Nick Nastazos was proposing to build a new Dunkin Donuts facility, as well as other commercial space, on property located at 1116-1128 Forest Avenue. Mr. Koenig stated that the Route 8 traffic study envisioned a service road across the rear of this parcel, which would connect to the existing traffic light at the Modern Maturity Center and travel east towards the Gateway West Shopping Center. He explained that the overall traffic plan envisioned a full stoplight at the Modern Maturity Center, east-west stopping on Forrest Avenue, the existing southbound light at the Modern Maturity, and a full signal light which would allow cars access out of the site onto Route 8.

Mr. Koenig indicated that the concept plans of the Route 8 study included a service road with one (1) lane in each direction running from the Modern Maturity light in a southerly direction across this property to the rear, and then in an easterly direction to Gateway West. He indicated that in the development site plan for the property

immediately east of the subject property, which includes several doctors' offices, an easement is reserved at the rear of the property for a future access road. Mr. Koenig advised that, in discussing this proposal with the current developer, he asked for consideration from the City of Dover for a tax credit for a period of time to reserve the potential for construction of the service road.

Mr. Koenig explained that the concept would be to assume that the land is approximately five (5) acres in size. He stated that the area needed for a proposed service road would equate to 1.5 acres of land. Mr. Koenig advised that instead of paying City of Dover property taxes on the entire five (5) acres, the developer would only pay property taxes on 3.5 acres of land. He indicated that this tax credit would only be for the land component. Mr. Koenig stated that the developer would pay full property taxes for all buildings and other improvements on the land, and the proposed property tax agreement would be for a 20-year term. He noted that if the service road was actually constructed across the property to public road standards, then the right-of-way for the service road as well as the improvements associated with the road would be dedicated to the City of Dover, and the City would draft a formal agreement for signature by the developer and the City. Mr. Koenig stated that this approach would allow the City to preserve the service road concept across the development parcel without disrupting the development process.

Mr. Koenig informed members that he was interested in this approach because he did not want to purchase the land from this developer, and the reservation or the tax credit was a good way for the City to keep the concept alive without negatively impacting the overall tax revenue from the property. He explained that, assuming that Mr. Nastazos does the construction, there would be new building features at this location that would have full property tax, and the only credit would be the final alignment of a future road right-of-way or road easement. Mr. Koenig indicated staff had assumed that the service road would never happen, and if the City did not want to pursue this 10 or 15 years down the road, there could be language included that would allow the City to basically abandon the concept and at that point stop offering the tax credit. He advised that, on the other hand, the City would have a 20-year time frame to get the service road constructed, and if it is not constructed, the property would be unencumbered by the tax credit after the 20-year horizon. Mr. Koenig stated that this concept had been discussed at the developer-staff level and, if approved, staff would draft and execute the agreement. He noted that if Council chose not to move it forward, staff would abandon the concept and inform the developer.

Staff recommended authorizing the City Manager to execute a tax credit agreement for the purpose of reserving area for a future service road across the properties located at 1116-1128 Forrest Avenue.

Mr. Anderson asked if this approach would transfer with ownership transfers. Responding, Mr. Koenig stated that staff had not gotten that far into the discussion;

however, he felt that the answer would be no and that the discussion was with the current developer.

Mr. Anderson stated that tax credits in the City usually exist just for 10 years and 20 years would be unusual. He asked if this was suggested because staff wanted to maintain the City's flexibility for up to 20 years. Responding, Mr. Koenig advised that he had suggested 20 years because it takes a long time for roads or road concepts to be approved. He indicated that he did not think 10 years would be long enough in this case and requested consideration of 20 years.

Mr. Shevock questioned if the developer would pay for any of the roadway and how far he would take the service road back. Responding, Mr. Koenig indicated that there was a kind of caveat with the developer that the City would show him an alignment that would allow him to build a service road component and then dedicate it. He was interested in this concept so that he would not have future maintenance responsibilities for the road. Mr. Koenig noted that they had not fully discussed at what point this would happen. He indicated that the developer was very adamant about building the first building but was concerned about the total all-in cost for development because he would have to build a turn lane, modify the signal, etc. Mr. Koenig advised that ideally, through the development of this parcel, two-thirds of the service road would be built on the developer's property. He stated that the developer would then request that the City take dedication of that road area and the potential extension easement of that area so that he could divest himself of the maintenance issue.

Mr. Shevock asked if the developer would build to City specifications. Responding, Mr. Koenig stated that if the developer wanted the road to be dedicated in the future, he must build it to the City's structural number standards, turning radiuses, etc., and staff would encourage this.

Mr. Hare asked how much money was being discussed. Responding, Mr. Koenig stated that he would have to obtain this answer for members. He estimated that the credit on the land at $1,500 to $2,000 per year, noting that he did not think it would be this high but had not brought a number with him.

The Committee recommended authorizing the City Manager to execute a tax credit agreement for the purpose of reserving area for a future service road across the properties located at 1116-1128 Forrest Avenue, as recommended by staff.

During the Council meeting, Mr. Scott Koenig, City Manager, reminded members that, at the Committee, they discussed a concept for a Tax Credit Agreement for property located at 1116 through 1128 Forest Avenue. He noted that they have several planning documents, spanning several years, that have called for a potential service road that would encumber portions of this property. Mr. Koenig stated that the developer is interested in the service road because it would potentially allow access to the Gateway West Shopping Center, which is several parcels to the east of this property. He advised that, to preserve the concept, he asked for consideration of a Tax Credit

Agreement that would offer tax credit for a portion of the land value only associated with the development application. He read a memo dated January 17, 2017 from him to City Council regarding the impact of the agreement, as follows:

> "During the Council Committee of the Whole/Legislative Finance and Administration Committee meeting of January 10, 2017, Councilman Anderson inquired what the impact of the proposed tax credit would be for the above referenced property. Mrs. Cheryl Bundek, Tax Assessor, has indicated the land for this site will be valued at $200,000 per acre. The site has a total of 7.7 acres, as referenced on the proposed development plan. Therefore the property tax value of the entire parcel for land only will be estimated at $1,540,000. Currently the estimated impact of the service road concept across the property is anticipated to encumber 1.25 to 1.75 acres of land, depending upon the final alignment of the service road. This equates to an economic impact of the proposed tax credit of $1,012.50 to $1,417.50 per year, based on the current tax rates.
>
> Staff, as in the City Manager, believes that this concept of the Tax Credit Agreement forgoing the estimated property tax value identified to reserve the service road is a good concept for the property, and we request that council endorse that concept moving forward so we can memorialize it in a signed agreement."

Responding to Councilman Lewis, Mr. Koenig stated that this was the first property that had been offered this type of tax credit. He noted that there was a property immediately to the east, 1110 Forest Avenue, that has a recorded easement across the back of the property; however, a tax credit agreement had not been discussed during development of that project.

Mr. Lewis expressed concern with setting a precedence. Mr. Koenig agreed that it could potentially set a precedence. He advised that the intent of the agreement would be a 20-year term and if the City never exercises the service road option, it will expire at the end of 20 years and the property will go back to full tax value. Mr. Koenig noted that if at any point in the 20 year period the City decided that it was not interested in the service road concept, it could cancel the agreement and it would go back to full property tax value. He advised that the agreement is to the developer's advantage if he actually builds a portion of the road and dedicates that portion to the City of Dover because then it would be encumbered by public maintenance, but it would have to go through the Council dedication process and be built to a structural standard. If the service road were dedicated, the right-of-way portion would be carved-out anyway and become tax exempt at that point.

Responding to Mr. Lewis, Mr. Koenig stated that there were no guarantees that the developer would dedicate the service road to the City; however, the developer sees the potential upsides to building it and turning it over to the City so that he no longer has to maintain it.

Mr. Neil asked Mrs. Donna Mitchell, Controller/Treasurer, if she knew what the value of the property was and how this would affect the budget. He noted that he had heard that the property would be assessed at $200 million. Mrs. Mitchell stated that she did not know the value of the property. Mr. Koenig stated that the current value of the property is less than $200,000 per acre. Once the smaller properties are assembled and converted to commercial development, the value of

the land will increase significantly. Responding to Mr. Neil, Mr. Koenig stated that, if the site is developed, the net result would be a significant improvement in tax revenue.

Mr. Hare stated that he hoped it would set a precedent so that any other vacant seven acre parcels in the City will bring people in to open more businesses, develop the land, especially if it is only going to cost the City $1,000 to $1500 a year in tax revenue.

Mr. Neil moved for approval of the Committee's recommendation to authorize the City Manager to execute a tax credit agreement for the purpose of reserving area for a future service road across the properties located at 1116-1128 Forrest Avenue. The motion was seconded by Mr. Hutchison and unanimously carried.

Project Carry-Forward Budget Balances/Proposed Ordinance #2017-04 - Budget Amendments

Members were provided a revised Committee Action Form (CAF) regarding Project Carry-Forward Budget Balances & Proposed Budget Amendments dated January 10, 2017. Mrs. Donna Mitchell, Controller/Treasurer, advised members that the form was revised for clarification and reviewed the CAF. In regard to the Rate Stabilization Reserve, she noted that this reserve has a policy of 10% - 20% of power supply costs. She noted that putting the entire $6M that was over the projection in the Electric Fund Budget Balance into the Rate Stabilization Fund would have put this fund over policy; therefore, $2M was placed in the Rate Stabilization Fund, which keeps the fund within the policy, and $2M was placed in both the Future Capacity Reserve and the Depreciation Reserve. Mrs. Mitchell noted that no revenue increases were projected because staff was waiting to complete the Quarterly Revenue Report after December 2016 is closed, noting that any favorability would be brought forward at that time.

In regard to increases to the Division budgets for vacation sell-back, Mrs. Mitchell explained that "retirement payout" was struck through because there was no retirement money included, it was agreed that this would be covered with salary savings, and no retirement money was budgeted.

In regard to additional adjustments to the FY17 Budgets, Mrs. Mitchell explained that there had been a request from Ms. Margery Cyr, Library Director, for a glass door/wall in the library to partition off and reduce the noise level in the small theater. She indicated that when reductions were made to balance the budget, this item was removed; however, a commitment was made to Ms. Cyr that this would be covered through a budget amendment if there was extra money in the Capital Project Fund. In regard to moving overhead distribution lines to underground distribution lines on the North Street Project, Mrs. Mitchell explained that Mr. Scott Koenig, City Manager, had brought forward a CAF for improvements to water and wastewater portions of this project a few weeks ago, and the funding now being discussed was for the electric side of this project.

Staff recommended approval of the proposed Budget Amendments for Fiscal Year 2017.

Mr. Anderson stated his recollection that money had been borrowed from the Rate Stabilization Fund. He asked if this was correct and, if so, whether this fund was now current.

Responding, Mrs. Mitchell stated that, in regard to the Rate Stabilization Fund, if funding is available, a power cost adjustment (PCA) credit is given. She indicated that if Rate Stabilization Fund monies are used for another purpose, the fund is replenished. Mrs. Mitchell explained that these funds are mostly used for power supply cost adjustments and that the City was currently doing such a cost adjustment. She stated these funds would replace money put into the power supply cost adjustment in people's electric bills.

In response to Mr. Anderson regarding the status of the Rate Stabilization Fund, Mrs. Mitchell stated that it would be at the highest compliance level. She noted that the highest compliance level is 20% and it was at approximately 19.3%.

Mr. Anderson noted that money was taken for HVAC maintenance at Weyandt Hall and questioned if other needed maintenance, such as roofing and other issues, were already covered. In response, Mrs. Mitchell advised that since this building was owned by the Electric Fund, Mr. Harry Maloney, Electric Director, had a line item in this department's administrative budget for maintenance for it. She explained that this mostly covered the electric and routine maintenance. Mrs. Mitchell stated that janitorial services were also covered; however, the HVAC and door replacement were major projects that were added to the capital budget in the Electric Fund so that these capital components could be depreciated.

Mr. Anderson asked if the problem with Weyandt Hall's roof when there is rain had finally been solved. Responding, Mrs. Mitchell advised that the problem had been solved and the roof no longer leaked.

Referring to the $330,000 in personnel favorability in FY 16, Dr. Stewart asked if this transfer was needed to cover additional positions that were added. In response, Mrs. Mitchell stated that it was; however, $300,000 of this amount had been transferred to the uncollectible reserve before the year ended for audit purposes, so this was taken out of personnel savings.

Dr. Stewart asked if personnel savings usually go to the Other Post-Employment Benefits (OPEB) fund. Responding, Mrs. Mitchell stated that these funds go to the OPEB fund or to pension funds for unfunded liabilities.

Mr. Hutchison stated his understanding that no revenue increases were being projected and asked when the Quarterly Revenue Report was due. In response, Mrs. Mitchell advised that it is usually due for the first City Council meeting in

February; however, she was trying to prepare it now to provide it to the Clerk's Office by January 14, 2017 to be placed on the next agenda. She indicated that the report was tracking favorably and she wanted to bring this forward and had asked staff to see if they could get it done as the books were being closed. Mr. Hutchison asked if Mrs. Mitchell would be making a recommendation based on the report's findings. In response, Mrs. Mitchell stated that she would be making a recommendation, preparing another budget ordinance, or providing information that would be rolled in the next time staff brings forward another budget ordinance.

Mr. Anderson commented that he saw no adjustments in the area of parks and recreation and asked if there had been any discussion regarding improvements of fields, etc. In response, Mrs. Mitchell stated that there had not been discussion and the Proposed Ordinance would only bring forward what was carried forward from last year's open projects. She explained that any enhancements or new projects desired for this year would have to be brought forward by staff or Council for discussion at a meeting because they would be unbudgeted projects.

The Committee recommended approval of the proposed Budget Amendments for Fiscal Year 2017, as recommended by staff.

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

Consideration of Cost of Living Allowance (COLA) for General Pension Plan Retirees

Mr. Scott Koenig, City Manager, stated that the request for consideration of a Cost of Living Allowance (COLA) came out of the City Manager's Office as a follow-up to discussions over the last several years. He read into the record his memorandum dated December 29, 2016 regarding Consideration of Cost of Living Allowance for General Pension Plan Retirees into the record, as follows:

> For several years, representatives of the General Pension Plan retirees have inquired about a Cost of Living Allowance (COLA) for the current city pensioners under the City's General Pension Plan. These discussions have not lined up with the City's budget process. The City Manager is requesting authorization to expend approximately $1,000 to analyze the financial impact for three (3) different COLA amounts: 1%, 1.5% and 2.0%. The analysis will be completed by Nyhart. These expenses will be charged against the pension fund assets.
>
> The scenarios are one-time COLAs that would increase the retiree's annual payment by the correlating percentage. Once the financial impacts are determined, the City Manager will make recommendations for budgetary considerations. Ultimately, City

Council would have to authorize any COLA before one could be implemented.

Mr. Koenig advised that this request had come before the Pension Board, Council committees, and Council on a number of occasions over the last several years. He indicated that he would like to see it approved to obtain a hard dollar amount on the cost if COLAs were authorized. Mr. Koenig explained that he would come before the Committee and Council with the results and recommendations at a later date.

Mr. Hare asked if these were non-union employees. Responding, Mr. Koenig advised that this would include members of the General Employee Pension Plan, so there were a number of different employees that in some cases were unionized. He indicated that some of these pensioners retired from the City before anyone in the work force was unionized; however, this would cover everything from electric personnel, to general office work, to sanitation, so they were in some cases formerly unionized employees.

Mr. Hare asked if the union negotiated all of these employees' pension matters when they were unionized. In response, Mr. Koenig stated that, as far as he knew, the formula used for those in the defined benefit pension plan was based on the number of years of service and a percentage of salaries. He indicated that the union had typically negotiated medical benefits and in some cases what percentages these individuals were paying as retirees. Mr. Koenig estimated that there were approximately 200 plus retirees at this point, some of whom had been retired for many years, and this was where the focus of this discussion was coming from. He stated his belief that the formula for their actual monthly pension payment was standard across the board for everybody, so the fact that they were in unions or not in unions had no effect on this actuarial calculation.

Mr. Hare indicated that he did not have a problem with this; however, he wanted to make sure that everybody was on the same playing field. He indicated that if non-union retirees were paying a greater percentage for healthcare than union employees, this should be figured in if a COLA increase is given.

Mr. Koenig explained that there is not a 100% level playing field, noting that some retirees now in the pension plan are cost-sharing for retirement health care and some former employees are not contributing to their health care costs in retirement because they retired many years ago. He noted that some who have retired over the last few years are contributing a portion of their health care costs, and some who are retiring or have retired that are not even in the defined benefit plan. Mr. Koenig explained that this current request would only affect the pool of former employees in the defined benefit plan and would not do anything for retirees in the defined contribution. He indicated that it would not correlate with whether it is a spousal retirement, since there is a formula for that, or with cost-sharing and health care, noting that those items are detached from one another.

Mr. Neil indicated that there was a range of figures for COLAs, noting that for Social Security this year it was 0.3%, and the increase for the Delaware Manufactured Home Relocation Authority for rent justification was 0.6% based on an average of three (3) years. Mr. Neil noted that the proposal was for 1%, 1.5%, or 2%, stating that this would be good if the inflation rate was driven up 5%, 6%, or 7%, but bad if it is low as it is now. He stated that the inflation rate probably would increase. Mr. Neil questioned if there could be some sort of a float that would be fair to a retiree if inflation goes up, but would at the same time be fair to the City if the rate stays as low as it is now, for Social Security purposes.

Mr. Koenig indicated that this question may be beyond his ability, stating his belief that it had been more than five (5) years since there had been any type of COLA consideration for this group of retirees. Mr. Les Blakeman, 209 Falmouth Way, stated his belief that the last COLA raise was in 2006; therefore, it had been 11years since there was an increase.

Mr. Koenig noted that Mr. Blakeman had indicated that there had not been an increase since 2006 and stated that he had not brought any cost of living averaging information for the discussion this evening; however, it had been a significant amount of time since pensions had been adjusted at all. In regard to a rate that would float, Mr. Koenig indicated that he was looking for a very simple calculation stating the cost if the pensions for everyone in this group increased, for example, by 1% or 1.5% and how it would be funded. He stated that he thought it would cost a lot more than $1,000 to analyze the cost of an associated floating mechanism, and staff was trying to get the simplest, fairest plan together to accurately evaluate this matter.

Mr. Neil expressed his hope that Council would consider a floating rate because a fixed rate could be good or bad. He indicated that if no one had gotten an increase since 2006, anything would be better than what it is now. Mr. Neil advised that he was laying the idea of a floating rate on the table for consideration in the future, whether or not the proposal was approved, because other mechanisms were being used on a regular basis, including by Social Security. He stated that the Consumer Price Index for all Urban Consumers (CPI-U) is used for rent justification for the Philadelphia, southern New Jersey, and Wilmington area, and they came up with the 0.6% rate currently being used; however, it was based on a three-year period. Mr. Neil noted that retirees got no increase from Social Security one (1) year, and this year Social Security granted 0.3%, which was gobbled up.

Mr. Anderson asked if the effect of a one-time increase would be looked at rather than an annual increase. Responding, Mr. Koenig indicated that what would be asked for would be the effect of taking the annual pension and increasing it by 1%, 1.5%, or 2% going into the future. For example, he stated that if a pension was $1,000 per month and the increase was 1%, the pension would increase to $1,010 per month until something was altered in the future. In response to Mr. Anderson, he confirmed that it would be a one-time initial increase, not 1% each year, and that change would run in perpetuity.

Mr. Anderson indicated that floating mechanisms were not necessarily needed because perpetual annual increases were not being discussed beyond the base. He stated that members were talking about the effect on the pension fund and unfunded liabilities, etc., if this increase was done periodically, such as every 10 years or so.

Mr. Koenig confirmed this and stated, for clarification, that a snapshot would be taken of every pensioner right now. If Council awarded a 1.5% increase, those annualized numbers would be adjusted by 1.5%and this would become their annual pension going into the future.

Dr. Stewart asked if the City funds COLA increases in one (1) lump sum or over a period of years. Responding, Mr. Koenig indicated that the City had not done a COLA increase since 2006; however, he thought the intent was to come up with a number and fund it all in a lump sum, assuming that the City had the money to do that, because it was not desired to create additional liability.

Mr. Hare noted that it would be a lump sum every year, noting that if was determined that the cost of a 1% increase was $5,000, there would be an additional $5,000 cost every year. He noted that this cost would be amortized. Mr. Hare stated he thought the request would be a good first step.

The Committee recommended that the City Manager be authorized to expend approximately $1 ,000 to analyze the financial impact for three (3) different COLA amounts: 1%, 1.5% and 2.0%. The analysis will be completed by Nyhart. These expenses will be charged against the pension fund assets.

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

Proposed Time Change for Open Forum

Mr. Hare advised members that Mr. Slavin had indicated that he would like to see the time for the Open Forum segment of the Regular City Council Meetings moved to 7:00 p.m. due to the number of speakers that had been present at meetings over the last few months.

Mr. Sudler asked if Open Forum would be held from 7:00 p.m. to 7:30 p.m. Responding, Mr. Hare indicated that it would be held at 7:00 p.m., but could end earlier than 7:30 p.m. if speakers are done earlier. He noted that there might be times when Open Forum may run a little longer than 7:30 p.m.; but starting at 7:00 p.m. would be better than 7:15 p.m. He noted that the Open Forum for Council usually starts at 7:15 p.m. and would be moved back to 7:00 p.m.

Mr. Anderson asked if this would be for a particular session of Council through May 2017. Responding, Mr. Hare indicated that the change would be permanent.

The Committee recommended acceptance of the time change for Open Forum for City Council meetings from 7:00 p.m. to 7:30 p.m. as presented by Councilman Hare.

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

Proposed Ordinance #2017-02 Amending Chapter 2 - Administration, Article V - Finance, Section 2-422 - Disposal of Excess Property

Mr. Scott Koenig, City Manager, reminded members that he had been before Council several times over the last year or two (2) to discuss the disposal of excess property, and Mr. Slavin had commented about the difficulty of reading the procedure for sale and disposition of real property. He stated that the procedure was re-typed, and Mrs. Traci McDowell, City Clerk, had subsequently indicated that it should be codified and placed into the municipal code so there would be no ambiguity about what it said and when it was adopted. Mr. Koenig explained that Proposed Ordinance #2017-02 would codify the procedure for sale and disposition of excess City-owned real property, stating that no changes had been made to the procedure, to his knowledge and it had just been placed in code format. Staff recommended that Proposed Ordinance #2017-02 be moved forward to Council.

Mr. Anderson stated that he had a question about the State code change which allows for land banking and the forming of land banking organizations. He noted that Mr. William Pepper, Deputy City Solicitor, and Mrs. Ann Marie Townshend, Director of Planning and Community Development, were studying these issues and Mr. Anderson expressed concern about changing the municipal code before the City had a chance to look at a possible addition to the code in this regard. Mr. Anderson asked, if the City were to take advantage of the recent change in State law, whether this would fall under Exception E of the proposed ordinance pertaining to non-profit organizations. Responding, Mr. Koenig advised that he would have to get an answer from Mr. Pepper in this regard, stating that he would happy to do so before the next City Council meeting.

Mr. Anderson stated that he would definitely like an opinion and would like to delay adoption of the ordinance until members had a chance to look at the land bank issue if it would affect the ordinance. He indicated that there would be no reason to delay the ordinance if it would not be affected by the State code change.

Mr. Hare stated that he thought the Proposed Ordinance could move forward, a legal opinion could be obtained, it could be discussed at the Council meeting, and appropriate action could be taken.

Mr. Neil expressed concern that the City has vacant buildings that do not move forward as fast as they should in terms of determining whether they can be used in a different manner, if they are surplus, or what their value is, and he thought the Proposed Ordinance would enable the City to move forward. He indicated that these are City properties that citizens invested their money to purchase, and the City

should be giving citizens full value, whether the buildings are sold or used elsewhere. Mr. Neil stated that one (1) of his suggestions during the Council Retreat held on January 6, 2017 was to look at this matter and move forward with it, and he had no problem with moving forward with the ordinance or with checking on Councilman Anderson's concerns and thoughts.

The Committee recommended adoption of Proposed Ordinance #2017-02, with a caveat that a legal opinion be obtained regarding whether the State code change which allows for land banking and the forming of land banking organizations would affect the Proposed Ordinance.

During the Council meeting, Mr. Scott Koenig, City Manager, advised that the ordinance was an effort to codify a procedure that for disposal of excess property that dated back a number of years.

Mr. Koenig stated that, during the Committee meeting, Mr. Anderson asked a very specific question with respect to, if the city were to take advantage of the recent change in State law, whether this would fall under Exception E of the proposed ordinance pertaining to nonprofit organizations. He advised that Mr. William Pepper, Deputy City Solicitor, reviewed the ordinance and the minutes of the Committee meeting and he has indicated that the proposed ordinance does not conflict with State law. Mr. Koenig stated that Chapter 47 of Title One of the Delaware Code permits but does not require municipalities to create local land banks and Mr. Pepper does not believe that there are any conflicts with the proposed ordinance as it relates to land banking activities.

Mr. Anderson clarified that the question asked was, if this particular ordinance is passed, would it interfere with the City transferring land to a land bank, which is something that had been discussed for the future. Responding, Mr. Nicholas Rodriguez, City Solicitor, stated that Mr. Pepper had researched the issue and he does believe that the ordinance would impact any future plans for a land bank.

Responding to Mr. Anderson, Mr. Koenig stated that he had a phone conversation with Mr. Pepper earlier in the day and he indicated that if the City were to create a land bank, it would function similar to the Downtown Dover Partnership, and he thought it would qualify under Exception E for nonprofits. The land bank, if it were created by the city of Dover through legislation, would essentially function as a nonprofit and they would be able to adhere to those rules.

Mr. Neil moved for adoption of Proposed Ordinance #2017-02, as recommended by the Committee. The motion was seconded by Mr. Anderson and unanimously carried. (The First Reading of the ordinance will take place during the latter part of the meeting).

Proposed Ordinance #2017-03 Amending Chapter 2 - Administration, Article IV - Officers and Employees, Division7 - General Employee Pension Plan and Division 8 - Deferred Compensation Plan; and Article VI - Other Post-Employment Benefits Fund and Creating Chapter 80 - Personnel

Mrs. Donna Mitchell, Controller/Treasurer, advised members that she had developed an outline of the provisions of Proposed Ordinance #2017-03 and reviewed them, as follows:

1. Established a New Chapter #80 for Personnel and incorporates the retirement related ordinances into this chapter. (All pension, deferred compensation and Other Post Employment Benefit Plans)

2. Administratively revises the ordinances to remove redundancies included in all ordinances by adding a definition section and expands Division 1 - Generally to clarify the provisions that apply to all retirement plans. i.e., Normal retirement, early retirement, termination of employment.

3. Administratively changes the terminology used from defined benefit and defined contribution to the specific plan applicable. i.e. general employee pension plan, deferred compensation plan (457), or money purchase plan (401).

4. Incorporates the provisions that apply to the General Pension Plan into the Money Purchase Plan Division since the General Pension Plan is now a closed plan since 2009.

5. Inserts where applicable for each plan that the terms and conditions of the plan are defined in the Plan documents for the 401/457 Plans. This would negate any continued changes if contribution percentages change or plan changes as required by IRS rule changes.

6. Administratively changes the terminology to reflect changes in actuarial standards for both pension and OPEB. What used to be actuarial required contributions is now actuarial determined contributions.

7. Revises New Section 80-516 (General Pension Plan rows 494 - 541):

   Benefits to cease upon reemployment; exceptions -

   This provides expanded detail in conformance with IRS regulations as to under what circumstances a retiree in the General Pension Plan can return to work without having to stop their retirement benefits. It mirrors the State of Delaware code and has been reviewed and suggested by a labor attorney familiar with the tax code provisions.

Referring to Line #179, Mr. Anderson questioned why "irrevocable" was stricken in regard to the decision to join the deferred compensation plan. Responding, Mrs. Mitchell explained that the deferred compensation plan is the 457 plan, which

is a voluntary choice; however, the 401 plan is an irrevocable decision and the ordinance was adjusted to reflect this.

Mr. Hare noted that a City employee who retires must wait six (6) months before they can come back and work for the City. Mrs. Mitchell confirmed this and noted that employees under age 65 can work only under certain circumstances; however, there are no restrictions for those over age 65. She advised that the ordinance spells out the circumstances under which an employee can return, such as for a project or as a casual/seasonal employee.

Responding to Mr. Hare regarding whether an employee can return part-time, Mrs. Mitchell stated that they can return part-time for no more than six (6) months if they are under age 65; otherwise they would have to stop their pension.

Mr. Hare asked if employees could work part-time for six (6) months and then take a break. In response, Mrs. Mitchell indicated that it was against Internal Revenue Service (IRS) rules to plan to let employees go for a little while and then bring them back.

The Committee recommended adoption of Proposed Ordinance #2017-03 as presented.

By consent agenda, Mr. Hare moved for adoption of Proposed Ordinance #2017-03, as recommended by the Committee. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote. (The First Reading of the ordinance will take place during the latter part of the meeting).

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

QUARTERLY REVENUE REPORT

Members were provided the Quarterly Revenue Report as of December 2016.

By consent agenda, Mr. Hare moved for acceptance of the Quarterly Revenue Report as of December 2016, seconded by Mr. Neil and carried by a unanimous roll call vote.

YOUTH FOCUS GROUP REPORT

During their May 26, 2016 Special Council Meeting - Budget Review, City Council established a youth focus group initiative across City government. The purpose of the program would be to solicit input on ideas, solutions, and issues from the youth of the City. The following departments will be required to hold a focus group with the youth who are residents of the City of Dover: Planning, Parks and Recreation, Dover Public Library, and Police. The focus group will be held before December 1 of each year and reports of the various departments will be made to Council no later than February 1 of the following year.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised that she, Margie Cyr, Library Director, and Lieutenant Hermance of the Police Department have been working on plans for a Youth Focus Group. She noted that they have tried to be very broad in how they solicit people to participate in the focus group, so they have sent letters to each of the churches and schools in the City of Dover asking them to nominate one parishioner or student to participate so that we have a large, yet manageable, group.

Mrs. Townshend stated that they have identified youth ages 13 through 16 who reside in the City of Dover as their target audience. The focus group will be held on Saturday, February 24, 2017 in the library. She advised that they have a committee of staff from the Library, Parks and Recreation Department, and the Police Department to develop questions to help elicit the feedback they are looking for. Mrs. Townshend noted that they have started getting feedback with indications of people who are planning to attend.

Mr. Sudler asked if there had been any media advertisement. Mrs. Townshend responded that letters were sent to schools and churches so that each of those organizations would designate one youth to participate in order to have a manageable sized group.

EVALUATION OF BIDS - ROLLING ACRES PUMP STATION REPLACEMENT

Mr. Scott Koenig, City Manager, advised that this project includes the replacement of the Smith & Loveless package pump station. He noted that the station, located on the east side of North duPont Highway (Route 13) behind 595 North duPont Highway, was installed in 1973 and has exceeded its anticipated life expectancy of 20-25 years. Mr. Koenig stated that the existing wet well will be rehabilitated with additional site improvements to address inflow and infiltration and the pump station replacement will improve the City's wastewater system by increasing the structural integrity and pump efficiency of the pump station. He also advised that Staff requested an alternate bid price for bituminous pavement for the pump station, which will decrease maintenance at the station.

Mr. Koenig noted that all bidders were over the project budget and he expressed concern with re-bidding the project, believing that the prices will either remain the same or increase because a re-bid would occur in the spring, which is the busy season for construction activity.

Staff recommended awarding the contract to M2 Construction, LLC in the amount of $439,300 for the Rolling Acres Pump Station Replacement Project, noting that the shortfall for this project will be supplemented by a budget amendment from the Inflow and Infiltration Removal project.

Mr. Anderson asked what may have driven the cost overrun. Responding, Mr. Koenig stated that he thought it was due to the increase in construction activity as the economy is improving. Noting that the City has been doing a lot of pump station projects, Mr. Koenig stated that he believed that the last two projects had higher budgets than originally planned. He advised that Staff would be altering the proposed budget for pump station replacements moving forward.

Responding to Mr. Lewis, Mr. Koenig advised that the life span of the pump station ranges from 20 to 25 years. He noted that, in some cases, the pumps are rebuilt and sometimes upgraded to larger pumps during that life cycle, but at least every 20 to 25 years major rehabilitation on the stations is required.

Mr. Koenig noted that Staff has recently been going through a structured procedure of designing one year and then construction the next year through a series of the pump stations. He stated that in the last couple of years they have done the Lakeview Drive Pump Station in Eastlake Gardens, they are finishing the Retreat Pump Station in the Retreat subdivision, and they currently have construction authorized for the Village of Westover Pump Station. Mr. Koenig advised that all of these stations are either over, or right at, the 20 year life cycle. He noted that there are approximately 40 to 45 stations throughout the system, so they need to do one or two stations every year to keep up that 20 to 25 year cycle.

Mr. Lewis stated that replacing these pumps would require budgeting. Responding, Mr. Koenig stated that, in this case, it is a major upgrade that probably includes electrical and mechanical replacements, relining the wet well, and additions to the piping coming out of the station. He noted that, in some cases, it has included backup generation and upgrading electric services. Mr. Koenig advised that it is a complete switch-out of the infrastructure over the past 40 years.

Mr. Sudler asked, in regard to the dedicated routine maintenance, how often Mr. Koenig receives a report and who reviews those reports. Responding, Mr. Koenig stated that there is a six person pump station crew that visits each of the stations on a scheduled basis and, similar to the water well system, there is a checklist that they go through for each station. As part of the monthly reports, these crews report back any minor problems and, in some cases, there are stations where there may be major problems. Mr. Koenig advised that computer interfaces may go bad, pumps may have to be repaired or sent out for maintenance. He noted that the pump stations are on the SCADA system that is being monitored 24-7 at the Electric Department through the dispatch center, so if there is a problem with a station, it sends an electronic relay signal to the dispatch center.

Mr. Neil moved for approval of Staff's recommendation to award the contract to M2 Construction, LLC in the amount of $439,300 for the Rolling Acres Pump Station Replacement Project (Bid #17-0018PW), noting that the shortfall for this project will be supplemented by a budget amendment from the Inflow and Infiltration Removal Project. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

CHANGE ORDER - MEETING HOUSE BRANCH VOLUNTARY CLEANUP PROGRAM

Mr. Scott Koenig, City Manager, advised that this project was formerly known as the old PW2 Site Improvement Project for the tar ditch storm water drainage and the project has been renamed the Meetinghouse Branch Storm Water Improvements.

During the design phase of the Old PW2 Site Improvement Project, it was found that soils in the property were contaminated with petroleum and lead. Because the scope of the project is to excavate the area and create a water quality feature, significant excavation will be required. The main concern was the lead concentration found during the Test Pit investigation, which surpasses the DNREC-SIRS lead reporting level. This discovery places the PW2 Municipal Yard in the Voluntary Cleanup Program (VCP). The VCP will require an application fee and a contractor to prepare a remediation investigation work plan. After the Department of Natural Resources and Environmental Control (DNREC) has approved the work plan, implementation of the work plan, which includes soil samples and analysis of the site, will need to occur. Compliance Environmental, Incorporated has provided a two-part proposal to perform the required work. The initial cost is $9,800 for the

creation of the work plan and the second part is for remediation of the site. Although the extent is unknown, an estimated range is between $40,000 and $60,000. Staff believes the cost will be at the high end of the range. What is not accounted for in the proposal is the $5,000 application fee that is required from DNREC.

Mr. Koenig advised that, on March 28, 2016, City Council approved a change order that equated to 25% higher than the original budget. This request will continue to increase the project budget, which will require another Council approval. He noted that the original budget for Project Number ST1504 Old PW2 Site Improvements was $480,000 and it is currently revised at $603,542. Staff is requesting a change in the amount of increase of $74,800.

Mr. Koenig stated that the proposed source of funding is the FY17 Street and Alley Program, which was originally budgeted at $900,000 and has been revised to $752,000. Use of the $74,800 will decrease the budget for that project to $677,200. He advised that the proposal allows them to finalize the storm water conveyance improvement design, formerly known as the tar ditch, that captures the storm water over into Lincoln Park, up Route 8, down through the center of the City, through Water Street, and across the hospital property adjacent to the Skull Terrace properties and transfers storm water to the river through the old PW2 site.

Mr. Koenig stated that the total project for construction is estimated between $7.5M and $8M. He noted that they have had numerous meetings about this project with both state-level administrators and various legislative officials. At this point, they need to finalize the design for the project. Mr. Koenig advised that they have been discussing several large economic development projects, one related to the hospital and the second related to potential redevelopment of sites in the Tar Ditch Meetinghouse Branch Base in downtown. He stated that, unless this project moves forward, both of those economic development projects may be significantly harmed over the long term.

Mr. Koenig advised that the City would complete the design and then seek additional funding from other partners in the basin, as well as the State, to offset some of the cost of this project. He noted that the City has received a draft binding letter of commitment for up to $8M for a 20 year period from the Storm Water State Revolving Fund, which would require the City to pay back approximately $250,000 a year for 20 years at approximately two percent (2%). Mr. Koenig advised that this is a major project that Staff has been working on since the early 1990s.

Mr. Koenig advised that this problem goes back to the late 1980s when there was a detailed study by engineering firms on the flooding at Water Street. Because this has been such a long project, Staff has been working with the State to try to resolve the unknown environmental issues. He noted that the State has contributed a number of hours to do test pitting and sampling for the City. That has led them to the point where they know that there is some petroleum-laden soils in the project area.

Mr. Koenig stated that this project has been ongoing for so long and, because it affects a number of other economic development projects, priority should be given to this change order request. Staff will then rework the capital plan, which may include coming back at some point in the future to request Council to either move money from Capital Project Reserves to help offset costs or to

request Council to allow any funds that are associated with potential additional revenues created through the FY17 Budget related to the general fund to be applied to this project.

Mr. Koenig stated that trying to get all of these projects to meld together from a budgetary standpoint has been difficult. He noted that the proposed funding would potentially eliminate Mockingbird Avenue from the FY17 Street Program to help cover the costs. Mr. Koenig noted that this is a General Fund expense that must be incurred.

Mr. Hare asked how many fines the City had received related to this project. Responding, Mr. Koenig stated that no fines had been issued; however, there was a $25,000 fine associated with the MS4 Program. He also noted that, approximately 10 or 15 years ago, they did a Voluntary Cleanup effort on a portion of property known as Skull Terrace, or the Skull property, which was a joint project between the hospital and the City because the encroachment lines crossed properties. There was already a portion of this project that is under a former Voluntary Cleanup Program. Mr. Koenig advised that the City would be voluntarily entering into the program so that the State does not require removal of the soils.

Mr. Hare, noting that there are sinkholes on Mockingbird Avenue and the residents have been anticipating its repaving, asked how much money it was going to cost for the repaving. Mr. Koenig stated that he thought the estimate to repave Mockingbird Avenue was approximately $120,000 to $130,000. He assured Mr. Hare that they would do everything they could; however, he could not guarantee that Mockingbird Avenue would be completed in FY17.

Mr. Sudler asked Mrs. Donna Mitchell, Controller/Treasurer, to provide her opinion on the project. Responding, Mrs. Mitchell stated that she did not believe that they had a choice because of the soil contamination. Referring to the financial aspect of the project, Mrs. Mitchell advised that she had not seen specifications for each street; however, she noted that approximately $600,000 was carried forward from FY16 projects that had not been completed. She stated that she thought that between both of the Street Programs the money could be found without forgoing any street projects if all of the money had not been dedicated to specific streets yet.

Mr. Hosfelt, noting that the original budget for this project was $480,000 and it was now at $603,542, asked what year the project was originally budgeted. Responding, Mr. Koenig stated that it was budgeted in FY15, or three budget cycles ago, and they have been in active design since then.

Mr. Slavin stated that it was his understanding that this project deals with water that wants to make its way from west to east, gets trapped and contained, and causes flooding in the area. He noted that this issue was one of the most significant public works problems the City has yet to solve. Mr. Koenig concurred with Mr. Slavin.

Mr. Hosfelt reminded members of a discussion they had approximately one month ago about continuing to approve things and spending money they do not have, such as adding positions to the Customer Service Department, and now they are trying to figure out where they are going to get the money.

Mr. Hare stated that he agreed with both Council President Slavin and Councilman Hosfelt and would probably vote in favor of the change order because the project has to be done. Mr. Hare stated that he thought it was unfair to the people of Mockingbird Avenue who have been waiting patiently to get their issues resolved and he thought they ought to do what they could to find the money for that repaving.

Staff recommended approval of the proposal from Compliance Environmental to perform the necessary work for the Voluntary Cleanup Program, as required from DNREC, and the application fee. On March 28, 2016, City Council approved a change order that equated to twenty-five percent (25%) higher than the original budget. This request will continue to increase the project budget, which will require another City Council approval.

Mr. Neil moved for approval of Staff's recommendation, seconded by Mr. Cole.

Mr. Anderson advised that he had asked questions by email earlier and thanked Mr. Koenig for his response. He suggested that they prioritize the street programs because, during the budget discussion, it was said that the minimum amount needed in the Street Program was three-quarters of a million dollars. Mr. Anderson stated that the streets that are on the list are all in dire need of repair and should be a consideration when future budget amendments come forward.

Mr. Sudler asked how often the streets flood. Responding, Mr. Koenig stated that flooding occurred approximately five or six times per year. Mr. Sudler stated that a lot of their constituents have roads that need to be repaired and that there needed to be a plan to address the roads that their constituents have been patiently waiting for, including his constituents on Conwell Street.

Mr. Slavin suggested that Mrs. Mitchell and Mr. Koenig look at the numbers to find a way to move forward with the change order without eliminating a street project and report their findings in two weeks.

Mr. Slavin moved to amend the motion to ask Staff to go back and rework numbers. The amendment does not preclude the approval of the item, but we would ask for a report back on the funding at the next meeting. Mr. Neil, maker of the motion, and Mr. Cole, the seconder, stated that they agreed with the amendment, which was unanimously carried.

The motion for approval of the proposal from Compliance Environmental to perform the necessary work for the Voluntary Cleanup Program, as required from DNREC, and the application fee and that Mrs. Mitchell and Mr. Koenig will rework the numbers and report their findings at the next meeting was carried by a unanimous roll call vote.

CONFIRMATION OF POLICE PENSION ELECTION – RETIRED LIEUTENANT TIMOTHY MULLANEY - THREE (3) YEAR TERM TO EXPIRE JANUARY 31, 2020

The term of office of Retired Lieutenant Timothy Mullaney on the Police Pension Board expires on January 31, 2017. Pursuant to Chapter 62 - Law Enforcement, Article III - Pension Plan, Division 2 - Retirement Committee, Section 62-102(c)(2), notice of an election was given to all plan members. Only one nomination was received, therefore, no election was held. Chief Bernat nominated Retired Lieutenant Timothy Mullaney to serve a three (3) year term, to expire on January 31, 2020.

By consent agenda, Mr. Hare moved for approval of the nomination of Retired Lieutenant Timothy Mullaney to serve on the Police Pension Board, for a three (3) year term to expire on January 31, 2020. The motion was seconded by Mr. Neil and carried by unanimous roll call vote.

REAPPOINTMENT RECOMMENDED BY COUNCIL PRESIDENT SLAVIN - HUMAN RELATIONS COMMISSION - ALAN GADDIS - THIRD DISTRICT REPRESENTATIVE - THREE (3) YEAR TERM TO EXPIRE FEBRUARY 2020

Council President Slavin recommended the reappointment of Alan Gaddis to serve on the Human Relations Commission for a three (3) year term to expire February 2020.

By consent agenda, Mr. Hare moved for approval of the reappointment of Alan Gaddis, as recommended by Council President Slavin. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

FIRST READING - PROPOSED ORDINANCE #2017-01

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. Final action by Council on the proposed ordinances will take place during the Council Meeting of February 13, 2017.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised that New Castle County's Disorderly Premises Ordinance, which was reviewed by both the Safety Advisory and Transportation Committee and the Parks, Recreation, and Community Enhancement Committee, was revised to make it Dover-specific. She noted that the Ordinance would define the types of activities and allow the Police Department to issue fines for violation of the Disorderly Premises requirements. Mrs. Townshend stated that if a business receives three (3) violations within a period of 12 months, which is a year, they would begin the process of revocation of the business license, which is a provisional order. Mrs. Townshend noted that the Ordinance provides a basis for the fines that would be issued by the Police Department and then, if compliance is not achieved, it would then allow the City to take action against the business license.

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

ORDINANCE #2017 - 01 AMENDING CHAPTER 70 - OFFENSES AND MISCELLANEOUS PROVISIONS AND APPENDIX F - FEES AND FINES (DISORDERLY PREMISES)

FIRST READING - PROPOSED ORDINANCE #2017-04

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. Final action by Council on the proposed ordinances will take place during the Council Meeting of February 13, 2017.

Mrs. Donna Mitchell, Controller/Treasurer, advised that the Ordinance carries forward the balances resulting from the audit completed for FY 2016, as well as policy compliance for all reserve balances and favorable carry-forwards that would have been applied to pension or unfunded liabilities. She noted that the Ordinance makes additional adjustments for Council actions during the year.

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

ORDINANCE #2017-04 PROJECT CARRY-FORWARD BUDGET BALANCES/BUDGET AMENDMENTS

FIRST READING - PROPOSED ORDINANCE #2017-02

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. Final action by Council on the proposed ordinances will take place during the Council Meeting of February 13, 2017.

Mr. Scott Koenig, City Manager, advised that the Ordinance was intended to codify the City's procedure for the sale and disposition of excess city-owned real property. He noted that codification of the procedure allows them to specifically reference to Dover Code and provides a much more concise and professional presentation of procedures.

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

ORDINANCE #2017-02 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE V - FINANCE, SECTION 2-422 - DISPOSAL OF EXCESS PROPERTY

FIRST READING - PROPOSED ORDINANCE #2017-03

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. Final

action by Council on the proposed ordinances will take place during the Council Meeting of February 13, 2017.

Mrs. Donna Mitchell, Controller/Treasurer, advised that the Ordinance administratively moves the Pension and OPEB ordinances into a new chapter for personnel and retirement. Additionally, she advised that it expands and clarifies under what conditions retirees can return to work for the City and still be in compliance with IRS regulations.

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

> ORDINANCE #2017-03 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE IV - OFFICERS AND EMPLOYEES, DIVISION 7 - GENERAL EMPLOYEE PENSION PLAN AND DIVISION 8 - DEFERRED COMPENSATION PLAN; AND ARTICLE VI - OTHER POST-EMPLOYMENT BENEFITS FUND AND CREATING CHAPTER 80 - PERSONNEL

CITY MANAGER'S ANNOUNCEMENTS

Mr. Scott Koenig, City Manager, advised that he had no announcements.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Hosfelt thanked the Fire Department for inviting them to their banquet and noted that the one thing that really stood out with him was the diversity of the Fire Department's top ten responders.

Mr. Anderson announced that the "Souper Bowl" would be held on February 11, 2017 between noon and 2:00 p.m. at the Salvation Army. He noted that the cost is only $15 to enjoy soup and get a free commemorative mug. Mr. Anderson also advised that the annual Chili Cook-Off would be held on February 25, 2017.

Mr. Sudler thanked Deputy Chief Mailey for his handling of the Forrest Avenue domestic situation. He noted that the Fire Department, Emergency EMS, and Dover PD all worked together to make sure that the community was safe and that the individual who had committed the crime was not harmed and did not harm others.

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

Meeting adjourned at 8:58 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of January 23, 2017, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
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Exhibits
Exhibit #1 - Correspondence from President-Elect Trump to Mr. EShed Alston and related correspondence, provided by Mr. EShed Alston
Exhibit #2 - Correspondence from State Representative Sean Lynn
Exhibit #3 - Concept Drawings of Pocket Neighborhood Ideas, provided by Ms. Sue Harris

EXHIBIT #1
Regular Council Meeting of 01/23/2017

Thank you for taking time to send your kind words of support and thoughtful gift. I look forward to being President for all Americans. I will always be your voice and will always be your champion. Working together, we will unify our great country AND renew the American Dream. I believe America will be great again and I'm eager to get to work.

Melania and I greatly appreciate your words of support.

With best wishes,

Donald J. Trump

EShed Alston 406 Arnold Court Generals Green

Dover Delaware 19901 302 264 9568

ESHED ALSTON'S JANUARY 11 2017 INITIAL MEMORANDUM OF PURPOSE AND OF INTENT AND OF UNDERSTANDING AND FOR THE RECORD TO THE NATIONAL BLACK CONGRESSIONAL CAUCUS CHAIRMAN CEDRIC RICHMOND

Dear Sir: **Cedric Richmond Chairman National Black Caucus**

1. For the material record of significant circumstantial context I first became aware of you and the NBC National Black Caucus as a result of watching a Fox news broadcast Saturday night of Watters World hosted by Jesse Watters. The materially relevant subject was the paying of monetary reparations to black people whereas your name came up. Regarding the subject matter of reparations as such it is a disingenuous fraud to connect this subject that I have champion over the past several years to be associated with the democratic party or the last days of the failed Obama administration policies that failed to before this 12th hour to at any time represent and promote the raising of the question I have prior addressed of the subject of reparation being paid.

2. For the record established over the past 10 years as a Republican activist I have documented an extensive public documentation of a long well documented history of raising this reparations demand question and historical issue specifically and consistently over numerous and multiple social media. For example I have extensively and publically referenced reparations consistently with several workable reparations plans presented over Blog Talk radio You tube and on Face book additionally currently broadcast weekly on my Program **So You Think you know the law** over **The Hottest Live Radio** available free at the apps store and on Google apps free. I will be discussing the letter to you before you broadcast on the air Sunday January 11, 2017 6 and 6 I am furnishing for your information a copy of that broadcast CD enclosed for your edification.

3.I look forward to a constructive dialogue with you and the National Black Caucus regarding institutional corruption within the civil justice system that is documented in my record of events currently in review before the Court of appeals for the Third circuit in two actions pending there

ESHED ALSTON

Theses facts are true so help me GOD

NOTARY

Sworn and subscribed before me January 11, 2017

CYNTHIA J. PORTER
NOTARY PUBLIC
STATE OF DELAWARE
MY COMMISSION EXPIRES 03/23/2020

EShed Alston 406 Arnold Court Generals Green

Dover Delaware 19901 302 264-9568

ESHED ALSTON'S MEMORANDUM OF RECORD OF WRITTEN NOTICE OF RELEVANT UNDERSTANDINGS TO FOX NEWS CBS WBOC 16 AND WMDT 7 47 ABC DELAWARE STATE NEWS. AND NEWS JOURNAL AND OR DOVER POST OF INTENT TO FILE SUIT DUE TO NOTED SYSTEMATIC VIOLATION OF BOTH THE EQUAL PROTECTION OF LAW AND DUE PROCESS UNDERMINING THE CONSTITUTIONAL RIGHT OF FREEDOM OF PRESS AND OF SPEECH THAT ARE IRREVOCABLE CIVIL RIGHTS GUARANTEES THAT ARE DENIED ILLEGALLY BY THE NAMED PARTIES

To Whom it may concern take notice in writing specifically made to CEO and or NEWS DIRECTOR of in particular Fox news 21 **WBOC** 16 **CBS** news and or **WMDT** 7 47 **ABC** news and or to the News Journal and or Delaware State News and or to the Dover Post take notice.

1. For the material record two relevant documents accompany this filing documentation to you hereinabove referenced January 18, 2017 to include the MEMO enclosed from president elect **Trump** see copy and the seven page document attached to which the president elect responded.

2. If and whereas the important issues raised before you that are documented in the seven page accompanying document to you so call news media people noted as biased are important and significant enough to motivate a written response from President Trump during these times of transition those issues raised are serious and important and should not be illegally oppressed by the noted obstructing named parties as has been the case over the past several years by you.

3. For the record although ignored unconstitutionally disenfranchised maligned and marginalized by you people in the news media intentionally and illegally over the past 6 years by the Obama administration policy objectives over the past several years specifically. I have been deliberately systematically denied the civil right guarantee of freedom of press and of expression and of speech as a unlawful political objective driven by the racist local and extended illegal unconstitutional adverse discriminatory disparate bias media favoring democratic party objectives to oppress me and the Constitution as a vocal Republican political activist and regarding the news media abject refusal to cover stories relating to my activities.

4. For the record to date you named hereinabove have obstructed justice and constitutional due process and ignored repeated written documentation from me to you be advised that if you continue to do so as has been the past practice this is your notice you will be sued in federal court

ESHED ALSTON

These facts are true so help me **GOD**

NOTARY

Sworn and subscribed before me January 18, 2017

LILY L. BOYER
MY COMMISSION EXPIRES UPON OFFICE
NOTARY PUBLIC
STATE OF DELAWARE

DEAR SIR: **PRESIDENT ELECT DONALD J. TRUMP**

WHITE HOUSE 1600 Pennsylvania Ave NW Washington DC 20500 Transition team ATTENTION and also additionally sent to **TRUMP** TOWER **725 5**th Ave. New York NY 10022

EShed J.L. Alston 406 Arnold Ct., Generals Green Dover DE 19901 **302**-264 9568 and 399 9071

RE: Enclosed is EShed Alston's CD digital broadcast of SO YOU THINK YOU KNOW THE LAW presented by EShed Alston assisted by camera man and friend Fred Bowden broadcast on Nov.20 2016 on **The Hottest Live Radio** produced by Black Cat Productions Camden Delaware

DEAR SIR PRESIDENT ELECT DONALD J TRUMP

1. Multiple important purposes of this **MEMORANDUM OF UNDERSTANDING** are presented to you president Elect Donald J. Trump to timely document materially relevant noted serious events referenced in the accompanying marked CD and regarding the copy of the cover page of the 2007 Seminar event hosted by Donald J. Trump 10 years ago and also enclosed are referenced District Court and Court of Appeals 3rd Circuit Court Documents. I am also enclosing a copy of my nearly 8 year old book published in 2010 entitled THE LAMB'S BOOK OF LIFE.

2. I look forward to hearing from President Elect Donald J. Trump at his earliest convenience as an advocate activist Amer-African honorably discharged USAF veteran person of color who voted for President Donald J. Trump in the sincere hope that there would not be a Hillary Clinton repeat administration of the perverted and bizarre Obama Nation policies of the past 8 years. I truly believe in you President Donald J. Trump and that **WE CAN MAKE AMERICA GREAT AGAIN** is in fact and in function truly a movement that requires the motivation activation and promotion of the silent obstructed majority of Americans who see the need for a new direction.

ESHED ALSTON

These facts are true so help me **GOD**

NOTARY

Sworn and Subscribe before me this day NOV. 28 2016

CYNTHIA J. PORTER
NOTARY PUBLIC
STATE OF DELAWARE
MY COMMISSION EXPIRES 03/23/2020

The Learning Annex®

REAL ESTATE & WEALTH EXPO™

PROGRAM GUIDE $5.00



DONALD TRUMP
THINK BIG



"DR J" JULIUS ERVING
LAWS OF SUCCESS



TONY ROBBINS
UNLEASH THE POWER



GEORGE FOREMAN
MEGA-ENTREPRENEUR



DAVID BACH
AUTOMATIC MILLIONAIRE™ HOMEOWNER



JOHN DEMARTINI
THE SECRET™
LAWS OF ATTRACTION



WAYNE GRAY
EARN $5K - 10K A MONTH!



ROBERT SHEMIN
GOOD DEALS, BAD DEALS



SCOTT SCHEEL
COMMERCIAL REAL ESTATE



CHRIS JOHNSON
FREE MONEY FROM THE GOV'T



DR. ALBERT LOWRY
FORECLOSURES & AUCTIONS



JAMES SMITH
BUY & FLIP REAL ESTATE

THIS WEEKEND BECOME A MILLIONAIRE!



BOB KITTELL
MAKE MONEY ON WALL STREET



DAVID LINDAHL
APARTMENT BUILDINGS



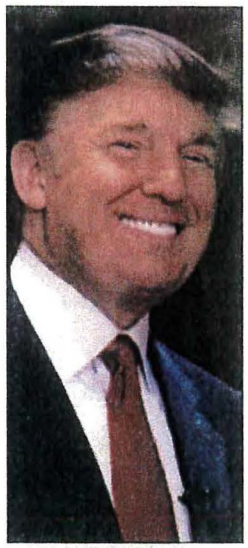
PATRICK JAMES
BEAT THE IRS



BOB CIRCOSTA
IDEA INTO MILLIONS



MICHAEL CORBETT
NBC TV'S EXTRA!



THINK BIG
REALLY BIG!



DON BURNHAM
FIXER-UPPERS



REGGIE BROOKS
BARGAIN PROPERTIES



ROB McFADDEN
LEVERAGE YOUR MONEY



BLAISE INGOGLIA
NEW HOME CONSTRUCTION



ROBERT BLUHM
TAX REDUCTION

DLD-384 **NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 16-2165

ESHED ALSTON,

Appellant

v.

ADMINISTRATIVE OFFICES OF DELAWARE COURTS; SUPERIOR COURT; SUPREME COURT OF DELAWARE; COURT ON THE JUDICIARY; STATE DEPARTMENT OF JUSTICE; UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE; STATE HUMAN RELATIONS COMMISSION; and JUDGE VAUGHN, in his official capacity

---

On Appeal from the United States District Court
for the District of Delaware
(D. Del. Civ. No. 1:15-cv-01112)
District Judge: Honorable Sue L. Robinson

Submitted for Possible Summary Action
Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
August 18, 2016
Before: CHAGARES, GREENAWAY, JR. and GARTH, Circuit Judges

(Opinion filed: September 6, 2016)

OPINION*

PER CURIAM

EShed Alston appeals from an order of the District Court granting motions to dismiss his civil rights complaint and denying Alston's motion for recusal. We exercise jurisdiction under 28 U.S.C. § 1291, and will summarily affirm because the appeal presents no substantial question. See 3d Cir. L.A.R. 27.4. We may affirm on any ground supported by the record. Tourscher v. McCullough, 184 F.3d 236, 240 (3d Cir. 1999).

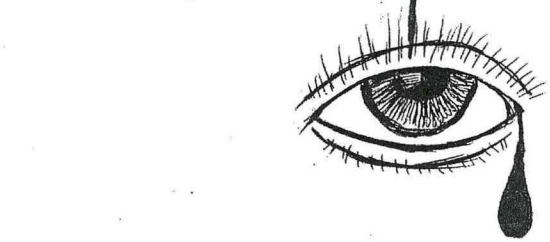
Alston's complaint is a loose collection of political beliefs, invective and commentary on current events, and the claims raised therein are hard to discern. As best we can tell, Alston's primary claim is that he was barred from the facilities at Delaware State University ("DSU"), improperly so, allegedly in disregard of both (1) DSU's status as a historically Black land-grant institution; and (2) Alston's status as a DSU alumnus and a descendant of Delaware slaves. Without access to DSU, Alston has allegedly been unable to create a working prototype of a "solar hydro system" similar to that developed by California-based Solyndra using, says Alston, his misappropriated intellectual property. See In re: Solyndra LLC, Bankr. No. 11-12799, ECF No. 1167 (Bankr. D. Del. Oct. 17, 2012) (Alston's "emergency" petition alleging "copyright infringement"). Named as defendants in the complaint were the U.S. Bankruptcy Court for the District of Delaware ("USBCDD"), as well as James T. Vaughn (Associate Justice of the Delaware Supreme Court, in his "official capacity") and a handful of Delaware government entities

THE LAMB'S BOOK OF LIFE



ISBN 978-0-578-05444-5
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THE LAMB'S BOOK OF LIFE



By: EShed Alston

GOD has given me a new invention that **will end** America's dependence on foreiegn oil. Every word of the Bible is absolutely true. Descriptions of heaven in the Bible and the Book of Revelation makes it very clear that nothing like heaven has ever been seen on earth, yet the very description of heaven contained in the Holy Bible, have existed on earth for thousands of years. **Heaven is not a new creation** or a new place to either **GOD** or man. Heaven is a place with real characteristics and **ONE** sovereign **KING** HIS Name is **GOD.** Heaven is **not a democracy** it is a Monarchy a controlled dictatorship administered by **Christ and the Spirit** the final witness to the generation of the ripe figs. **GOD** has given me His peculiar knowledge of the final generation of solar energy production. The new technology is from **GOD** and is capable to immediately end America's dependency on foreign oil for electricity production.

The solar electric, electro magnetic system, **runs on water and sunlight** and is safe nontoxic, nonpolluting, and self sustaining. Heaven allows **NO** polluting industry. **The** post Armegeddon, Gog, Magog, world is a planet in recovery from disaster. **The** oceans seas and great waters **SHALL** take hundreds of years to recover. **The** start of the process of reclaimation of planet earth **SHALL** begin during **THE** thousand years before **GOD** descends from heaven on His Throne. The new technology is unique and is as prophesized **the wheel within a wheel.** The new technology is called **S.H.E.P.P.A.R.D.**which stands for **S**olar **H**ydro **E**lectric **P**ower **P**lant **A**quatic **R**esearch and **D**evelopment. I am interested in production of a computer generated prototype system and a working model to prove the new system works. **A working model** will demonstrate the feasibility of the design. The interested parties will find **the new technology works** and is needed. With low cost electricity nationwide it will take less time for America to recover, this is what I am putting on the table. **GOD** has shown me the future of solar technology and I am interested in meeting with U.S. Government, officials or private industry General Electric, General Motors, Microsoft, and or ANY similarly resourceful American big BUSINESS that is motivated by what I have written herein. I am interested in working with any motivated business able to assist me in the accelerated process of testing, patenting, and protecting my ownership and trademark rights inherent in the licensing of the invention prototype and solar electric application I have with **GOD'S noted** help created.

Islam is the Spiritual belief of all Muslims, that teaches one **GOD Allah.** One **GOD** is the cornerstone concept and core premise of three different respective religious beliefs. It is ironic that the Jewish born **Jesus** is not recognized by his own Jewish people yet is in fact acknowledged by the Spiritual beliefs of many Muslims. It is noted that the Christian Bible, and or the Hebrew Holy Books, do not recognized any of the Muslim Prophets. Whereas according to Hadeeth, **the Mahdi** will appear as the final witness **and with Him will appear Jesus,** The Christ. Islam teaches that the **Imam Mahdi** will appear with **Hadhrat (Jesus) Alayhis Salaam.** I am HE that final living Prophet that appears, with **Jesus.** According to the Islamic Holy teachings I am the **Mahdi. Mahdi and Jesus** both appeared as the resurrected Spirits **in the last days** that are in fact noted, documented, and referenced in and by all three religions, Christian, Muslim, and Jewish. Hadeeth, states Imam **Mahdi** is **The Redeemer** the Messenger of Allah **who will appear** in the last days and **Jesus will appear** with Him thereafter **during the Mahdi's lifetime.** It is **Jesus,** who is able to kill the ant-christ, according to Hadeeth. Even within Islam and Muslim teachings there are many different beliefs regarding the **Mahdi.** Sunni and Sufi differ in idealogy, and also differ on the subject of the **Mahdi,** who is a central theme and a very powerful force for Shia Muslims who believe that the **Mahdi** is the Twelfth **Imam, Muhammad al- Mahdi,** who will return, as the final messenger of **Allah** with **Jesus** at his side, to rule over mankind for 40 years. The Christian Bible of course recognizes **Jesus as the Christ** the true resurrected saviour. Many Jews to this day do not acknowledge Jesus as the Christ or as either a Prophet or the Son of **GOD.** The **red and white deaths** are associated with the appearance of the **Mahdi. Jesus** is **the lynchpin** tying **three religious beliefs together.** The reader must accept the fact that **Jesus Christ** absolutely does exists and is the common link, confirming three religions, Islam, Christian, and Jewish beliefs that essentially deny Christ existence. The resurrected Spirit, the person that appears in the last days, with **Jesus is not** a new concept. The reality of the final Prophet EShed Christ angel has existed in fact and function since the beginning of time. **Christ** favorite food is smoked fish, with manna. **Jesus Christ** is an excellent cook specializing in meals where fish are the main course. Spirits are creative and love to work in and for **GOD'S** pleasure. There is

inherent in civil rights protection guarantees including actions taken by the appellant to this court **3** Timeline as applied to context of demonstrations of corruption on the court of appeals intent and record of events are in demonstration by the appellant of significant material fraud and corruption that has been exposed. Applying the required standards of due process of law and regarding the equal protection of law are very important consideration to demonstrate what Donald Trump's accurately describes with the term he employs the FIX IS IN when referencing crooked Hilary Clinton asserted as the proper term to be employed circumstantially in the current appellate analysis as of August 15 2016 and in considerations of required objective reasonability in this case the FIX IS IN whereas unquestionably two appellees are identified as separate legal entities State and Federal as a mater of both LAR and FRAP rule both counsels are legally required to file their own WRITTEN CERTIFICATES OF SERVICE for the record the rejected phony HALL FILING rejected receipt thereof as a fraudulent document is currently in the physical possession of the Court of appeals Third circuit. Subsequent filings by the Clerks of this court of ANY document created by the clerks to cure Certificate of Service defect is unlawful. **4.** The court of Appeals clerks complicit NOTICES to appellant violates the due process rules of propriety of freedom of Religion and improperly SUGGEST that the clerk can chose sides and magically with no references to or in rules not given act in assistance to the apellees as advocate. There is no rule real or imagined that sanctions the clerks and staff attorney collusion with the appellees acting materially in official misconduct in violation of the LAR or FRAP provisions. **5.** There is no application of the FRAP or LAR giving any clerk of the court the authority to unilaterally manipulate the record of appellees untimely failure to file and to misrepresent the failure of Appellee Handlon to file a written CERTICATE OF SERVICE by creating process that does not exist which was and is currently a fatal flaw in Handlon and Hall's filings that

EXHIBIT #2
Regular Council Meeting of 01/23/2017

SEAN M. LYNN
STATE REPRESENTATIVE
Thirty-First District

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

COMMITTEES
Energy (co-chair)
Agriculture
Judiciary
Education
Health & Human Development
Telecommunication, Internet, & Technology
Veterans

January 23, 2017

Council President Timothy Slavin
Dover City Council
City Hall
Dover, Delaware 19901

Re: Selection of the Police Chief of the City of Dover, Continued Concerns

"Those who cannot remember the past are condemned to repeat it."
George Santayana, The Life of Reason, 1905

During my tenure on the Dover City Council, I had the distinct displeasure of assisting many in this room steer the City through one of its darkest hours, an expensive and controversial lawsuit by members of the City of Dover Police Department against the City of Dover. The suit asserted discrimination in the appointment of the Deputy Chief of Police, and, by association, the Chief of Police. It led to the resignation of our Mayor, and a substantial settlement to the aggrieved Officers. It was a costly lesson at the taxpayer's expense.

Now it seems that the City has set itself on a path designed to revisit these hard-earned lessons. I, and many others behind me, cannot sit idly by as the City, through negligence, ineptitude, corruption, or simply the clumsy handling of such a delicate and vital matter, careens wildly towards another litigation, expensive judgments or settlements, dishonor, division and discord.

As we have previously written, throughout the years tradition and precedence have always held that the Deputy Chief succeeds the Chief. This holds true, especially, in instances where we have had a fine officer serving in that role. We find it troubling that a nationwide search (as the Mayor has been quoted wherein he indicates the position will be advertised in "national trade magazines") would be necessary when the best candidate is our own Deputy Chief. Most troubling is that such a search is not only unprecedented, but, alarmingly, surrounds the possible appointment of Dover's first African-American Chief of Police.

We have learned that an advertisement for the Police Chief job has been posted on Monster.com, and its affiliate websites, without any authorization from the Police Chief Selection Committee, which has not even met yet (a recent scheduled meeting was cancelled at the Mayor's request, and another meeting cancelled for this week). What is most troublesome about the Monster.com job posting was that it has changed, upon

P.O. Box 1401 Dover, Delaware 19903
Home: 302-428-1269 Office: 302-744-4351 Fax: 302-739-2313
Sean.Lynn@state.de.us

information and belief, for the first time, the education requirements for the Chief of Police. Why is this troubling? The education requirements have been altered such that Deputy Chief Mailey, upon information and belief, would not qualify to be the Police Chief. These new education requirements have never been a prerequisite for any previous Chief.

This raises several troubling questions: who authored the job posting, at who's direction, and how was it that a Bachelors Degree is now 'required' to serve as our Police Chief. More pointedly, was the description altered to preclude Deputy Chief Mailey from being "qualified"?

In consideration of the above questions, I would also ask Council to consider the application of 11 Del. C. s. 9301. Once Deputy Chief Mailey became the "highest ranking officer", presumably on January 17th, is he to be afforded the protections of the Police Chief Due Process statute referenced above. As such, would he be able to be removed from this position without a finding of "just cause" and the opportunity for Deputy Chief Mailey to request a hearing. Thus, by operation of law, once he became the highest ranking law enforcement officer in Dover, would Deputy Chief Mailey be afforded the same due process rights as if he were the named or appointed Chief?

I, together with many of my Constituents in the African American Faith based community, wrote a similar letter to the Mayor expressing our deep reservations about his handling of this sensitive issue. In response to our letter, we have been accused of trying to circumvent the established process and, most abhorrently, were called "race baiters" by the Mayor of the City of Dover. The Mayor's accusation is disgraceful, offensive, and beneath the Office that he holds.

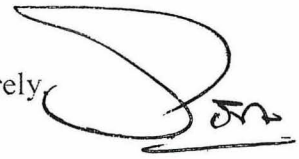
The signatories of that letter never suggested a circumvention of the established process. The Mayor's assertion that we had suggested that he not follow the proscribed procedure is simply false. Firstly, the Mayor was not following the Dover Code (section 65-32) when he announced his intent to name an Acting Chief. Secondly, the signatories merely questioned the delay in the Mayor's adherence to the established process and the necessity of incurring the expense and time inherent in a nationwide search. The best example of said delay is the Mayor's failure to timely set a meeting of the Advisory Committee, and the cancellation of multiple scheduled meetings.

Against this questionable backdrop, we have been called "race baiters". Historically, accusations of "race baiting" are used to discredit those who dare speak with candor about race and racism. It is not new. The term, or others like it, is oft aimed at civil rights activists, most famously in 1963 when many white clergy penned a letter to Dr. Martin Luther King, Jr., leveling such an accusation and asking the "outsiders" to stop protesting, to which he replied "I am in Birmingham because injustice is here".

I strongly believe that a public apology from the Mayor is warranted, and would formally request same.

Further, I would ask Council President Timothy Slavin to order a complete investigation of the facts and circumstances surrounding the alteration and public release of an official job posting that would preclude Deputy Chief Marvin Mailey from qualifying to be our next Police Chief.

Sincerely,



Representative Sean M. Lynn

Get new similar jobs by email for Police Chief

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MONSTER

City Of Dover

Job Summary

Location
19903

Industries
Government and Military

Job Type
Full Time
Employee

Career Level
Manager (Manager/Supervisor of Staff)

Job Reference Code
165176

Police Chief

About the Job

Police Chief

The City of Dover, Delaware, Capital of the First State, is seeking interest from qualified candidates for the position of Police Chief. This opening is available due to the retirement of the current Chief. The Dover Police Department has an authorized strength of 101 sworn officers including the Police Chief and Deputy Chief. The Administrative Support staff includes thirty-two (32) civilian members. In addition, the Cadet program consists of nine (9) part-time civilian members. The Chief will be encouraged to enhance the diversity of the department. The fiscal year 2016-2017 departmental operating budget totals $17,256,100. Of this amount, $15,711,300 represents personnel, $1,245,000 represents operating expenses and $299,800 for Capital Outlay. The Dover Police department is CALEA certified. The City of Dover operates under a modified form Mayor/Council/Manager form of government. There are nine (9) elected Council members, two (2) from each of the four (4) districts with one member serving at large. Dovers population is approximately 38,000 citizens. The position of Police Chief reports directly to the elected Mayor. The Mayor serves a four (4) year term.

The successful candidate must understand the demands of policing and the training, support and leadership required to maintain high morale among all staff and confidence from the community. Developing and maintaining a mutually respectful relationship with all stakeholders is required.

The essential function of the position within the organization is to oversee and direct operations of the Citys Police Department in order to accomplish the mission of the department. The position is responsible for supervising staff, establishing long-range plans, developing policy and procedures, law enforcement, and reporting on events and activities to senior management and elected or appointed officials.

Duties include, however are not limited, to the following:

Provide administrative and professional leadership.

Supervises staff (uniformed officers and civilians) including establishing staffing standards, organizing, selecting or recommending selection, training, assigning and evaluating work, motivating, mentoring, coaching, counseling, disciplining, and terminating or recommending termination. Establishing and maintaining cooperative working relationships with co-workers and other city departments/divisions.

Manage and participate in the development and administration of the Police Department budget; determine additional funds needed for future expenses related to personnel, operating expenses and capital outlay; apply for grants and monitor grant compliance. Implement and utilize techniques and methods for efficient management of finite Department and City resources.

Must be community oriented. Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work. Strong interpersonal communication and public relations skills to assess community

needs; attend and speak at various community functions and meetings. Communicate clearly and concisely, both orally and in writing.

Monitors and researches trends, new methodology and technology, laws, rules, and City policies to develop and enhance public service processes and activities, and plan for future needs.

Coordinates with other law enforcement agencies, emergency management agencies, and other agencies engaged in protecting the public on matters of mutual concern.

The Chief of Police is required to attend all City Council Meetings.

Requires a Bachelors degree in business administration, criminal justice, public administration or a related field. Masters degree is preferred. Must have completed an executive level leadership/management course such as FBI National Academy, Southern Police Institute, Northwestern University School of Police Staff and Command or New Jersey State Association of Chiefs of Police Command and Leadership Academy. Must have desire to continuously seek and attend training.

Requires ten (10) years of progressively responsible law enforcement experience. A minimum of five (5) years of supervisory experience.

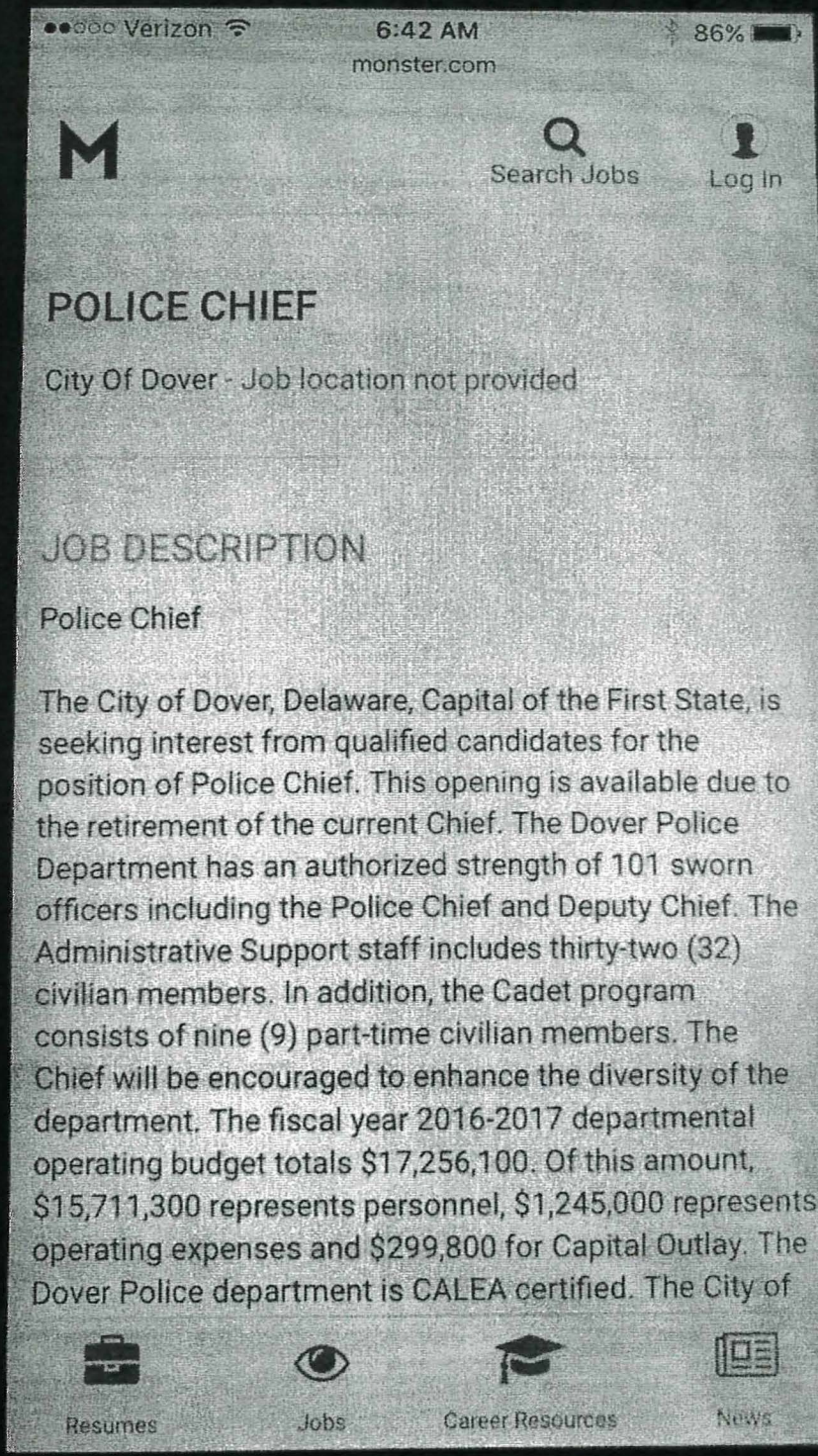
Requires the following (or the ability to obtain within a reasonable amount of time): valid Delaware Drivers License, Council on Police Training, CPR, and First Aid certification.

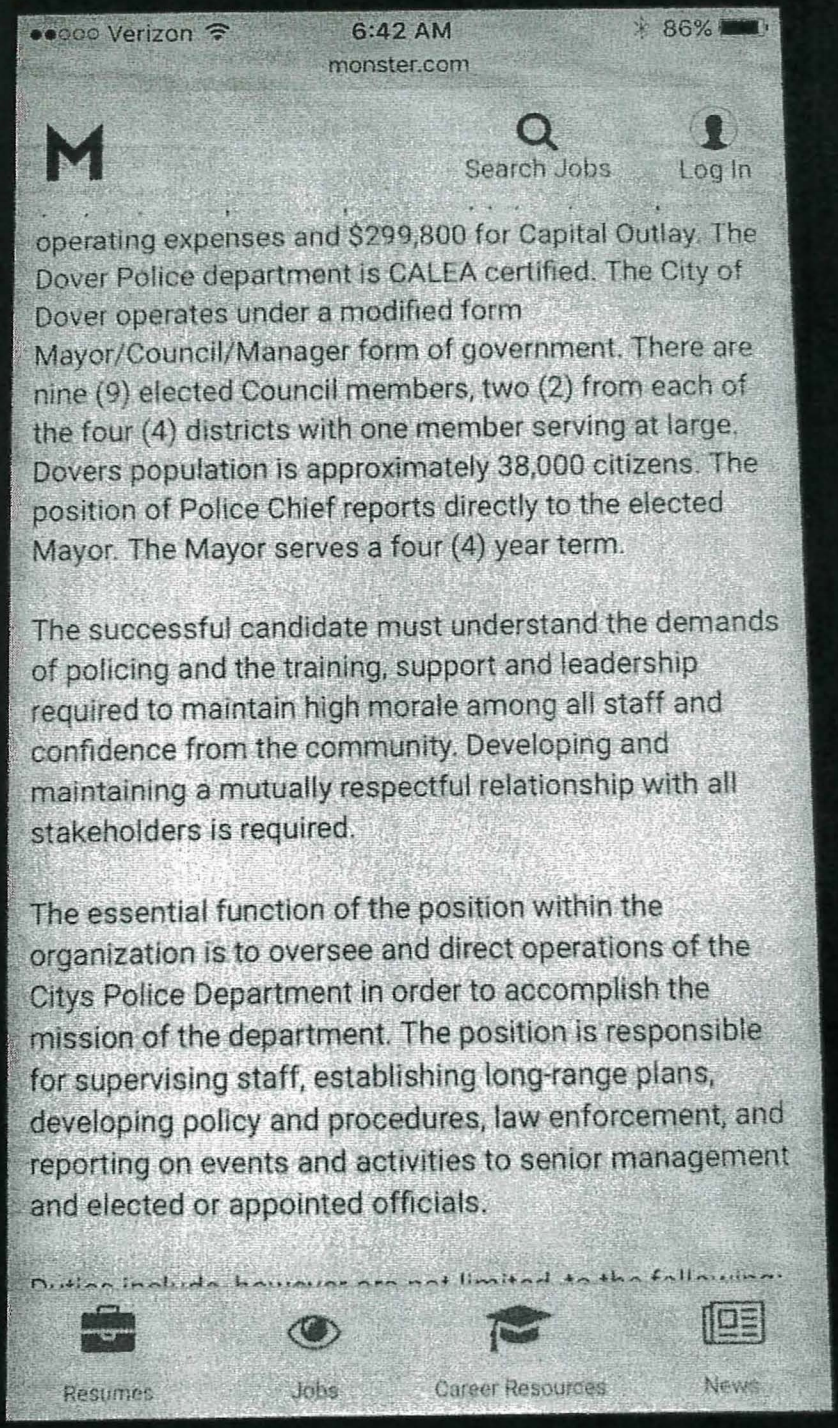
Must be proficient with modern office computer equipment and software.

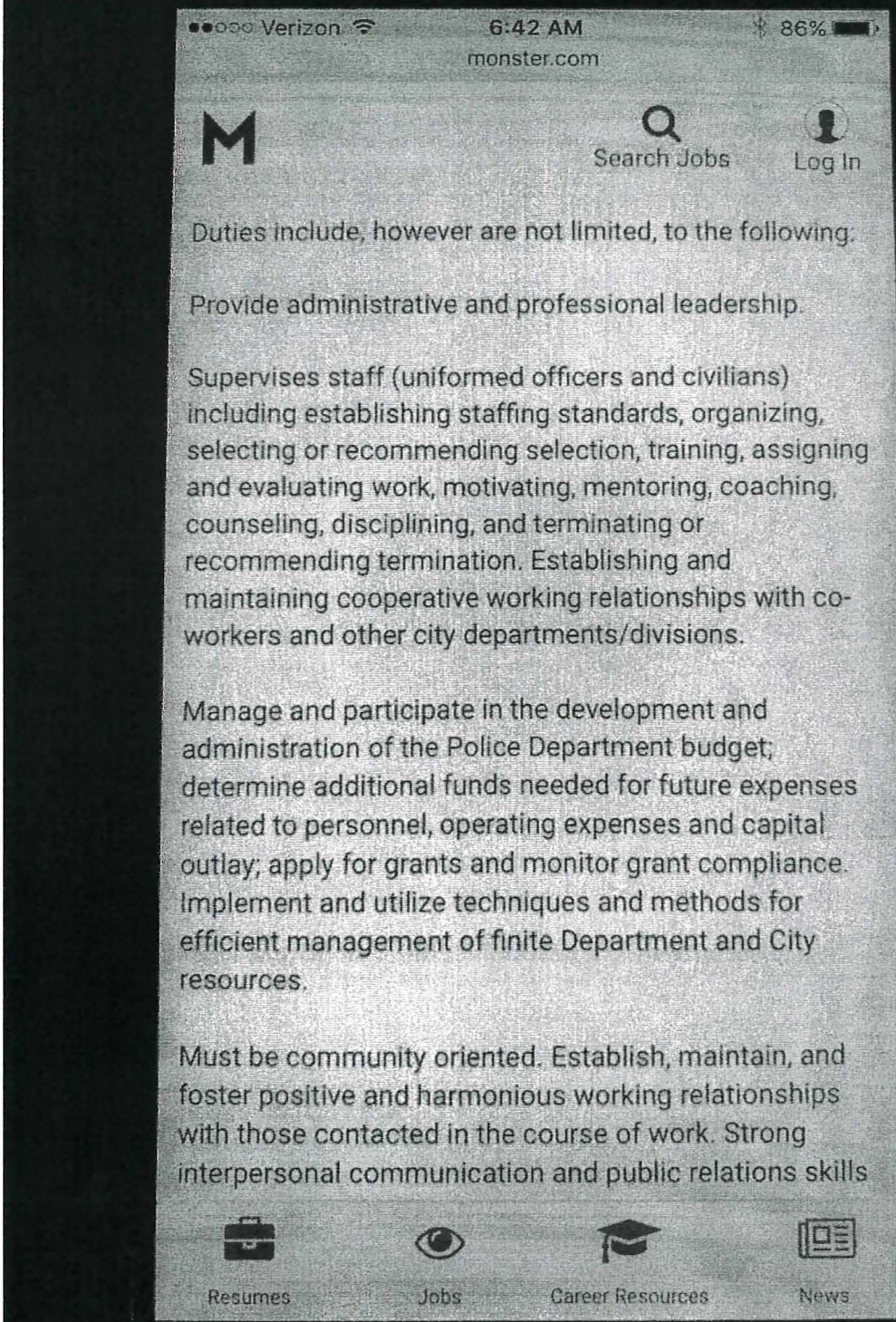
An in-depth criminal background investigation, driving record and pre-employment drug/alcohol screening will be required. The City of Dover offers a comprehensive benefit package which includes health insurance and 401a/457 retirement plans. To apply, submit a City of Dover employment application, resume and a cover letter to: City of Dover, Attn: Human Resources Director., P.O. Box 475, Dover, DE 19903. An application can be obtained from the Human Resources Department at City Hall or at the website www.cityofdover.com Women and minorities are encouraged to apply. EOE

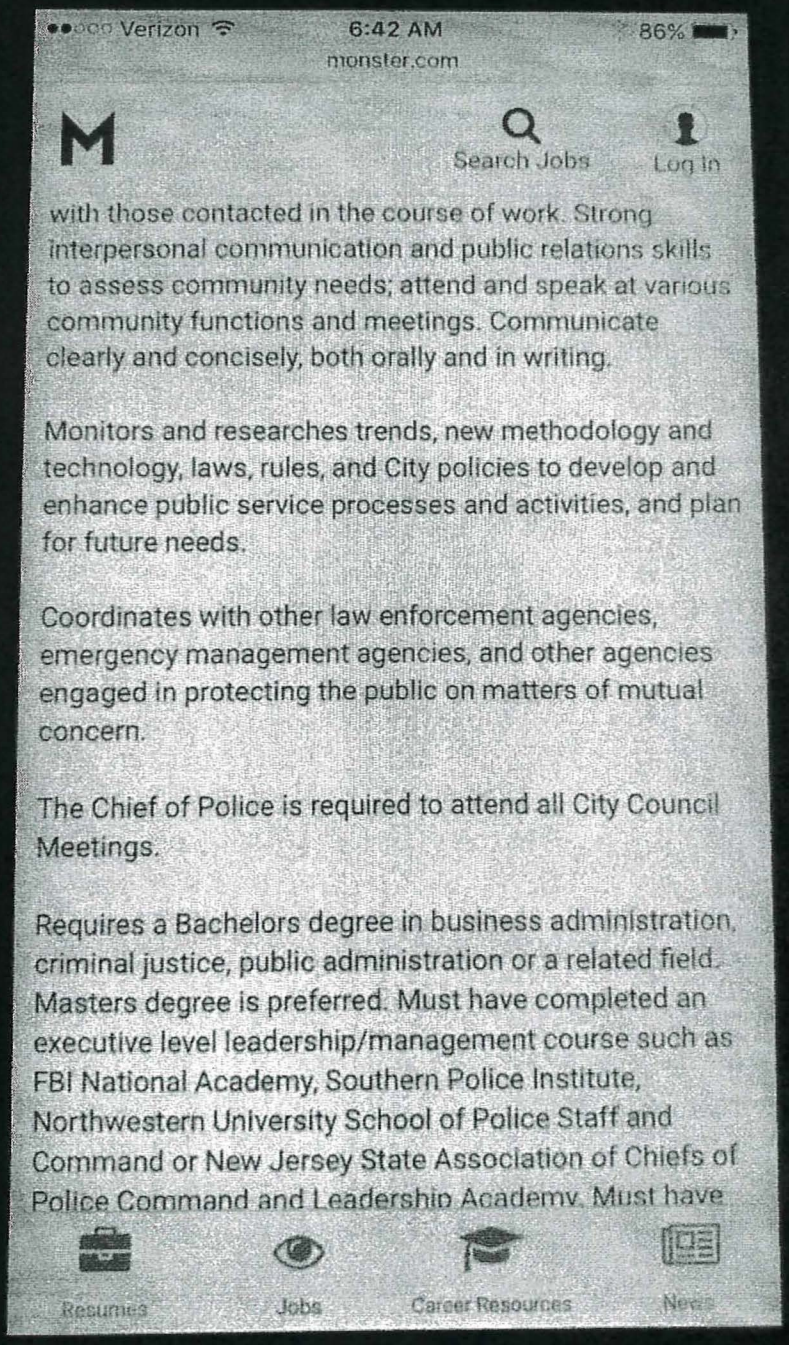
Please visit Dover Police Departments website to learn about the Department. https://doverpolice.org

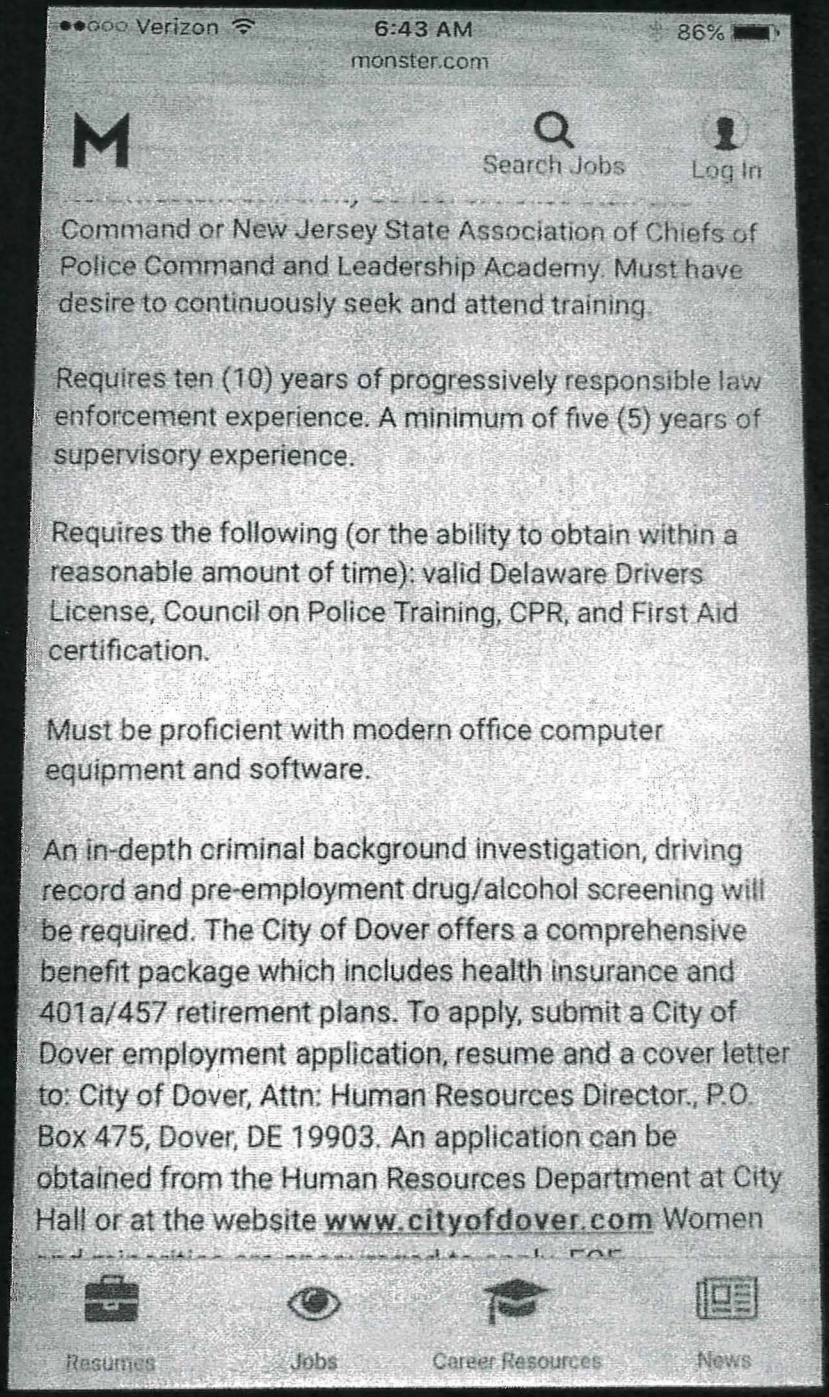
Minimum Weekly Rate: $1,700 - $2,347 Weekly salary will be commensurate with experience and qualifications.
Closing Date

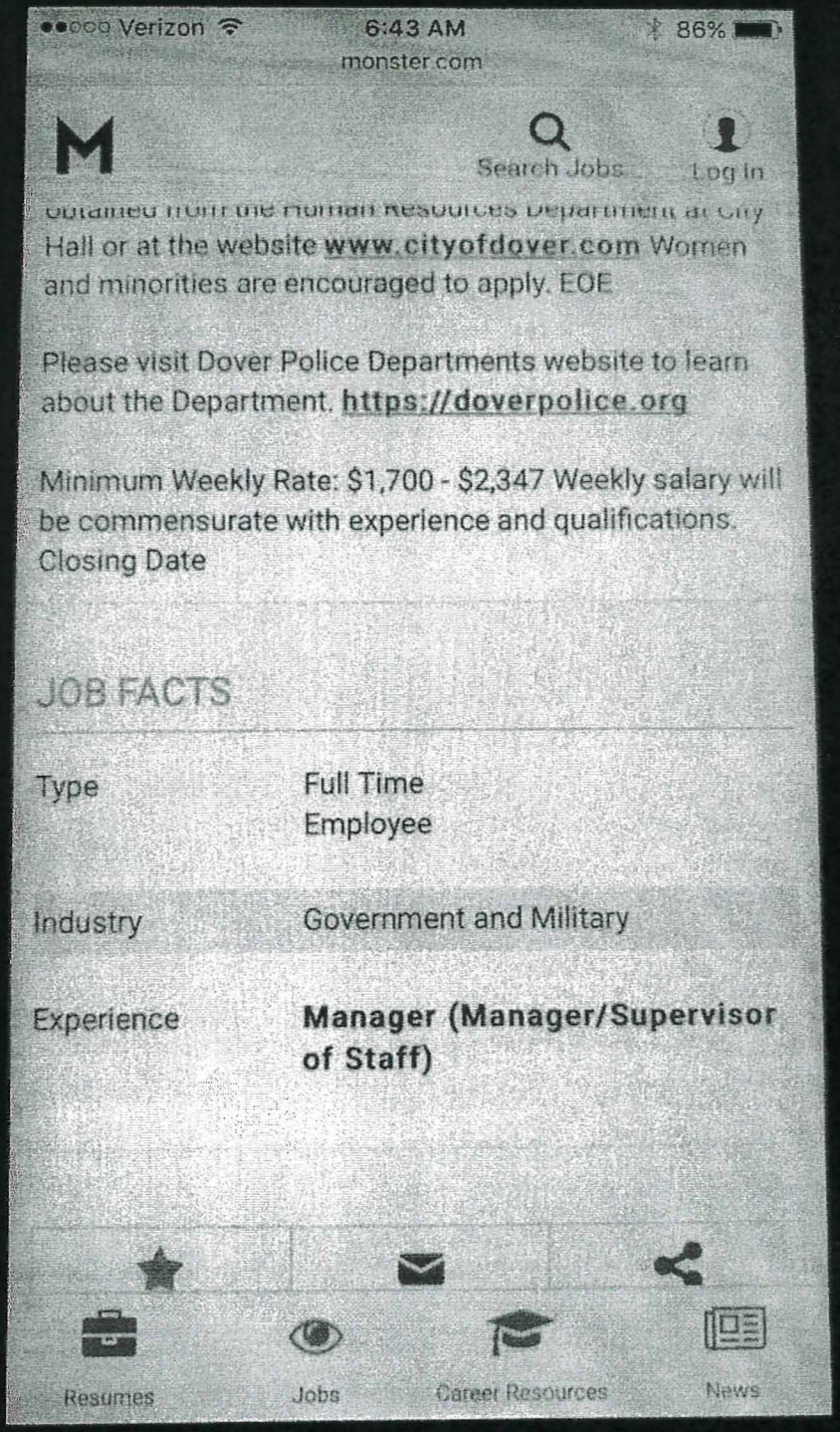

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POLICE CHIEF
City Of Dover - Job location not provided
JOB DESCRIPTION
Police Chief
The City of Dover, Delaware, Capital of the First State, is seeking interest from qualified candidates for the position of Police Chief. This opening is available due to the retirement of the current Chief. The Dover Police Department has an authorized strength of 101 sworn officers including the Police Chief and Deputy Chief. The Administrative Support staff includes thirty-two (32) civilian members. In addition, the Cadet program consists of nine (9) part-time civilian members. The Chief will be encouraged to enhance the diversity of the department. The fiscal year 2016-2017 departmental operating budget totals $17,256,100. Of this amount, $15,711,300 represents personnel, $1,245,000 represents operating expenses and $299,800 for Capital Outlay. The Dover Police department is CALEA certified. The City of
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Jobs
Career Resources
News


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Verizon
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Duties include, however are not limited, to the following:
Provide administrative and professional leadership.
Supervises staff (uniformed officers and civilians) including establishing staffing standards, organizing, selecting or recommending selection, training, assigning and evaluating work, motivating, mentoring, coaching, counseling, disciplining, and terminating or recommending termination. Establishing and maintaining cooperative working relationships with co-workers and other city departments/divisions.
Manage and participate in the development and administration of the Police Department budget; determine additional funds needed for future expenses related to personnel, operating expenses and capital outlay; apply for grants and monitor grant compliance. Implement and utilize techniques and methods for efficient management of finite Department and City resources.
Must be community oriented. Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work. Strong interpersonal communication and public relations skills
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with those contacted in the course of work. Strong interpersonal communication and public relations skills to assess community needs; attend and speak at various community functions and meetings. Communicate clearly and concisely, both orally and in writing.
Monitors and researches trends, new methodology and technology, laws, rules, and City policies to develop and enhance public service processes and activities, and plan for future needs.
Coordinates with other law enforcement agencies, emergency management agencies, and other agencies engaged in protecting the public on matters of mutual concern.
The Chief of Police is required to attend all City Council Meetings.
Requires a Bachelors degree in business administration, criminal justice, public administration or a related field. Masters degree is preferred. Must have completed an executive level leadership/management course such as FBI National Academy, Southern Police Institute, Northwestern University School of Police Staff and Command or New Jersey State Association of Chiefs of Police Command and Leadership Academy. Must have
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Command or New Jersey State Association of Chiefs of Police Command and Leadership Academy. Must have desire to continuously seek and attend training.
Requires ten (10) years of progressively responsible law enforcement experience. A minimum of five (5) years of supervisory experience.
Requires the following (or the ability to obtain within a reasonable amount of time): valid Delaware Drivers License, Council on Police Training, CPR, and First Aid certification.
Must be proficient with modern office computer equipment and software.
An in-depth criminal background investigation, driving record and pre-employment drug/alcohol screening will be required. The City of Dover offers a comprehensive benefit package which includes health insurance and 401a/457 retirement plans. To apply, submit a City of Dover employment application, resume and a cover letter to: City of Dover, Attn: Human Resources Director., P.O. Box 475, Dover, DE 19903. An application can be obtained from the Human Resources Department at City Hall or at the website www.cityofdover.com Women
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obtained from the Human Resources Department at City Hall or at the website www.cityofdover.com Women and minorities are encouraged to apply. EOE
Please visit Dover Police Departments website to learn about the Department. https://doverpolice.org
Minimum Weekly Rate: $1,700 - $2,347 Weekly salary will be commensurate with experience and qualifications. Closing Date
JOB FACTS
Type
Full Time Employee
Industry
Government and Military
Experience
Manager (Manager/Supervisor of Staff)
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Home

Police Chief

City Of Dover - Dover, DE 19903

$1,700 - $2,347 a week

Full-time, Part-time

City Of Dover

★★★★☆ 6 reviews

Read what employees say about working here.

The City of Dover, Delaware, Capital of the First State, is seeking interest from qualified candidates for the position of Police Chief. This opening is available due to the retirement of the current Chief. The Dover Police Department has an authorized strength of 101 sworn officers including the Police Chief and Deputy Chief. The Administrative Support staff includes thirty-two (32) civilian members. In addition, the Cadet program consists of nine (9) part-time civilian members. The Chief will be encouraged to enhance the diversity of the department. The fiscal year 2016-2017 departmental operating budget totals $17,256,100. Of this amount, $15,711,300 represents personnel, $1,245,000 represents operating expenses and $299,800 for Capital Outlay. The Dover Police department is CALEA certified. The City of Dover operates under a modified form Mayor/Council/Manager form of government. There are nine (9) elected Council members, two (2) from each of the four (4) districts with one member serving at large. Dovers population is approximately 38,000 citizens. The position of Police Chief reports directly to

needs; attend and speak at various community functions and meetings. Communicate clearly and concisely, both orally and in writing.

Monitors and researches trends, new methodology and technology, laws, rules, and City policies to develop and enhance public service processes and activities, and plan for future needs.

Coordinates with other law enforcement agencies, emergency management agencies, and other agencies engaged in protecting the public on matters of mutual concern.

The Chief of Police is required to attend all City Council Meetings.

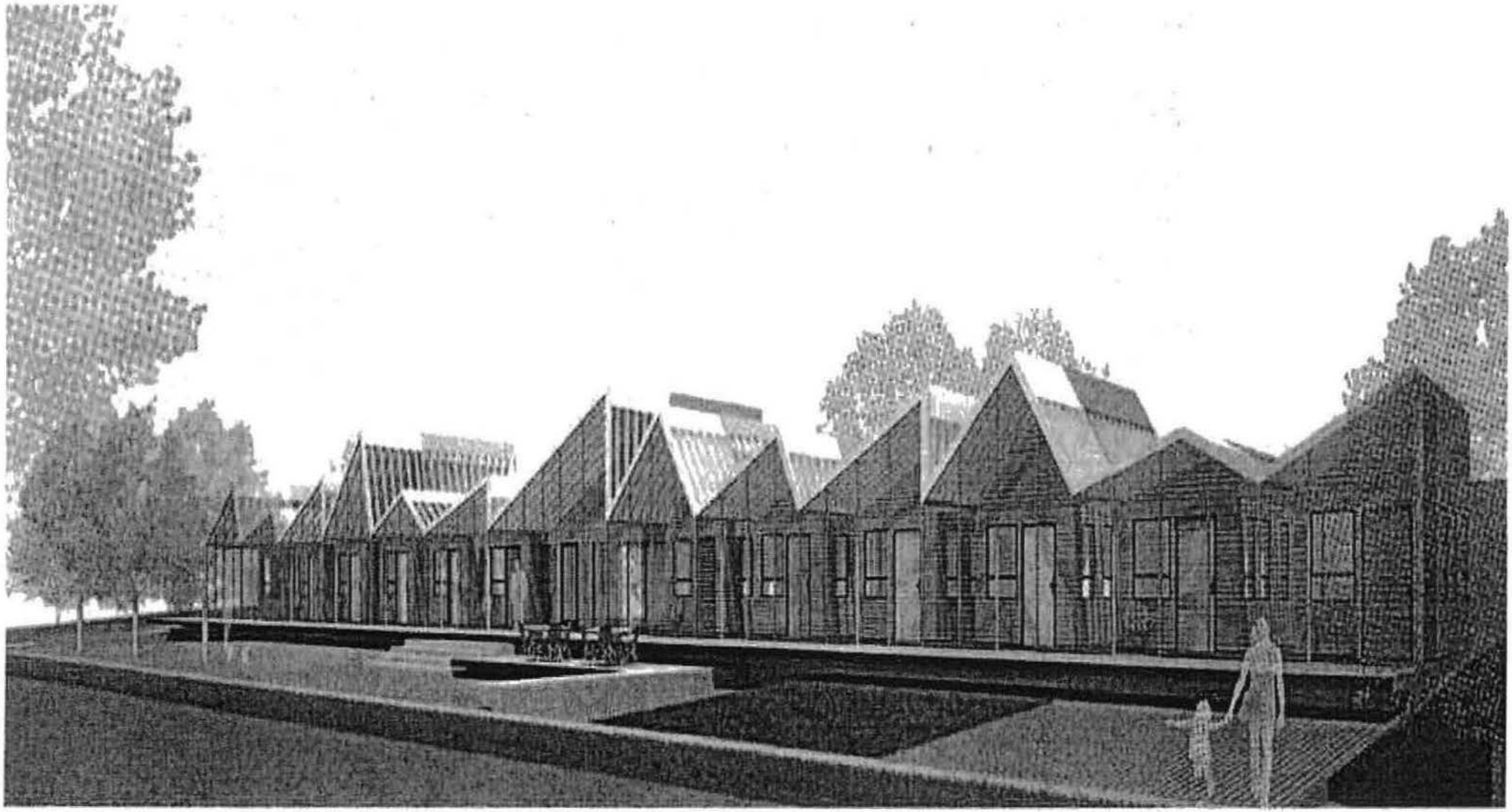
Requires a Bachelors degree in business administration, criminal justice, public administration or a related field. Masters degree is preferred. Must have completed an executive level leadership/management course such as FBI National Academy, Southern Police Institute, Northwestern University School of Police Staff and Command or New Jersey State Association of Chiefs of Police Command and Leadership Academy. Must have desire to continuously seek and attend training.

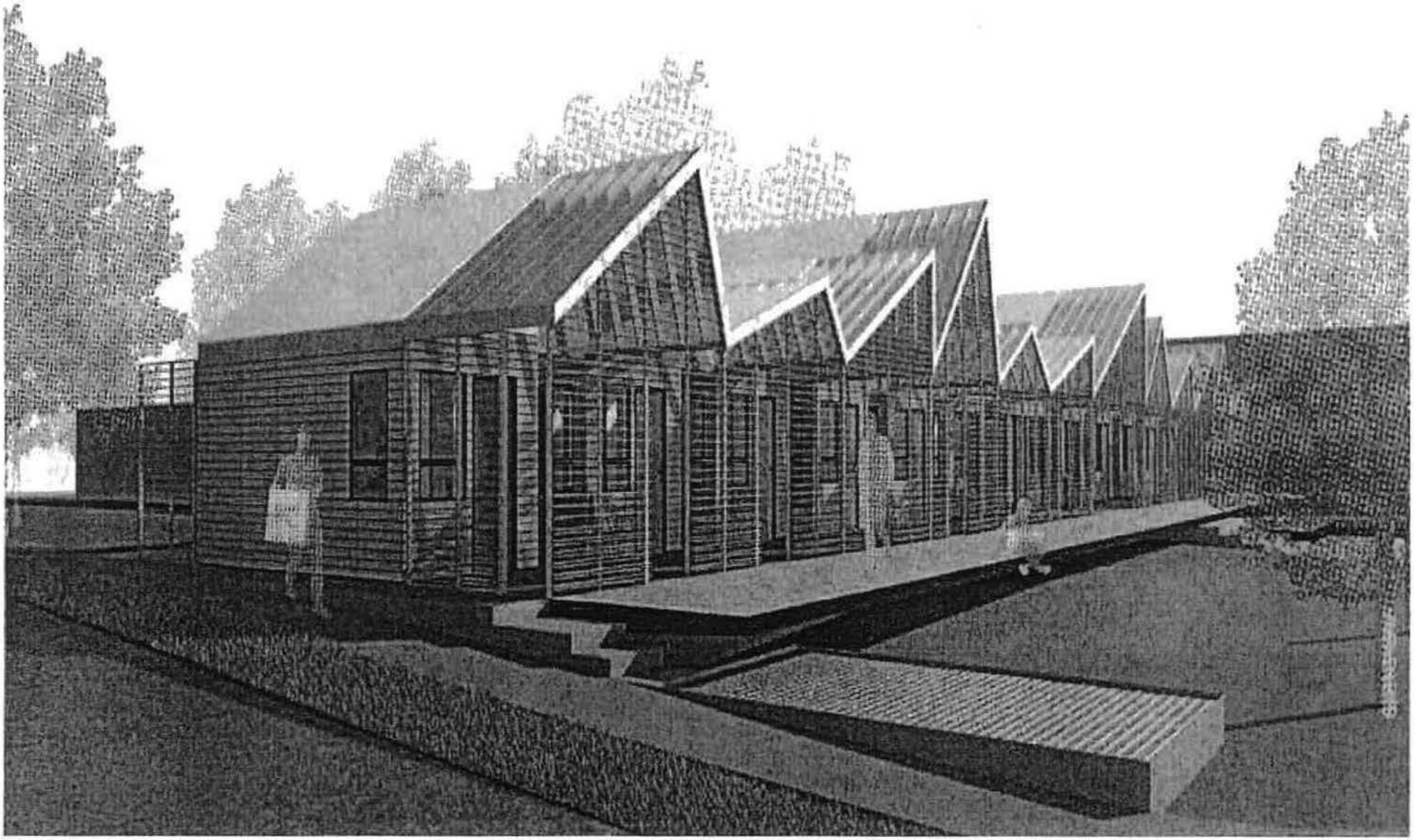
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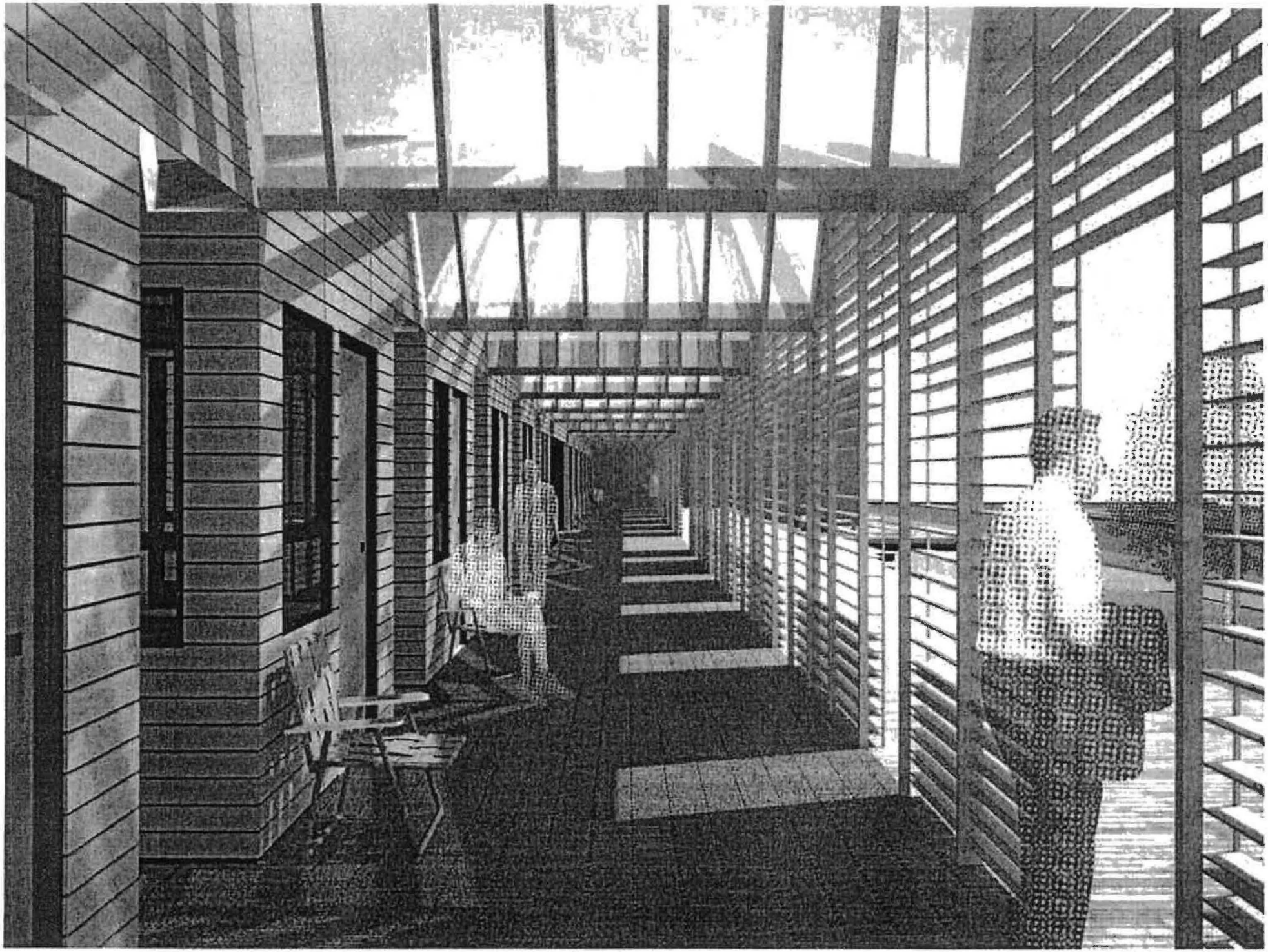
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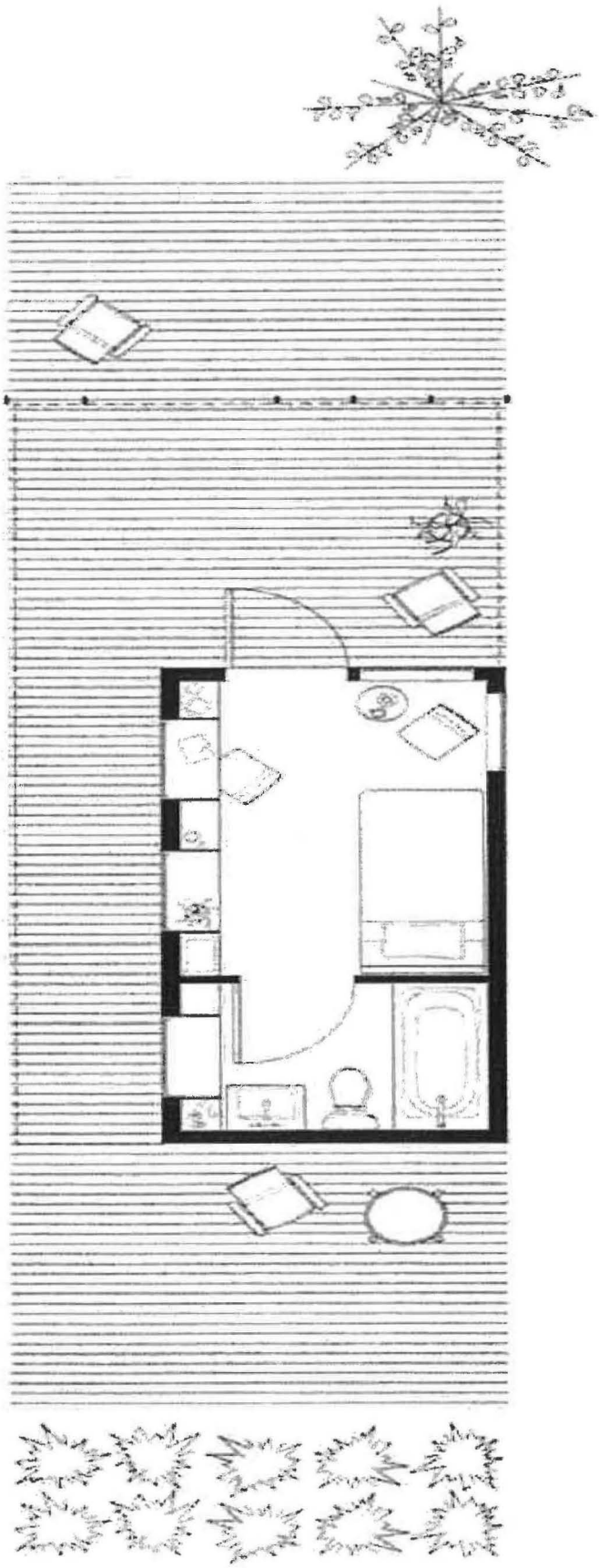
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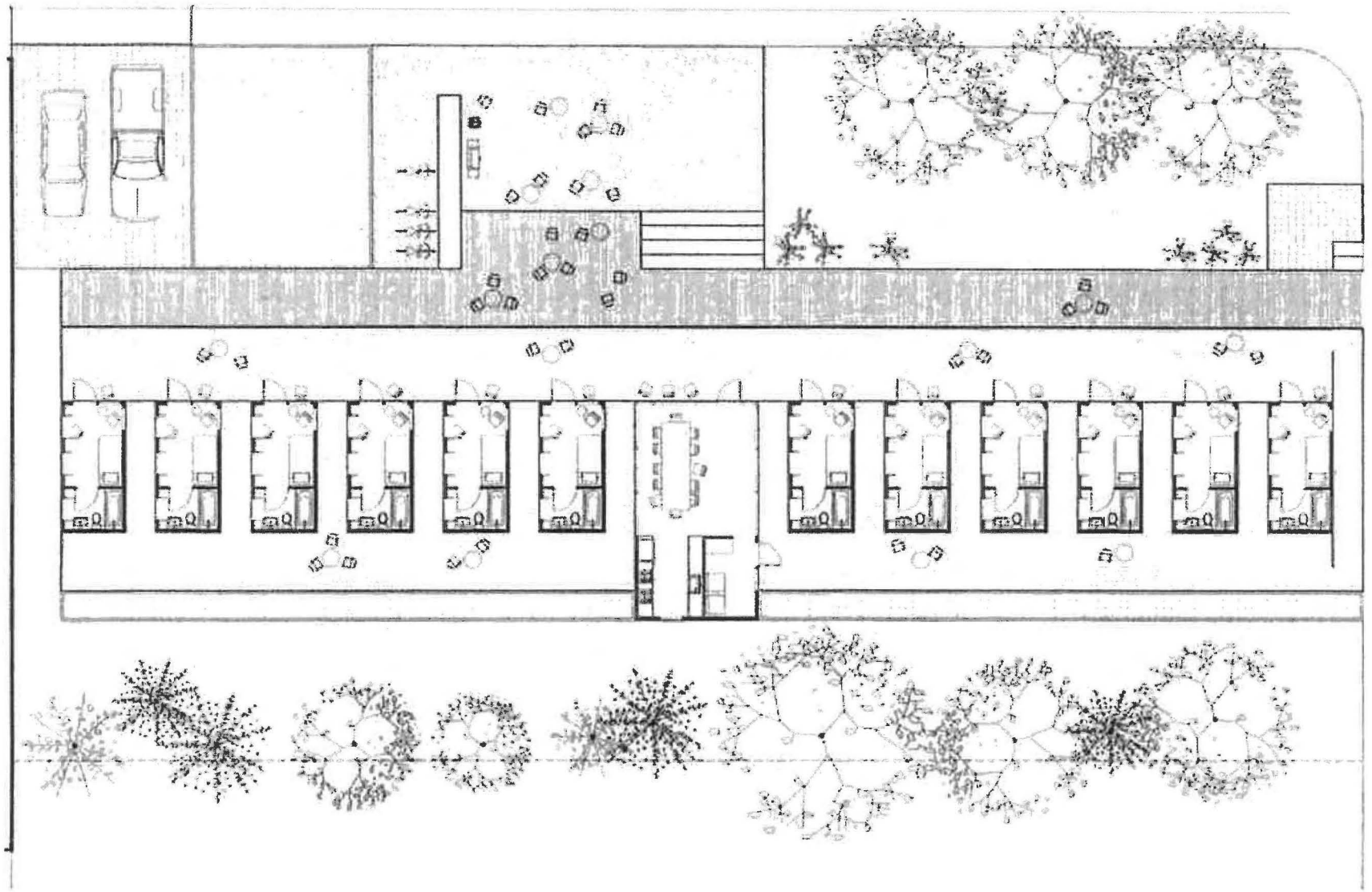


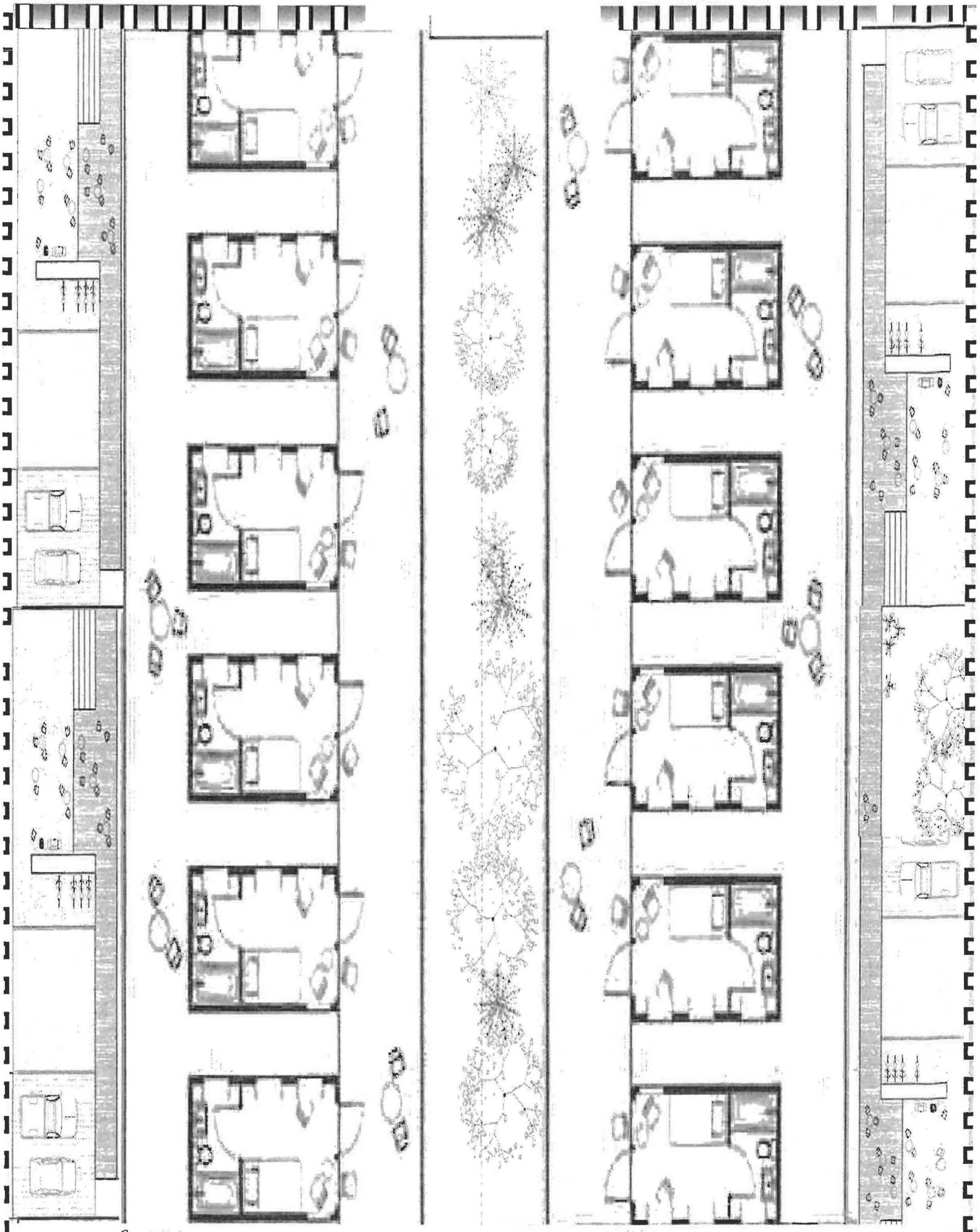






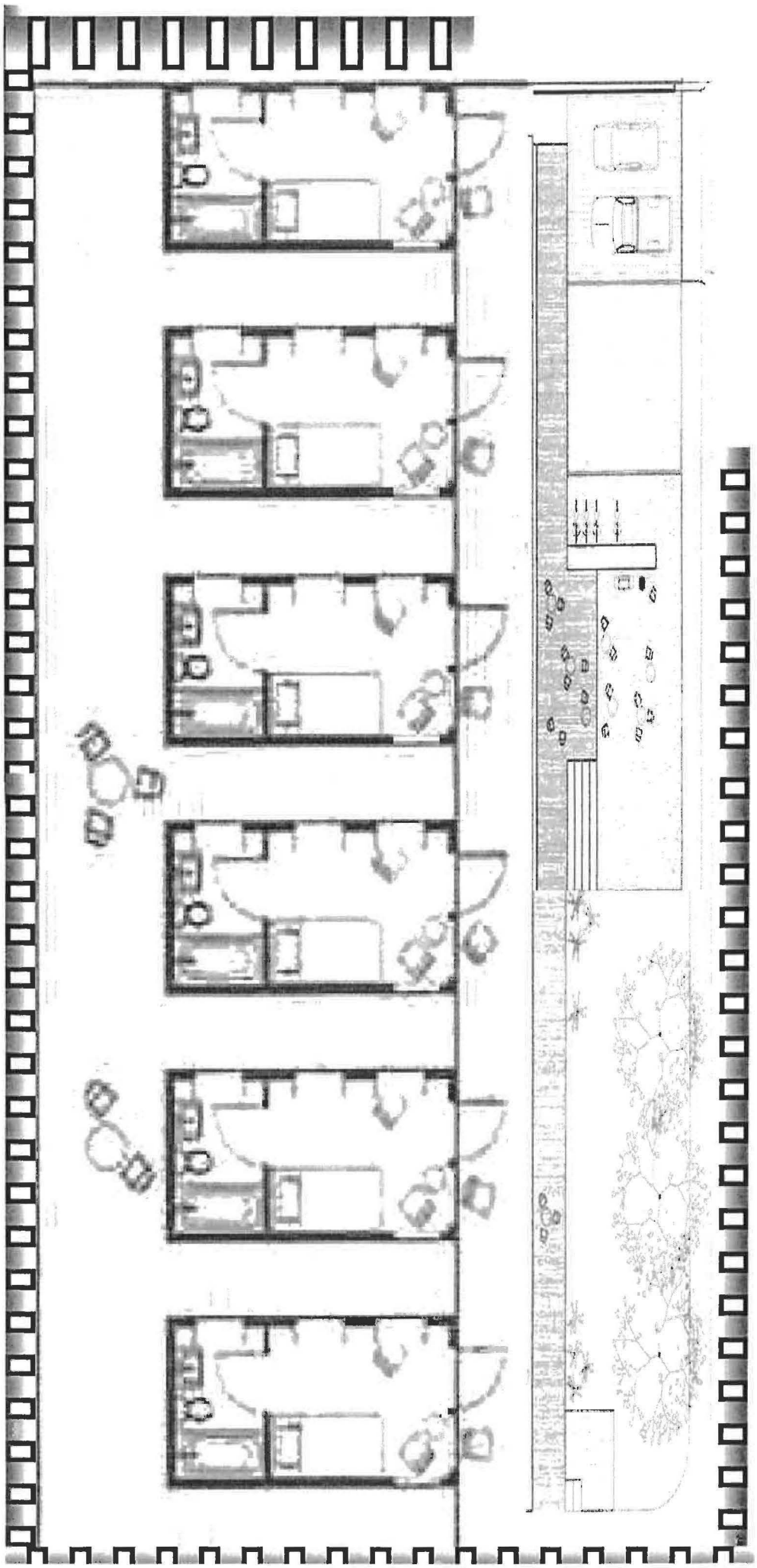






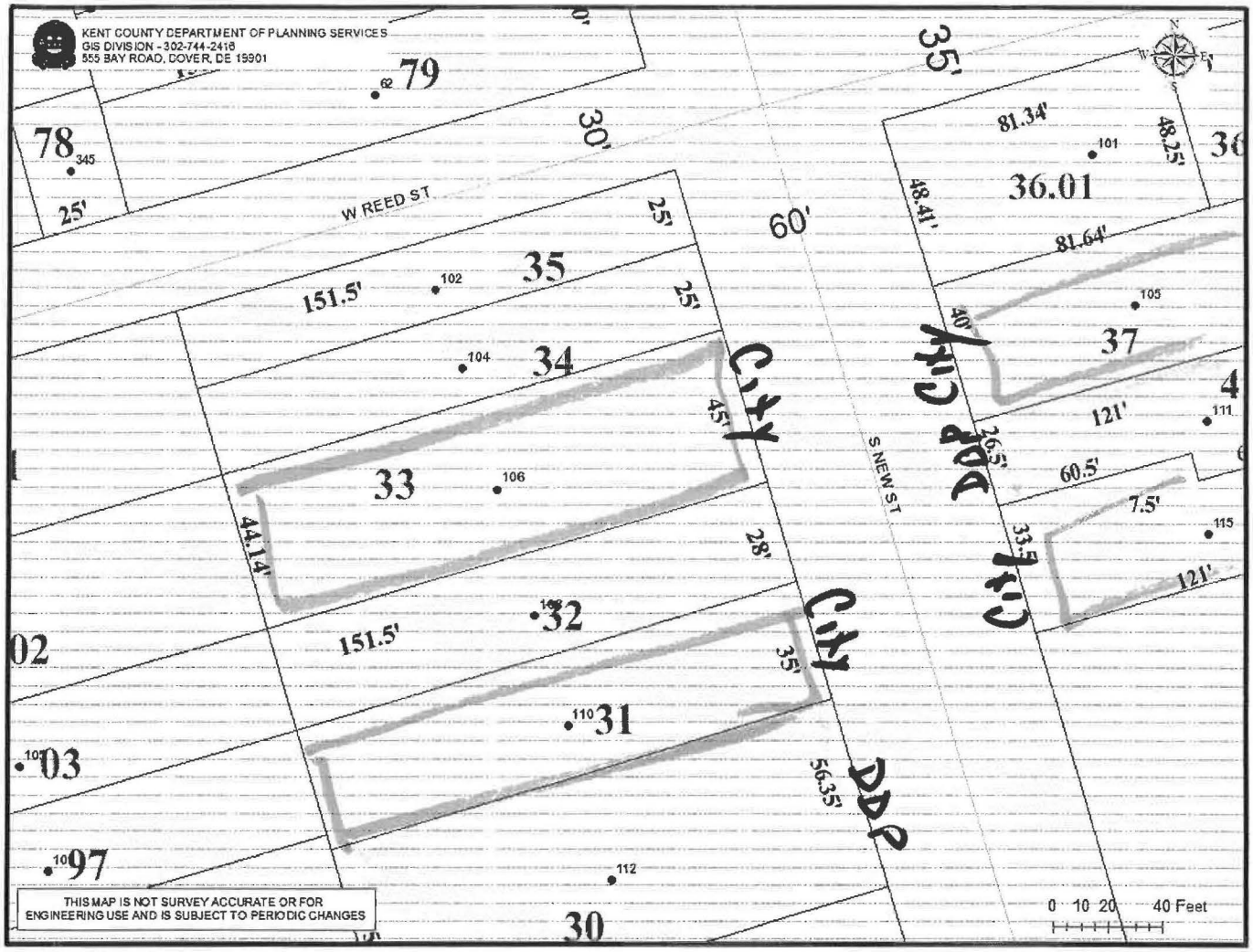
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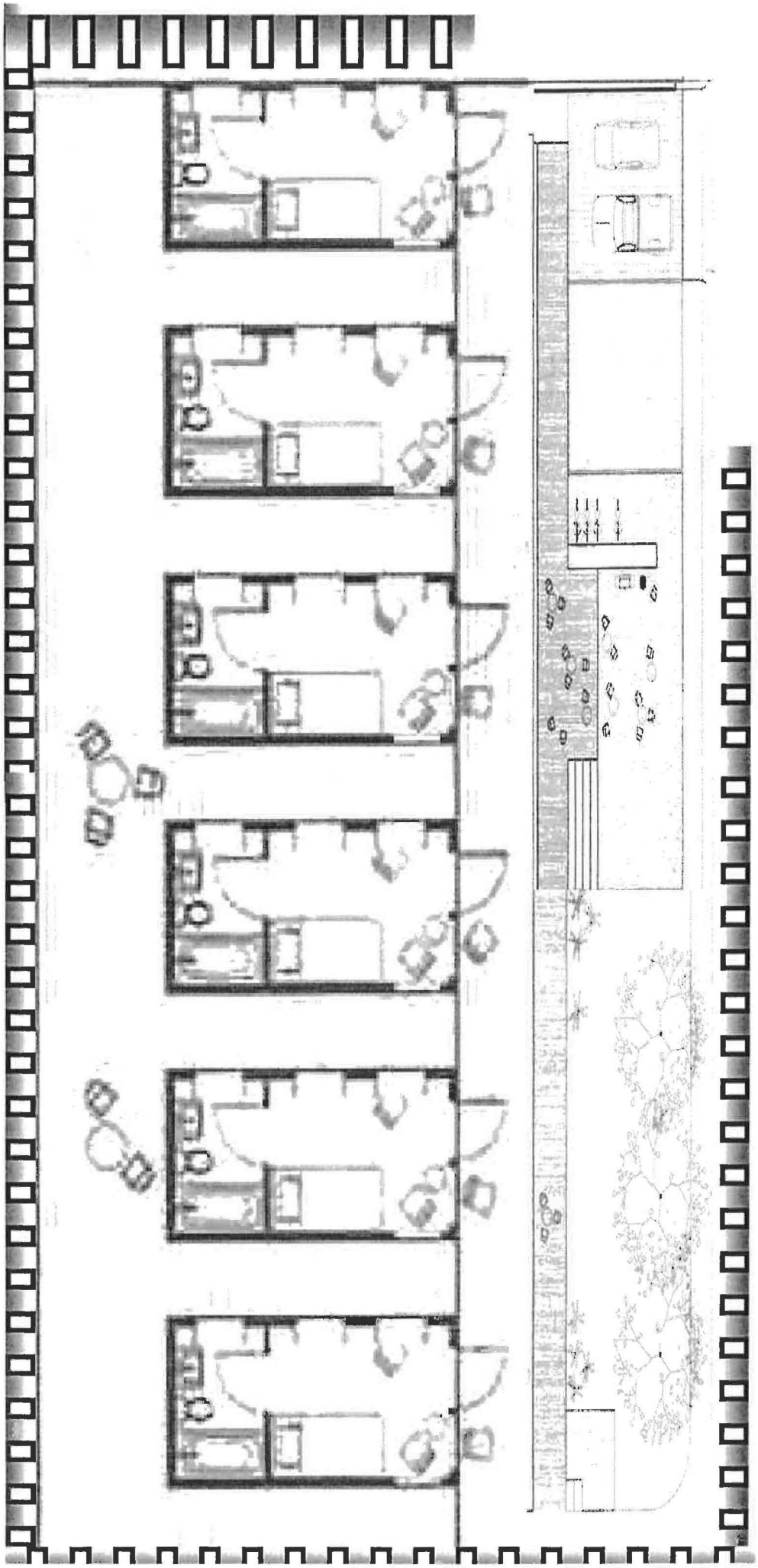
12 x 12 homes 80 x 100 lot



6 houses
12 x 20 each
Total lot size
needed
45' x 105'

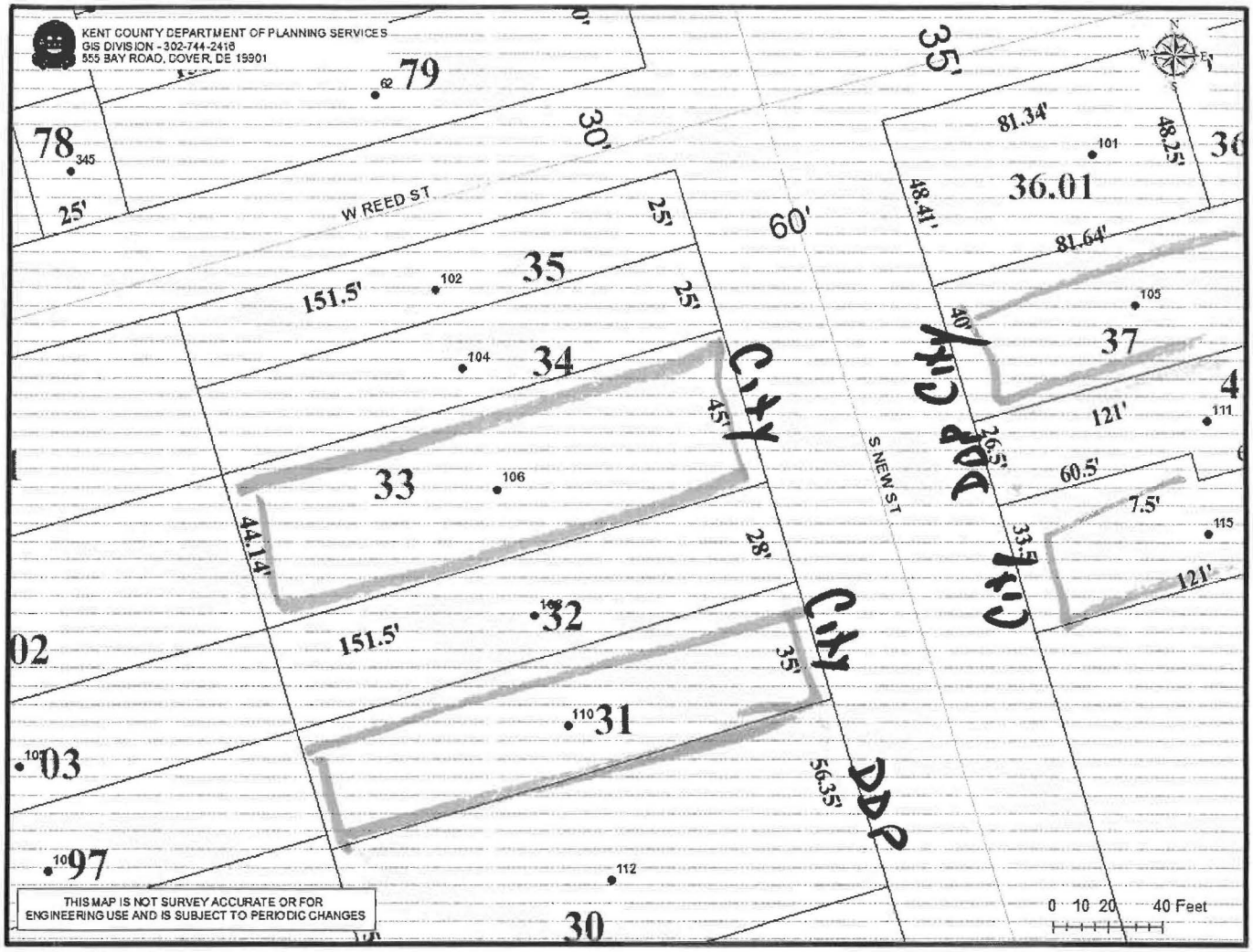
2 10
10x20 houses


KENT COUNTY DEPARTMENT OF PLANNING SERVICES
GIS DIVISION - 302-744-2418
555 BAY ROAD, DOVER, DE 19901
79
78
345
25'
W REED ST
30'
35'
60'
81.34'
101
48.25'
36.01
48.41'
81.64'
105
37
40'
121'
111
151.5'
102
35
25'
104
34
45'
33
106
44.14'
28'
32
151.5'
35'
31
110
03
97
112
30
56.35'
S NEW ST
26.5'
60.5'
7.5'
115
33.5'
121'
City
DDP
THIS MAP IS NOT SURVEY ACCURATE OR FOR ENGINEERING USE AND IS SUBJECT TO PERIODIC CHANGES
0 10 20 40 Feet



6 houses
12 x 20 each
Total lot size
needed
45' x 105'

2 10
10x20 houses


KENT COUNTY DEPARTMENT OF PLANNING SERVICES
GIS DIVISION - 302-744-2418
555 BAY ROAD, DOVER, DE 19901
79
78
345
25'
W REED ST
30'
25'
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35'
81.34'
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48.25'
36.01
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30
THIS MAP IS NOT SURVEY ACCURATE OR FOR ENGINEERING USE AND IS SUBJECT TO PERIODIC CHANGES
0 10 20 40 Feet