REGULAR COUNCIL MEETING
AGENDA

MAY 22, 2017 - 7:30 P.M.

REVISED BY ADDING A NEW ITEM #4 - 2016 ANNUAL REPORT - DOWNTOWN DOVER PARTNERSHIP

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

OPEN FORUM - 30 MINUTES PRIOR TO OFFICIAL MEETING (7:00 P.M.)

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

INVOCATION BY BISHOP THOMAS L. HOLSEY

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN ANDERSON

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

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

* 1. **ADOPTION OF MINUTES**
   - **A. SPECIAL COUNCIL MEETING OF MAY 4, 2017**
   - **B. ANNUAL COUNCIL MEETING OF MAY 8, 2017**

2. **CERTIFICATE OF CONGRATULATIONS - DOVER HIGH SCHOOL SPEECH AND DEBATE TEAM**

3. **PROCLAMATIONS**
   - **A. COMMUNITY ACTION MONTH**
   - **B. PUBLIC WORKS WEEK**

4. **2016 ANNUAL REPORT - DOWNTOWN DOVER PARTNERSHIP**

* **5. BOARD OF ASSESSMENT APPEALS EXEMPTION AUDIT REPORT**

A. APRIL 26, 2017 EXEMPTION AUDIT HEARINGS

(1) DELAWARE STATE UNIVERSITY FOUNDATION INC AND WESLEY COLLEGE INC - 226 SOUTH STATE STREET
(BOARD RECOMMENDED APPROVAL OF REQUEST FOR EXEMPTION)

(2) CHILDRENS CHOICE PROPERTY TWO - 707 WALKER ROAD
(BOARD RECOMMENDED APPROVAL OF REQUEST FOR EXEMPTION)

(3) CALVARY BAPTIST CHURCH - 2285 FORREST AVENUE
(BOARD RECOMMENDED APPROVAL FOR EXEMPTION)

(4) KENT COUNTY THEATRE GUILD FOUNDATION - 140 ROOSEVELT AVENUE
(BOARD RECOMMENDED APPROVAL FOR EXEMPTION)

(5) UNION MISSIONARY BAPTIST CHURCH - LAND - FOREST STREET
(BOARD RECOMMENDED APPROVAL FOR EXEMPTION)

(6) MOMS HOUSE INC OF DOVER - 864 SOUTH STATE STREET
(BOARD RECOMMENDED APPROVAL FOR EXEMPTION)

(7) DELAWARE GUIDANCE SERVICES - 103 MONT BLANC BOULEVARD
(BOARD RECOMMENDED APPROVAL FOR EXEMPTION)

(8) MOUNT ZION AME CHURCH
(BOARD RECOMMENDED APPROVAL FOR EXEMPTION WITH CONSIDERATIONS, DETAILED IN MINUTES)

(A) 108 NORTH QUEEN STREET
(B) 106 NORTH NEW STREET
(C) 106 NORTH QUEEN STREET
(D) 104 NORTH QUEEN STREET
(E) 102 NORTH NEW STREET
(F) 118 NORTH NEW STREET (122-124 NORTH NEW STREET, PER CHURCH RECORDS)
(G) 118 NORTH NEW STREET (118-120 NORTH NEW STREET, PER CHURCH RECORDS)
(H) 35 NORTH QUEEN STREET
(I) 37 NORTH QUEEN STREET

B. EXEMPTION AUDIT SUMMARY
(BOARD RECOMMENDED THAT THE EXEMPTION AUDIT PROJECT AND ALL RECOMMENDATIONS FROM THE BOARD BE APPROVED)

* **6. SEMI-ANNUAL INSPECTION BY CITY MANAGER - ROBBINS HOSE COMPANY**
(DEFERRED DURING THE REGULAR COUNCIL MEETING OF APRIL 24, 2017) (STAFF RECOMMENDS ACCEPTANCE OF THE REPORT)

7. SET PUBLIC HEARING - ELECTRIC FUND BUDGET (RECOMMENDED THAT A PUBLIC HEARING BE SET FOR JUNE 12, 2017 AT 7:30 P.M.**)**

8. COMCAST FRANCHISE RENEWAL
(STAFF RECOMMENDS RENEWAL OF THE 10-YEAR CONTRACT)

9. 2017 SPECIAL FIRST (1ST) DISTRICT MUNICIPAL ELECTION RESULTS

* **10. APPOINTMENTS/REAPPOINTMENTS RECOMMENDED BY COUNCIL PRESIDENT SLAVIN**

A. CITY CHAPLAINS (ANNUAL APPOINTMENT EXPIRES JUNE 11, 2018)

(1) BISHOP THOMAS L. HOLSEY OF BIBLEWAY TEMPLE CHURCH OF GOD IN CHRIST

(2) CHAPLAIN WALLACE DIXON OF BIBLEWAY TEMPLE CHURCH OF GOD IN CHRIST

B. CONSTRUCTION AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS

(1) COUNCILMAN DAVID L. ANDERSON

(2) COUNCILMAN BRIAN E. LEWIS

(3) COUNCILMAN FRED A. NEIL

11. FINAL READING - PROPOSED ORDINANCE #2017-06

THE FIRST READING OF THE PROPOSED ORDINANCE WAS ACCOMPLISHED DURING THE COUNCIL MEETING OF MAY 8, 2017. THE ORDINANCE IS AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS OR ON THE CITY'S WEBSITE AT WWW.CITYOFDOVER.COM UNDER "GOVERNMENT."

PROPOSED ORDINANCE #2017-06 AMENDING CHAPTER 70 - OFFENSES AND MISCELLANEOUS PROVISIONS, SECTION 70-2 - WEAPONS GENERALLY

12. ACTING CITY MANAGER'S ANNOUNCEMENTS

13. COUNCIL MEMBERS' ANNOUNCEMENTS

14. ADJOURNMENT

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EXECUTIVE SESSION PURSUANT TO:

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

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

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

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

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on May 4, 2017 at 5:30 p.m. with Council President Slavin presiding. Members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hare, and Mr. Hutchison. Mayor Christiansen was also present.

Council staff members present were Mrs. Mitchell and Mrs. McDowell.

ADOPTION OF AGENDA

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

SELECTION OF CHIEF OF POLICE

Mayor Christiansen informed members that, over the last few weeks, members of the Police Chief Selection Committee had worked with due diligence, honesty and integrity in an effort to find the best candidate to be the thirteenth Police Chief of the City of Dover. He indicated there had been 34 candidates from across the country, noting that one (1) candidate filed after the deadline; therefore, the Committee was not allowed to accept that application. Mayor Christiansen stated that members triaged the applications and came up with seven (7) applicants to interview. He advised that one (1) applicant chose not to be interviewed; therefore, they worked with six (6) highly qualified candidates who Mayor Christiansen stated would have performed the job of Chief of Police for the City of Dover with fidelity and great expertise.

Mayor Christiansen informed members that, as a result of a majority vote of the members of the Committee, Deputy Chief Marvin Charles Mailey was nominated as the next Police Chief for the City of Dover. He stated that the position would have the standard City of Dover benefits and the salary would be $118,352.

Mr. Hutchison moved to support the Mayor and the Police Chief Selection Committee and appoint Deputy Chief Marvin Mailey as Chief of the Dover City Police Department. The motion was seconded by Mr. Hare.

Mr. Sudler thanked the Mayor and members of the Police Chief Selection Committee, stating that this was a challenging task for everyone. He advised that he believed in his heart, and also believed for his district, that this was the best candidate, noting that he did not know the other candidates. He asked for God to bless the City of Dover.

Mr. Lewis also thanked the Committee for their due diligence in selecting the appropriate candidate and commended them for their effort and time, stating that this was historic for the City.

Mr. Anderson stated that he would be happy to cast his vote to support the recommendation because the candidate selected was highly qualified, had risen through the ranks, had experience with every major department within the City Police Department, and had excessive experience in the anti-drug unit, which is an important issue in the City today. He advised that no one is more qualified to deal with the issues facing our community than the soon-to-be Chief and that this was a wise decision. Mr. Anderson expressed his belief that Deputy Chief Mailey will continue the progress that has been made. He noted that the City's crime rate had been declining and stated his belief that Deputy Chief Mailey will continue that trend and the City will be safer with appropriate measures in community

policing, continued support of the Police Athletic League (PAL), and a new commitment to the cadet corps.

Mr. Neil stated that it was urgent for the public to understand that this was not a selection of political expediency but was done according to the resolutions and procedures that had been set up previously. He indicated that the City was blessed to have Councilman Hutchison, who formerly served as Police Chief, to lead this effort from a professional standpoint. Mr. Neil advised that he expected that the Police Chief would embrace the entire community, as Deputy Chief Mailey had shown previously. He noted that the Committee had made a purely professional decision and that he would commend Deputy Chief Mailey.

Mr. Hare stated that he was not sure that he would consider the decision historic, stating that interviews were conducted and, in his opinion, the most qualified professional for the position was picked. He indicated that Deputy Chief Mailey's record spoke for itself, he had the respect of the employees at the Police Department, and the Committee had made a great choice based on Deputy Chief Mailey's qualifications, performance, and history with the Police Department. Mr. Hare advised that he supported the choice110%.

Mr. Hutchison informed members that he had lived in the City for a lifetime and had been part of or close to the Police Department for the last 50 years, noting that he had started his police career in 1967 at the age of 24. He advised that he had worked with the Department for a total of 25 years, had the privilege and honor of serving as Police Chief for five (5) years, and had also served as Mayor for 10 years. Mr. Hutchison stated that he was very closely connected to the men and women of the Dover Police Department and assured everyone that Dover has one of the finest police departments in the state of Delaware, from bottom to top. He indicated that he was very pleased with the selection process. Mr. Hutchison advised that he had been part of the old system and did not go through a committee when he was appointed Police Chief; therefore, he had seen things that others had not, and there was no question in his mind that Deputy Chief Mailey was the right man at the right time to be Chief of the Dover Police Department. He noted that the officers do a first class job in serving the community. Mr. Hutchison indicated that he liked the fact that there had been an opportunity to observe Deputy Chief Mailey for 20 plus years, that he is known, and that he knows the men and women of the Dover Police Department and his community. He thanked the Mayor for the review process, stating that he liked and embraced it, the change was needed, and when all was said and done, the right person was selected.

The motion to support the Mayor and the Police Chief Selection Committee and to appoint Major Marvin Mailey as Police Chief of the Dover City Police Department was unanimously carried.

The Special Council Meeting adjourned at 5:41 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Special Meeting of May 4, 2017 are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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ANNUAL COUNCIL MEETING

The Annual Council Meeting was held on May 8, 2017 at 7:30 p.m. with Mayor Christiansen presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hare, Mr. Hutchison and Mr. Slavin.

Staff members present were Police Chief Mailey, Ms. Peddicord, Mrs. Mitchell, Mr. Hugg, Fire Chief Carey, City Solicitor Rodriguez, and Mrs. McDowell.

The colors were presented by Dover High School Air Force Junior Reserve Officer Training Corps (AFJROTC).

The invocation was given by Reverend Elmer N. Davis, Jr., followed by the Pledge of Allegiance.

The National Anthem was performed by the Dover High School Select Ensemble.

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF APRIL 24, 2017
The Minutes of the Regular Council Meeting of April 24, 2017 were unanimously approved by motion of Mr. Neil, seconded by Mr. Lewis and bore the written approval of Mayor Christiansen.

PROPOSED RESOLUTION NO. 2017-05/PRESENTATION - JAMES L. HUTCHISON, SR.
The City Clerk read the following Resolution into the record:

WHEREAS, James L. Hutchison, Sr.'s career with the City of Dover began with his appointment on September 11, 1967 as a Patrolman in the Dover Police Department. He ultimately attained the position of Chief of Police and retired from the Department after more than 25 years of service on December 19, 1992. James L. Hutchison, Sr. was sworn into office as Councilman At-Large on May 10, 1993. After serving one year, he relinquished his seat as Councilman, successfully ran for Mayor, was sworn into office on May 9, 1994, and became Dover's first full-time Mayor on May 11, 1998, serving with distinction until May 10, 2004. James L. Hutchison, Sr. was sworn in as Councilman representing the First Council District on May 9, 2011 and served in that office with distinction until May 8, 2017. During his most recent tenure on Council, he served as Chair of the Safety Advisory and Transportation Committee; Utility Committee; and President's Counsel on Public/Private Partnerships and the Future of City Hall, Weyandt Hall, Former Dover Library and Other City Properties; and as a Member of the Parks, Recreation, and Community Enhancement Committee; Ad Hoc Financial and Operational Advisory Committee; Police Chief Selection Committee; and Kent Economic Partnership; and as a Liaison to the Chamber of Commerce and Greater Dover Committee and to Kent County on the City/County Committee; and

WHEREAS, as James L. Hutchison's long and storied history with the City of Dover shaped him into an exemplary leader and outstanding public servant, his diligent efforts also helped to shape the City. He was instrumental in the extension of term limits for members of City Council from two to four years; Council's transition from laptops to tablets for easier access to meeting materials, and

the reinstitution of the Council Committee of the Whole meeting format for standing Council committees. These important contributions have greatly enhanced Council's deliberations and resulted in significant cost savings; and

WHEREAS, James L. Hutchison's deep-rooted and lifelong love for the City is evident to all he encounters and has been manifested by his many years of devoted service. His selfless labor, affable personality, and innumerable accomplishments in advancing the interests of the City of Dover have earned him a reputation for excellence in governing throughout the City of Dover and the State of Delaware.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council recognize that James L. Hutchison, Sr. will be sorely missed, express their sincere appreciation to him and his family for the dedicated years of service and personal sacrifices made on behalf of the City of Dover, and wish him and his family success in all future endeavors.

BE IT FURTHER RESOLVED that the Mayor and Council hereby direct the City Clerk to make this resolution a part of the permanent records of the City of Dover as a lasting symbol of appreciation and gratitude to James L. Hutchison, Sr.

ADOPTED: MAY 8, 2017

Mr. Hare moved for adoption of the Resolution No. 2017-05, seconded by Mr. Neil and unanimously carried.

Mayor Christiansen and Council President Slavin presented Mr. Hutchison with the Resolution and a Dover Cup in recognition of his service. Mayor Christiansen thanked Mr. Hutchison for his service to the City. Mr. Slavin expressed gratitude for Mr. Hutchison's service as Mayor, Police Chief, fellow Councilman, colleague, friend, mentor, and touchstone.

Kent County Levy Court President Brooks Banta and Vice President Terry Pepper presented a tribute to Councilman Hutchison on behalf of Kent County, as follows:

> The Honorable Councilman James L. Hutchison, Sr., City of Dover, Delaware:
>
> On this the 8th day of May, 2017, Kent County Levy Court is privileged to pay tribute to the Honorable Councilman James L. Hutchison, Sr. in recognition for his outstanding public service as Councilman in the City of Dover, Delaware. The Honorable Councilman James L. Hutchison, Sr. has set the bar high in standards to be upheld during his many years of public service: twenty-five years in law enforcement, ten years as Mayor, and seven as Councilman.
>
> During this time, he also served on the City/County Committee and the Kent Economic Partnership. His insightful leadership and experience have been valuable assets to his colleagues in Kent County government. The Honorable Councilman James L. Hutchison, Sr. has distinguished himself as an elected official with a strong

> desire to see the City of Dover excel and prosper. The citizens of Dover and all Kent County have benefitted greatly by his generous contributions to the public interest.
>
> Kent County Levy Court applauds and wishes to express its sincere appreciation to the Honorable Councilman James L. Hutchison, Sr. for his exemplary record of over 40 years of dedicated public service and extends hearty best wishes in retirement and in all future endeavors.

Mr. Banta stated that Mr. Hutchison is a man of high quality and dignity and recognized his influence on Mr. Banta, his wife, and Kent County. He expressed gratitude for Mr. Hutchison's role in finding the current location for the Kent County Administration building on Bay Road and influencing them to locate there. He indicated that Mr. Hutchison exemplifies the Boy Scout Law, which states that a Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent.

Mr. Pepper stated that he was honored to be present to pay tribute to Mr. Hutchison, noting that his family's careers had paralleled and crossed Mr. Hutchison's career many times over the years and he had been a great friend to the Pepper family. Mr. Pepper stated Mr. Hutchison should be in line to be crowned Mr. Dover because he is one (1) of Dover's greatest cheerleaders.

The City Clerk read the following State of Delaware Senate Tribute into the record:

> Be it hereby known to all Senator Brian J. Bushweller is joined by the Senate of the 149th General Assembly in commending the Honorable James L. Hutchison, Sr., City of Dover, recognizing near to 30 years of notable service to the citizens of Dover and its environs. Throughout his extraordinary tenure, he has served with distinction as Chief of Police, member of City Council, and Mayor. Hutch has demonstrated a unique appreciation for the capital municipality of the First State and has earned the respect and high regard of so many along his way.
>
> His impact on virtually every aspect of city life has made a difference, a very positive difference indeed. Senator Bushweller finds it most befitting the Senate recognize this fine gentleman and his many contributions and accomplishments.
>
> With gratitude and best wishes for the bright promise of the future, the Senate directs this tribute be presented Monday, the 8th of May, 2017 as James Hutchison celebrates the culmination of several jobs well done.

Mr. Hutchison expressed thanks for the recognition, noting that he had come to the City at age 24 when the Police Department had 24 officers, the population was 12,000, and the east side of Route 13 was outside the City of Dover. He noted that the starting salary was $78 per week; however, it was the best job he ever had. Mr. Hutchison expressed thanks to those he had worked with, including Mr. Nicholas Rodriguez, City Solicitor; Mr. Bill Pepper, Deputy City Solicitor; Mrs. Donna Mitchell, Acting City Manager, for taking care of financial matters; the City Clerk's Office; and Fire Chief Carleton Carey, Jr. and the members of the volunteer Fire Department. Mr. Hutchison advised that the last motion he had made was to confirm Deputy Police Chief

Mailey's appointment as Chief of Police, stating that this was the most important motion he had ever made on this Council. He stated that the City of Dover has a great team and expressed the importance of working together.

OATHS OF OFFICE ADMINISTERED BY THE HONORABLE WILLIAM L. WITHAM JR., RESIDENT JUDGE - SUPERIOR COURT

In Judge Witham's absence, the Honorable Jeffrey J. Clark, Judge, Superior Court, administered the Oaths of Office, as follows:

Council - At-Large	-	Timothy A. Slavin
Council - First District	-	Tanner Wm. Polce
Council - Second District	-	William F. Hare
Council - Third District	-	Fred A. Neil
Council - Fourth District	-	David L. Anderson

ELECTION OF COUNCIL PRESIDENT/VICE-MAYOR

Mayor Christiansen opened the floor for nominations for Council President/Vice-Mayor for 2017/2018.

Mr. Lewis moved to nominate Mr. Slavin to serve as Council President/Vice-Mayor for 2017/2018, seconded by Mr. Sudler.

Mr. Sudler moved to close nominations, seconded by Mr. Anderson and unanimously carried.

By unanimous consent, Mr. Slavin was elected to serve as Council President/Vice-Mayor for 2017/2018.

RECESS FOR PHOTOGRAPHS (MAYOR AND COUNCIL)

Mr. Sudler moved to recess for photographs of the Mayor and members of City Council. The motion was seconded by Mr. Neil and unanimously carried.

The meeting recessed at 8:04 p.m.

Mr. Sudler moved to reconvene, seconded by Mr. Neil and unanimously carried.

The Meeting reconvened at 8:13 p.m., with Mayor Christiansen presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Polce, Mr. Hare, and Mr. Slavin.

CONSENT AGENDA

Mr. Sudler requested that items #10-A - 2017/18 City Council Annual Appointments - Appointed Staff Members, and #13 - Resolution No. 2017-06 Authorizing Signatures for Banking Services on Behalf of the City of Dover, Delaware - Controller/Treasurer, Assistant Controller/Treasurer, and Assistant Treasurers be removed from the Consent Agenda.

Mr. Lewis requested that item #7-C-(1) - Seed Funding Request from Big River Film Co., LLC for a Short Film to Celebrate the 300th Year of Dover be removed from the Consent Agenda.

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

STATE OF THE CITY MESSAGE - MAYOR ROBIN R. CHRISTIANSEN

Mayor Christiansen presented the State of the City address, as follows:

> Good evening my fellow Doverites. Mr. President, honorable members of Council – tonight we stand on the threshold of a new era in the history of our City. As we celebrate 300 years of Dover history and the innumerable contributions that we as a community have made to this country, we face the next one hundred years with optimism and enthusiasm acknowledging that our best days are ahead of us. I would be remiss to not mention the coming together of our community with so many organizations in celebration after having just kicked off our birthday celebration with Kent County Tourism and so many others who look forward to creating history in the years to come.
>
> Are there challenges ahead? Yes, certainly, but we have a City Council who partnered with our employees and our citizens, can overcome any challenge with confidence and resolve. With their strength and determination, we can meet the needs of the future and all that we may face.
>
> We have a dynamic city work force which is second to none. I thank them for their unwavering dedication to make this city shine. For when they make our City shine the Mayor and Council shine. Many people believe the life of a City employee is Monday through Friday 8-5pm. I am sure every employee of the city wishes it were that way. I have personally called upon people who have come out on nights, weekends, holidays and time away from their families to help resolve issues making Dover the great place that it is. I thank them for their dedication and their commitment to all who live in Dover.
>
> To the men and women of the Dover Police Department both uniformed and civilian employees – thank you for your professionalism and your continued devotion to protect and serve our citizens. It is a tough job in tough times. But they do it well. Uncertainty is always with them daily, but so are our prayers. But in addition to our prayers, the Police Department needs the cooperation of all of our citizens to partner together to rid all of our neighborhoods of crime, which plagues not only Dover but our entire country. Likewise, along with cooperation we must have mutual respect and trust if the police/citizen partnership is to be effective today and in the future. Let it be known now; that this, a renewed notice that guns, drugs and gangs are no longer welcome on the streets of our City!

To the men and women who serve our electric utility, customer service, linemen, meter technicians and others – thank you. You provide the City with reliable electricity, on a redundant system that keeps the lights on when others around us are not as fortunate. To Harry Maloney…it's Electric!

To the entire Public Works Department Team, whether it is Grounds, Streets, Sanitation, Water/Wastewater – thank you for making our city accessible and for the continual upgrade of our infrastructure. To the Code Enforcement and Planning Department staff and our Fire Marshals for keeping our city safe and livable. Enforcement of the Code can be difficult and not always appreciated. It is your due diligence and the unwavering desire for the safety of our community which stays at the forefront.

A tip of the hat to our terrific Parks and Recreation Department for the job they do to keep our residents, young and old, healthy and fit with active programs and passive retreats.

To the City Clerk's Office who keep those important records and history of the City and handle the many pieces of correspondence. They put together our agendas and all the necessary paperwork needed to efficiently put together a legislative agenda of a growing city. Thank you also to the committees of Council, both elected and civilians, who serve assisting the Council with vital decisions, always weighing the information with wisdom and thoughtfulness, and the best interest of their fellow citizens.

I would be remiss to not recognize the hard working staff of the City Manager and Mayor's office who field the many calls from our constituents and resolve their concerns quickly and in a timely manner. Always going above and beyond the call of duty to help.

I would also like to acknowledge the Human Resources staff. It is not an easy task to monitor the numerous applications coming in, approval of positions to be filled and the needs of council and staff, we thank you.

To the Finance Department, a hearty thanks to you for your efforts, providing a healthy and progressive city with the necessary financial accountability to the citizens. Guaranteeing responsible use of tax dollars and enterprise fund revenue.

To the Assessor's Office for maintaining fair business practice in the valuation process and appeals, making yourself available to explain and aid in understanding.

To the IT Department for keeping us up and going. Our struggles would be greater without you keeping us connected and online.

To the men and women of the Robbins Hose Co. No. 1 serving as the Dover Fire Department, who for 135 years have served this community with pride and

dedication. The citizens of this community recognize your unselfish service to others and a hearty thank you for your continued task of saving lives and protecting property. You are our heroes.

To our library staff – Thank you for opening up a whole new world to so many through your programming, events & now the Passport Program.

We have great people working in our great community, who on a daily basis, twenty-four hours a day, work to make this city the place we love to call home.

As a City we have partnered with NCALL, Habitat for Humanity, Interfaith Mission, Whatcoat Shelter, Code Purple, Shepherds Place, The Nehamiah Project, Dr. Gus Walker, Fort Able, numerous churches and many fraternal organizations and individual citizens to end homelessness among those less fortunate, revitalize neighborhoods and work for affordable housing and meaningful employment for all of our citizens.

We continue to revitalize, repair and replace our infrastructure as funds permit us to meet the needs of today and anticipate the needs of future economic growth and development. We must, as a community, have the courage and commitment to do what is right for not only today but what is right for future generations. Our best days are ahead of us and we have a bright future offering a clean, beautiful, safe and prosperous City to all who want to work, live and play here.

To my fellow colleagues on Council. Often we are called on as representatives to our community in times of need. I know it is not always easy and that the hours can seem long. It is with your due diligence that we are able to have a city we are all proud of, a City where we can civilly discuss new ideas, a place where we all can call home.

Finally, a grateful and hearty thank you to the citizens of Dover who as taxpayers and customers allow us to serve them daily. Your confidence and belief in the future of this City gives each of us the energy to work diligently on your behalf each day. My hope is that we meet and exceed your expectations. I believe in Dover, do you?

COUNCIL COMMITTEE OF THE WHOLE REPORT - APRIL 25, 2017

The Council Committee of the Whole Meeting was held on April 25, 2017 at 6:01 p.m., with Council President Slavin presiding (departed at 6:52 p.m. and returned at 6:53 p.m.; departed at 7:37 p.m. and returned at 7:38 p.m.). Members of Council present were Mr. Anderson (arrived at 6:06 p.m.), Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hare, and Mr. Hutchison. Mr. Sudler was absent. Mayor Christiansen (departed at 8:10 p.m.) was also present. Civilian members present for their Committee meetings were Mr. Keller (*Safety Advisory and Transportation*), Ms. Arndt and Mr. Blakeman (*Utility*), and Mr. Shevock (*Legislative, Finance, and Administration*). Mr. Shelton (*Safety Advisory and Transportation*) and Dr. Stewart (*Legislative, Finance, and Administration*) were absent.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee meeting was held with Chairman Hutchison presiding.

Presentation - Lights On, Crime Out - Restoring Central Dover (Chanda Jackson, NCALL Community Engagement Specialist)

Dr. Chanda Jackson, Community Engagement Specialist, NCALL, introduced Mr. David Clendaniel, Chair, Restoring Central Dover Safety Work Group, and Mr. Orlando Short, Restoring Central Dover Community Engagement Work Group.

Mr. David Clendaniel advised that Restoring Central Dover was born out of concerns about safety in downtown Dover for residents, businesses, and economic development, and he stated that a lot of improvements had been made. He noted that two (2) items from the City of Dover annual crime report stood out to him, as follows: 1) the police force does a great job and solves crimes at almost twice the national average rate; and 2) almost every crime category increased in 2016 from 2015. Mr. Clendaniel stated that the purpose of the Lights On, Crime Off initiative was to help deter crime in central Dover and in the Restoring Central Dover District.

Mr. Clendaniel reviewed a presentation entitled, "Lights On Crime Off Campaign - April 25, 2017." He explained that having lights on in houses deters crime and improves safety, noting that the National Institute of Justice reported that improved street lighting decreased crime by 21%, as stated in a 2008 study. Mr. Clendaniel stated that the hope was to engage the citizens of Dover in helping to enhance City lighting by passing out light bulbs, providing education on crime and energy conservation, and asking people to sign a pledge to keep their lights on and report crime when they see it.

Mr. Clendaniel explained that Restoring Central Dover had learned from the Dover Police Department that converting lights to LED on New Street had enhanced visibility on cameras. He noted that the cost of conversion can be recouped within five (5) years due to energy savings and stated his understanding that Delaware Sustainable Energy has loan programs for municipalities to make such conversions. Mr. Clendaniel asked members to consider funding LED street light improvement in the City's budget both this year and next year, stating that safety should be paramount.

Mr. Lewis asked what the City was currently paying for bulbs. Responding, Mrs. Donna Mitchell, Acting City Manager, stated that she was unsure of the cost of bulbs but noted that she had provided the cost for LED lights to NCALL. She advised that the Fulton, Mary, and Clara Street area had already been mapped out for LED light replacement and Senator Brian Bushweller is also contributing some funds toward it.

Mr. Hutchison noted that Newark had already moved forward with regard to the light issue and asked if staff had met with Newark in this regard. Responding, Mrs. Mitchell advised that staff had not met with Newark. She stated her belief that Newark had done their light replacement through the Delaware Municipal Electric Corporation (DEMEC) and noted that she would be meeting with DEMEC in regard to their presentation during the Council Committee of the Whole/Utility Committee meeting of April 11, 2017. Mr. Hutchison suggested sending a representative to Newark to see exactly what they had done and to look at the actual savings, since Newark had been doing this for a number of years.

Mr. Neil stated that there was no question about lighting being a key to crime prevention; however, he expressed interest in seeing what kind of pushback there would be because light can also be disturbing to those inside the house. He thanked NCALL for this phenomenal initiative.

Mr. Clendaniel indicated that this program had been very effective in a number of cities around the East Coast, including locations in Massachusetts, as well as Cape May and Asbury Park, New Jersey. He noted that NCALL had not created the name of the Lights On, Crime Off program but honored other cities by using this name. Mr. Clendaniel advised that there was no reason that this program could not work in Dover.

Mr. Anderson asked if more lights were needed in some alleys, in addition to replacements, and if the Public Works and Police Departments were coordinating regarding which alleys most needed enhancement. Responding, Mr. Orlando Short advised that efforts to identify additional lighting, not only replacement lighting, were underway. He stated that he was scheduled to do a ride-along with Lieutenant Christopher Hermance to identify those alleys that most needed lighting. Mr. Short indicated that some alleys were unpaved, including a dirt alley on Cecil and West Streets, and stated his belief that the Public Works Department was currently doing something with that alley. Mr. Anderson noted that the back of Cecil Street, from Governors Avenue to West Street, is dark.

Mr. Hutchison advised that, for the first time in a long time, he was extremely impressed with what was being done downtown. He thanked NCALL and everyone working in partnership in the area being discussed, including Kirkwood Street, Kings Highway, New Street, and Division Street, noting that these efforts would make a difference. Mr. Hutchison stated his firm belief that home ownership was the way to go. He indicated that he would wholeheartedly support these efforts when Council moves forward with the budget. Mr. Hutchison expressed the need to work hard to address these issues, which would include funding for them as well.

The Committee recommended endorsing and supporting this program.

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

Proposed Ordinance #2017-06 - Amending Chapter 70 - Offenses and Miscellaneous Provisions, Section 70-2 - Weapons Generally (Sponsors: Cole and Hutchison)

Mayor Christiansen advised that he was in favor of Proposed Ordinance #2017-06.

Deputy Chief Marvin Mailey reviewed Proposed Ordinance #2017-06, explaining that Dover High School wants to participate in a marksmanship program that 12 high schools within the State of Delaware were currently participating in. He stated that the only thing holding back the Capital School District was the City's ordinance pertaining to weapons ranges. Deputy Chief Mailey advised that the proposed amendment would only allow weapons ranges for school-sponsored projects, such as the marksmanship program, and a typical citizen would not be able to open a range on their property. He stated that the Proposed Ordinance would allow young people in the Capital School District the chance to compete, earn scholarships, etc.

Responding to Mr. Hutchison, Deputy Chief Mailey confirmed that it was specifically the ROTC program that was being discussed. He advised that he had attended a meeting regarding the program with Major John K. Murphy, USAF (Retired), Senior Aerospace Science Instructor at Dover High School; Mr. Dan Shelton, Superintendent of Schools, Capital School District; and other School Board members. Deputy Chief Mailey indicated that Major Murphy had done a great job explaining the safety protocols in place for the school program, and the range would be self-contained in a classroom set up with individual firing lanes where competitors could fire CO2 rifles with small pellets. He stated that these are not BB-style pellets but flat, roundish disks that compress as soon as they hit a solid backing, and bullet backers at the end of each lane would collect the spent rounds. Deputy Chief Mailey indicated that there was no chance of ricochet or people being injured, and participants would all be ROTC students enrolled in the program. He noted that three (3) ROTC personnel on the range would oversee the event, and there would be no spectators on the range. Deputy Chief Mailey advised that the CO2 rifles would be kept in the School District under several layers of security, so only the adults in charge of the ROTC program would have access to them and the kids would see one (1) of the adults to sign the weapons out. He stated that, he assumed, the weapons would only be taken out for practice and competition. Deputy Chief Mailey stated that, while in transit, the rifles would be overseen by the ROTC supervisors.

Mr. Cole advised members that due to Councilman Hutchison's impending departure, Councilman Neil had graciously agreed to be a co-sponsor of the Proposed Ordinance.

Mr. Cole stated that 12 other high schools in the State have such programs, which had all been very successful. He indicated that there had never been any issues and the program would provide the students with a great opportunity. Mr. Cole indicated that he supported the Proposed Ordinance.

Mr. Lewis noted that he had served on the Capital School District Board and had always been a supporter of the ROTC. He indicated that he thought this was a good program and commended Major Murphy and his colleague for starting it. Mr. Lewis asked if Deputy Chief Mailey had gone to check out the area and what his position was. In response, Deputy Chief Mailey advised that he formerly served in the Air Force and was well aware of their comprehensive rules and regulations. He noted that there are levels of safety and procedures in place to make sure that the participants and the range officers are safe. Deputy Chief Mailey explained that, in addition to being 33 feet away, participants also have to wear ear, eye and arm protection, as well as gloves, to ensure their safety. He indicated that he had watched how matches would be conducted and the risk was low. Deputy Chief Mailey noted that the Dover Police Department has a School Resource Officer on the premises who is aware and in favor of the proposed program. Deputy Chief Mailey advised members that he was also in favor of it and the Dover Police Department thought it was a good thing for the youth of Dover. Deputy Chief Mailey stated that there is a good partnership between the Dover Police Department and the Capital School District.

Mr. Lewis stated that he supported the ordinance amendment.

Major Murphy informed members that a young, female, freshman college student won the first gold medal at the Olympics last year, and she had started shooting in a non-ROTC marksmanship program at her high school. He stated that he had been impressed by this and thought that there was an opportunity to get kids on board with marksmanship. Major Murphy advised that Dover High was fortunate that some of their cadets would receive scholarships to the Air Force and the Army; however, he noted that students do more than 80 things every year with their color guards, drill team, and raider team, and they do not receive scholarships. Major Murphy indicated that the marksmanship program would allow kids to go to college on scholarships so that they can receive an education while doing something that they love. He noted that the program would educate kids on firing weapons safely using small pellets, not .22's, .38's, or .45's as some people had believed. Major Murphy advised that it would be a very safe program with marksmanship standards, so that if there is a misfire, they just fall to the ground. He indicated that, in the last eight (8) years, the Air Force had expressed a wish for this program, which the Army, Navy, and Marine Corps all have. Major Murphy stated that it was a great program and urged members to support it.

In response to Mr. Keller regarding the location of the program, Major Murphy advised that it would be in the Junior ROTC classroom at Dover High School, noting that 33 feet was needed and they currently have 40 feet. He stated that three (3) targets could be set up in front of the classroom, the door would be locked, and the only people present would be the three (3) cadets firing and the range officers. Major Murphy indicated that windows were available in the classroom for spectating.

Mr. Hutchison stated that one of the most impressive opportunities at Dover Air Force Base is watching the Junior ROTC State-wide competition, which creates pride in what young people are doing. He thanked the United States Air Force for their leadership.

The Committee recommended adoption of Proposed Ordinance #2017-06.

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

By consent agenda, Mr. Neil moved for acceptance of the Safety Advisory and Transportation Committee Report, seconded by Mr. Lewis and carried by a unanimous roll call vote.

UTILITY COMMITTEE

The Utility Committee was held with Chairman Cole presiding.

Presentation - Low Income Residential Utility Programs Under Consideration or Approved by the Delaware Energy Efficiency Advisory Council (EEAC) (Charles T. Kistler)

Mr. Harold Stafford, and Mr. Charles Kistler, Delaware Energy Efficiency Advisory Council (EEAC) reviewed a presentation, entitled "City of Dover Briefing - April 25, 2017." Mr. Stafford explained that the purpose of the EEAC programs was to look at ways to work with their partners to make energy efficiency programs available to the low-income community in the City of Dover and around the State. In regard to the HELP Initiative, Inc., he stated that the acronym HELP stands for healthy homes, energy-efficiency, lead-safe, and people-centric. Mr. Stafford advised that the focus of this initiative was to look at ways to instill best practices to assist low-income individuals to not only conserve energy, but to look at ways that they can reduce their energy consumption and their energy costs.

Mr. Neil questioned if there were lights or systems available that would cause a light to flash so that a person who had an emergency could identify their area to an ambulance that is responding. He indicated that there used to be such lights; however, they were no longer available and this question was important to many seniors. Mr. Slavin stated that he had worked with Mr. Neil on this issue for Wild Meadows 10 years ago, and they had purchased washers that were placed in the bottom of sockets. He explained that if they are turned on twice they will blink to alert an ambulance.

Responding to Mr. Neil, Mr. Kistler stated that he liked the concept of using flashing lights to indicate a problem inside the house. He advised that he was previously involved in monitoring residential and commercial alarms on a nationwide basis, using megacenters, so he had some sense of the requirements. Mr. Kistler advised that the wireless pendants for those who have fallen and can't get up, had a connection to a light that flashed. He was unsure whether this was available but

indicated that he could find out. Mr. Kistler pointed out that this would put an additional layer of value on the idea of not just putting a light out to keep the element of crime away, but also to protect the individual on the inside should they have a problem.

Mr. Neil commended Mr. Kistler and Mr. Stafford for the thought that goes into to their initiatives and thanked them for their efforts. Referring to the renewable Smart Signs, Mr. Neil stated that he thought this type of sign could be placed in front of City Hall.

Ms. Arndt noted that Mr. Kistler and Mr. Stafford had expressed the hope of influencing behavior, and she commented that this was probably their heaviest lift. She stated that she liked the solar LED light bulb, which is something that works without having to think about it. Ms. Arndt questioned if they had thought about programmable thermostats for energy efficiency within homes. In response, Mr. Stafford advised that there is a cost factor for programmable thermostats and noted that they were trying to have minimal invasion into people's homes, initially. He indicated that they would be able to look at ways to acquire programmable thermostats to put in individuals' residences later, depending on the funding source.

Mr. Kistler indicated that there is a moment of truth when they are in front of someone and are about to install an LED light bulb. He noted that there is a great deal of information that could be exchanged but they must glean as much as possible, while being succinct, before walking away. Mr. Kistler advised that the community energy centers in Dover have many resources that can benefit someone who has been identified through putting in a light bulb, and he explained the need to know what the script is when walking up to people. He noted that this does not involve just screwing in a light bulb but understanding the disposition of the individual in the house, and there is a lot of detail. Mr. Kistler indicated that there is much to be gained through the experience, but it has to be done quickly.

Mr. Kirby Hudson, Assistant City Manager, indicated that every Monday there are individuals in the City of Dover Customer Service Department who habitually have issues with their bills and are subtly directed to the help desk in the lobby. He noted that it is up to these individuals to decide whether or not they want to take advantage of the programs. Mr. Hudson advised that this was part of changing the overall behavior. Mr. Kistler noted that an energy educator comes to the City's office every Monday.

Mr. Cole asked Mr. Kistler if they were looking for action from the Committee tonight or if their intent was just to provide a presentation. Responding, Mr. Kistler stated that he thought their obligation was to keep members informed and they were unsure if the City was getting information. He stated that he wanted to make sure to tell members about settlement funds, Senate Bill 150, and EEAC. He noted that programs were being put forward and he did not want those programs to be obligated without some buy-in. Mr. Kistler explained that there was a social justice cause to

protect the people in the community who are vulnerable and in the most need, and he indicated that there was an obligation to make sure that this happens.

Mr. Hare asked how it can be determined that those in need are protected and questioned what would happen if he came in and asked for help because he was behind on his electric bill. Responding, Mr. Stafford advised that the energy educator is aware of an array of services and would begin with the basics and discuss how to prevent the person from going into arrears. If they are in arrears, he explained that they would discuss the resources that are available through various social service agencies to assist them in getting out of arrears. Mr. Stafford noted that these individuals would then be put on a budget plan.

Mr. Hare noted that there are people in arrears who make six figures. Responding, Mr. Stafford advised that those in the program must be eligible by income and normally have to meet 200% of poverty to be eligible for the program. Mr. Kistler advised that there are two (2) tiers to the approach, as follows: 1) an assessment within a working environment, such as the customer service center described by Mr. Hudson; and 2) actually going out to look at the property that was assessed at the customer service center. He explained that this combination provides a holistic view.

Mr. Hare stated that he thought it was important to make sure that they were not helping someone who just did not know how to pay their bills. Mr. Kistler commented that there is a financial literacy component for low-income people.

Mr. Stafford noted that their intent was mainly to provide members with information. He noted that when the EEAC finishes their guidance document some time later this year, approximately $4M would be made available for developing programs to assist with energy efficiency needs. He indicated that the Delaware Economic Development Office (DEDO) received $6M to assist with commercial energy needs, and he indicated that members may want to think about that.

Presentation - Municipal WiFi (Rob Nicholson, Delmarva VOIP)

Mr. Todd Stonesifer, 115 North State Street, stated that he owns a real estate firm located at 27 West Loockerman Street. He advised that he had also founded an organization called Destination Downtown Dover, with a vision of energizing, revitalizing, or assisting various groups to revitalize downtown, and that with these three (3) hats, economic development becomes key. Mr. Stonesifer indicated that he would love to see some of the buildings in the downtown area filled, which would help with social aspects and also help his pocketbook, since he would hopefully be able to assist in accomplishing this. He stated that, in the pursuit of out-of-the-box ideas to make Dover even more attractive than it already is, he came across Mr. Rob Nicholson, who would be discussing some of the benefits of a municipal-sponsored WiFi system through the downtown area. Mr. Stonesifer noted that such a WiFi system could distribute information regarding low income residential utility programs, and there would be countless other ideas. He expressed his passion for downtown Dover.

Mr. Rob Nicholson, Director of Business Development, GetSecureNet, stated that he has approximately 15 years of experience in technology in the military and private industry and had also been very involved in economic development in Sussex County and throughout the State. He explained that a lot is heard about smart cities; however, he has a vision for Delaware to become the first smart state, which he thought was doable due to Delaware's unique size and industries. Mr. Nicholson explained that 10 years ago SecureNetMD was started, which focused on healthcare IT. He noted that some of their clients included every healthcare system from Cape Charles in Virginia to Christiana Hospital, wrapping around almost to Baltimore, except for Nanticoke. Mr. Nicholson stated that other clients not in healthcare wanted services and were brought onboard through Delmarva VOIP. He indicated that they were now going through a transformation and were rebranding as GetSecureNet so they could focus on other industries as well, taking some of the successes they had with healthcare. Mr. Nicholson advised that they partner with organizations and empower leadership to make better technology decisions and reviewed a presentation entitled, "MuniWIFI - Create a Connected & Engaged Community."

Mr. Neil stated that he serves as the City's liaison to the Kent County Tourism Board of Directors, and many of the things that Mr. Nicholson was discussing relate to the Board's planning in regard to where to go and what to do in Dover and Kent County. He also noted that Mr. Nicholson was discussing the downtown area, which is only part of Dover. Mr. Neil indicated that he loved the idea of what Mr. Nicholson was suggesting; however, he thought it might work better in certain segments as opposed to a City-wide approach. He commented on the concentration in the downtown area and noted that events held there are promoted actively through Kent County Tourism, and the City provides them funding for that purpose. Mr. Neil indicated that Mr. Nicholson's idea was great; however, he suggested maybe putting smaller pieces in place before doing anything larger. Responding, Mr. Nicholson agreed, stating that he had worked on a project for the Lewes Historical Society digitizing old cemetery plots and digitizing those types of local attractions is important because it allows younger generations to get into history and understand more about the town. He agreed with looking at certain areas and focusing on them because the application may be different for downtown Loockerman Street and the main corridor versus some of the other areas. Mr. Nicholson advised that a phased roll-out is exactly what they would propose as a pilot program to initiate and get some traction. He explained that when someone accesses the downtown Dover website or WiFi splash page they could submit a five-question survey based upon free access. Mr. Nicholson indicated that this data could be collected, and the survey could then be revised and rolled out into a different area. He explained that these types of systems are highly scalable and can focus on specific areas, noting that looking at density and other items in an area may drive decisions, and in this way the system can be phased and rolled out over time. Mr. Nicholson related technology upgrading to vehicles, stating that one should not worry about the car, which is the device, but about the highway where the cars will go to drive. He indicated that he viewed this system as the backdoor and infrastructure to allow a roll-out into other areas.

Mr. Anderson asked if there would be a cost for a needs assessment. Responding, Mr. Nicholson stated that projects are typically rolled out in a couple of ways. He stated that he did not think it should be approached as a feasibility study, which would provide a yes or no. Mr. Nicholson advised that he had done a very high-level budget looking at Loockerman Street and some of the adjacent streets and estimated approximately $150,000 to provide coverage to this area, and possibly to The Green as well to capture some of the festivals. Mr. Nicholson noted that he would look to the City to tighten up some of the budget items, explaining that he would first need to better understand what members' goals are. He advised that the needs assessment would have no cost, and the only cost would be rolling out the pilot program in a highly concentrated area throughout Loockerman Street, which would be a good first step.

Mr. Anderson asked Mr. Nicholson to elaborate on the possible revenue streams mentioned in the presentation. In response, Mr. Nicholson stated that there are many opportunities for revenue streams, depending on the approach. He advised that they had seen scenarios such as bringing in a corporate sponsor for the entire WiFi. Mr. Nicholson explained that if 40,000 people connect to a splash page during the 4th of July celebration, this page could have sponsors that want to have their logo there. He also suggested partnering with Delaware Technical and Community College, other schools, or local businesses and charging them to be featured sponsors on a splash page during an event. Mr. Nicholson indicated that there is also indirect revenue through cost savings for efficiencies gained from an operational standpoint for offering public services for some of the City employees accessing the network.

Mr. Nicholson reiterated that there are a lot of options that would have to be better understood. He noted that he recommends to all of his clients offering free WiFi from day 1 and starting to collect information and get feedback. He stated that the emails would be collected and people would become engaged, and then monetizing the data or the splash page could begin.

Mr. Slavin explained that he had traveled to Auckland, New Zealand a year-and-a-half ago when his daughter was studying there. He noted that data plans for phones are universally expensive in New Zealand, particularly in Auckland, which drives the need for WiFi, and the entire University of Auckland, over many city blocks, had one (1) WiFi network for all students. Mr. Slavin advised that probably eight (8) out of 10 times people decided where to go out to eat or have a cup of coffee based on whether there was free WiFi, which draws people in to live, spend money, and eat. He indicated that this also pushes safety up into some of the better places in town. Mr. Slavin stated that he found it amazing to watch what this smart city had done, noting that it was kind of a new utility that was being rolled out.

Mr. Slavin stated his assumption that the model that Mr. Nicholson had explained was an iterative model that is scalable. He stated his understanding that they begin with one (1) section and, based on their successes there, they report this to other places or replicate it, and Mr. Nicholson stated that this was correct.

Mr. Slavin asked if the $150,000 mentioned was a one-time or annual cost. Responding, Mr. Nicholson explained that this would be a one-time cost for construction and set-up, and he noted that they would partner with Mr. Harry Maloney, Electric Director, to get access to poles and tap into power.

In response to Mr. Slavin regarding the annual operating costs, Mr. Nicholson indicated that this is a key component that may be very low, depending on what access there is to fiber or internet, which would be part of the needs assessment. He estimated $1,200 to $1,500 on average; however, he advised that if the City already owned or was paying for access to high-speed internet, there was no reason that the downtown area could not be lit up off that. Mr. Nicholson indicated that he had talked to the Dover Public Library about possibly extending, because they have fiber coming in from the State, and he noted the possibility of being creative with some of those ideas. He explained that there are wires with wireless; however, using a point-to-point approach, a signal from the Social Security Office or City Hall could be redistributed throughout the entire downtown area if the elevation was high enough.

Mr. Slavin stated that he understood the concept of the 40,000 people watching fireworks who would want free WiFi; however, he assumed that small businesses downtown would want to stop paying for WiFi and get it for free. He stated that this would not be a bad thing and would be a friendly business incentive; however, it would lead to a question about risk and reliability. Mr. Slavin advised that reliability would have to be 100%, 365 days a year, 24 hours a day, and if people could not rely on it, they would not use it. He asked about the risks associated with turning on a network like this and who would become dependent upon it. In response, Mr. Nicholson stated that the City has Verizon fiber and he would not recommend going off that because wireless signal does not propagate through brick walls very well; therefore, a lot of small businesses would not be able to connect reliably. He indicated that it would be preferred, from an operational standpoint, that small businesses stay with Verizon. Mr. Nicholson explained that, from a security standpoint, everything is being passed through to a primary network for control and management, and security elements could be put in place. He noted that there are ways to segregate and compartmentalize certain data streams to pass that traffic back. Mr. Nicholson advised that if there was a City-wide network for all employees, they could connect via their cell phones and mobile devices. He indicated that there could be a specifically free public WiFi, and the speeds and reliability could be throttled and controlled. Mr. Nicholson stated that if 40,000 people flood in for a 4th of July weekend, data limits could be placed on how fast they can pull, but public workers could be given higher priority. He noted that there are ways to compartmentalize and manage as long as data is passed through a primary network.

Mr. Slavin stated that he thought Mr. Nicholson's proposal was a great idea and he supported it; however, he explained that he was not convinced that it is a business that a municipal government has to own and operate. He noted that there is a quasi-government development authority that is focused on the downtown area and

he suggested talking to the Downtown Dover Partnership or perhaps Mr. Stonesifer's group. Mr. Slavin advised that the City may be able to help facilitate this, whether financially or by using brands or other things. He stated that he was unsure that the City government would want to take on the burden of operating a new utility when it was struggling with decisions about how to operate a utility. Responding, Mr. Nicholson stated that he agreed and explained that there are different recipes in different municipalities in terms of who funds, builds, maintains, and runs a network, and who responds to phone calls. He recommended that the City not manage but support it, and that the City partner with a private company to come in. Mr. Nicholson explained that once this asset exists, a revenue source could be created by inviting outsiders in to roll internet service over top of the network. He noted that this would open up price competition, and would be a win-win for the consumer because having more players on the block would to drive prices down and/or drive features up. Mr. Nicholson reiterated that he would not recommend that the City get into the business of municipality ISP services.

Mr. Slavin noted that he was told 10 years ago by someone that he trusts that it is necessary to experience some pain in order to revitalize a downtown area, such as ripping up streets, laying in new infrastructure underneath, and sizing the infrastructure for where you want to be in 20 or 30 years, not where you are today. He explained that if the City is trying to grow the 24-hour population living downtown, it is necessary to make sure there is enough capacity for them to turn the showers on and flush the toilets when there are 3,000 more people living there than today. Mr. Slavin stated that it sounded like this was one (1) of those moments when the City could be laying in some of the infrastructure that is not as destructive to put in place.

In response to Mr. Slavin, Mr. Nicholson advised that five (5) towns, including Georgetown, were selected nationwide to participate in the federally-funded Cool & Connected Program, and Mr. Nicholson was involved in this. He explained that they have a concept of "dig once," which involves digging, laying, and building over capacity so that there is no need to turn brick or put a shovel in the ground again. Mr. Nicholson indicated that conduit is put in throughout, so complete scalability and over-capacity is built. He stated that there are a lot of programs that could fund some or all of it and there are creative ways to raise funding. He stated that there are E-Rates, the Cool & Connected Program, which would come in and help to plan out some of these items, and many federal and State resources that would help to make better decisions and navigate the new digital economy.

Mr. Hutchison stated that, when looking at the future of the City, there is a large population that is basically untouched, including Dover Air Force Base, Wesley College, Delaware State University, Delaware Technical and Community College, and Wilmington University. He indicated that the kind of visions and dreams being discussed would bring these types of people downtown. He stated that, in looking to capture the future, the population that the City had not reached out to was right in

its hands, and he thought that the City needed to create ideas and ways to bring them in and get them jobs.

Mr. Cole asked if action was looked for from this presentation. In response, Mr. Nicholson stated that they were looking for buy-in. He advised that he would love to meet with others who are holding the torch of getting Dover to the next level, to take inventory of the assets and initiatives that they can bring to the table. Mr. Nicholson advised that this was key for Georgetown, where they had someone from the Georgetown Historical Society that was also the director of emergency operations, as well as someone from the University of Delaware, Delaware Technical and Community College, and the Delaware Economic Development Office (DEDO). He indicated that he would like to get everyone in the same room, give the presentation again, and have everyone collectively rally around and pull from the same direction, which would be essential. Mr. Nicholson noted that in Georgetown there was a lot of overlap in what people were doing, and that aligning this and getting all the arrows going in the right direction would be crucial to Dover leveling up.

Mr. Hutchison moved to recommend that Mr. Nicholson have a follow-up meeting with the Acting City Manager to identify the individuals who need to be at the table and to see where to go from here. The motion was seconded by Mr. Slavin.

Mr. Nicholson stated that he could invite some of the partners they had worked with in relation to Georgetown, Laurel, and the University of Delaware to get all their heads together.

Mayor Christiansen stated that he would like the motion to reflect that he would assist the Acting City Manager in the efforts to facilitate the City moving forward.

The Committee recommended that Mr. Nicholson have a follow-up meeting with the Acting City Manager to identify those who need to be at the table and to see where to go from here, and that Mayor Christiansen assist the Acting City Manager in the efforts to facilitate the City moving forward.

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

Annual Engineering Consultant's Report on the Operation and Maintenance of the Electric System - Fiscal Year 2016

Mrs. Donna Mitchell, Acting City Manager, stated that the Annual Engineering Consultant's Report on the Operation and Maintenance of the Electric System is required based on the City's bond covenants, which require an annual physical and financial assessment of the electric utility. She explained that an engineer came to Dover to perform the physical assessment and the City's financials from the audit from FY16 were also reviewed. Mrs. Mitchell reviewed the Conclusions of the report as stated in Section 1.4 of the Executive Summary.

Staff recommended acceptance of the report.

Referring to page 4-5, Revenue Margins and Unaccounted for Energy, Mr. Blakeman noted that the margins for 2014 were $20.9M, for 2015 were $28.6M, and for 2016 were $36.4M, and he questioned the reason for the big increase in 2016. Responding, Mrs. Mitchell stated that this was due to the negative congestion that the City had which was generating more revenue, and the power supply cost had also dropped. She advised that the fuel cost was down in the current market, so there was a difference between what was budgeted and where the City ended up. Mrs. Mitchell stated that the City had a really good year.

The Committee recommended acceptance of the report, as recommended by staff.

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

By consent agenda, Mr. Neil moved for acceptance of the Utility Committee Report, seconded by Mr. Lewis 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.

Seed Funding Request from Big River Film Co., LLC for a Short Film to Celebrate the 300th Year of Dover

Mr. Nathan Cronk, Owner and Director, Big River Film Co., stated that he was scheduled to pitch the film project to the Economic Development Committee; however, there had not been enough members present to take a vote. He explained that Big River is a video production company that has been doing work in Dover for almost two (2) years, with offices at 117 Reed Street. Mr. Cronk advised that they were showing a video to people who are interested in helping them fund the project. He noted that they had put together several pieces for the downtown Dover area that had been on social media, including Facebook and YouTube. He noted that their first video alone had over 110,000 views in just the downtown Dover area.

Mr. Cronk and Mr. Harvath, Lead Producer and Director of Photography, Big River Film Co., presented a video introducing the Short Film Project to Celebrate the 300th Year of Dover *(as on file in the Office of the City Clerk)*.

Mr. Cronk advised that their goal tonight was to ask for $8,000 in seed funding to begin production on a five (5) to seven (7) minute film that would show Dover in a fresh and new way, bring new energy to the area, and highlight its rich history. He indicated that it would be pushed out online through Facebook and Youtube to get it in front of as many people as possible to continue a discussion about how great Dover is. Mr. Cronk explained that in 100 or 200 years, when celebrating the 400th

or 500th anniversary of Dover, people will be able to look back and see the film as a time capsule of what it was like to be in Dover in its 300th year.

Members were provided a handout entitled, "Big River Film Co. - Dover, Delaware Short Film Production." Referring to page 3 - Production Costs, Mr. Cronk explained that they were seeking $8,000 in seed funding tonight, and an additional $12,000 would be funded by private organizations who are interested in the project. Mr. Cronk advised that there would be some sort of branded credit at the end, as well as a few other perks. He indicated that it was critical for funding for the project to start soon and for it to be fully funded. Mr. Cronk stated the need to produce a film to be pushed out before the 300th year is over and to get cameras on the ground and rolling.

Mr. Cole asked if the City would own or have unlimited access to the video for marketing purposes or for any goodwill moving forward. Responding, Mr. Cronk advised that the City absolutely would have unlimited access, noting that they would be happy to make it available to anybody who would like to use it. He stated that the goal was to get as many eyes on it as possible. Mr. Cronk indicated that they were partnering with Destination Downtown Dover, the Downtown Dover Partnership (DDP), and Something LLC, which is an organization that is helping put together many things that are happening for the 300th year. He noted that the DDP's Facebook page is the platform that had been used to push out their first three (3) videos and would also be the platform for the fourth. Mr. Cronk indicated that they already have great viewership on Facebook, and it made sense to push the film out on the same platform.

Mr. Anderson asked what the goals were and where they were on their time frames. Responding, Mr. Cronk explained that they had been in the process of trying to get seed funding for several months and the goal was to have the video fully produced by the end of the year. He stated that they were anticipating pushing it out at the end of the year at the New Year's Eve celebration of the 300th year. Mr. Cronk noted that if they were not seed funded on the project by the end of next month, they would not be able to do it because of the time required, and would pull the plug on the project.

Mr. Neil asked if they had $12,000 in the bank for the project. In response, Mr. Cronk advised that they had no money in the bank and, if funded during the meeting, this would be their first actual money in the bank to do the project. He stated that several other organizations had told them they were interested in funding the project, and those contributions would provide them with $16,000. Mr. Cronk explained that the $16,000 included the $8,000 they were requesting from the City.

Mr. Neil asked what dollar amount would actually get them started working on the project. Responding, Mr. Cronk stated that $8,000 was needed and they could start rolling tomorrow with that amount.

Mr. Neil asked what would happen when the reel runs out and the other money is not there. In response, Mr. Cronk explained that they could produce a video project that would probably be on the scale of the first three (3) videos they produced in Dover with $8,000. He stated that if they were seed funded during this evening's meeting and unable to obtain any more funding above and beyond this, they would scale back the whole project. Mr. Cronk indicated that he could not tell members exactly what the scaled-back project would look like, noting that they were aiming for full funding.

Mr. Lewis noted that Mr. Cronk had indicated that this would be a documentary and asked if it would be a national documentary. He questioned where else it would be shown, other than Facebook and YouTube. Responding, Mr. Cronk advised that Facebook and YouTube would be the main places where they would plan to play it. He noted that they have a vision of doing a premiere of the film at the Schwartz Center and inviting the community to be there. Mr. Cronk explained that they want the film to be something for the community to be proud of, something produced in Dover about Dover.

Mr. Lewis stated that he had concerns regarding the funding, noting that he had emailed Mrs. Donna Mitchell, Acting City Manager, about this earlier in the day, and he asked Mrs. Mitchell to read her email response for the record. Responding, Mrs. Mitchell stated that a separate bank account had been started for fundraising; however, from listening to the presentation this evening, she was unsure if this project was on the same track as the rest of the fundraising or if this would be General Fund monies. She indicated that she would have to comb through the budget to see where $8,000 could be found if it were to come from the General Fund.

Mrs. Mitchell advised members that a separate bank account had been set up for the Mayor's purpose of fundraising for the 300th anniversary. She noted that there was up-front money in some cases, such as a play at the Schwartz Center that had already been paid for and was being reimbursed as ticket sales come in. Mrs. Mitchell indicated that this was a loan from the General Fund, not a budgetary item, the loan was being paid back to the General Fund, and the Mayor was aware of that arrangement. Mrs. Mitchell reiterated that she was unsure if the film project was part of that arrangement or if it would be straight General Fund monies. She advised that it sounded like straight General Fund monies; therefore, she would have to comb through the budget to find the funding. Mrs. Mitchell stated that Council had transferred Economic Development money to the City Manager's budget to address the elimination of the Economic Development Office and there was a little money left there.

Responding to Mr. Lewis, Mrs. Mitchell advised that she did not think this was money that would be reimbursed. Mr. Lewis commented that this was a separate issue from what Mrs. Mitchell had emailed him.

Mr. Slavin stated that when the Economic Development Office was reconfigured, money was sent to the Mayor's budget for discretionary use for economic development and various initiatives, and he estimated that it was about $60,000. Responding, Mrs. Mitchell stated she thought that those funds were put in the City Manager's budget to cover the personnel expenses, etc., after the Economic Development Office employees left their tenure with the City. She indicated that she thought it was in the City Manager's budget, rather than the Mayor's budget, and these were the funds she had referred to. Mrs. Mitchell offered to double check where those funds were. Mr. Slavin asked that this be checked because the project seemed to be an economic development activity that the Mayor could support out of that money. Mr. Slavin noted that he was not speaking on behalf of Council.

Mayor Christiansen asked Council to consider that this celebration was moving forth basically with no cost to the City and it would be pay-as-you-go, because he did not feel it appropriate to ask for City money. He stated that the film project was particularly geared for downtown and economic development for the City. Mayor Christiansen indicated that if these funds were available, and it pleased Council to seed this money and have others assist with this, he thought an $8,000 investment was appropriate.

Mrs. Mitchell advised that there was enough money for this.

Mr. Slavin stated that the $8,000 could be granted as a challenge grant, with the City's money being given first and last. He indicated that the City could provide $4,000 at the outset and top off with the last $4,000 after Mr. Cronk had raised all of their funds. He asked if this kind of scenario would be helpful. In response, Mr. Cronk stated that it would be helpful, noting that another funder had told them they would give $4,000 if they could find a matching $4,000. Mr. Slavin noted that raising money is all about leveraging.

Mr. Cronk advised that if the City were to fund $4,000 now, they could go to their matching funder and get another $4,000, which would be the seed funding to start the project. He agreed that they could then come back to the City for $4,000 at the end.

Mr. Lewis advised that he could not support this proposal.

Mr. Slavin explained that this is typically how fundraising is done, and this approach would prevent $20,000 from being spent from any one (1) source and attract community support and resources.

Mr. Lewis advised that this was Mr. Slavin's prerogative. He questioned why people who are starving out on the street are not helped if the City is going to be giving away money like this.

Mr. Anderson stated that this seemed like an economic development initiative and noted that economic development monies are split between the funds because these

activities benefit all funds. He was unsure if this would need to be a General Fund item and indicated that he would like Mrs. Mitchell's staff to look at this. Mr. Anderson expressed support for the item, noting that the 300th anniversary comes only once and is a special one that should be documented. He advised that the price tag seemed reasonable. Mr. Anderson stated concerns with the proposal for $4,000 and the additional $4,000 as the last portion of the funding. He stated that if they attained $12,000 or $14,000, they might not get the last $4,000, which concerned him. Mr. Anderson advised that he would not mind starting with $4,000 but was unsure that the City's other contribution needed to be the last $4,000 and suggested that it would be worth it to just grant the $8,000 and be done with it. Mr. Anderson stated that if Big River Film Co. raised $12,000, the City could give them the other $4,000. He indicated that he did not necessarily want to wait to until $20,000 was attained and be dealing with licensing and maybe wondering if the post-production would be cut.

Mr. Neil noted, in regard to the 300th anniversary, that another organization was attempting to raise money. He asked, if the film or any of the events produce money, whether it would be used to offset the $8,000. Responding, Mayor Christiansen stated that at least half of the money could come back to the City. He explained that they were trying to recoup monies and not use City monies for any of the 300th anniversary celebration items, noting that fireworks and things like that would basically be self-sustaining.

Mr. Neil stated his understanding that there was a chance that the City would be getting some of the money back and it would not come out of this particular fund if the City is fortunate, which was confirmed by Mayor Christiansen. He explained that the scale of economy and the City's budget do not dictate that the taxpayers' money should be spent on frivolous items, and that is why they had tried to set this event up so that it would be self-sustaining while celebrating Dover's history.

Mr. Neil moved to recommend providing initial seed money to Big River Film Co. for a short film to celebrate the 300th year of Dover in the amount of $4,000, not to exceed $8,000. The motion was seconded by Mr. Shevock.

Responding to Mr. Hare, Mr. Neil confirmed that the motion was to recommend giving $4,000 and that if Big River Film Co. comes back and states that they have received another $4,000, the City will provide an additional $4,000.

Mr. Anderson proposed an amendment that if the City of Dover provides the seed money, it would be put in writing that the City has the right to promote, market, and share the film with its partners.

In response to Mr. Anderson, Mr. Cronk indicated that they would be happy to sit down and talk with anybody to get those things ironed out, stating that he thought papers should be drawn up.

Mr. Neil and Mr. Shevock stated that they accepted Mr. Anderson's amendment to the motion.

Mayor Christiansen asked that the City's right to promote, market, and share the film with its partners be subject to the approval of the Acting City Manager and Controller/Treasurer, and Mr. Hare stated that this would be fine.

Mr. Slavin noted that a positive vote during this Committee meeting would only forward the Committee's recommendation to Council for a final vote.

The Committee recommended providing $4,000 initial seed money to Big River Film Co. for a short film to celebrate the 300th year of Dover, that if Big River Film Company comes back and states that they have received another $4,000, the City will provide an additional $4,000, and that if the City of Dover provides the seed money, it will be put in writing that the City of Dover has the right to promote, market, and share the film with its partners.

During the Council meeting, Mr. Lewis advised that he had requested this item to be pulled from the Consent Agenda because he thought it unfair that there was not a full Council and also that Mr. Polce, as a new Council member, should be brought up to speed on this issue.

Mr. Lewis moved to defer this item to the next Council meeting when there is a full Council, seconded by Mr. Sudler.

Mr. Hare advised that he would not be present at the next Council meeting.

Mayor Christiansen stated, as a point of order, that Mrs. Traci McDowell, City Clerk, had pointed out that there would not be a full Council until the meeting held after the Special Municipal Election.

Mr. Lewis asked if there were time constraints on this issue or if it could wait until Mr. Hare returns. Responding, Mr. Hare stated that Big River Film Co. had indicated that they needed it to move forward fairly quickly. He advised that there had been only one (1) dissenting vote at the Committee meeting. Mr. Hare expressed his belief that the matter should be voted on during this evening's meeting and those who did not care about promoting the City of Dover could vote it down.

Mrs. Donna Mitchell, Acting City Manager, stated that there was some urgency because the Big River Film Co. had indicated that if the City did not move this matter forward, they would not have enough time to get the film completed for the 300th anniversary celebration.

Mr. Lewis expressed his understanding that the two (2) gentlemen from the film company were going to obtain additional funding from other funding sources because it would take $20,000 to complete the project.

Mrs. Mitchell explained that Big River Film Co. wanted $8,000. She stated that a motion was made to recommend fronting them $4,000, and they would then get matching seed money and return to the City for a second $4,000. Mrs. Mitchell advised that the City would help with the first $4,000

so that Big River Film Co. could show that they had made a valiant effort to get funding, which would help them obtain other funding.

Mr. Lewis indicated that he had no objection to hearing this matter during this evening's meeting if there was an urgency and asked if there was an urgency. In response, Mrs. Mitchell stated that she believed there was an urgency.

Mr. Lewis withdrew his motion to defer this matter, and Mr. Sudler withdrew his second to the motion.

Mr. Slavin moved for approval of the Committee's recommendation to provide $4,000 initial seed money to Big River Film Co. for a short film to celebrate the 300th year of Dover, that if Big River Film Company comes back and states that they have received another $4,000, the City will provide an additional $4,000, and that if the City of Dover provides the seed money, it will be put in writing that the City of Dover has the right to promote, market, and share the film with its partners. The motion was seconded by Mr. Cole.

Mr. Sudler stated that he had no reservations or conflicts with preserving history and was all for this; however, he felt the timing was off. He indicated that there were more pressing matters, such as homelessness, noting that the Mayor's Blue Ribbon Panel on Homelessness was doing a great job addressing some of the concerns. Mr. Sudler advised that he did not feel comfortable putting forth $8,000 when something could be put forth to help the homeless, stating that $10,000, $5,000, or even $2,500 could be put aside to assist with some of the food costs for helping to feed the homeless. He stated that it was disingenuous to spend $8,000, knowing that there are homeless constituents who come to almost every Council meeting asking for assistance. Mr. Sudler indicated that something needed to be done before spending money on a film.

Mr. Lewis stated that he concurred with Mr. Sudler and noted that he had voted against this recommendation at the Committee meeting. He expressed his belief that there were more important priorities in the City for which this money could be utilized. Mr. Lewis noted that there were people starving on the street and the Fire Department needed a new hose because theirs was about to break. He stated the need to prioritize where money would be used and could not support the measure. Mr. Lewis noted that he had no objection to preserving history and was in favor of this; however, he suggested that the City could have reached out to local universities that have communications departments, including Wesley College, Delaware State University, or the University of Delaware. He noted that students who are majoring in communications could have done a film on Dover and this would have helped them.

Mr. Neil advised that there are times when, in order to get the money to help the homeless, you have to promote your city to bring in business, stating the need to let the light shine rather than bury it. He stated that this film would last forever and would be used by Kent County Tourism on their website and in their promotion of the City to draw people in. Mr. Neil noted that many of the homeless are not from Dover and are staying outside the City in a church. He stated that if the City was to help them, members should think about bringing in more business and promoting what the City does. Mr. Neil indicated that the $4,000 would be seed money and the $8,000 amount would only come into play when a match is there.

Mr. Neil noted that the money would come from the community, which is the same community that supports the homeless through a number of different programs, such as the Interfaith Mission for Housing and Code Purple. He stated that if the money goes to the homeless, it will be gone; however, if it is invested in what is being done to attract people to Dover, the City will be helping the homeless, or helping to purchase fire hoses, in the long run instead of the short run. He stated that the film would be part of the 300th anniversary program that he will support, noting that he had already indicated his willingness to help with his discretionary funds.

Mr. Anderson stated that all of his colleagues had made valid points. He indicated that he was glad to hear the point being raised about those in need in the community, which had to start taking a higher priority. Mr. Anderson expressed his hope that certain initiatives that members would be bringing forth over the new year would receive the support of this Council. He stated that he also agreed with Mr. Neil and noted the need for the City to promote itself. Mr. Anderson advised that tourism is a major factor in economic growth; however, growth was also about the City being able to promote itself to other economic factors, such as big and small businesses. He explained that this was one (1) of the reasons that he had included in the motion that the City would reserve the right to keep a copy of the film and have the rights to use it to promote and market the City. Mr. Anderson stated that the City would not just be giving money away for the film but would be utilizing a public/private partnership, paying only 40% of the money and receiving 100% of the results. He advised that this is a proven formula that had been test marketed already, and in a small, private test marketing, there were 100,000 hits, bringing recognition to the City of Dover. Mr. Anderson stated that this effort was not being put together as a scheme, and he explained that the individuals involved were people who were known in the community, who had done a good job in the past and wanted to do a true work worthy of Dover's tricentennial. He indicated that he thought this was a once in a lifetime, or at least once in a career, opportunity that should not be missed.

Mr. Anderson noted that the second factor is preserving the City's history, explaining that it is not a small matter. He indicated that in 50 years what was done with $8,000 of a $130M budget will not be remembered, but the art will be remembered, and this should be taken into account.

Mr. Anderson advised that a third factor is timing, noting that doing this right would take time. He explained that he had looked at the costs of utilizing university assets, such as Delaware State University, and found that the Big River Film Co. was spending a good deal to make the film, was not making money off it, and was certainly not paying themselves for their time with the amount being charged. Mr. Anderson advised that they were investing in a labor of love for the City and raising money to market it, and all they wanted from the City was some seed money and an endorsement. He noted that the endorsement would mean a lot because once people in the business community and others see that the City favors the project, it will make obtaining additional money easier. Mr. Anderson advised that people do not want to help you if you are not willing to help yourself.

Mr. Slavin stated that he supported funding the film. He noted that being a Council member is not easy and requires balancing a lot of interests that may compete with one another. Mr. Slavin explained that Council has many priorities, including police, fire, flowers, Christmas lights, soccer leagues, the electric utility, trash collection, and dozens of other activities that must be balanced and

services that must be performed. He stated that members cannot put a single thread in front of them and say until this problem is solved, they will not move on to the next one, or Dover will quickly become a City that gets absolutely nothing done.

Mr. Slavin agreed with Mr. Lewis about the need to prioritize what is spent and noted that this is done in the budget. He stated that the budget that was passed had money tucked away for economic development for purposes of promoting the City. Mr. Slavin noted that this money would now be taken from there and leveraged so that the return would be much greater than the initial investment. He indicated that he would support the film because the City had to promote itself and noted that economic development was not just sitting in an office waiting for the phone to ring or jobs to come. In addition, Mr. Slavin stated that he would take every chance he gets to support the arts and cultural activities in the City because it improves the quality of life, and constituents want the quality of life to remain very high in the City.

Mr. Sudler noted that his mother had always told him that avoiding an immediate problem creates a bigger one. He stated that the homeless epidemic would likely not only impede economic growth but affect the crime rate, which had increased. Mr. Sudler questioned what would happen when businesses come to downtown Dover with a false sense of what the City is selling them, and they see how the homeless epidemic impedes their potential profit and growth. He asked how it would be explained when the homeless are urinating near their businesses and the downtown smells like urine. Mr. Sudler stated that he respectfully disagreed with his colleagues and that the City keeps kicking the can down the street. He indicated that Mayor Christiansen had done a great job with the Mayor's Blue Ribbon Panel on Homelessness, and he was ready to assist them in any way he could.

Mr. Lewis stated his respect for Mr. Neil and Mr. Anderson and for their comments regarding marketing; however, he noted there were no guarantees that the film would promote the City and attract people. He stated that, when this matter was considered by the Council Committee of the Whole, he had asked the gentlemen from Big River Film Co. how they intended to promote the City and if this would be national, and they indicated that the film would be on YouTube and Facebook, and there would be no premieres in movie theaters or at the theater in the Dover Mall. Mr. Lewis noted that the City's priorities were budgeted; however, he thought there was a need to take care of other things, such as homelessness and the Fire Department, which needed a new hose. Mr. Lewis advised that the money could be used for other things rather than giving it to this company to create a short film. He asked if this matter was brought before the 300th anniversary committee, noting that this committee had not come to Council stating that they wanted to do a short film.

In response to Mr. Lewis, Mayor Christiansen explained that the company's original request was scheduled for consideration by the Economic Development Committee. *(City Clerk's Office Note: The Seed Funding Request from Big River Film Co., LLC for a Short Film to Celebrate the 300th Year of Dover was scheduled for consideration by the Economic Development Committee on April 12, 2017; however, due to the lack of a quorum of members, this meeting was not held.)*

Mr. Lewis asked if there was a 300th anniversary committee and if the film company had brought this request to them. In response, Mayor Christiansen advised that there is a group working on behalf of the City's 300th anniversary; however, he was unable to answer if the film company had gone to them. Mr. Lewis stated that there were a lot of unanswered questions and he could not

support this because there were no guarantees, and he thought that leftover economic development funds could be used for more dire needs.

Mr. Hare noted that Delaware State University had been mentioned and stated that the City had used Delaware State University before for projects that had cost more than $4,000 and gotten very little return. He stated that there is more to economic development in Dover than just downtown Dover and Loockerman Street, and that if the City had to count on downtown Dover for the City's economic development it would be in sad shape. Mr. Hare commented that, having been in Dover since 1971, downtown Dover had primarily maintained what it was. Regarding guarantees, he stated that he had heard much about the need to do things for the homeless but had not seen a proposal. He asked Mr. Lewis to put a proposal in writing and a recommendation about where to get the money, stating that he had only heard that there was no need to spend funds that should be spent for the homeless. Mr. Hare indicated that if it was guaranteed that $4,000 would help the homeless or end homelessness, this would be okay; however, $4,000 would not solve the homeless problem. Mr. Hare stated that he supported the Committee's recommendation and that Mr. Anderson had brought up a lot of good points. He noted that the money was put there for economic development and was a small amount of money when looking at a $130M budget. Mr. Hare stated that there would not be a film premiere; however, he noted that the City would have a tape, and if members wanted to have a reception and show it at the Schwartz Center, it would be up to them. He indicated that the film was being made for the City and, at the price, was a bargain. Mr. Hare advised that he favored helping the homeless; however, in the past week he had some experiences with this, noting that when he had tried to help, they had not returned calls. He indicated that he had encountered many homeless at Dover Downs that were not well off. Mr. Hare reiterated that a plan was needed since any funds that members consider allocating are funds that could be spent for the homeless. He cautioned members that more homeless people may be attracted from out of State. Mr. Hare advised that he supported the film and thought it was a good thing for the City of Dover.

Mr. Lewis stated that the Mayor's Blue Ribbon Panel on Homelessness had a plan that they would present to the City within a short time frame. He asked if members would rather give this $8,000 or $4,000 to the film instead of feeding the hungry. Mr. Lewis indicated that homelessness was just one (1) situation and there were other needs in the City, such as a new hose for the Fire Department. He stated that if members would rather take the money to give to a film company for a short film which was not guaranteed to attract people to the City of Dover, so be it; however, he would rather take the money and help those in need.

The motion for approval of the Committee's recommendation to provide $4,000 initial seed money to Big River Film Co. for a short film to celebrate the 300th year of Dover, that if Big River Film Company comes back and states that they have received another $4,000, the City will provide an additional $4,000, and that if the City of Dover provides the seed money, it will be put in writing that the City of Dover has the right to promote, market, and share the film with its partners carried by a roll call vote of six (6) yes (Mr. Anderson, Mr. Neil, Mr. Cole, Mr. Polce, Mr. Hare, and Mr. Slavin) and two (2) no (Mr. Sudler and Mr. Lewis).

Evaluation of Proposals - Fiscal Year 2017-2021 Audit Services

Mrs. Donna Mitchell, Acting City Manager, informed members that the City of Dover Finance Department solicited proposals to professional accounting firms

for the annual audit services on February 14, 2017. She indicated that, on March 24, 2017 the City received six (6) proposals in response to the Request for Proposals (RFP) and all proposals contained the mandatory elements. Mrs. Mitchell advised that CliftonLarsenAllen LLP has 100 U.S. locations with approximately 5,000 staff, which would provide the City with one (1) of the country's largest and most knowledgeable pools of public sector resources. She noted that they serve over 2,000 governmental clients nationwide. Mrs. Mitchell stated that the proposal submitted by SB & Company included a preference for Minority Business Ownership, as certified by the State of Delaware, and the proposal for Zelenkofske Axelrod LLC included a local vendor preference, and each of these preferences provides for a 3% allowance on the proposed prices.

Staff recommended approval of CliftonLarsenAllen LLP for the audit services contract not to exceed the fixed prices provided in the proposal dated March 24, 2017.

The Committee recommended approval of CliftonLarsenAllen LLP for the audit services contract not to exceed the fixed prices provided in the proposal dated March 24, 2017, as recommended by staff.

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

Downtown Dover Business Improvement District (BID) Budget and Assessment (Tax) Rates for Fiscal Year 2017-2018

Mrs. Donna Mitchell, Acting City Manager, reviewed the Business District Improvement (BID) Assessment (Tax) Rates for Fiscal Year 2017-2018. She stated that the City of Dover is required by Code to bring forth the BID tax ordinance each year at this time. Mrs. Mitchell advised that the recommendation was to keep the bid tax rate at zero (0), as it was last year, so there would be no BID tax.

Staff recommended approval of the proposed budget and assessment (tax) rates for Fiscal Year 2017-18, as presented.

The Committee recommended approval of the proposed budget and assessment (tax) rates for Fiscal Year 2017-18, as presented.

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

Mr. Sudler moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Neil and unanimously carried.

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

MONTHLY REPORTS - MARCH 2017

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

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

QUARTERLY REVIEW OF CAPITAL INVESTMENT PLAN (CIP) (JANUARY, FEBRUARY, AND MARCH)

Members were provided the Quarterly Report for the Capital Investment Plan (CIP) as of March 31, 2017.

By consent agenda, Mr. Neil moved for acceptance of the Quarterly Report for the Capital Investment Plan (CIP) as of March 31, 2017. The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote.

2017/18 CITY COUNCIL ANNUAL APPOINTMENTS - APPOINTED STAFF MEMBERS

Members of Council considered Staff Appointments for 2017/18, as follows:

City Assessor	-	Cheryl A. Bundek
Acting Building Inspector	-	David S. Hugg III
City Clerk	-	Traci A. McDowell
Assistant City Clerk	-	Denise L. Devine
Controller/Treasurer	-	Donna S. Mitchell
Assistant Controller/Treasurer	-	Lori Peddicord
Assistant Treasurers	-	Denise L. Devine
	-	Traci A. McDowell
Fire Marshal	-	Jason A. Osika
City Solicitor	-	Nicholas H. Rodriguez
Deputy City Solicitor	-	William W. Pepper, Sr.

Mr. Sudler moved to defer Staff Annual Appointments until there is a full Council but no later than the first Council meeting in July. The motion was seconded by Mr. Lewis.

Mr. Anderson moved to amend the motion to state that the current staff members will continue to serve in their capacities until these items are voted on. The amendment was seconded by Mr. Neil, and unanimously carried.

In response to Mr. Slavin regarding the reasoning for delaying the appointments for two (2) months, Mr. Sudler stated that this was related to a full Council.

Mr. Slavin stated that, per the City's Charter, there is a full Council when there is a vacancy. He noted that many votes had been taken since Mr. Hosfelt departed and also when Mr. Sudler or other members were not present. Mr. Slavin stated his opinion that things are not deferred when people are not available, otherwise Council would be in a position of not getting much done.

Mr. Sudler advised that this was not about people not being here, but about giving the new Councilperson the opportunity to participate in the process.

Mr. Hare noted that in the past some new Council members had abstained from voting because they did not know the people being appointed, and he questioned what would happen if the new member feels the same way. Responding, Mr. Sudler advised that it would be fine if they did, but he wanted them to have the opportunity to abstain or research this issue.

Mr. Slavin indicated that he understood what Mr. Sudler was saying but could not support it and would vote no on the motion. He stated that, as a Council, it is the business of the City to appoint the people who will be Council's Staff. Mr. Slavin explained that Council is asked to make these appointments at the Annual Meeting, not to wait until someone's term begins after the Annual Meeting. He noted that there was currently a unique set of circumstances; however, he indicated that the term for the new Council member would not begin until well after the Annual Meeting.

Mr. Hare stated that members knew this was coming up and probably should have addressed any issues before this meeting. He indicated that it is assumed when coming to a meeting that members have already vetted everything and researched it.

Mayor Christiansen requested the City Clerk to read the motion so all members would be familiar with what they were voting on. Responding, Mrs. Traci McDowell, City Clerk, stated that the motion was to defer the immediate appointment of Staff members until there is a full Council but no later than the first meeting in July, and that current members continue to serve in their capacities until these items are voted on.

The motion to defer the immediate appointment of Staff members until there is a full Council but no later than the first meeting in July, and that current members continue to serve in their capacities until these items are voted on failed by a roll call vote of five (5) no (Mr. Neil, Mr. Cole, Mr. Polce, Mr. Hare, and Mr. Slavin) and three (3) yes (Mr. Anderson, Mr. Sudler, and Mr. Lewis).

Mr. Slavin moved to approve the appointments as presented. The motion was seconded by Mr. Cole and carried by a roll call vote of six (6) yes (Mr. Anderson, Mr. Neil, Mr. Cole, Mr. Polce, Mr. Hare, and Mr. Slavin) and two (2) abstentions (Mr. Sudler and Mr. Lewis).

Mr. Hare asked Mr. Nicholas Rodriguez, City Solicitor, if those who abstain from voting on an issue have to state a reason. Responding, Mr. Rodriguez stated that this was correct. Mr. Hare asked if the two (2) members who abstained from voting on the previous motion had to state their reasons. Mr. Rodriguez stated his understanding that these members had stated before that they were not completely familiar with those up for reappointment; otherwise, he indicated that it would be good to have the reasons on the record. Mr. Hare noted that he did not think that was the reason; however,

he yielded the floor. Mr. Sudler advised that, at the present moment, that was his reason. Mr. Lewis stated that he felt uncomfortable with the process.

Mr. Sudler stated his recollection that at one (1) point there was a discussion regarding providing a reason why someone went against the Planning Commission's recommendation and asked if this was the same ordinance that was now being applied. Responding, Mr. Rodriguez advised that many times Council members had stated that they had a conflict of interest in voting on an issue and this had been the normal procedure.

Mr. Sudler requested, for the record and to educate himself as a Councilman, that Mr. Rodriguez provide Council with the ordinance about abstentions that Mr. Hare was referring to, and Mr. Rodriguez stated that he would be glad to do so.

Mr. Anderson stated his understanding that if there is no conflict a person does not have to state a reason for abstaining. He noted that a person can do so, and this was recommended to provide a record for planning issues, but it was not required. Mr. Anderson asked if it would suffice for someone to vote present, which would not be an abstention. Responding, Mr. Rodriguez stated that he thought it was good to get it on the record why a person is not voting and this is what they had tried to follow in the past. He indicated that he thought it was a good idea to follow this because if the City went to court on an issue and there were questions, a person's reason for abstaining from voting would be known.

Mr. Lewis advised that, if this was the case, Council had been violating its own ordinance because he did not recall when individuals who abstained had given a reason. Responding, Mr. Rodriguez stated that abstentions are rare, he had not heard very many, and he thought that most of the time there had been some statement of the reason for abstention. He indicated that he thought this had been pretty well followed over the years that he had been with the City.

Mayor Christiansen advised that the City Solicitor would respond with timely research.

2017/18 CITY COUNCIL ANNUAL APPOINTMENTS - COMPENSATION COMMISSION

Mr. Sudler moved to defer the Compensation Commission appointments since no names were submitted for ratification. The motion was seconded by Mr. Neil and unanimously carried.

2017/18 COUNCIL PRESIDENT ANNUAL APPOINTMENTS

Mr. Slavin requested to defer the Council President Annual Appointments since the election of the Council President had taken place earlier in the meeting and the appointments were not ready.

Mr. Slavin moved to defer the 2017/18 Council President Annual Appointments and that the existing Committee members serve until they are replaced. The motion was seconded by Mr. Neil and unanimously carried.

2017/18 MAYORAL ANNUAL APPOINTMENTS

Mayor Christiansen requested that the 2017/18 Mayoral Annual Appointments be deferred until May 22, 2017.

By consent agenda, Mr. Neil moved to defer the 2017/18 Mayoral Annual Appointments until May 22, 2017, as requested by Mayor Christiansen. The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote.

RESOLUTION NO. 2017-06 AUTHORIZING SIGNATURES FOR BANKING SERVICES ON BEHALF OF THE CITY OF DOVER, DELAWARE - CONTROLLER/TREASURER, ASSISTANT CONTROLLER/TREASURER, AND ASSISTANT TREASURERS

Mr. Sudler asked who would be fulfilling the job description for Assistant Treasurer and if there was a separate job description with pay. Mayor Christiansen stated that Mrs. Donna Mitchell, Acting City Manager, would be the Controller/Treasurer. Mrs. Mitchell explained the Assistant Treasurers are the City Clerk and Assistant City Clerk, stating her belief that this is in the City's Code or Charter. She stated that when the City had only a Finance Director and City Clerk, the City Clerk was always the second signer. Mrs. Mitchell noted that the Charter had been maintained in that regard, except her title had changed to Controller/Treasurer and both the Controller/Treasurer and City Clerk now had assistants. She advised that it takes two (2) people to authorize bank transfers, so if she is on vacation, Ms. Lori Peddicord, Assistant Controller/Treasurer, takes care of the transfers, and either Mrs. Traci McDowell, City Clerk, or Ms. Denise Devine, Assistant City Clerk, serves as the second approver. Mrs. Mitchell explained that having four (4) approvers keeps business and money flowing when staff has to do wires for debt service.

Mr. Sudler asked if this was within the job description of the City Clerk or if this was a separate job description. Responding, Mrs. Mitchell indicated that she believed that it was in the City Clerk's job description but that she would have to look. Mr. Sudler stated that he would like to have that information.

Mr. Hare stated his understanding that these are basically titles for the City Clerk's Office staff and there is no additional pay. In response, Mrs. Mitchell stated that there is no additional pay and that this arrangement is basically for back-up purposes. She noted that the City Clerk's Office receives copies of the warrants and wires issued.

Mr. Lewis asked if the Clerk's Office only signs the checks. Responding, Mrs. Mitchell stated that they receive the warrants, look them over, and keep them on file. She explained that this was part of checks and balances and a segregation of duties. Mrs. Mitchell indicated that the Clerk's Office staff is the second party that does approvals when the Finance Department needs back-up, but they also receive a copy of the warrants so that they have them for the archives. She stated that they also check to make sure that what is on the forms is actually what was transferred.

Mr. Lewis asked if the Clerk's Office staff was like a witness, and Mrs. Mitchell stated that they were and that this arrangement was for checks and balances.

Mr. Lewis asked if a financial background was required, and Mrs. Mitchell stated that a financial degree was not needed to do this. She stated that the Clerk's Office staff does a fine job in this regard.

By motion of Mr. Slavin, seconded by Mr. Neil, Council, by a unanimous roll call vote, adopted Resolution No. 2017-06, as follows:

A RESOLUTION AUTHORIZING SIGNATURES FOR BANKING SERVICES ON BEHALF OF THE CITY OF DOVER, DELAWARE

WHEREAS, the City of Dover's investment policy includes the investment of funds up to $100,000 per banking institution, investments in the State of Delaware Investment Pool, and the purchase and sale of investment grade corporate bonds, and U.S. Treasury and agency securities; and

WHEREAS, the banking institutions, brokerage firms, trust companies, and other various financial institutions require an Authorizing Resolution for the opening of accounts, and for purchasing, selling, transferring, assigning, and handling securities;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Dover, that the Controller/Treasurer, Assistant Controller/Treasurer, and Assistant Treasurers are hereby authorized to open accounts with banking institutions and purchase, sell, transfer, assign, and handle securities and that they are authorized to sign all related forms;

BE IT FURTHER RESOLVED that the transactions in these accounts be carried out with any one signature; and

That the following are the office holders authorized for these purposes, until further notice:

Donna S. Mitchell	-	Controller/Treasurer
Lori Peddicord	-	Assistant Controller/Treasurer
Traci A. McDowell	-	Assistant Treasurer
Denise L. Devine	-	Assistant Treasurer

ADOPTED: MAY 8, 2017

FIRST READING - PROPOSED ORDINANCE #2017-06

Ordinance #2017-06 Amending Chapter 70 - Offenses and Miscellaneous Provisions, Section 70-2 - Weapons Generally

Mayor Christiansen 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 ordinance will take place during the Council Meeting of May 22, 2017.

Mr. Cole advised members that Major John Murphy had advised that there were 13 public schools in the State of Delaware that have a marksmanship program. He explained that Police Chief Mailey had gone to the high school to review the program with Major Murphy. Mr. Cole indicated that the City Solicitors had reviewed the ordinance and approved the changes in it, and Dr. Dan Shelton, Superintendent, Capital School District, and the President of the Capital School Board were also in agreement and supportive of the ordinance.

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 #2017-06 AMENDING CHAPTER 70 - OFFENSES AND MISCELLANEOUS PROVISIONS, SECTION 70-2 - WEAPONS GENERALLY

ACTING CITY MANAGER'S ANNOUNCEMENTS

Mrs. Donna Mitchell, Acting City Manager, announced that the giveaway of free leaf compost and wood chips at Schutte Park would continue on Fridays, May 12th, 19th, and 26th, and on Saturdays, May 13th, 20th, and 27th. She noted that the times were from 8:00 a.m. - 2:30 p.m. on Fridays and from 9:00 a.m. to 3:00 p.m. on Saturdays.

Mrs. Mitchell advised that the Arbor Day tree planting at South Dover Elementary School was scheduled for May 10, 2017 with the Department of Public Works Grounds Division, Delaware Department of Agriculture, and Mayor Christiansen.

Mrs. Mitchell informed members that water operator personnel from the Department of Public Works Water Treatment Production Division had been nominated for the Water/Wastewater Professionals Team Award. She noted that the award ceremony would be held at Delaware Technical and Community College on May 11, 2017, with the staff and Mayor Christiansen in attendance. She requested Council members who would like to attend to let staff know and the time would be provided.

Mrs. Mitchell thanked all City staff who provided assistance for Dover Days over the past weekend, stating that everyone had done a fantastic job and she appreciated their support.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Sudler advised that on May 18, 2017 at 6:30 p.m. in the Council Chambers at City Hall there would be a community meeting to discuss restoration ideas for Dover Park. He asked everyone to come out and support this discussion, which is very important to moving forward with Dover Park and other parks.

Mr. Slavin reminded everyone that the First District Special Election would be held on Tuesday, May 16, 2017, with the polls being open from 7:00 a.m. to 8:00 p.m. He advised that the polling place will be the Elks Lodge at 200 Saulsbury Road.

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

Meeting adjourned at 9:09 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Annual Meeting of May 8, 2017, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
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Certificate of Congratulations

presented to

Dover High School Speech and Debate Team

A team of students from Dover High School's Speech and Debate class showcased their knowledge of the United States Constitution and their outstanding communication skills by capturing the State title in the "We the People" Competition held on February 13, 2017 in Smyrna, Delaware. The team also represented Delaware at the National Finals of the Competition, organized by the Center for Civic Education and held in Washington, DC from April 21- 24, 2017, where they placed higher than any other previous Delaware team. The City of Dover congratulates the following students for their remarkable achievement:

Cassandra Cordie
Reginald Daniel
Mai Gibson
Anmol Gill
Andrew Honeycutt
Barry Jones
Muskan Kaur
SooHan Kim
Daniel Larlham
Maxim Nikolenko
Crystal Solomon
Grace Young

The entire team and Ms. Molly Phillips, History and Social Sciences Teacher and Speech and Debate Advisor, are commended for their hard work, dedication, and commitment.

May 22, 2017

ROBIN R. CHRISTIANSEN
MAYOR

TIMOTHY A. SLAVIN
COUNCIL PRESIDENT

PROCLAMATION

WHEREAS, *Community Action Agencies were created when the Economic Opportunity Act of 1964 was signed into law, and currently there are approximately one thousand such agencies serving the underprivileged in the United States; and*

WHEREAS, *First State Community Action Agency has been committed to working with individuals and communities to overcome the challenges of unemployment, homelessness, substandard living conditions, and hunger in Delaware since 1966; and*

WHEREAS, *First State Community Action Agency has made an essential contribution to individuals and families in Delaware by providing innovative and cost-effective programs that enable them to improve their lives and living conditions; and*

WHEREAS, *Delaware and the entire country must continue to promote economic security and ensure that all citizens are able to live with dignity by providing support and opportunities for those in need of assistance.*

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, *do hereby proclaim May 2017 as*

COMMUNITY ACTION MONTH

in the City of Dover in recognition of the hard work and dedication of First State Community Action Agency.

Robin R. Christiansen
Mayor

PROCLAMATION

WHEREAS, *public works services are an integral part of the daily lives of those in our community, and the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs, such as facilities management, fleet maintenance, grounds and parks maintenance, solid waste collection and recycling, street and stormwater management, water production, and water and wastewater operations and maintenance; and*

WHEREAS, *the health, safety, and comfort of this community greatly depend on the quality and effectiveness of public works facilities and services, whose engineering, construction, and inspection are vitally dependent upon the efforts and skill of the City of Dover Public Works Department staff; and*

WHEREAS, *the efficiency of the qualified and dedicated personnel of the Public Works Department is materially influenced by the people's attitude and understanding of the importance of the work that the Department performs; and*

WHEREAS, *the American Public Works Association 2017 National Public Works Week theme, "Public Works Connects Us," speaks to the essential nature of public works services in support of everyday quality of life.*

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, *do hereby proclaim May 21 – 27, 2017 as*

Public Works Week

in the City of Dover, and urge all citizens and organizations to learn more about the issues involved in providing public works, and to recognize the contributions that dedicated Public Works Department employees make every day to our health, safety, comfort, and quality of life.

Robin R. Christiansen
Mayor

Board Members
Gregory V. Moore, P.E., President
Anita Evans, Vice President
Maxine Lewis, Secretary
Mitch May, Esq., Treasurer
Councilman David Anderson
Senator Brian Bushweller
Mayor Robin Christiansen,
Ex Officio
Robert Clark, Wesley College
Lucy Findlay
Councilman William Hare
Michael Harrington, Sr.
Scott Koenig
Diane Laird, DEDO
Representative Sean Lynn
Tim Slavin, Council President
Todd Stonesifer
John Tinsley
Ann Marie Townshend
John Van Gorp
Wendie Vestfall

DDP Administration
Joan M. Cote, Executive Director
Tina Bradbury, Ops Manager

Design Committee
Kristin Pleasanton, Chair
Tricia Arndt
Reginald Chandler
Carlton Gall
Carrier Hart
Dawn Melson-Williams
Elena Stewart

Economic Development and Restructuring Committee
Mitchell May, Esq, Chair
Mayor Robin Christiansen,
Ex Officio
Tony DePrima
Michael Harrington, Sr
Kirby Hudson
Joe McDaniel
Charlie Rodriquez
Jonathon Street
Erin Thwaites
Ann Marie Townshend
Jason Wallace

Parking and Safety Committee
Anita Evans, Chair
Ann Marie Townshend
Jed Hatfield
LT Christopher Hermance, DPD
Jason Russell
Ted Nutter
Ron Poliquin
Jonathon Street
Tom Smith

Merchant Committee
Tom Smith, Chair
Agnes Aigle
Hassan Azhar
Brandon Cohen
Jan Crumpley
Lucy Findlay
Jeanne Francis
Gary Knox
Tiffany Lee-Scott
Jenny Mabus
Penny Reynolds
Todd Stonesifer
Erin Thwaites
Domonique Williams

Marketing and Promotion
Tonda Parks, Chair
Stephanie Adams
Wanda Anderson
Tina Bradbury
Laura Cantor-Chupp
Jan Crumpley
Margery Cyr
Lucy Findlay
Will Grimes
Lt. Chris Hermance
Kerri Hollyday
Danielle Jonigan
Rene McGlothlin
Tracy Miller
Jeff Moore
Heather Patosky
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Tom Smith
Mary J. Stewart
Katrina Sullivan
Nena Todd
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Delaware DEPARTMENT of AGRICULTURE

DOWNTOWN Dover DELAWARE

DOWNTOWN DOVER PARTNERSHIP

DOWNTOWN DOVER PARTNERSHIP

2016 ANNUAL REPORT

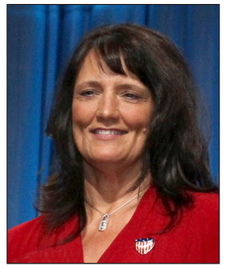
Developing Resources of Downtown Dover

Downtown Dover Partnership drives business and job opportunities, growth of economic and cultural assets, and development of commercial and residential real estate, while preserving the City of Dover's historic qualities, consistent with the National Main Street model.



101 W. Loockerman St. Suite 1A, Dover, DE 19904 302.678.2940
www.downtowndoverparternership.com

Director's Note



FY2016 brought significant change to the Downtown Dover Partnership with a new beginning in the last quarter of 2016 after a period of inactivity over the summer. With a dedicated Board of Directors, outstanding support from the City and 2 new Staff Members, we are enthusiastically looking forward to collaborating with our Committee Members to improve the Downtown District.

The Partnership's investment at 112 South New Street went to closing with NCALL purchasing the property and through grant funding converting the property into new family housing. We welcomed new businesses including ME (The Moving Experience) Real Estate, Petite Sweets, La Baguette Bakery & Catering, Blu Vintage Boutique and the Grand Re-Opening of Bel Boutique to our increasingly vibrant downtown district.

We welcomed Governor John Carney hosting his budget reset session in conjunction with our monthly Board of Directors Meeting with a standing room only audience and feedback from our Members, City Staff and local Citizens.

DDP continues to bring quality of life resources and programs to our Loockerman Way Plaza by providing a centralized venue for a diverse variety of entities who reach out to our citizens; NCALL, CenDel, Independent Resources, Dover Public Library. Dover World Outreach, The Benita Show, Foundation for A Better Tomorrow, Breast Cancer Awareness, Communities In School, Wesley College, Dover Art League, MLK Community Educational Center. Dover Youth Advisory. D3, Girl Scouts, United Way and Delaware Parents Association.

We collaborated with the Dover Police Department for a Halloween Parade & Safe Treat or Treating Program which was successful beyond our wildest expectations with thousands of families enjoying the activities and parade from Loockerman Plaza to Legislative Mall followed by displays and safe treats from First Responders, Companies and Organizations. The evening wrapped up with dancing and a costume competition. The Partnership's Home for the Holidays and St Patrick's Day Parades were supported by enthusiastic committees lead by local Citizens and DDP Staff which brought hundreds of families to the downtown area for entertainment, dining and camaraderie.

The coming year will bring an encompassing Strategic Planning process to celebrate our history, highlight where we are today and determine our promising future with a redefined mission and focused vision for the future of Downtown Dover. We have all the pieces of a diverse puzzle and will work tirelessly planning for and fulfilling a vision for a vibrant, beautiful and historic downtown!

Joan M. Cote
Executive Director

Partnership Real Estate Holdings

120 S. Governors Ave./Auto Plus	$1,030,000
22-24 W. Loockerman St.	$1,853,842
133-135 S. Governors Ave.	$248,745
139-143 S. Governors Ave.	$295,184
222 Railroad Ave.	$56,746
238 Railroad Ave.	$151,091
East Side of N. West St. Parcel #1	$243,000
680 & 684 Forest Street	$674,267
Loockerman & North Street Lots - Collegian	$1,308,563
North St. Parking Lot - Leasehold Improvements	$501,242
Total Buildings & Land	**$6,362, 680**

Small Business Saturday encourages people across the country to support small, local businesses. The Downtown Dover Partnership has been the champion in seeing our downtown merchants are supported by teaming up with American Express to rally our neighborhood to come out and shop small! We also hosted an arts, crafts and gift fair along with food trucks in the Loockerman Way Plaza providing more opportunities for people to shop small!

Farmer's Market sales were $56,494.17 up from $15,312.00 sales in 2015. Proudly the first market in the state to take on the summer food service program in conjunction with the USDA and working with Capital School District serving 578 children this summer. DDP speaks annually at Department of Agriculture meetings about the success of our program. We are the only market in Kent County and within a 45 mile radius supporting the WIC Farmers Market Program, taking in $1,070; more than any market in the state. We took on the EBT program this year where recipients can utilize their card at the market to purchase nutritious items and eat healthier.

Committee Accomplishments

-USDA Grant Funding $8,850 utilized to promote Farmer's Market, First Friday's and host Inspiration Course Series for Entrepreneurs & Business Owners
-Technical assistance to Façade Grant applicants
-Awarded six Façade Grants totaling $12,000
-Designed/purchased spring-sunmer & fall-winter-themed welcome banners
-Visual Assessment Worksheets for business properties
-Collaborated with Dover Art League on "Postcards" exhibit
-Developed a holiday shopping program, Downtown Passport to Savings
- Reorganized First Friday as an arts and entertainment event
- Merchant strategic planning session identifying areas to be improved such as Safety, Marketing, Assisting New Businesses and improving communication
-Offered Free Metered Parking During Holidays
-Maintenance of Parking Lots
-Increased Number of Permits in the Bradford Street Lot
-Capital Holiday Celebration
-Home For The Holidays
-Santa House
-Holiday Window Decorating Contest
-Capital City Farmers Market
-St. Patrick's Day Parade
-First Friday/First Weekend
-Small Business Saturday
-Halloween Event in Partnership with Dover PD
-Supported Caroling on The Green
-Distributed 90+ media releases and generated significant positive press
-Supported Dover Comic-Con



Office of City Assessor

Exemption Audit 2016

May 22, 2017

ACTION FORM

CITY COUNCIL

PROCEEDING: Board of Assessment Appeals	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: ASSESSOR	**DATE SUBMITTED**: MAY 22 2017
PREPARED BY: CHERYL BUNDEK	
SUBJECT: EXEMPTION AUDIT	
APPROVALS: CITY COUNCIL	
EXHIBITS: 1. Minutes from Audit 2. April 26 2017 Hearings 3. Approved Properties 4. Denied Properties	
TIMETABLE: To become effective upon City Council Approval	
RECOMMENDED ACTION: Recommend that the Exemption Audit Project and all recommendations from the Board of Assessment Appeals Committee be approved	

BACKGROUND AND ANALYSIS

In October 2016, the first notification went out to the properties that we had currently classified as Exempt (approximately 360 properties). They received a letter explaining the Exemption Audit and a Verification of Eligibility Form to be returned no later than December 30 2016.

The Board met on February 9, 22, 23 and March 15 to discuss all of the exempt properties. At the end of the March 15, 2017 meeting, they had 33 properties that they either did not have enough information to make a decision or that they felt did not meet the requirements of an exempt status. These 33 properties were given notice on March 16th that they had until April 14th to submit another application and additional information to request a hearing with the Board of Assessment Appeals Committee. Of the 33 properties, only 16 properties were brought before the Board of Assessment Appeals Committee on April 26 2017. The Board is recommending that all of the properties that were approved administratively during the February and March meetings be approved, as well as the 16 properties from the April 26 hearing. There were a couple of properties that they would like to have come back for various reasons (explanations and time frames are included in the motions and minutes of the April 26 hearings.) The approved spreadsheet includes these 16 properties.

The 17 remaining properties have been given notice that they can reapply for exempt status during our regular appeal period. They were given a deadline of May 1, 2017 at 5PM.

Reminder: These lists do not include the government agencies and public schools.

Board of Assessment Appeals

February 09, 2017

The Board of Assessment Appeals was brought to order by Chairman Garfinkel. Board Members present were: Chairman William Garfinkel, Tom Burns, James Galvin, Jim Welsh and John Kelly. Staff present was City Assessor Cheryl A. Bundek and Administrative Assistant Annette Hart.

Chairman Garfinkel called the meeting to order at 9:08 A.M.

1. Exempt Audits not returned - Approved

1. Open Spaces

A. Acorn Farms LTD – Open Spaces
B. Emerald Pointe Maintenance Co. – Open Spaces
C. Four Seasons HOA – Open Spaces
D. Fox Hall Plantation Co. – Open Spaces
E. Hamlet HOA – Open Spaces
F. Westfield Maintenance Corp. – Open Spaces
G. Westover LLC – Open Spaces
H. Stoney Creek HOA – Open Spaces
I. Robino-Sea Chase LLC – Open Spaces
J. Fox Meadows Joint Venture – Open Spaces
K. First Flag Inc. – Open Spaces
L. Village of Westover – Open Spaces
M. Village of Cannon Mill HOS Inc. – Open Spaces
N. Maple Glen HOA – Open Spaces

2. Churches

A. Second Baptist Church
   1. 407 W Loockerman St.
   2. 409 W Loockerman St.

B. Peoples Congregation Church
   1. 46 S Bradford St.
   2. 46 S Bradford St. (Rear)

C. Congregation of Jehovah's Witnesses
   1. 1260 College Road

3. Other

A. Blood Bank
   1. 221 Saulsbury Road

B. Charter School Inc.
   1. 346 Pear Street
   2. 310 Pear Street
   3. Clara Street

C. The Salvation Army
   1. 611 Forest Street

D. Sunset Memorial Gardens
   1. College Road

E. Delaware Railroad Real Estate Agent
   1. New Burton Road

Recommended Action: The exempt status for these properties to be continued.

The Board of Assessment Appeals discussed each of these properties separately.

Mr. Galvin made the motion to approve the recommendation, which was seconded by Mr. Welsh. Motion carried 3-0. Mr. Kelly & Mr. Burns were absent for this motion.

2. Exempt Audits not returned –more information required

A. Delaware Civic Center Corporation
   1. Crawford Carroll Ave.
   2. 1528 N DuPont Hwy.
   3. Crawford Carroll Ave.

B. Aid in Dover Inc.
   1. 801 W Division St.
   2. 731 W Division St.

C. Mom's House Inc. of Dover
   1. 864 S State St.

D. Kent Sussex Community Service Inc.
   1. 1241 College Park Dr.

E. Southern States Coop Inc.
   1. Fulton St.

F. Presbyterian Homes Inc.
   1. 1175 McKee Rd.
   2. College Rd.

G. University of Delaware
   1. 69 Transportation Cir.

H. JJ & B Enterprises GP
   1. 52 Horsepond Rd.

J. Delaware State University
   1. 430 College Road
   2. 1200 N DuPont Hwy.
   3. 1570 N DuPont Hwy.
   4. 255 College Rd.

K. Delaware State University Foundation Inc. & Wesley College Inc.
   1. 226 S State St.

L. Bible Way Temple Church
    1. 54 S Kirkwood St.
    2. 60 S Kirkwood St.
    3. 64 S Kirkwood St.
    4. 48 S Kirkwood St.

M. Central Delaware Oncology Center Inc.
    1. 793 S Queen St.

N. Cendel Foundation
    1. 101 W Loockerman St.
    2. 156 S Bradford St.
    3. 158 S Bradford St.

O. Christian Life Center
    1. S DuPont Hwy.

P. Washington District Advisory Board Church of Nazarene
    1. 1430 McKee Road

Q. Kent County Theater Guild Foundation
    1. 140 Roosevelt Ave.

R. Love Temple Church of God
    1. 1057 S Governors Ave.

S. Pennsylvania Lines LLC
    1. S West St.
    2. New Burton Rd.

T. Jireh Christian Center Inc.
    1. 2161 Forrest Ave.

U. Iglesia Christiana Marantha
    1. 1207 E Division St.

V. First United Pentecostal Church
    1. 4462 W Dennys Rd.

W. Dover Housing Authority
1. 117 Holmes St.
2. 319 N New St.
3. 402 S New St.
4. 13 S New St.

X. Calvary Baptist Church
1. 2285 Forrest Ave.

Recommended Action: To obtain the requested information.

The Board of Assessment Appeals went through the information provided and discussed each of these properties separately and found that more information is needed to make the proper determination.

Mr. Galvin made the motion to approve the recommendation, which was seconded by Mr. Welsh. Motion carried 3-0. Mr. Kelly and Mr. Burns were absent for this motion.

3. Exempt Audits not returned - Denied

A. Delaware State Housing Authority
1. 22 Gristmill Pl.

Recommended Action: The status should be changed from exempt to taxable.

The Board of Assessment Appeals discussed each of these properties separately.

The Board of Assessment Appeals discussed this property, Mrs. Bundek, the City Assessor, explained that this property has not been exempt from property taxes in the past. It was purchased by the Delaware State Housing Authority in 2016, and was automatically changed to exempt status. This should be changed back to taxable status, because the organization did not request an exemption, plus the mailing address goes to a bank.

Mr. Galvin made the motion to approve the recommendation, which was seconded by Mr. Welsh. Motion carried 3-0. Mr. Kelly and Mr. Burns were absent for this motion.

4. Exempt Audits for Churches - Approved

A. Grace Presbyterian Church Inc.
1. McKee Road
2. 1016 College Road
3. 350 McKee Road
4. 1022 College Road

B. New Jerusalem Baptist Church
1. 25 Jerusalem Way
2. Land Jerusalem Way
3. Jerusalem Way

C. Church of the Holy Cross
1. 631 S State St.
2. 414 N New St.
3. 422 N New St.

D. Trustees of the Peninsula
1. 139 N State St.
2. 141 N State St.

E. Seventh Day Adventist Church
1. 647 Wyoming Ave.

F. Delaware Conference of AME Church
1. 217 W Division St.

G. Calvary Baptist Church
1. 103 N Kirkwood St
2. 434 Fulton St.
3. 410 Fulton St.
4. 34 N Queen St.
5. 32 N Queen St.
6. 401 Kesselring Ave.

E. St. Andrew's Evangelical Lutheran Church
1. 425 N DuPont Hwy.

F. Solid Rock Southern Baptist Church Inc.
    1. 105 N. West St.

G. Priority Radio Inc.
    1. Cell Tower

H. St. John's Lutheran Church
    1. 106 Pine St.
    2. 113 Lotus St.
    3. 109 Lotus St.

I. Christ Episcopal Church
    1. 505 S State St.
    2. 521 S State St.
    3. E Water St.

J. Bethel Seventh Day Adventist
    1. 19 N Queen St.
    2. 25 N Queen St.

K. First Southern Baptist Church of Dover
    1. 761 S Little Creek Rd.

L. Congregation Beth Shalom
    1. 340 N Queen St.

M. Community Holy Tabernacle of Deliverance
    1. 16 N Queen St.

N. Victory Christian Fellowship Inc.
    1. 18 Greenhill Ave.

O. Church of the Living God
    1. 117 N West St.

P. First Baptist Church
    1. 301 Walker Road
    2. Walker Rd.

Q. The Presbyterian Church of Dover
1. 54 S State St.
2. S. Bradford St.
3. 316 S Governors Ave.

R. Bible Church of God Inc.
1. 1202 White Oak Rd.
2. Spruance Rd.

S. Trustees of Wesley Church
1. 215 S State St.
2. 30 Loockerman Plaza
3. 20 Loockerman Plaza
4. 219 S State St.

T. United Methodist Church
1. 140 Hazel Rd.

U. Wesley Methodist Church
1. N State St.
2. S Queen St.
3. S State St.

V. Wesley United Methodist Church
4. 15 E North St.
5. 11 E North St.

5. Exempt Audits for Charitable Organizations – Approved

A. Masonic Hall Corporation of Dover
1. 1478 Wyoming Mill Ave.

B. Delaware State Housing Authority
1. 16 The Green
2. 26 The Green
3. 1289 Walker Rd.

C. Capitol Green Day Care Inc.
1. 744 River Rd.
2. 734 River Rd.

D. Lutheran Senior Services of Delaware
1. 430 Kings Hwy.
2. 422 Kings Hwy.
3. 430 Kings Hwy. I
4. 101 Babb Dr.
5. 430 Kings Hwy.
6. 1101 Babb Dr.
7. 101 Babb Dr.
8. Babb Dr.
9. 430 Kings Hwy. III
10. Oak Ln.

Recommended Action: The exempt status for these properties to be continued.

The Board of Assessment Appeals discussed each of these properties separately and found that the information provided was sufficient to keep the exempt status.

Mr. Galvin made the motion to approve the recommendation, which was seconded by Mr. Welsh. Motion carried 4-0. Mr. Burns was absent for this motion.

6. Exempt Audit – more information needed

A. Delaware Veterans Inc. Post 2
1. 720 Pear Street

B. Dover Federal Credit Union
1. Dover Air Force Base

C. Modern Maturity Center Inc.
1. 1121 Forrest Ave.

Recommended Action: To obtain more information.

The Board of Assessment Appeals went through the information provided and discussed each of these properties separately and found that more information is needed to make the proper determination.

Mr. Galvin made the motion to approve the recommendation, which was seconded by Mr. Welsh. Motion carried 4-0. Mr. Burns was absent for this motion.

Chairman Garfinkel adjourned the meeting at 2:56 P.M.

Board of Assessment Appeals

February 22, 2017

The Board of Assessment Appeals was brought to order by Chairman Garfinkel. Board Members present were: Chairman William Garfinkel, James Galvin and Jim Welsh. Staff present was City Assessor Cheryl A. Bundek and Administrative Assistant Annette Hart.

Chairman Garfinkel called the meeting to order at 9:20 A.M.

Before the board started to go over the Exempt Audits, the Assessor wanted to give an update on a few questions the board had from the meeting held on February 09, 2017.

The Assessor talked to the Assistant City Manager regarding 101 S New Street and 222 W Reed Street, owned by Union AME Church, and was told that the church wants to give 222 W Reed Street to the city, because the city demolished the building on this property and has accumulated $21,000 in demolition fees, which the church cannot pay. The Assistant City Manager would like for this property to remain exempt. The property located at 101 S New Street is the actual church.

After a brief discussion Mr. Galvin made the motion to keep both properties exempt, which was seconded by Mr. Welsh. Motion carried 3-0.

Mrs. Bundek went on to talk about the properties located at 425 & 429 W. Division Street, owned by Holy Trinity Church of the Living God. The board had concerns regarding a building located between these two properties. The Assessor drove by these properties and found that the building between these two addresses had been demolished.
Mr. Galvin was concerned that there would be a tax lien on this property for a demolition. Mrs. Bundek offered to check on this.
Mr. Galvin made the motion to keep 425 W. Division Street as exempt, but request more information regarding 429 W. Division Street, which was seconded by Mr. Welsh. Motion carried 3-0.

During the February 9, 2017 meeting the board requested more information regarding the leases for the Modern Maturity center, especially the medical center located toward the back of the property. Mrs. Bundek told the board that she went through the packet once she returned to her office and found that the lease

information was included in the packed.
She proceeds to go over the information provided.

Chairman Garfinkle was concerned that the medical center, which is part of the Modern Maturity Center, was held as an investment property. Mr. Galvin raised the question, whether only members were allowed to use the medical facility or were non-members allowed as well? After some discussion the Board requested the Assessor to get a legal opinion form deputy City Solicitor William P. Pepper Sr. Esq. as well as mailing a letter to the Modern Maturity requesting them to meet with the Board of Assessment Appeal, to answer any questions the board may have.

1. Exempt Audits for Open Spaces – Approved

A. Silver Lake Townhouse Community
    1. Silver Lake Drive

B. The Greens Town Meeting Association
    1. 43 Lamplighter Lane

C. Village of Cannon Mill
    1. Cannon Mill Drive
    2. East Sheldrake Circle
    3. Quillen Street
    4. Loftland Drive
    5. Paradee Drive

D. Fox Hall West Addition HOA
    1. Pebble Valley Drive

E. Turnberry Maintenance Association
    1. N Turnberry Drive

F. Meadows HOA
    1. McKee Road

G. Westfield HOA
    1. Arbor Drive

H. Village of Westover
    1. Trafalgar Drive
    2. Westover Drive
    3. Thames Drive
    4. Charring Cross Drive
    5. Northdown Drive
    6. Westover Drive

I. Maple Glen HOA
    1. Maple Glen Drive

J. Persimmon Park Place Condo Council
    1. 110 Persimmon Circle

Recommended Action: The exempt status for these properties to be continued.

The Board of Assessment Appeals discussed each of these properties separately and found that the information provided was sufficient to keep the exempt status.

Mr. Galvin made the motion to approve the recommendation, which was seconded by Mr. Welsh. Motion carried 3-0.

2. Exempt Audit for Fire Station – Approved

A. Robbins Hose Company
    1. 911 Dover Kenton Road
    2. 103 S Governors Avenue
    3. 116 S Bradford Street
    4. S Bradford Street

Recommended Action: The exempt status for these properties to be continued.

The Board of Assessment Appeals discussed this property and found that the information provided was sufficient to keep the exempt status.

Mr. Galvin made the motion to approve the recommendation, which was seconded by Mr. Welsh. Motion carried 3-0.

3. Exempt Audits for Charitable Organizations – Approved

A. Planned Parenthood of Delaware
1. 805 S Governors Avenue

B. Dover Interfaith Mission for Housing Inc.
1. 1155 Walker Road
2. 523 Ross Street

C. Delaware Solid Waste Authority
1. 1116 S Bradford Street

D. Central Delaware Habitat for Humanity
1. 41 S Queen Street
2. 101 S Queen Street
3. 238 N New Street
4. 21 N Kirkwood Street
5. 23 N Kirkwood Street
6. 29 N Kirkwood Street
7. 24 N New Street
8. 20 N New Street
9. 12 N New Street
10. 19 N New Street
11. 27 N New Street
12. 20 S Kirkwood Street
13. 14 S Queen Street
14. 18 S Queen Street
15. 138 Cherry street
16. Cherry Street
17. 53 S New Street
18. 50 S Governors Avenue
19. 67 S Queen Street
20. 117 S Queen Street
21. 16 S Queen Street
22. 11 S New Street

23. 478 Barrister Place
24. 534 Fulton Street
25. 118 N Ann Avenue

E. Elks Lodge BPOE 1903
1. 200 Saulsbury Rd

F. The Wellness Community-Delaware Inc.
1. 812 S Bradford Street

G. American Legion
1. 835 Bay Road

H. Dover Art League Inc.
1. 21 W Loockerman Street

I. Community Legal Aid Society Inc.
1. 840 Walker Road

J. National Council on AG Life & Labor
1. 363 Saulsbury Road

K. Dover Century Club
1. 40 The Green

L. Elizabeth Murphy School
1. 15 Kent Cir.
2. 12 Kings Hwy.
3. E Division St.

M. Peoples Place Properties Inc.
1. 381 College Rd.
2. 381 College Rd.

N. Chapter 850 Vietnam Affairs
1. 1549 Forrest Ave.

O. EJB Inc.
1. 327 Martin St.
2. 305 S Governors Ave. (New Request)

P. YMCA
1. 1137 S State St.
2. 825 Kenton Rd.

R. The Milford Housing Development Corp.
1. 45 S Queen St.
2. 47 S Kirkwood St.
3. 200 Harmony Ln.

Recommended Action: The exempt status for these properties to be continued.

The Board of Assessment Appeals discussed each of these properties separately and found that the information provided was sufficient to keep the exempt status.

Mr. Galvin made the motion to approve the recommendation, which was seconded by Mr. Welsh. Motion carried 3-0.

5. Exempt Audits for Charitable Organizations – More Information needed

A. Central Delaware Habitat for Humanity
1. 223 W Division St.

B. Edgehill Community Church
1. 702 Maple Pkwy.

C. Children's Choice Property Two
1. 707 Walker Rd.

D. ADC I Inc.
1. 6 Bellrive Ct.

E. Peoples Place Properties Inc.
1. 165 Commerce Way

F. Capitol Grange NO. 18 Co.
1. 911 S Governors Ave.
2. S Bradford Ave.

G. DIMA IX Inc.
    1. 15 Pin Oak Dr.
    2. 223 Mifflin Rd.
    3. 456 E Loockerman St.

H. Union Missionary Baptist Church Inc.
    883 Lincoln Street

I. Holy Trinity of the living God
    1. 425 W Division St.

J. A & I Housing Inc.
    1. 80 N Halsey Road
    2. 728 Maple Pkwy.
    3. 235 N New Street

Recommended Action: To obtain more information.

The Board of Assessment Appeals went through the information provided and discussed each of these properties separately and found that more information is needed to make the proper determination.

Mr. Galvin made the motion to approve the recommendation, which was seconded by Mr. Welsh. Motion carried 3-0.

4. Exempt Audits for Churches – Approved

A. Mount Zion AME Church
    1. 3 Michael Court
    2. 110 N New Street

B. Liberty Church Inc.
    1. 1150 College Road
    2. McKee Road

C. Capital Baptist Church
    1. 401 Kesselring Avenue
    2. New Burton Road

D. Delaware Baptist Association
    1. 967 N State Street
    2. Lepore Road
    3. N State St.

E. Whatcoat Methodist Church
    1. 341 Saulsbury Road
    2. Walker Road
    3. Rodney Road

F. Edgehill Community Church of God
    1. 710 Maple Parkway

Recommended Action: The exempt status for these properties to be continued.

The Board of Assessment Appeals discussed each of these properties separately and found that the information provided was sufficient to keep the exempt status.

Mr. Galvin made the motion to approve the recommendation, which was seconded by Mr. Welsh. Motion carried 3-0.

Chairman Garfinkel adjourned the meeting at 3:04 P.M.

Board of Assessment Appeals

February 23, 2017

The Board of Assessment Appeals was brought to order by Chairman Garfinkel. Board Members present were: Chairman William Garfinkel, James Galvin, Jim Welsh, Tom Burns and John Kelly. Staff present was City Assessor Cheryl A. Bundek and Administrative Assistant Annette Hart.

Chairman Garfinkel called the meeting to order at 9:07 A.M.

The Assessor started the meeting by going over the Exempt Audits the board had questions on from the day before, to get the opinions of Mr. Burns and Mr. Kelly, because they were not able to attend the February 22, 2017 meeting.

Chairman Garfinkel had concerns regarding some organization renting some of their rooms to other non-profit organizations. His was questioning if the rent charged would be for profit? Mr. Galvin and Mr. Burns felt that as long as the rent charged was below the market, the organization was not making a profit but helping other charitable organizations and using the money to further their charitable organization. The board came to an agreement to ask those organizations for their lease agreement and their Federal ID number, which should provide enough information to make a determination regarding their exempt status. After the board was done discussing some of those application and coming to a decision whether to approve, deny or request more information, they continued to go over the rest of the applications.

1. Exempt Audits for Educational Organizations – Approved

A. Wilmington University
   1. 3282 N DuPont Hwy.
   2. 3282 N DuPont Hwy.

B. Wesley College Inc.
   1. 308 N Quillen St.
   2. 119 W Division St.
   3. 308 N Queen St.
   4. 34 N State St.

5. 44 N State St.
6. 28 N State St.
7. 22 N State St.
8. 9 N Bradford St.
9. 21 N Bradford St.
10. 120 N State St.
11. 115 N New St.
12. 300 S New St.
13. 34 S State St.
14. 30 Fulton St.
15. 200 N Governors Ave.
16. 202 N Governors Ave.
17. 213 N Bradford St.
18. 208 N Bradford St.
19. 511 Mary St.
20. 501 Clara St.
21. 18 N Governors Ave.

Recommended Action: The exempt status for these properties to be continued.

The Board of Assessment Appeals discussed each of these properties separately and found that the information provided was sufficient to keep the exempt status.

Mr. Galvin made the motion to approve the recommendation, which was seconded by Mr. Welsh. Motion carried 5-0.

2. Exempt Audits for Charitable Organizations – Approved

A. Bayhealth Medical Center
1. Beiser Blvd.
2. 1275 S State St.
3. 706 S State St.
4. 822 S Bradford St.
5. 804 S Bradford St.
6. 640 S State St.
7. 701 S Governors Ave.
8. 725 S Governors Ave.
9. 531 S Governors Ave.
10. 560 S Governors Ave.

11. 208 Water St.
12. 540 S Governors Ave.

B. Milford Housing Development Corporation
1. 200 Harmony Lane

C. Delaware Veterans Inc. Post # 2
1. 720 Pear St.

Recommended Action: The exempt status for these properties to be continued.

The Board of Assessment Appeals discussed each of these properties separately and found that the information provided was sufficient to keep the exempt status.

Mr. Galvin made the motion to approve the recommendation, which was seconded by Mr. Welsh. Motion carried 5-0.

Mr. Burns recused himself from the vote pertaining to the Bayhealth Medical Center. Motion for the Bayhealth Medical Center carried 4-0.

3. Exempt Audits – Need more information

A. Wesley College
1. 112 Fulton St.
2. 2 N Bradford St.

B. Capital Grange NO. 18
1. 911 S Governors Ave.
2. S Bradford St.

C. Edgehill Community Church of God
1. 702 Maple Pkwy.

D. DIMA IV Inc.
    1. 15 Pin Oak Dr.
    2. 456 E Loockerman St.
    3. 223 Mifflin Rd.

E. The Arc of Delaware
    1. 6 Bellrive Ct.

F. A & I Housing Inc.
    1. 80 N Halsey Rd.
    2. 235 N New St.
    3. 728 Maple Pkwy.

G. Modern Maturity Center
    1. 1121 Forrest Ave.

H. Holy Trinity Church of the Living God
    1. 429 W Division St.

I. Children Choice Property Two
    1. 707 Walker Rd.

J. Peoples Place Properties Inc.
    1. 165 Commerce Way

K. Central Delaware Habitat for Humanity
    1. 223 W. Division St.

Recommended Action: To obtain more information.

The Board of Assessment Appeals went through the information provided and discussed each of these properties separately and found that more information is needed to make the proper determination.

Mr. Galvin made the motion to approve the recommendation, which was seconded by Mr. Welsh. Motion carried 5-0.

3.Exempt Audits – Denied

A. Mount Zion AME Church
1. 108 N Queen St.
2. 106 N Queen St.
3. 104 N Queen St.
4. 102 N New St.
5. 106 N New St.
6. 118 N New St.
7. 118 N New St.

B. Trustees of Mount Zion AME Church
1. 37 N Queen St.

C. Trustees of the AME Church
1. 35 N Queen St.

B. Delaware Solid Waste Authority
1. 801 Krisko Circle
2. 601 Krisko Circle

C. Bayhealth Medical Center
1. Parcel # 2 Horsepond Road
2. Parcel # 3 S Little Creek Road

D. Whatcoat AME Dover
1. 796 Miller Drive

E. Delaware Guidance Services for Children's Youth Inc.
1. 103 Mont Blanc Blvd.

F. Union Missionary Baptist Church
1. Lot 8 Forrest Street

Recommended Action: The exempt status for these properties to be denied.

The Board of Assessment Appeals went through the information provided and discussed each of these properties separately and found that these properties are not used for their intended purpose and therefore would go back on the tax roll, if the owners would fail to formally apply for the exempt status during the month of April and meet before the board.

Mr. Galvin made the motion to approve the recommendation, which was seconded by Mr. Welsh. Motion carried 5-0.

Chairman Garfinkel adjourned the meeting at 11:10 A.M.

Board of Assessment Appeals

March 15, 2017

The Board of Assessment Appeals was brought to order by Chairman Garfinkel at 9:06 A.M.
Board Members present were: Chairman William Garfinkel, James Galvin, Jim Welsh and Tom Burns.
Staff present was City Assessor Cheryl A. Bundek and Administrative Assistant Annette Hart.

The Assessor, Cheryl Bundek, presented the board with the letter she drafted, for those properties that were denied the exemption by the Board of Assessment Appeals due to various reasons. The letter would let the organization know that their exempt status has been revoked and that they have the opportunity to re-apply for the exemption and would meet with the Board of Assessment Appeals. The letter will also state the assessed value and property tax amount due for the July2017 billing.
The board proposed some minor changes and unanimously approve the letter after the proposed changes were made.

Mrs. Bundek told the board that during a meeting with the City Manager she discussed a piece of open space located in Marsh Creek which was taken of the tax records the week prior to this meeting. Mr. Galvin made the motion to approve the exemption which was seconded by Mr. Welsh. Motion carried 4-0.

The Assessor started the meeting by going over the properties the board requested her, during earlier meetings, to get information from the City Manager.

A. Civic Center Association
    1. Crawford Carroll Ave.
    2. Crawford Carroll Ave.
    3. 1528 N DuPont Hwy.

Mrs. Bundek read the email sent to her by the City Manager regarding the parcels owned by the Civic Center Association, in which he stated that the properties were signed over to the Delaware State University for the purpose of building a Convocation Center and should remain exempt from property taxes.

After some discussion Mr. Galvin made the motion to keep the 3 parcels exempt, for the time being, which was seconded by Mr. Burns. Motion carried 4-0.

B. The New Parsonage LLC
    1. Land at S. State St.

The Assessor went over the letter which had been written by Mr. McNamara, letting the board know that this strip of land was taken over by the city, who placed a mail box on this strip and has maintained this piece of land for quite some time. She read the email she received from the city manager regarding this property, in which it stated that the City Manager would like for the City Deputy Solicitor to draw up a deed officially making this piece of land city owned property and to keep this parcel exempt from taxes until the city officially owns it.
Mr. Galvin made the motion to keep this property exempt until the city officially owns it, which was seconded by Mr. Burns. Motion carried 4-0.

C. Gillman Homes Inc.
    1. 129 Periwinkle Dr.
    2. N Caroline Pl.

In his email to the City Assessor the City Manager explained that 129 Periwinkle Dr., which is a strip of land, should become property of the city and should therefore remain exempt. The parcel, which is a parking lot should be transferred to the Condo Association.

The board voted on each parcel separately:

    1. 129 Periwinkle Dr.

Mr. Burns made the motion for this parcel to remain exempt, which was seconded by Mr. Galvin. Motion carried 4-0.

    1. N Caroline Pl.

Mr. Burns made the motion to place this parcel back on the tax roll, which was seconded by Mr. Welch. Motion carried 4-0.

The Assessor proceeded to go over information provided by those properties which submitted the requested information, but the Board of Assessment Appeals requested more information.

A. Holy Trinity Church of the Living God
    1. 429 W Division St.

The board initially wanted to know what other functions the church was used for? The Assessor received information from the church letting the board know that this church is also used for small weddings, other church functions and the "Breadbasket". She was informed that no rent was charged for the use of this church.

Mr. Galvin made the motion to continue the exempt status, which was seconded by Mr. Burns. Motion carried 4-0.

B. Peoples Place Properties Inc.
    1. 165 Commerce Way

Mrs. Bundek told the board that this organization provided the additional information requested by the Board of Assessment Appeals and with this information she was able to verify that the organizations renting rooms at this location are non-profit organizations.

Mr. Burns made the motion to keep this property exempt which was seconded by Mr. Galvin. Motion carried 4-0.

C. Capital Grange No. 18 Co.
    1. 911 S Governors Ave.
    2. S Bradford St.

The board went over the additional information provided by the organization.

Mr. Welsh made the motion to continue the exemption which was seconded by Mr. Burns. Motion carried 4-0.

D. Edgehill Community Church
1. 702 Maple Pkwy.

The Board of Assessment Appeals questioned the purpose of the piece of land next to the church.
The organization send a message explaining that this piece is to be used for future church expansion and is currently used for parking and occasional outdoor church activities.

Mr. Burns made the motion to keep the property exempt which was seconded by Mr. Welsh. Motion carried 4-0.

E. Wesley College
1. 112 Fulton St.

After the board went over the additional information provided by organization, Mr. Galvin made the motion to keep this property exempt, which was seconded by Mr. Burns. Motion carried 4-0.

F. Wesley College Inc.
1. 2 N Bradford St.

The board questioned the usage of this property and received explanation from the college that this property is the college's "Honor Student Residents Hall", which houses about 10 students.

Mr. Galvin made the motion to keep this property exempt, which was seconded by Mr. Burns. Motion carried 4-0.

G. Central Habitat for Humanity
1. 223 W Division S

The board questioned the usage of the property. Chairman Garfinkel questioned whether
this property was held as an investment property and wanted to get more information from the organization. The Assessor read the email sent to her in which is explained that this property is to be used for a future administration site and is currently unoccupied due to the interior conditions.

Mr. Galvin made the motion to keep this property exempt, to be reviewed at after one (1) year, Mr. Burns seconded the motion. Motion carried 4-0.

H. Modern Maturity Center Inc.
1. 1121 Forrest Ave.

The board questioned if the leased facilities, such as the clinic, can only be used by members only or if they are open to non-members as well. The board received an answer back, explaining that the facility is not a club, but a service facility where services provided can be used by members as well as non-members.

The board discussed the rental income, questioning if the rent collected from the entities leasing the facilities was for profit, or was it low enough to where the facility was leasing to non-profit organizations at a low rent and was the money solely used for the upkeep of the facility? The board decided to keep the organization exempt for now but to further examine the financial records of the organization.

Mr. Galvin made the motion to keep the property exempt for now, but to defer the motion for one year and to continue to look at case laws and financial facts, Mr. Burns seconded that motion. Motion carried 4-0.

The Assessor started to go over those properties who initially turned in the requested information, but did not return any additional information requested by the board.

A. First Baptist Church
1. 3 N Bradford St.

Mrs. Bundek did some research regarding this property and presented her findings to the board. She explained that there seems to be a problem with the parcel number and requested to research this problem and make the necessary changes once the problem has been found, at which time Chairman Garfinkel deferred the matter back to the Assessor for the necessary research and correction. No action required by the board at this time.

B. A&I Housing
1. 80 N Halsey Rd.
2. 728 Maple Pkwy.
3. 235 N New St.

The Assessor went over information she received from the organization after she contacted them via email. After some discussion Mr. Galvin made the motion to continue the exemption, which was seconded by Burns. Motion carried 4-0.

C. ARC I Inc.
1. 6 Bellrive Ct.

The Assessor went over information she received from the organization after she contacted them via email. After some discussion Mr. Galvin made the motion to continue the exemption, which was seconded by Welsh. Motion carried 4-0.

D. DIMA IX Inc.
1. 15 Pin Oak Dr.
2. 223 Mifflin Rd.
3. 456 W Loockerman St.

The Assessor went over information she received from the organization after she contacted them via email. After some discussion Mr. Galvin made the motion to continue the exemption, which was seconded by Burns.
Motion carried 4-0.

Chairman Garfinkel had asked the Assessor to contact the following organization to find out if they had permission from the State of Delaware and to obtain a copy of their license.

P. Children's Choice Property Two
1. 707 Walker Rd.

The board requested more information from the organization. The Assessor contacted them via email and did not get a response back.

Mr. Galvin made the motion to mail a denial letter, letting the organization know that they have to request the exemption and meet with the Board of Assessment Appeals, Mr. Welsh seconded the motion. Motion carried 4-0.

Mrs. Bundek proceeded to go over the properties which did not return the requested information initially, but did respond after a second request letter had been mailed out to those properties.

A. Love Temple Church of God
    1. 1057 S Governors Ave.

The Assessor told the board that she did find out that the church has an active occupancy permit. Mr. Galvin made the motion to continue the exemption, which was seconded by Mr. Burns. Motion carried 4-0.

B. Kent Sussex Community Service Inc.
    1. 1241 College Park Dr.

Mrs. Bundek tried to contact the organization by email and had not received anything from them as of the time of the meeting. Mr. Galvin made the motion to keep the exemption as long as the organization provides the requested information, which was seconded by Mr. Welsh.
Motion carried 4-0.

C. University of Delaware
    1. 69 Transportation Cir.

After some discussion Mr. Galvin made the motion to continue the exemption, which was seconded by Mr. Welsh.
Motion carried 3-0. Mr. Burns recused himself from the vote.

D. Christian Life Center
    1. 614 S Dupont Hwy.

After some discussion Mr. Galvin made the motion to continue the exemption, which was seconded by Mr. Welsh. Motion carried 4-0.

E. Cendel Foundation
1. 156 S Bradford St.
2. 158 S Bradford St.
3. 101 W Loockerman St.

After some discussion Mr. Welsh made the motion to continue the exemption, which was seconded by Mr. Galvin. Motion carried 4-0.

F. Dover Housing Authority
1. 13 S New St.

The board was informed that this parcel is a vacant piece of land and is currently not used for anything.
Mr. Galvin made the motion that this parcel should be back onto the tax roll, which was seconded by Mr. Burns. Motion carried 4-0.

G. Dover Housing Authority
1. 402 S New St.

The board was informed that this parcel is a vacant piece of land and is not used for anything.
In Mr. Galvin's opinion this parcel is unusable, because of its location.
Mr. Burns made the motion to add this parcel back to the tax roll, which was seconded by Mr. Welsh. Motion carried 3-1.

H. Dover Housing Authority
1. 319 N New St.

The Assessor went over the information provided by the organization.
Mr. Galvin made the motion to continue the exemption which was seconded by Mr. Burns. Motion carried 4-0

I. Dover Housing Authority
2. 117 Holmes St.

The Assessor presented the information provided by the organization.
Mr. Burns made the motion to continue the exemption, which was seconded by Mr. Galvin.
Motion carried 4-0.

J. Pennsylvania Lines LLC
1. New Burton Road (track)

The Assessor presented the information provided by the organization.
Mr. Burns made the motion to continue the exemption, which was seconded by Mr. Galvin. Motion carried 4-0.

K. Pennsylvania Lines LLC
1. New Burton Road (vacant land)

The Assessor presented the information provided by the organization.
Mr. Burns made the motion to add this piece of land back to the tax roll, which was seconded by Mr. Galvin. Motion carried 4-0.

L. JIREH Christion Center Inc.
1. 2161 Forrest Ave.

The Assessor presented the information provided by the organization.
Mr. Galvin made the motion to continue the exemption, which was seconded by Mr. Burns. Motion carried 4-0.

M. Presbyterian Homes Inc.
1. 1175 McKee Rd.
2. College Rd.

The Assessor presented the information provided by the organization.
Mr. Burns made the motion to continue the exemption for both properties, which was seconded by Mr. Galvin. Motion carried 4-0.

Mrs. Bundek started to go over the organizations who failed to return any information even after a second request had been mailed.

A. Washington District Advisory Board
1. 1430 McKee Rd.

The Assessor told the board that the second letter was returned by the post office, meaning they never received the request letter. She told the board that she found out that this organization has an active church permit.

Mr. Burns made the motion to continue the exemption, which was seconded by Mr. Welsh. Motion carried 3-0. Mr. Galvin was absent for this vote.

B. Mom's House Inc. of Dover
1. 864 S State St.

The Assessor told the board that the requested information has not been submitted to the office for review by the board.

The board agreed that since the organization failed to return the requested information, they should be denied the exemption.

C. Aid in Dover Inc.
1.801 W Division St.
2. 731 W Division St.

The Assessor told the board that the requested information has not been submitted to the office for review by the board.

The board agreed that since the organization failed to return the requested information, they should be denied the exemption.

Mr. Burns made the motion to add both properties back to the tax roll, which was seconded by Mr. Welsh. Motion carried 4-0.

D. Iglesia Christiana Marantha
1. 1207 E Division St.

The board discussed this property and found that this property is used as a church.

Mr. Galvin made the motion to continue the exemption, which was seconded by Mr. Burns. Motion carried 4-0.

E. Kent County Theater Guild Foundation
1. 140 Roosevelt Ave.

The board agreed that since the organization failed to return the requested information, they should be denied the exemption.
Mr. Galvin made the motion to add the property back to the tax roll, which was seconded by Mr. Burns. Motion carried 4-0.

F. First United Pentecostal Church
1. 4462 W Dennys Rd.

The board discussed this property and found that this property is used as a church.
Mr. Burns made the motion to continue the exemption, which was seconded by Mr. Galvin. Motion carried 4-0.

G. Pilgrim Holiness Church
1. 1156 Governors Ave.

The board agreed that since the organization failed to return the requested information for this property, they should be denied the exemption and put back on the tax roll.
Mr. Burns made the motion to add the property back to the tax roll, which was seconded by Mr. Galvin. Motion carried 4-0.

H. Calvary Baptist Church
1. 2285 Forrest Ave.

The Assessor explained to the board that this 75 AC lot had been annexed into the City of Dover. She also found out that a building permit had been taken out for this property, in the past for $4,445,000, but nothing was ever done.
The board agreed that since the organization failed to return the requested information for this property, they should be denied the exemption and put back on the tax roll.
Mr. Burns made the motion to add the property back to the tax roll, which was seconded by Mr. Galvin. Motion carried 4-0.

I. Southern States Coop Inc.
1. Fulton St.

The board agreed that since the organization failed to return the requested information, they should be denied the exemption.
Mr. Welsh made the motion to add the property back to the tax roll, which was seconded by Mr. Burns. Motion carried 4-0.

J. JJ & B Enterprises GP
1. 43 AC Horsepond Rd.

The board agreed that since the organization failed to return the requested information, they should be denied the exemption.
Mr. Burns made the motion to add the property back to the tax roll, which was seconded by Mr. Welsh. Motion carried 4-0.

K. Delaware State University
1. 430 College Rd.

After some discussion, Mr. Burns made the motion to continue the exemption, which was seconded by Mr. Galvin. Motion carried 4-0.

L. Delaware State University
1. 255 College Rd.

After some discussion Mr. Galvin made the motion to continue the exemption, which was seconded by Mr. Welsh. Motion carried 4-0.

M. Delaware State University
1. 1570 N DuPont Hwy.

After some discussion Mr. Burns made the motion to continue the exemption, which was seconded by Mr. Galvin. Motion carried 4-0.

N. Delaware State University
1. 1200 N DuPont Hwy.

After some discussion Mr. Galvin made the motion to continue the exemption, which was seconded by Mr. Welsh. Motion carried 4-0.

O. DE State University Foundation Inc. / Wesley College Inc.
1. 226 S State St.

After some discussion, the board agreed that, since the organization failed to return the requested information, they should be denied the exemption.
Mr. Burns made the motion to add the property back to the tax roll, which was seconded by Mr. Galvin. Motion carried 4-0.

P. Bible Way Temple Church
1. 54 S Kirkwood St.

The board discussed this property and found that this property is used as a church and has an active church license.
Mr. Burns made the motion to continue the exemption, which was seconded by Mr. Welsh. Motion carried 4-0.

Q. Central DE Oncology Center Inc.
1. 793 S Queen St.

After some discussion, the board agreed that, since the organization failed to return the requested information, they should be denied the exemption.
Mr. Burns made the motion to add the property back to the tax roll, which was seconded by Mr. Galvin. Motion carried 4-0.

Meeting was adjourned at 1:59 P.M.

Board of Assessment Appeals
EXEMPTION AUDIT

April 26, 2017

The Board of Assessment Appeals was brought to order by Chairman Garfinkel.
Board Members present were: Chairman William Garfinkel, Tom Burns and James Galvin, as well as City Deputy Solicitor William W Pepper Sr., Esquire.
Staff present were City Assessor Cheryl A. Bundek and Administrative Assistant Annette Hart.

1. Delaware State University Foundation Inc. & Wesley College Inc

A. 226 S State St.

BACKGROUND AND ANALYSIS

An exemption request was submitted to the Assessor's Office.

The property is currently exempt and is requesting to continue its exempt status. The mailing address that we had for the property was not received by the person that needed to review. We have made sure the mailing address reflects the correct recipient. The property owner has submitted the proper documentation for our review.

Currently Exempt with Kent County

EXEMPTION REQUEST

$2,336,000

RECOMMENDED ACTION: Recommend that the request for exemption be reviewed.

David Sheppard, General Council as well as Denese Lindsey, CPA were present for the meeting.

The Assessor, Cheryl Bundek started the hearing by explaining that the property owner did not receive the initial Audit letter, due to a mailing address error and that the requested information was provided as soon as they received the letter, but were too late to the administrative hearings.

Mr. Sheppard started by going over some of the information the organization submitted, also mentioning that both of the organizations have the 501(c)3 Status.

After a brief discussion, regarding the organization, the Board found that they had enough information to make a motion.

Mr. Galvin made the motion to keep the exempt status, which was seconded by Mr. Burns.
Motion carried 3-0.

Mrs. Bundek informed the appellants, that the City Council has the final decision and that a certified letter with the date of the Council Hearing would be mailed.

2. Children's Choice Property Two

A. 707 Walker Rd.

BACKGROUND AND ANALYSIS

An exemption request was submitted to the Assessor's Office.

The property is currently exempt and is requesting to continue its exempt status.
The property owner submitted documentation by the December 30, 2016 deadline, however the Board requested more information by email on February 24 2017, giving a due date of March 10, 2017 for the March 15 Board meeting. The property owner did not respond before this hearing date and therefore were preliminarily denied.

The property owner has submitted the proper documentation for our review, on March 17, 2017.

Currently Exempt with Kent County

EXEMPTION REQUEST

$542,100

RECOMMENDED ACTION: Recommend that the request for exemption be reviewed

Present for the meeting was Margret Philips, General Council.

The Assessor told the board that the information requested for the exempt audit had been turned in by the December 30, 2016 deadline, but that after the administrative review by the Board of Assessment Appeals more information had been requested, which was not provided by the property owner in a timely matter, which is why the exempt status had been denied, giving the property owner the chance to come before the board of Assessment Appeal formally to request the exempt status.

Mrs. Bundek told the board, that all of the requested information had been provided for this hearing.

Ms. Phillips told the board that Children's Choice Property Two Inc. is a non-profit organization, which leases office space to non-profit organizations that specialize in foster care and adoption services.

Chairman Garfinkel had some questions regarding the organizations IRS form 990, which were answered by Ms. Phillips. She also mentioned that the organization has a State and Federal contract, providing them with State and Federal funding.

Mr. Burns made the motion to continue the exempt status, Mr. Galvin seconded the motion. Motion carried 3-0.

Mrs. Bundek informed the appellant that the City Council was the final decision and that a certified letter with the date of the Council Hearing would be mailed.

3. Calvary Baptist Church

A. 2285 Forrest Ave.

BACKGROUND AND ANALYSIS

An exemption request was submitted to the Assessor's Office.
The property is currently exempt and is requesting to continue its exempt status.
The property was preliminarily denied because documentation was not provided to the Board by the deadlines.
The property owner has submitted the proper documentation for our review, on March 30, 2017.

Currently Exempt with Kent County

EXEMPTION REQUEST

$1,881,800

RECOMMENDED ACTION: Recommend that the request for exemption be reviewed.

No one from the organization was present for the hearing.

The Assessor started the hearing by letting the board know that the organization submitted the requested information by March 30 ,2017, well after the deadline had past.

She proceeded to go over the information provided, in which it stated that the property at 2285 Forrest Ave consists of 76 acres of land, which was purchased to build a new Calvary Baptist Church approximately 15 years ago. It was also explained that the church has not been able to borrow any funds to build the new church nor has it been able to sell the current facility at which time it was decided to lease 56 acres to Freeman Beachy owner of Beachy Farms for $90 per acre at a total sum of $5,000 per year. (lease agreement was enclosed)

The letter also stated that those funds are deposited into an account which is slated for building a new church.

Mrs. Bundek told the board that the records show that a permit for a new building in the amount of $20,000 was taken out with the City of Dover Planning and Inspections department a number of years ago, but nothing ever came of it.

Mr. Burns asked Mrs. Bundek if a site plan had been submitted to the city at the time the permit was taken out.

The Assessor told Mr. Burns that she had no knowledge about a site plan, at which time Mr. Burns told the board that he would be comfortable with the exempt status if a site plan had been submitted. He was disappointed that the organization did not feel it necessary to have a representative present for the hearing.

Chairman Garfinkel shared Mr. Burns concern.

Mrs. Bundek asked for the City Deputy Solicitors opinion, at which time William W. Pepper Sr. Esq. told the board that it is stated in the State Statue: "that property owned by a church and not held by investment, is exempt". Mr. Pepper pointed out that there is a similar case in Felton DE were a church has owned a piece of property for 25 years with the intent to someday build a new church.

Chairman Garfinkel's concern was that one day a developer would try to buy the piece of vacant land for a substantial amount of money, in his opinion the property is held by way of investment, especially since it is leased as farmland.

After some discussion, Mr. Burns asked the Assessor what her opinion was, at which time she told the board that she would go with the Deputy Solicitor's advice, as he is the one that would have to defend the decision.

Mr. Galvin expressed his concern about the size of the lot, in his opinion the lot is too big for just a church, he was wondering what the organization is planning on using the access land for?

Chairman Garfinkel reiterated that in his opinion the property should be taxed for the following reasons, the property is held for investment purposes, especially since the land is currently leased by a farmer and the church is receiving payment and the fact that the property could be sold to a developer at any time.

After further discussion Mr. Galvin made the motion to keep the property exempt which was seconded by Mr. Burns.

Motion carried 2-0, Chairman Garfinkel opposed the motion.

4. Kent County Theatre Guild Foundation

A. 140 Roosevelt Ave.

BACKGROUND AND ANALYSIS

An exemption request was submitted to the Assessor's Office.

The property is currently exempt and is requesting to continue its exempt status.

The property was preliminarily denied because documentation was not provided to the Board by the deadlines.

The property owner has submitted the proper documentation for our review, on March 17, 2017.

Currently Exempt with Kent County

EXEMPTION REQUEST

$227,900

RECOMMENDED ACTION: Recommend that the request for exemption be reviewed.

Paul Janiga was present for the hearing.

The Assessor told the board that the exempt status had been denied because the organization failed to submit the requested paperwork by the requested time. Mrs. Bundek told the board that all of the paperwork has since been turned in.

Mr. Galvin asked if the facility is leased out to different singers. Mr. Janiga explaining that the organization rents out the facility to provide a venue for artists and that the profits go back into the operation.

Mr. Burns made the motion to continue the exempt status, which was seconded by Mr. Galvin.

Motion carried 3-0.

5. Union Missionary Baptist Church

A. Land – Forest St.

BACKGROUND AND ANALYSIS

An exemption request was submitted to the Assessor's Office.

The property is not currently exempt.

The Board denied this property for an exemption request in 2012, the property is not adjacent to the church. It is not a paved parking lot.

The property owner submitted an exemption application for a hearing for our review, on March 27, 2017.

Currently Exempt with Kent County

EXEMPTION REQUEST

$25,200

RECOMMENDED ACTION: Recommend that the request for exemption be reviewed.

Mr. Fred Way, Treasurer was present for the hearing.

Chairman Garfinkel asked the Assessor to start the hearing by explaining why the property was denied the exempt status.

Mrs. Bundek told the board that the exempt status had been denied by the board due to the fact that the parcel is not adjacent to the church and is not a paved parking lot. The board discussed the property at the March 2017 meeting and had more questions, therefore denying the exempt status prompting the owner to come before the Board. Mrs. Bundek provided the Board with an aerial picture, giving a visual of the property.

Mr. Burns explained to the other board members, by looking at the picture and the map of this property, that this parcel falls within a unique circumstance, due to the fact that the property located between the church and the parcel in question cannot be purchased as it is an alley that has not been abandoned. In his opinion the church would own this property would it not be an alley, making the property in question, contiguous to the church property and therefore eligible for the exempt status.

Mrs. Bundek told the board that this property is currently not exempt, but is being considered because the church submitted the application at the time the audit papers for the other properties the church owns were submitted.

Chairman Garfinkel asked Mr. Way if the church had considered combining the properties into one parcel. He pointed at a property which shows the property line going through a house. Mr. Way explained that that home was a rental property which is currently rented out. The Assessor asked Mr. Way if this property was exempt and told the board that she would have to look at that once she gets back to the office.

Mr. Burns made the motion to approve the exempt request, Mr. Galvin seconded the motion.

Motion carried 3-0.

Chairman Garfinkel made the motion to instruct the Assessor to review the property located at 922 Forest St., Mr. Burns seconded the motion.

Motion carried 3-0.

The Assessor reviewed the record of 922 Forest St. during recess and found that this property is taxed and does not have the exempt status, she informed the Board once they were back in session.

6. Moms House Inc. of Dover

A. 864 S State St.

BACKGROUND AND ANALYSIS

An exemption request was submitted to the Assessor's Office.

The property is currently exempt and is requesting to continue its exempt status.

The property was preliminarily denied because documentation was not provided to the Board by the deadlines.

The property owner has submitted the proper documentation for our review, on March 20, 2017.

Currently Exempt with Kent County

EXEMPTION REQUEST

$148,200

RECOMMENDED ACTION: Recommend that the request for exemption be reviewed.

Ms. Amanda Penuela, Director was present for the hearing.

The Assessor started the hearing by letting the Board know that the organization had failed to submit the requested documentation by the December 2016 deadline which lead to the denial of the exempt status by the board.

The organization did submit the proper documentation on March 20, 2017.

Ms. Penuela told the board that her organization has created an administrative website, which contains the information requested by the board, making it easy to attain the information.

Chairman Garfnkel asked Mr. Penuela for a brief description of the organization.

She told the board that the organization provides free child care for low income, widowed or divorced woman, allowing them to return to school full time. The organization also provides those mothers with child care, nutritional and financial education. The organization is funded through private donations; it is not funded though Federal funds. Ms. Penuela told the board that thy also raise a lot of funds with the "Delaware Dancing with the Stars" event.

Mr. Burns made the motion to continue the exempt status, Mr. Galvin seconded the motion.

Motion carried 3-0.

7. Delaware Guidance Services

A. 103 Mont Blanc Blvd.

BACKGROUND AND ANALYSIS

An exemption request was submitted to the Assessor's Office.

The property is currently exempt and is requesting to continue its exempt status.

The property was preliminarily denied because the Board did not feel that the property met the criteria for Exemption. A hearing was requested. (The property owner did submit the original documentation by the deadline of 12/30/16)

The property owner has submitted the proper documentation for our review, on March 23, 2017.

Currently Exempt with Kent County

EXEMPTION REQUEST

$1,819,300

RECOMMENDED ACTION: Recommend that the request for exemption be reviewed.

Mr. Hauge, Chief Financial Officer, was present for the hearing.

The Assessor started the hearing by letting the board know that the exempt request had preliminarily been denied, because the Board had question. She also assured the Board that all of the requested paper work had been turned in by the organization.

Chairman Garfinkel has some questions regarding the organizations IRS form 990, which were answered by Mr. Hauge.

Mr. Hauge told the board that the organization mostly provides mental health counseling services for children of low income families. He explained that the organization does get paid for their services, but that since they serve low income families covered by Medicade they are considered a non-profit organization. The rest of the revenue comes from State Grants, United Way Funds and donations.

The facility is open to the public and does not turn down any patients even if they do not have the money or insurance to pay for their services.

Mr. Hauge told the board that there are 5 offices located in the State of Delaware.

Mr. Burns made the motion to continue the exempt status, which was seconded by Mr. Galvin.

Motion carried 3-0.

8. Mount Zion AME Church

A. 108 N Queen St.

B. 106 N New St.

C. 106 N Queen St.

D. 104 N Queen St.

E. 102 N New St.

F. 118 N New St. (122-124 N New St. per church records)

G. 118 N New St. (118-120 N New St. per church records)

H. 35 N Queen St. (new request 2016 & 2017)

I. 37 N Queen St.

BACKGROUND AND ANALYSIS

An exemption request was submitted to the Assessor's Office.

Preliminarily denied by Board in March 2017. Properties are "for Future Development". They are not adjacent to the existing church

Currently Exempt with Kent County

RECOMMENDED ACTION: Recommend that the request for exemption be reviewed.

Present for the hearing were:

Mr. Ellis Louden, Pastor

Huey Moore, President of Trustee Board

Kelley Pitts, Administrative Assistant and member of Trustee Board

The Assessor opened the hearing by letting the board know that the organization had turned in all of the paperwork at the requested dead line and that the board wanted to meet with the organization because they had questions regarding the vacant pieces of land. She also mentioned that the board had already approved to continue the exempt status for the church and a piece of land right next to the church.

The board members decided to go over 35 and 37 N Queen Street separately.

35 N Queen Street Exempt Request $117,100

37 N Queen Street Exempt Request $9,900

When asked what these parcels are used for the Pastor told the board that the church struggles with parking spaces for their services, which was what these two parcels were currently used for.

Chairman Garfinkel asked what the church is going to use the lot located at 35 N Queen Street for once the house has been demolished. Pastor Louden said that they are planning on using that parcel as a parking lot as well.

When asked if the organization is planning on improving those lots, such as putting gravel or stone down, so they may use it as a parking lot without having to take out any permits, the Pastor told the board that he had concerns regarding stones due to the location of those lots. His concern is that the rocks would become projectiles.

Chairman Garfinkel asked what the organizations timeline for the black top was. The Pastor replied that they are hoping to have that done within the next 5 (five) years.

Chairman Garfinkel suggested the motion to include a time line in which the two lots should be improved.

Mr. Burns made the motion to exempt the properties located at 35 and 37 N Queen Street conditioned on a 3 (three) year time line from the final City Council hearing to have the lots converted into improved parking lots. Mr. Galvin seconded the motion. Motion carried 3-0.

The Assessor suggested the board to review the following properties next:

108 N Queen Street - Exempt Request $4,500

106 N Queen Street – Exempt Request $10,800

104 N Queen Street – Exempt Request $10,200

Chairman Garfinkel asked what the organization is using these properties for. Pastor Louden explained that they are currently used for excess parking, but that the church is looking to build a Christian Center on the lots next to the church on either side, what side they have not decided yet what side yet.

Chairman Garfinkel wanted to know what time line the church had in mind, Pastor Louden was hoping that within the next 5 (five) to 7 (seven) years.

Mr. Burns pointed out that the church is probably buying the lots as they become available over time, in hopes to grow the church. He also wanted to add the following lot to the motion:

106 N New Street – Exempt Request $38,100

102 N New Street – Exempt Request $9,900

Mr. Burns made the motion that all of the above mentioned properties continue with the exempt status conditioned on a 3 (three) year timeline from the final City Council hearing to have a plan in place and to be looked at by the Assessor’s Office, Mr. Galvin seconded the motion.

Motion carried 3-0.

The next properties discussed were:

118 N New Street (122 -124 N New Street per church records) Exempt Request $35,700

118 N New Street (118-120 N New Street per church records) Exempt Request $33,400

Mr. Galvin asked if these two lots are also currently used for parking. Pastor Louden replied that these two lots are seldom used for anything. He told the Board that the organization talked about using them for a community garden for the time being.

The Board Members agreed that these lots should be used for something other than just vacant lots. They liked the idea of using them as a community garden, benefitting the community.

Mr. Galvin made the motion to continue the exempt status for both of the properties, with a one-year review by the Assessor, Mr. Burns seconded the motion. Motion carried 3-0.

The Assessor let the organization know that the 2016 property taxes due for the parcel located at 35 N Queen Street will be waived once Council approves the exempt request during the May 22, 2017 council meeting.

Meeting was adjourned at 2:18 P.M.

Approved Properties for Council Review

PARCEL NUMBER	#	STREET	OWNER	VALUE
ED05-068.18-02-74.00	80	N HALSEY RD	A & I HOUSING INC	109,900
ED05-068.18-05-41.00	728	MAPLE PKWY	A & I HOUSING INC	102,200
ED05-076.08-02-63.03	235	N NEW ST	A & I HOUSING INC	107,700
ED05-076.08-03-38.00	107	N QUEEN ST	A M E CHURCH OF DOVER	10,800
ED05-068.19-02-85.00		SHADYBROOK	ACORN FARMS LTD	52,300
ED05-067.13-02-29.00	6	BELLRIVE CT	ADC I INC	181,100
ED05-076.08-03-37.00	101	N QUEEN ST	AFRICAN M E CHURCH OF DOVER	551,400
ED05-077.00-01-21.00	835	BAY RD	AMERICAN LEGION	1,739,000
ED05-076.15-01-03.000.003		BEISER	BAYHEALTH MEDICAL CENTER INC	2,715,400
ED05-086.05-02-13.00	1275	S STATE ST	BAYHEALTH MEDICAL CENTER INC	679,800
ED05-077.13-02-38.00	706	S STATE ST	BAYHEALTH MEDICAL CENTER INC	177,600
ED05-077.13-02-08.00	822	S BRADFORD ST	BAYHEALTH MEDICAL CENTER INC	97,400
ED05-077.13-02-12.00	804	S BRADFORD ST	BAYHEALTH MEDICAL CENTER INC	233,700
ED05-077.13-01-52.00	640	S STATE ST	BAYHEALTH MEDICAL CENTER INC	87,160,200
ED05-077.13-02-01.00	701	S GOVERNORS AVE	BAYHEALTH MEDICAL CENTER INC	332,600
ED05-077.13-02-02.00	725	S GOVERNORS AVE	BAYHEALTH MEDICAL CENTER INC	200,100
ED05-077.13-01-24.00	531	S GOVERNORS AVE	BAYHEALTH MEDICAL CENTER INC	282,300
ED05-077.13-01-25.01	560	S GOVERNORS AVE	BAYHEALTH MEDICAL CENTER INC	3,069,000
ED05-077.13-01-14.00	208	W WATER ST	BAYHEALTH MEDICAL CENTER INC	526,300
ED05-077.13-01-18.00	540	S STATE ST	BAYHEALTH MEDICAL CENTER INC	7,769,000
ED05-076.08-05-05.00	25	N QUEEN ST	BETHEL SEVENTH DAY ADVENTIST	306,300
ED05-076.08-05-06.00	19	N QUEEN ST	BETHEL SEVENTH DAY ADVENTIST	32,100
ED05-068.14-03-55.00	1202	WHITE OAK RD	BIBLE CHURCH OF GOD INC	166,300
ED05-068.14-03-56.00		SPRUANCE RD EXT	BIBLE CHURCH OF GOD INC	900
ED05-076.08-06-16.00	48	S KIRKWOOD ST	BIBLE WAY TEMPLE CHURCH	133,300
ED05-076.08-06-17.00	54	S KIRKWOOD ST	BIBLE WAY TEMPLE CHURCH	1,022,800
ED05-076.08-06-18.00	60	S KIRKWOOD ST	BIBLE WAY TEMPLE CHURCH	11,500
ED05-076.08-06-19.00	64	S KIRKWOOD ST	BIBLE WAY TEMPLE CHURCH	23,300
ED05-067.19-02-12.00	221	SAULSBURY RD	BLOOD BANK	2,601,100
ED05-076.08-03-17.00	103	N KIRKWOOD ST	CALVARY BAPTIST CHURCH	67,600
ED05-076.08-04-43.00	434	FULTON ST	CALVARY BAPTIST CHURCH	9,200
ED05-076.08-04-44.00	410	FULTON ST	CALVARY BAPTIST CHURCH	891,100
ED05-076.08-04-45.00	34	N QUEEN ST	CALVARY BAPTIST CHURCH	10,000
ED05-076.08-04-46.00	32	N QUEEN ST	CALVARY BAPTIST CHURCH	8,900

Approved Properties for Council Review

PARCEL NUMBER	#	STREET	OWNER	VALUE
ED05-075.00-01-06.00	2285	FORREST AVE	CALVARY BAPTIST CHURCH	$1,881,800
ED05-085.12-01-03.00	401	KESSELRING AVE	CAPITAL BAPTIST CHURCH	1,343,600
ED05-077.17-03-10.00	911	S GOVERNORS AVE	CAPITAL GRANGE NO 18 CO	604,700
ED05-077.17-03-15.00		S BRADFORD ST	CAPITAL GRANGE NO 18 CO	77,800
ED05-085.08-02-02.01		NEW BURTON RD	CAPITOL BAPT CHURCH OF DOVER	407,700
ED05-077.10-02-44.00	734	RIVER RD	CAPITOL GREEN DAY CARE INC	156,500
ED05-077.10-02-45.00	744	RIVER RD	CAPITOL GREEN DAY CARE INC	383,800
ED05-077.09-02-28.00	156	S BRADFORD ST	CENDEL FOUNDATION	33,400
ED05-077.09-02-29.00	158	S BRADFORD ST	CENDEL FOUNDATION	22,300
ED05-077.09-02-33.00	101	W LOOCKERMAN ST	CENDEL FOUNDATION	1,030,400
ED05-076.08-05-72.00	41	S QUEEN ST	CENTRAL DEL AHB FOR HUMANITY	11,900
ED05-077.09-01-02.00	101	S QUEEN ST	CENTRAL DEL HAB FO HUMANITY	13,400
ED05-076.08-02-40.00	238	N NEW ST	CENTRAL DEL HAB FOR HUMANITY	13,500
ED05-076.08-04-35.00	21	N KIRKWOOD ST	CENTRAL DEL HAB FOR HUMANITY	10,300
ED05-076.08-04-36.00	23	N KIRKWOOD ST	CENTRAL DEL HAB FOR HUMANITY	10,300
ED05-076.08-04-37.00	29	N KIRKWOOD ST	CENTRAL DEL HAB FOR HUMANITY	12,800
ED05-076.08-05-18.00	24	N NEW ST	CENTRAL DEL HAB FOR HUMANITY	11,000
ED05-076.08-05-20.00	20	N NEW ST	CENTRAL DEL HAB FOR HUMANITY	47,600
ED05-076.08-05-23.00	12	N NEW ST	CENTRAL DEL HAB FOR HUMANITY	10,700
ED05-076.08-05-34.00	19	N NEW ST	CENTRAL DEL HAB FOR HUMANITY	75,500
ED05-076.08-05-36.00	27	N NEW ST	CENTRAL DEL HAB FOR HUMANITY	13,100
ED05-076.08-06-11.00	20	S KIRKWOOD ST	CENTRAL DEL HAB FOR HUMANITY	42,300
ED05-076.08-06-41.00	14	S QUEEN ST	CENTRAL DEL HAB FOR HUMANITY	10,400
ED05-076.08-06-43.00	18	S QUEEN ST	CENTRAL DEL HAB FOR HUMANITY	10,400
ED05-076.12-02-09.00	138	CHERRY ST	CENTRAL DEL HAB FOR HUMANITY	38,200
ED05-076.12-02-10.00		CHERRY ST	CENTRAL DEL HAB FOR HUMANITY	38,100
ED05-077.05-03-04.00	53	S NEW ST	CENTRAL DEL HAB FOR HUMANITY	47,500
ED05-077.05-03-39.00	50	S GOVERNORS AVE	CENTRAL DEL HAB FOR HUMANITY	102,500
ED05-077.09-01-01.00	67	S QUEEN ST	CENTRAL DEL HAB FOR HUMANITY	13,800
ED05-077.09-01-05.00	117	S QUEEN ST	CENTRAL DEL HAB FOR HUMANITY	13,900
ED05-076.08-05-29.00	223	W DIVISION ST	CENTRAL DEL HAB FOR HUMANITY	107,800
ED05-076.08-06-42.00	16	S QUEEN ST	CENTRAL DEL HABITAT FOR HUMANITY INC	10,400
ED05-077.05-03-15.00	11	S NEW ST	CENTRAL DELAWARE HABITAT FOR HUMANITY	72,700
ED05-077.11-04-44.00	478	BARRISTER PL	CENTRAL DELAWARE HABITAT FOR HUMANITY	49,200

Approved Properties for Council Review

PARCEL NUMBER	#	STREET	OWNER	VALUE
ED05-076.08-04-08.00	534	FULTON ST	CENTRAL DELAWARE HABITAT FOR HUMANITY	
ED05-067.15-02-12.00	118	N ANN AVE	CENTRAL DELAWARE HABITAT FOR HUMANITY	
ED05-076.05-01-10.00	1549	FORREST AVE	CHAPTER 850 VIETNAM AFFAIRS	42,300
ED05-067.20-01-17.00	346	PEAR ST	CHARTER SCHOOL INC	3,264,700
ED05-067.20-01-76.00		CLARA ST	CHARTER SCHOOL INC	124,800
ED05-076.08-01-02.00	310	PEAR ST	CHARTER SCHOOL INC	170,400
ED05-067.15-04-76.01	707	WALKER RD	CHILDREN'S CHOICE PROPERTY TWO, A PA NONPROFIT GROUP	$542,100
ED05-077.09-05-42.00		E WATER ST	CHRIST EPISCOPAL CHURCH	1,983,500
ED05-077.09-05-43.00	505	S STATE ST	CHRIST EPISCOPAL CHURCH	68,500
ED05-077.09-05-46.00	521	S STATE ST	CHRIST EPISCOPAL CHURCH	132,700
ED05-077.14-01-19.01	614	S DUPONT HWY	CHRISTIAN LIFE CENTER	678,900
ED05-086.05-01-14.00	1156	GOVERNORS	CHURCH OF CHRIST INC	456,300
ED05-067.20-03-01.00	422	N NEW ST	CHURCH OF THE HOLY CROSS	262,800
ED05-067.20-03-02.00	414	N NEW ST	CHURCH OF THE HOLY CROSS	249,200
ED05-077.13-01-56.00	631	S STATE ST	CHURCH OF THE HOLY CROSS	12,772,100
ED05-076.08-03-07.00	117	N WEST ST	CHURCH OF THE LIVING GOD	412,200
ED05-067.19-02-02.41	840	WALKER RD	COMM LEGAL AID SOCIETY INC	680,200
ED05-076.08-04-50.00	16	N QUEEN ST	COMMUNITY HOLY TABERNACLE	187,400
ED05-067.20-01-75.00	340	N QUEEN ST	CONGREGATION BETH SHALOM	681,300
ED05-067.14-01-68.00	1260	COLLEGE RD	CONGREGATION OF JEHOVAHS WITS	504,200
ED05-077.09-04-22.00	226	S STATE ST	DE STATE UNIVERSITY FOUND INC/WESLEY COLLEGE INC	$2,336,000
ED05-085.00-01-08.00		NEW BURTON RD	DEL AWARE RAILROAD, REAL ESTATE AGENT	214,800
ED05-076.08-05-31.00	217	W DIVISION ST	DEL CONF AFRICAN METH EPIS CHURCH	192,900
ED05-068.09-01-11.00	967	N STATE ST	DELAWARE BAPTIST ASSOCIATION	282,400
ED05-068.09-01-11.01		N STATE ST	DELAWARE BAPTIST ASSOCIATION	3,300
ED05-068.09-01-16.03		LEPORE RD	DELAWARE BAPTIST ASSOCIATION	5,000
ED05-057.00-01-04.01		CRAWFORD CARROLL AVE	DELAWARE CIVIC CENTER CORP	2,419,500
ED05-057.00-01-05.03		CRAWFORD CARROLL AVE	DELAWARE CIVIC CENTER CORP	392,500
ED05-057.00-01-08.02	1528	N DUPONT HWY	DELAWARE CIVIC CENTER CORP	4,400
ED05-067.19-04-51.00	103	MONT BLANC BLVD	DELAWARE GUIDANCE SERVICES	$1,819,300
ED05-067.18-01-72.00	1289	WALKER RD	DELAWARE HOUSING AUTHORITY	3,758,900
ED05-067.18-01-72.01	1289	WALKER RD	DELAWARE HOUSING AUTHORITY	4,734,200
ED05-077.09-04-50.00	26	THE GREEN	DELAWARE HOUSING AUTHORITY	2,166,200
ED05-077.09-04-54.00	16	THE GREEN	DELAWARE HOUSING AUTHORITY	601,300

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PARCEL NUMBER	#	STREET	OWNER	VALUE
ED05-077.17-07-15.00	1116	S BRADFORD ST	DELAWARE SOLID WASTE AUTHORITY	2,133,800
ED05-057.00-01-05.00	1570	N DUPONT HWY	DELAWARE STATE UNIVERSITY	14,246,300
ED05-057.00-01-21.00	1200	N DUPONT HWY	DELAWARE STATE UNIVERSITY	235,893,000
ED05-067.00-02-40.00	430	COLLEGE RD	DELAWARE STATE UNIVERSITY	13,849,700
ED05-067.00-02-47.00	255	COLLEGE RD	DELAWARE STATE UNIVERSITY	983,400
ED05-067.14-04-23.00	15	PIN OAK DR	DIMA IX INC	217,300
ED05-076.10-02-03.01	223	MIFFLIN RD	DIMA IX INC	198,100
ED05-077.06-01-67.00	456	E LOOCKERMAN ST	DIMA IX INC	207,200
ED05-077.09-02-39.00	21	W LOOCKERMAN ST	DOVER ART LEAGUE	508,700
ED05-077.09-03-39.00	40	THE GREEN	DOVER CENTURY CLUB	388,500
ED05-077.10-02-43.00	730	RIVER RD	DOVER ED COMM CENTER INC	39,200
ED05-068.09-02-01.01	765	BACON CT	DOVER HOUSING AUTHORITY	1,564,800
ED05-068.09-02-01.02		BACON AVE	DOVER HOUSING AUTHORITY	551,700
ED05-068.15-01-03.00	1	STEVENSON DR	DOVER HOUSING AUTHORITY	4,576,000
ED05-076.11-01-42.00	375	SIMON CIR	DOVER HOUSING AUTHORITY	5,258,900
ED05-077.09-03-02.00	411	S QUEEN ST	DOVER HOUSING AUTHORITY	2,648,000
ED05-077.10-01-22.00	430	NEW CASTLE AVE	DOVER HOUSING AUTHORITY	2,046,200
ED05-067.20-03-11.00	319	N NEW ST	DOVER HOUSING AUTHORITY	72,500
ED05-077.11-03-47.00	117	HOLMES ST	DOVER HOUSING AUTHORITY	98,200
ED05-067.16-01-32.00	523	ROSS ST	DOVER INTERFAITH MISSION FOR HOUSING INC	120,100
ED05-067.18-01-79.00	1155	WALKER RD	DOVER INTERFAITH MISSION FOR HOUSING INC	323,600
ED05-068.18-05-38.00	710	MAPLE PKWY	EDGEHILL COMMUNITY CHURCH	178,200
ED05-068.18-05-39.00	702	MAPLE PKWY	EDGEHILL COMMUNITY CHURCH	37,700
ED05-077.10-01-48.00	327	MARTIN ST	EJB INC	564,400
ED05-077.09-04-65.00	305	S GOVERNORS AVE	EJB INC	195,100
ED05-077.05-02-49.00	15	KENT CIR	ELIZABETH MURPHY SCHOOL	3,413,400
ED05-077.05-04-47.00		E DIVISION ST	ELIZABETH MURPHY SCHOOL	1,614,600
ED05-077.05-04-47.01	12	KINGS HWY	ELIZABETH MURPHY SCHOOL	843,200
ED05-076.07-01-82.00	200	SAULSBURY RD	ELKS LODGE BPOE 1903	3,595,500
ED05-067.01-01-96.00		OPAL PL	EMERALD POINTE MAINTENANCE CO	10,300
ED05-067.01-01-97.00		OPAL PL	EMERALD POINTE MAINTENANCE CO	29,200
ED05-067.01-01-98.00		TANZANITE CT	EMERALD POINTE MAINTENANCE CO	2,800
ED05-067.01-01-99.00		GEMSTONE BLVD	EMERALD POINTE MAINTENANCE CO	10,900
ED05-067.01-02-13.00		GEMSTONE BLVD	EMERALD POINTE MAINTENANCE CO	3,500

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PARCEL NUMBER	#	STREET	OWNER	VALUE
ED05-067.01-02-14.00		TOPAZ CIR	EMERALD POINTE MAINTENANCE CO	2,600
ED05-067.16-03-04.00		WALKER RD	FIRST BAPTIST CHURCH	129,000
ED05-067.16-03-08.00	301	WALKER RD	FIRST BAPTIST CHURCH	6,183,200
ED05-077.05-01-31.00	3	N BRADFORD ST	FIRST BAPTIST CHURCH	60,700
ED05-076.05-06-16.00		HEATHERFIELD WAY	FIRST FLAG, INC	7,500
ED05-076.05-06-31.00		HEATHERFIELD WAY	FIRST FLAG, INC	8,400
ED05-077.11-01-01.00	761	S LITTLE CREEK RD	FIRST SOUTHERN BAPTIST CHURCH OF DOVER	1,823,800
ED05-067.00-03-06.02	4462	W DENNYS RD	FIRST UNITED PENTECOSTAL CHRCH	4,125,600
ED05-067.19-04-44.00		MONT BLANC BLVD	FOUR SEASONS HOMEOWNERS ASSOC INC	6,000
ED05-067.19-04-45.00	41	HOMBERG CIR	FOUR SEASONS HOMEOWNERS ASSOC INC	32,700
ED05-067.19-04-46.00		HOMBERG CIR	FOUR SEASONS HOMEOWNERS ASSOC INC	13,100
ED05-067.19-04-47.00	209	MONT BLANC BLVD	FOUR SEASONS HOMEOWNERS ASSOC INC	3,800
ED05-067.19-04-48.00	109	MONT BLANC BLVD	FOUR SEASONS HOMEOWNERS ASSOC INC	4,200
ED05-067.19-04-53.00		SAULSBURY RD	FOUR SEASONS HOMEOWNERS ASSOC INC	1,600
ED05-067.19-04-54.00		MONT BLANC BLVD	FOUR SEASONS HOMEOWNERS ASSOC INC	119,800
ED05-067.14-01-18.00		OAKMONT DR	FOX HALL PLANTATION CO	1,000
ED05-067.17-01-81.00	28	CARNOUSTIE RD	FOX HALL PLANTATION CO	3,200
ED05-076.05-07.11.00		PEPPLE VALLEY DRIVE	FOX HALL WEST ADDITION HOA	233
ED05-067.05-02-19.01	1510	MCKEE RD	FOX MEADOWS JOINT, VENTURE	1,100
ED05-076.06-08-32.01	129	PERIWINKLE DR	GILMAN HOMES INC	13,200
ED05-067.14-01-69.00	1022	COLLEGE RD	GRACE PRESBYTERIAN CHURCH	250,500
ED05-067.14-01-69.01	1016	COLLEGE RD	GRACE PRESBYTERIAN CHURCH	13,500
ED05-067.14-01-70.01	350	MCKEE RD	GRACE PRESBYTERIAN CHURCH	2,586,700
ED05-067.14-01-71.00		MCKEE RD	GRACE PRESBYTERIAN, CHURCH	2,195,900
ED05-067.15-01-28.00		VILLAGE	HAMLET HOMES ASSOC	17,600
ED05-067.15-01-76.00	43	QUAIL HOLLOW DR	HAMLET HOMES ASSOC	7,300
ED05-076.08-04-29.00	425	W DIVISION ST	HOLY TRIN CHRCH OF LIV GOD INC	999,300
ED05-076.08-04-27.00	429	W DIVISION ST	HOLY TRIN CHRCH OF LIV GOD INC	142,800
ED05-068.19-01-13.00	1207	E DIVISION ST	IGLESIA CHRISTIANA MARANTHA	1,004,900
ED05-075.00-01-05.00	2161	FORREST AVE	JIREH CHRISTIAN CENTER INC	1,284,800
ED05-077.18-02-79.00	140	ROOSEVELT AVE	KENT COUNTY THEA GUILD FOUN	$227,900
ED05-067.00-02-12.08	1241	COLLEGE PARK DR	KENT SUSSEX COMMUNITY SERV INC	1,387,900
ED05-067.14-01-70.00		MCKEE RD	LIBERTY CHURCH INC	1,793,300
ED05-067.14-01-70.03	1150	COLLEGE RD	LIBERTY CHURCH INC	782,900

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PARCEL NUMBER	#	STREET	OWNER	VALUE
ED05-077.17-07-13.00	1057	S GOVERNORS AVE	LOVE TEMPLE CHURCH OF GOD	425,300
ED05-068.18-01-01.02	430	KINGS HWY	LUTHER TOWERS IV	3,193,200
ED05-077.06-02-90.01	101	BABB DR	LUTHER VILLAGE I OF DOVER INC	4,031,900
ED05-077.06-02-90.02	1101	BABB	LUTHER VILLAGE II OF DOVER INC	1,889,100
ED05-077.06-02-90.03	101	BABB	LUTHER VILLAGE III OF DOVER INC	2,527,200
ED05-068.13-01-89.00		OAK LN	LUTHERAN SENIOR SVCS OF DELA	258,000
ED05-068.17-03-20.00	430	KINGS HWY I	LUTHERAN SENIOR SVCS OF DELA	8,256,300
ED05-068.17-03-20.01	430	KINGS HWY III	LUTHERAN SENIOR SVCS OF DELA	3,223,300
ED05-068.18-01-01.00	430	KINGS HWY	LUTHERAN SENIOR SVCS OF DELA	3,193,200
ED05-068.18-01-09.00	442	KINGS HWY	LUTHERAN SENIOR SVCS OF DELA	191,700
ED05-056.20-01-47.00		MAPLE GLEN DR	MAPLE GLEN HOMEOWNERS ASOCIATES INC	174,700
ED05-056.20-01-48.00		MAPLE GLEN DR	MAPLE GLEn HOMEOWNERS ASSOCIATES INC	163,400
ED05-056.20-01-46.00		MAPLE GLEN DR	MAPLE GLEN HOMEOWNERS ASSOCIATES INC	112,800
ED05-056.20-01-51.00		MAPLE GLEN DR	MAPLE GLEN HOMEOWNERS ASSOCIATES LLC	10,200
ED05-056.20-01-50.00		MAPLE GLEN DR	MAPLE GLEN HOMEOWNERS ASSOCIATION INC	44,900
ED05-056.20-01-49.00		MAPLE GLEN DR	MAPLE GLEN HOMEOWNERS ASSOCIATON LLC	24,000
ED05-077.06-02-90.00		BABB DR	MARTIN LUTHER FOUNDATION OF DE	1,331,000
ED05-076.00-01-02.00	1478	WYOMING MILL RD	MASONIC HALL CORPORATION OF DOVER	1,784,900
ED05-067.05-02-19.00		MCKEE RD	MEADOWS HOMEOWNERS ASSOC INC	145,000
ED05-076.07-01-25.00	1121	FORREST AVE	MODERN MATURITY CENTER INC	9,363,800
ED05-077.17-03-48.00	864	S STATE ST	MOM'S HOUSE INC OF DOVER	$148,200
ED05-076.08-03-32.00	110	N NEW ST	MOUNT ZION AME CHURCH	40,700
ED05-076.08-03-31.00	120	N QUEEN ST	MOUNT ZION AME CHURCH	$56,800
ED05-076.08-03-33.00	108	N QUEEN ST	MOUNT ZION AME CHURCH	$4,500
ED05-076.08-03-34.00	106	N QUEEN ST	MOUNT ZION AME CHURCH	$10,800
ED05-076.08-03-35.00	104	N QUEEN ST	MOUNT ZION AME CHURCH	$10,200
ED05-076.08-03-55.00	102	N NEW ST	MOUNT ZION AME CHURCH	$9,900
ED05-076.08-03-53.00	106	N NEW ST	MOUNT ZION AME CHURCH	$38,100
ED05-076.08-03-48.00	118	N NEW ST	MOUNT ZION AME CHURCH	$35,700
ED05-076.08-03-49.00	118	N NEW ST	MOUNT ZION AME CHURCH	$33,400
ED05-067.05-02-09.00	3	MICHAEL CT	MOUNT ZION AME INC	260,400
ED05-067.19-02-02.02	363	SAULSBURY RD	NATIONAL COUNCIL ON AG LIFE & LABOR	857,700
ED05-076.12-04-26.00		JERUSALEM WAY	NEW JERUSALEM BAPTIST CHURCH	179,200
ED05-076.12-04-26.01	25	JERUSALEM WAY	NEW JERUSALEM BAPTIST CHURCH	224,700

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PARCEL NUMBER	#	STREET	OWNER	VALUE
ED05-076.12-04-25.00		JERUSALEM WAY	NEW JERUSALEM BAPTIST CHURCH	44,700
ED05-085.00-01-06.00		NEW BURTON RD	PENNSYLVANIA LINES LLC	291,600
ED05-077.05-03-71.00	46	S BRADFORD ST	PEOPLES CONGREGATION CHURCH	1,344,700
ED05-077.05-03-72.00	46	S BRADFORD ST	PEOPLES CONGREGATION CHURCH	69,500
ED05-067.07-01-10.00	381	COLLEGE RD	PEOPLE'S PLACE PROPERITES INC	227,100
ED05-076.10-02-07.02	165	COMMERCE WAY	PEOPLES PLACE PROPERTIES INC	1,387,900
ED05-067.07-01-12.00	381	COLLEGE	PEOPLE'S PLACE PROPERTIES INC	1,192,300
LC05-058.17-03-42.00	110	PERSIMMON CIR	PERSIMMON PARK PLACE	335,700
ED05-077.17-01-59.00	805	S GOVERNORS AVE	PLANNED PARENTHOOD OF DE INC	400,400
ED05-077.05-04-16.00		S BRADFORD ST	PRESBYTERIAN CHURCH OF DOVER	3,500
ED05-077.05-04-19.00	54	S STATE ST	PRESBYTERIAN CHURCH OF DOVER	1,791,900
ED05-077.09-03-14.01	316	S GOVERNORS AVE	PRESBYTERIAN CHURCH OF DOVER	718,100
ED05-067.00-02-14.00	1175	MCKEE RD	PRESBYTERIAN HOMES INC	12,838,800
ED05-067.00-02-15.00		COLLEGE RD	PRESBYTERIAN HOMES INC	13,447,700
ED05-076.05-01-10.0	.08 AC	Marsh Creek Ln	Presidential Assoc	6,000
ED05-099.99-99-999.999.010		CELL TOWERS	PRIORITY RADIO INC	144,000
ED05-077.09-05-45.00	509	S STATE ST	RECTOR WARDENS & VESTRYAMAN	34,300
ED05-067.17-01-80.01	911	DOVER KENTON RD	ROBBINS HOSE CO	971,000
ED05-077.09-02-13.00	103	S GOVERNORS AVE	ROBBINS HOSE CO	231,100
ED05-077.09-02-14.00	103	S GOVERNORS AVE	ROBBINS HOSE CO	79,500
ED05-077.09-02-15.00	103	S GOVERNORS AVE	ROBBINS HOSE CO	2,252,300
ED05-077.09-02-16.00		S BRADFORD ST	ROBBINS HOSE CO	125,100
ED05-077.09-02-17.00	116	S BRADFORD ST	ROBBINS HOSE CO	55,600
ED05-076.09-02-86.00		WORCHESTER DR	ROBINO-SEA CHASE LLC	1,600
ED05-076.09-02-87.00		TRAFALGAR DR	ROBINO-SEA CHASE LLC	29,000
ED05-076.09-02-88.00		WORCHESTER DR	ROBINO-SEA CHASE LLC	9,200
ED05-076.09-02-89.00		WESTOVER DR	ROBINO-SEA CHASE LLC	1,000
ED05-076.12-02-72.00	409	W LOOCKERMAN ST	SECOND BAPTIST CHURCH	113,800
ED05-076.12-02-73.00	407	W LOOCKERMAN ST	SECOND BAPTIST CHURCH	472,000
ED05-076.20-01-78.00	647	WYOMING AVE	SEVENTH DAY ADVENTIST CHURCH	1,724,900
ED05-067.12-03-35.00		SILVER LAKE DR	SILVER LAKE TOWNHOUSE COMM	7,400
ED05-067.12-03-36.00		SILVER LAKE DR	SILVER LAKE TOWNHOUSE COMM	14,500
ED05-076.08-03-02.00	105	N WEST ST	SOLID ROCK SOUTHERN BAPTIST CHURCH INC	597,500
ED05-068.13-01-51.00	425	N DUPONT HWY	ST ANDREWS CHURCH	2,584,300

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PARCEL NUMBER	#	STREET	OWNER	VALUE
ED05-067.18-03-15.00	1156	WALKER RD	ST JOHNS EVANGELICAL CHURCH	601,600
ED05-077.17-04-27.00	106	PINE ST	ST JOHNS LUTHERAN CHURCH	547,300
ED05-077.17-04-48.00	105	LOTUS ST	ST JOHNS LUTHERAN CHURCH	612,000
ED05-077.17-04-49.00	109	LOTUS ST	ST JOHNS LUTHERAN CHURCH	39,300
ED05-077.17-04-50.00	113	LOTUS ST	ST JOHNS LUTHERAN CHURCH	129,400
ED05-077.11-03-43.00		HOLMES ST	STONEY CREEK HOMEOWNERS ASSOC	72,300
ED05-067.00-02-23.00		COLLEGE RD	SUNSET MEMORIAL GARDENS INC	130,200
ED05-076.06-04-26.00	43	LAMPLIGHTER LN	THE GREENS TOWN MEETING ASSOC	221,000
ED05-076.08-05-73.00	45	S QUEEN ST	THE MILFORD HOUSING DEV CORP	11,900
ED05-076.08-06-24.00	47	S KIRKWOOD ST	THE MILFORD HOUSING DEV CORP	11,900
ED05-067.18-01-85.00	200	HARMONY	THE MILFORD HOUSING DEV CORP	3,143,200
ED05-077.09-05-01.01		S STATE ST	THE NEW PARSONAGE LLC	4,400
ED05-077.09-05-44.00	507	S STATE ST	THE RECTOR WARDEN & VESTRYMAN	273,700
ED05-076.08-01-41.01	611	FOREST ST	THE SALVATION ARMY	789,300
ED05-077.13-02-10.00	812	S BRADFORD ST	THE WELLNESS COMMUNITY-DEL INC	210,200
ED05-076.08-05-11.00	37	N QUEEN ST	TRUSTEES OF MT ZION AME CHURCH	$9,900
ED05-076.08-05-10.00	35	N QUEEN ST	TRUSTEES OF THE AFRICAN METHODIST EPISCOPAL CHURCH	$117,100
ED05-077.05-01-44.00	139	STATE	TRUSTEES OF THE PENINSULA	714,300
ED05-077.05-01-45.00	141	N STATE ST	TRUSTEES OF THE PENINSULA	63,300
ED05-077.09-05-02.00	215	S STATE ST	TRUSTEES OF WESLEY CHURCH	1,126,200
ED05-077.09-05-03.00	219	S STATE ST	TRUSTEES OF WESLEY CHURCH	56,000
ED05-077.09-05-09.00	20	LOOCKERMAN PLAZA	TRUSTEES OF WESLEY CHURCH	1,130,000
ED05-077.09-05-10.00	30	LOOCKERMAN PLAZA	TRUSTEES OF WESLEY CHURCH	1,212,200
ED05-067.17-01-01.00		N TURNBERRY DR	TURNBERRY MAINTENANCE ASSOC	51,000
ED05-067.17-01-38.00		S TURNBERRY DR	TURNBERRY MAINTENANCE ASSOC	113,300
ED05-067.17-01-39.00		S TURNBERRY DR	TURNBERRY MAINTENANCE ASSOC	118,100
ED05-077.09-01-36.01	101	S NEW ST	UNION AME CHURCH	246,000
ED05-077.09-01-36.00	222	W REED ST	UNION AME CHURCH	48,300
ED05-076.11-01-09.00	LAND	FOREST ST	UNION MISS BAPTIST CHURCH	$25,200
ED05-076.11-01-19.00	37	BERTRAND RD	UNION MISSIONARY BAPTIST CHURCH, INC	39,500
ED05-076.12-01-03.01	838	LINCOLN ST	UNION MISSIONARY BAPTIST CHURCH, INC	4,700
ED05-076.12-01-41.00	883	LINCOLN ST	UNION MISSIONARY BAPTIST CHURCH, INC	71,000
ED05-076.12-01-42.00	883	LINCOLN ST	UNION MISSIONARY BAPTIST CHURCH, INC	796,600
ED05-068.17-03-48.00	140	HAZEL RD	UNITED METHODIST CHURCH	221,700

Approved Properties for Council Review

PARCEL NUMBER	#	STREET	OWNER	VALUE
ED05-077.00-01-18.01	69	TRANSPORTATION CIR	UNIVERSITY OF DELAWARE	2,073,000
ED05-067.16-01-01.00	720	PEAR ST	VETERANS OF WW II	466,900
ED05-068.18-05-48.00	18	GREENHILL RD	VICTORY CHRISTIAN FELLOWSHIP	1,040,700
ED05-076.03-01-92.00		CANNON MILL DR	VILLAGE OF CANNON MILL HOA INC	140,100
ED05-076.03-01-93.00		CANNON MILL DR	VILLAGE OF CANNON MILL HOA INC	39,600
ED05-076.03-01-94.00		E SHELDRAKE CIR	VILLAGE OF CANNON MILL HOA INC	56,200
ED05-076.03-01-95.00		E SHELDRAKE CIR	VILLAGE OF CANNON MILL HOA INC	32,100
ED05-076.03-01-96.00		QUILLEN ST	VILLAGE OF CANNON MILL HOA INC	40,700
ED05-076.03-01-99.00		E SHELDRAKE CIR	VILLAGE OF CANNON MILL HOA INC	39,900
ED05-076.03-03-38.00		LOFTLAND DR	VILLAGE OF CANNON MILL HOA INC	24,800
ED05-076.03-03-39.00		PARADEE DR	VILLAGE OF CANNON MILL HOA INC	32,700
ED05-076.09-03-70.00		NORTHDOWN DR	VILLAGE OF WESTOVER HOMEOWNERS	50,900
ED05-076.09-03-71.00		NORTHDOWN DR	VILLAGE OF WESTOVER HOMEOWNERS	132,300
ED05-076.09-02-01.00		TRAFALGAR DR	VILLAGE OF WESTOVER HOMEOWNERS ASSOC INC	118,300
ED05-076.13-01-57.00		WESTOVER DR	VILLAGE OF WESTOVER HOMEOWNERS ASSOC INC	7,200
ED05-076.13-01-58.00		TRAFALGAR DR	VILLAGE OF WESTOVER HOMEOWNERS ASSOC INC	87,800
ED05-076.13-02-57.00		TRAFALGAR DR	VILLAGE OF WESTOVER HOMEOWNERS ASSOC INC	1,200
ED05-076.13-02-58.00		TRAFALGAR DR	VILLAGE OF WESTOVER HOMEOWNERS ASSOC INC	15,700
ED05-076.13-02-59.00		THAMES DR	VILLAGE OF WESTOVER HOMEOWNERS ASSOC INC	6,500
ED05-076.13-02-60.00		WESTOVER DR	VILLAGE OF WESTOVER HOMEOWNERS ASSOC INC	9,800
ED05-076.13-02-61.00		NORTHDOWN DR	VILLAGE OF WESTOVER HOMEOWNERS ASSOC INC	6,500
ED05-076.13-03-18.00		CHARRING CROSS DR	VILLAGE OF WESTOVER HOMEOWNERS ASSOC INC	20,300
ED05-076.13-03-31.00		CHARRING CROSS DR	VILLAGE OF WESTOVER HOMEOWNERS ASSOC INC	30,100
ED05-076.13-04-64.00		FAIRNEST CT	VILLAGE OF WESTOVER HOMEOWNERS ASSOC INC	3,900
ED05-076.13-04-65.00		NORTHDOWN DR	VILLAGE OF WESTOVER HOMEOWNERS ASSOC INC	3,200
ED05-076.13-04-66.00		WESTOVER DR	VILLAGE OF WESTOVER HOMEOWNERS ASSOC INC	2,100
ED05-076.13-04-87.00		NORTHDOWN DR	VILLAGE OF WESTOVER HOMEOWNERS ASSOC INC	34,100
ED05-076.13-05-48.00		NORTHDOWN DR	VILLAGE OF WESTOVER HOMEOWNERS ASSOC INC	4,800
ED05-067.00-01-17.00	1430	MCKEE RD	WASH DIST ADVISORY BOARD	346,700
ED05-077.05-01-37.00	34	N STATE ST	WESLEY COLLEGE	278,700
ED05-077.05-01-36.00	28	N STATE ST	WESLEY COLLEGE	301,900
ED05-077.05-01-35.00	22	N STATE ST	WESLEY COLLEGE	256,500
ED05-077.05-01-30.00	9	N BRADFORD ST	WESLEY COLLEGE	172,300
ED05-077.05-01-29.00	21	N BRADFORD ST	WESLEY COLLEGE	1,022,300

Approved Properties for Council Review

PARCEL NUMBER	#	STREET	OWNER	VALUE
ED05-077.05-01-01.00	120	N STATE ST	WESLEY COLLEGE	17,864,500
ED05-076.08-03-56.00	115	N NEW ST	WESLEY COLLEGE	475,800
ED05-077.09-03-01.00	300	S NEW ST	WESLEY COLLEGE	3,069,400
ED05-077.05-04-22.00	34	S STATE ST	WESLEY COLLEGE	565,900
ED05-077.05-01-25.00	30	FULTON ST	WESLEY COLLEGE	368,700
ED05-076.08-02-79.00	200	N GOVERNORS AVE	WESLEY COLLEGE	61,000
ED05-076.08-02-78.00	202	N GOVERNORS AVE	WESLEY COLLEGE	114,300
ED05-068.17-02-41.00	213	N BRADFORD ST	WESLEY COLLEGE	2,064,600
ED05-068.17-02-11.00	208	N BRADFORD ST	WESLEY COLLEGE	5,437,900
ED05-067.20-01-78.00	511	MARY ST	WESLEY COLLEGE	1,058,700
ED05-067.20-01-74.00	501	CLARA ST	WESLEY COLLEGE	795,300
ED05-077.05-01-02.00	112	FULTON ST	WESLEY COLLEGE	14,604,300
ED05-067.20-01-79.00	308	N QUEEN ST	WESLEY COLLEGE INC	82,900
ED05-077.05-01-14.00	119	W DIVISION ST	WESLEY COLLEGE INC	63,900
ED05-067.20-01-77.00	308	N QUEEN ST	WESLEY COLLEGE INC	425,500
ED05-077.05-01-38.00	44	N STATE ST	WESLEY COLLEGE INC	379,500
ED05-076.08-05-51.00	18	N GOVERNORS AVE	WESLEY COLLEGE INC	36,200
ED05-077.05-01-16.00	2	N BRADFORD ST	WESLEY COLLEGE INC	209,300
ED05-068.13-01-02.00		N STATE ST	WESLEY METHODIST CHURCH	771,900
ED05-076.12-04-23.00		S QUEEN ST	WESLEY METHODIST CHURCH	524,300
ED05-077.09-05-04.01		S STATE ST	WESLEY METHODIST CHURCH	5,200
ED05-077.09-05-07.00	11	E NORTH ST	WESLEY UM CHURCH TRUSTEES	146,100
ED05-077.09-05-08.00	15	E NORTH ST	WESLEY UNITED METHODIST CHURCH	466,600
ED05-067.17-04-69.00		ARBOR DR	WESTFIELD MAINTENANCE CORP	45,600
ED05-067.17-04-67.00		ARBOR DR	WESTFIELD MAINTENANCE CORP	115,400
ED05-076.09-02-39.00		TRAFALGAR DR	WESTOVER LLC	30,600
ED05-076.10-02-87.00		TRAFALGAR DR	WESTOVER LLC	732,500
ED05-076.10-02-89.00		TRAFALGAR DR	WESTOVER LLC	11,800
ED05-076.13-03-33.00		CHARRING CROSS DR	WESTOVER LLC	176,700
ED05-067.19-02-11.00	992	WHATCOAT VILLAGE DR	WHATCOAT COMMUNITY DEV INC	4,186,800
ED05-067.19-02-10.00	341	SAULSBURY RD	WHATCOAT METHODIST CHURCH	4,346,500
ED05-068.17-01-32.00		RODNEY RD	WHATCOAT METHODIST CHURCH	144,900
ED05-067.19-02-03.00		WALKER RD	WHATCOAT UNITED METHODIST CHUR	8,700
ED05-057.00-01-46.01	3282	N DUPONT HWY	WILMINGTON UNIVERSITY	6,247,700

Approved Properties for Council Review

PARCEL NUMBER	#	STREET	OWNER	VALUE
ED05-057.00-01-46.00	3282	N DUPONT HWY	WILMINGTON UNIVERSITY	12,237,700
ED05-077.17-05-01.00	1137	S STATE ST	Y M C A OF DELAWARE	3,222,400
ED05-067.18-02-01.00	825	KENTON RD	YOUNG MENS CHRISTIAN ASSOC	1,366,800

Denied Properties for Council Review

PARCEL NUMBER	#	STREET	OWNER	VALUE	TAX
ED05-078.00-01-08.01	PAR 3	S LITTLE CREEK RD	BAYHEALTH MEDICAL CENTER INC	$229,500	$929.48
ED05-078.00-01-08.02	PAR 2	HORSEPOND RD	BAYHEALTH MEDICAL CENTER INC	$134,200	$543.51
ED05-077.00-03-05.00	801	KRISKO CIR	DELAWARE SOLID WASTE AUTHORITY	$442,100	$1,790.51
ED05-077.00-03-04.00	601	KRISKO CIR	DELAWARE SOLID WASTE AUTHORITY	$387,900	$1,571.00
ED05-057.11-01-44.00	22	GRISTMILL RD	DELAWARE STATE HOUSING AUTHORITY	$138,600	$561.33
ED05-087.00-01-06.01		DAFB	DOVER FEDERAL CREDIT UNION	$825,000	$3,341.25
ED05-068.10-01-36.00	796	MILLER DR	WHATCOAT UNITED METH CHURCH	$209,300	$847.67
ED05-077.13-01-30.05	793	S QUEEN ST	CENTRAL DE ONCOLOGY CENTER INC	$1,500,500	$6,077.03
ED05-087.00-01-05.00	LAND	HORSEPOND RD	JJ & B ENTERPRISES GP	$259,900	$1,052.60
ED05-076.08-01-44.00		FULTON ST	SOUTHERN STATES COOP INC	$24,100	$97.61
ED05-086.05-01-15.00	1156	GOVERNORS	PILGRIM HOLINESS CHURCH	$163,600	$662.58
ED05-076.08-01-32.00	801	W DIVISION ST	AID IN DOVER INC	$279,500	$1,131.98
ED05-076.08-01-34.00	731	W DIVISION ST	AID IN DOVER INC	$87,900	$356.00
ED05-076.08-01-43.00		S WEST ST	PENNSYLVANIA LINES LLC	$50,700	$205.34
ED05-077.09-03-13.00	402	S NEW ST	DOVER HOUSING AUTHORITY	$40,400	$163.62
ED05-077.05-03-14.00	13	S NEW ST	DOVER HOUSING AUTHORITY	$10,700	$43.34
ED05-076.06-08-25.01		N CAROLINE PL	GILMAN HOMES INC	$33,300	$134.87
				$4,817,200	$19,509.66

City of Dover

Memorandum

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

To: Mayor and City Council

From: Donna Mitchell, Acting City Manager

Date: May 16, 2017

Subject: Semi-Annual Inspection – Robbins Hose Company

In accordance with Section 46-43 of the City Code, the Acting City Manager performed the required semi-annual inspection of the Dover Fire Department on Tuesday, April 25, 2017 at 1:00 p.m. with Chief Carleton Carey, Jr., Mr. Ronald Rhodes and Mr. Carter Knotts, Fire Chief's Assistant. This inspection was held at Robbins Hose Station No. 1. Station No. 2 will be included in the next inspections. The following items were discussed:

1) The roof at Station # 1 – Chief Carey had previously indicated the roof has not leaked in 2016. In 2017 leaks have appeared in the communications center. The day of my visit was a rainy day and I was able to see a leak first hand in the communication center. The fire department will be addressing this leak.

2) The Fire Department is requesting the replacement of Engine #7. The Engine replacement is included in the Fiscal Year 2018 Draft Budget.

3) Station No. 1 and all apparatus inspected were well maintained in appearance and condition.

4) All vacant positions are now filled.

The Officers and staff of the Robbins Hose Company were extremely helpful with their assistance in my understanding of the operations and service provided to our community through their volunteer members. Knowing they have the City's support is both meaningful and appreciated. Please feel free to contact me if you have any questions or concerns.

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

CABLE FRANCHISE AGREEMENT

BETWEEN

CITY OF DOVER

AND

COMCAST OF DELMARVA, LLC

With assistance from:

Cohen Law Group
413 S. Main Street - Third Floor
Pittsburgh, PA 15215
Phone: (412) 447-0130
www.cohenlawgroup.org

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CABLE FRANCHISE AGREEMENT

This Cable Franchise Agreement (hereinafter referred to as the "Agreement") is executed as of the 22nd day of May, 2017 (hereinafter referred to as the "Effective Date" by and between the City of Dover, a municipality located in Kent County, Delaware (hereinafter referred to as the "City") and Comcast of Delmarva, LLC (hereinafter referred to as "Comcast").

WHEREAS, pursuant to Title VI of the Communications Act of 1934, as amended, the regulations of the Federal Communications Commission (hereinafter referred to as the "FCC") and Delaware law, the City is authorized to grant and renew franchises to construct, operate and maintain a Cable System utilizing Public Rights-of-Way and properties within the City's jurisdiction; and

WHEREAS, Comcast currently holds a cable franchise from the City by virtue of a cable franchise agreement dated July 9, 1996, originally granting a cable franchise to Comcast Cablevision of Delmarva, Inc. d/b/a Comcast Cablevision; and

WHEREAS, Comcast has requested that the City renew Comcast's franchise to maintain, construct, operate, and maintain its Cable System over, under and along the aforesaid Public Rights-of-Ways for the delivery of Cable Services to the City's residents; and

WHEREAS, the aforesaid Public Rights-of-Way used by Comcast are public properties acquired and maintained by the City on behalf of the citizens of the City, and the right to use said rights-of-way is a valuable property right; and

WHEREAS, the City desires to protect and manage the aforesaid Public Rights-of-Way, establish standards of Subscriber service, cultivate a technologically advanced Cable System, receive Franchise Fees for Comcast's use of the City's Public Rights-of-Ways as provided by federal law, obtain the use of an educational and governmental channel, establish certain reporting requirements, obtain certain complimentary services, provide legal protections for the City, and meet the current and future cable-related needs of its residents; and

WHEREAS, the City held a public hearing on the subject of cable franchise renewal, including reviewing the cable operator's past performance and identifying the City's future cable-related community needs; and

WHEREAS, the City has determined that this Agreement and the process for consideration of this Agreement complies with all applicable federal, state and local laws and regulations; and

WHEREAS, the City has determined that Comcast has the financial, legal and technical ability to provide Cable Services to Subscribers located in the City; and

WHEREAS, the City, after affording the public notice and opportunity for comment, has determined that the public interest would be served by renewing Comcast's franchise according

to the terms and conditions contained herein;

NOW THEREFORE, in consideration of the mutual promises contained herein and intending to be legally bound hereby, the City and Comcast agree as follows:

SECTION 1
DEFINITIONS

The following terms used in this franchise shall have the following meanings:

(a) Affiliated Entity - Any person(s) and or entity(ies) who own or control, are owned or controlled by or are under common ownership or control with Comcast (as defined herein) but does not include affiliates that are not involved with the use, management, operation, construction, repair and/or maintenance of Comcast Corporation's cable systems.

(b) Basic Service - The service tier that includes at least the retransmission of local broadcast television signals.

(c) Cable Act - Title VI of the Communications Act of 1934, as amended by the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competitive Act of 1992 and the Telecommunications Act of 1996, as it may, from time to time, be further amended.

(d) Cable Service - The one-way transmission to Subscribers of video programming or other programming service and Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

(e) Cable System - A facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes video programming and which is provided to multiple Subscribers within the City but such term does not include (1) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (2) a facility that serves Subscribers without using any public right-of-way; (3) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act, except that such facility shall be considered a Cable System (other than for purposes of Section 621 of the Cable Act) to the extent that facility is used in the transmission of video programming directly to Subscribers unless the extent of that use is solely to provide interactive on-demand services; (4) an open video system that complies with Section 653 of the Cable Act; or (5) any facilities of any electric utility used solely for operating its electric utility systems.

(f) Channel - A portion of the electromagnetic frequency spectrum which is used in a Cable System and which is capable of delivering a television channel as television channel is defined by FCC regulation.

(g) Complaint - Any written (including electronic) or oral communication by a Subscriber expressing dissatisfaction with Comcast's operation of its Cable System to provide Cable Service that is within Comcast's control and requires a corrective measure on the part of Comcast.

(h) Communications Act - The Federal Communications Act of 1934, as amended, and as it may, from time to time, be further amended.

(i) Drop - The coaxial or fiber optic or other cable that connects a home or building to the Cable System.

(j) Educational and Governmental (EG) Access Channel - An access channel that consists of non-commercial local public, educational and/or governmental programming.

(l) Emergency - A condition that either (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public; or (2) has caused or is likely to cause the Cable system in the Public Rights-of-Way to be unusable and result in loss of the services provided.

(m) FCC - Federal Communications Commission.

(m) Force Majeure - Acts of God; acts of public enemies, including terrorist attacks; orders of any kind of the government of the United States of America or the State of Delaware or any of their departments, agencies, political subdivisions, or officials, or any civil or military authority; insurrections; riots; labor strikes; epidemics; landslides; lightning; earthquakes; fires; hurricanes; volcanic activity; storms; floods; washouts; droughts; explosions; unavailability of materials or equipment; partial or entire failure of utilities, or other event that is reasonably beyond the Franchisee's ability to anticipate or control.

(n) Franchise - The authorization granted by the City to construct, operate and maintain a Cable System within the corporate limits of the City as embodied in the terms and conditions of this Agreement.

(o) Franchise Fee - The fee that Comcast remits to the City for the use of the City's Public Rights-of-Way pursuant to Section 622 of the Cable Act, 47 U.S.C. §542, and Section 6.1 of this Agreement.

(p) Gross Revenues - All revenue received by Comcast or its Affiliated Entities arising from, attributable to, or in any way derived from the operation of Comcast's Cable System in the City to provide Cable Services. Gross Revenues shall include, but are not limited to, the following:

(1) Basic Service fees;
(2) fees charged to Subscribers for any Cable service tier other than Basic Service;
(3) fees charged for premium Cable services;
(4) fees for all digital video tiers;

(5) fees for video-on-demand;
(6) fees charged to Subscribers for any optional, per-channel or per-program Cable services;
(7) revenue from the provision of any other Cable Services;
(8) charges for installation, additional outlets, relocation, disconnection, reconnection and change-in-service fees for Cable Service;
(9) fees for changing any level of Cable Service programming;
(10) fees for service calls on Cable Services;
(11) inside wire maintenance fees for Cable Services;
(12) service plan protection fees on Cable Service;
(13) convenience fees related to Cable Service;
(14) early termination fees on Cable Services;
(15) fees for Leased Access Channels;
(16) charges based on the sale or lease of any portion of the Cable System for Cable Service;
(17) rental or sales of any and all Cable Service equipment, including converters and remote control devices;
(18) any and all locally-derived advertising revenues;
(19) revenues or commissions from locally-derived home shopping channels;
(20) revenue from interactive Cable Services;
(21) broadcast retransmission fees;
(22) late payment fees on Cable Services;
(23) billing and collection fees on Cable Services;
(24) NSF check charges on Cable Services; and
(25) Franchise Fees

Gross Revenues shall not include bad debts, program launch fees, investment income, refunded deposits, or any taxes on services furnished by Comcast and imposed directly upon any Subscriber or user by the City, state, federal or other governmental unit. In the event of any dispute over the classification of revenue, the City and Comcast agree that reference should be made to generally accepted accounting principles ("GAAP") as promulgated and defined by the Financial Accounting Standards Board ("FASB").

(q) HD - High definition format.

(r) Leased Access - Any channel on Comcast's Cable System designated for leased access use pursuant to the Cable Act.

(s) Multiple Dwelling Units or MDU's - Any building, buildings or area occupied by dwelling units, appurtenances thereto, grounds and facilities, which dwelling units are intended or designed to be owned, occupied or leased for occupation, or actually occupied, as individual homes or residences for three (3) or more households.

.

(t) Normal Business Hours - Those hours during which most similar businesses in the community are open to serve Subscribers. In all cases, "Normal Business Hours" must include some evening hours at least one night per week and/or some weekend hours.

(u) Normal Operating Conditions - Business conditions within Comcast's service department which are within the control of Comcast. Those conditions that are not within the control of Comcast include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages and severe or unusual weather conditions or other conditions of Force Majeure.

(v) Outlet - An interior receptacle that connects a television set or receiver to the Cable System.

(w) Public Rights-of-Way - The surface and the area across, in, over, along, under and upon the public streets, roads, lanes, avenues, alleys, sidewalks, bridges, highways and other rights-of-way, as the same now or may thereafter exist, which are under the jurisdiction or control of the City.

(x) Programming - Any video or audio signal carried over the Cable System that is generally considered comparable to programming provided by a television broadcast station.

(y) Service Interruption - The loss of picture or sound on one or more channels.

(z) Subscriber - A person or entity who contracts with Comcast for, and lawfully receives, Cable Services distributed by the Cable System.

SECTION 2
GRANT OF FRANCHISE

2.1 GRANT OF AUTHORITY

Pursuant to the Cable Act, the regulations of the FCC and Delaware law, the City hereby grants a non-exclusive and revocable franchise to Comcast. Subject to the terms and conditions contained herein, the City hereby grants to Comcast the authority to, construct, extend, install, operate, maintain, upgrade and rebuild a Cable System, including such wires, cables, fiber, conductors, ducts, conduits, amplifiers, pedestals, attachments and other equipment as is necessary and appropriate to the operation of the Cable System in the Public Rights-of-Way, including property over which the City has a sufficient easement or right-of-way, for the purpose of reception, transmission, amplification, origination, distribution or redistribution of video and audio signals to provide Cable Services as permitted by applicable law.

2.2 TERM OF FRANCHISE

The term of this Agreement shall be for a period of ten (10) years commencing on the effective date and expiring on May 22, 2027 unless the Franchise is terminated prior to the expiration date in accordance with the terms and conditions of this Agreement.

2.3 REPRESENTATIONS AND WARRANTIES

(a) Comcast represents, warrants and acknowledges that, as of the effective date:

(1) Comcast is duly organized, validly existing and in good standing under the laws of the State of Delaware;

(2) Comcast has the requisite power and authority under applicable law and its by-laws and articles of incorporation and/or other organizational documents, is authorized by resolutions of its Board of Directors or other governing body, and has secured all consents which are required to be obtained as of the Effective Date, to enter into and legally bind Comcast to this Agreement and to take all actions necessary to perform all of its obligations pursuant to this Agreement;

(3) This Agreement is enforceable against Comcast in accordance with the provisions herein, subject to applicable State and federal laws and regulations;

(4) There is no action or proceeding pending or threatened against Comcast which would interfere with its performance or its ability to perform the requirements of this Agreement;

(5) Pursuant to Section 625(f) of the Cable Act, as of the Effective Date, the performance of all terms and conditions in this Agreement is commercially practicable.

2.4 NON-EXCLUSIVITY

This Franchise granted to Comcast shall be non-exclusive. Nothing in this Agreement shall affect the right of the City to grant other Franchises to construct, operate or maintain a Cable System.

2.5 FRANCHISE SUBJECT TO FEDERAL, STATE AND LOCAL LAWS

This Franchise is subject to and shall be governed by all lawful and applicable provisions of federal, state and generally applicable local laws and regulations. This Franchise is further subject to all generally applicable ordinances and resolution of the City. Without waiving any of its rights, the City agrees that, to the extent any term of this Agreement is inconsistent with the terms of any City cable franchise ordinance existing as of the Effective Date, this Agreement shall control.

2.6 COMPETITIVE EQUITY

(a) Comcast acknowledges and agrees that the City reserves the right to grant one or more additional franchises to construct, operate, and maintain a Cable System within the City.

(b) The franchise granted to Comcast is non-exclusive; however, if the City grants a subsequent franchise, or other authorization to provide similar wired video services, that, when taken as a whole upon consideration of all of its material obligations, is more favorable or less

burdensome to the subsequent franchisee than this Agreement is to Comcast, then Comcast may request an amendment to this Agreement to provide Comcast with competitive equity. If the City agrees with Comcast that, when taken as a whole upon consideration of all of its material obligations, the subsequent franchise, or other authorization to provide wired video services, is more favorable or less burdensome, then the City and Comcast shall enter into discussions in order to modify this Agreement to the mutual satisfaction of both parties to provide Comcast with such competitive equity. If the City disagrees with Comcast that, when taken as a whole upon consideration of all of its material obligations, the subsequent Franchise, or other authorization, is more favorable or less burdensome, Comcast may elect to shorten the remaining term of this Agreement to not more than thirty-six (36) months and shall be deemed to have timely invoked the formal renewal rights and procedures set forth in §626 of the Federal Cable Act.

(c) In the event an application for a new franchise for Cable Service, or other authorization to provide similar wired video services, is submitted to the City proposing to serve Subscribers within the City, then the City shall notify Comcast in writing of the submission of the application.

SECTION 3
SYSTEM CONSTRUCTION, OPERATION AND MAINTENANCE

3.1 TECHNICAL REQUIREMENT

(a) Comcast shall operate, maintain, construct and extend the Cable System so as to offer Cable Services throughout all parts of the City where the density requirements of Section 3.2 are met. The Cable Service provided by the Cable System shall be delivered in accordance with applicable FCC standards and the Cable Act. The Cable System shall meet or exceed any and all applicable technical performance standards of the FCC, the National Electrical Safety Code, the National Electric Code and any other applicable federal laws and regulations and the laws, ordinances and construction standards of the State of Delaware and the generally applicable laws, ordinances and construction standards of the City.

(b) Stand-by power at the headend(s) shall be provided in the event of a service interruption. Stand-by power must activate automatically upon the failure of commercial utility power.

3.2 AREA TO BE SERVED

(a) Subject to the density requirements herein, Comcast shall make Cable Service available to every residential dwelling occupied by a person requesting Cable Service provided that Comcast is able to obtain from the property owners any necessary easements and/or permits in accordance with Section 621(a)(2) of the Cable Act. Comcast shall extend the Cable System into all areas within the City where there is a minimum of twenty-five (25) dwelling units per linear plant mile of aerial cable and fifty (50) dwelling units per underground mile of cable, calculated from the nearest point of the Cable System trunk or feeder line from which a usable

cable signal can be obtained. For purposes of this section, a home shall only be counted as a "dwelling unit" if such home is within four hundred (400) feet of the public right of way. Comcast shall complete said extensions within one (1) year of written notification to Comcast by the City and verification by Comcast that an area has met the minimum density standard set forth herein (weather permitting). Comcast's obligation hereunder shall be subject to the timely performance of walk-out, make ready and location of all underground utilities.

(b) Any dwelling unit within one hundred twenty-five (125) feet aerial distance from the main distribution line shall be entitled to a standard installation rate. For any dwelling unit in excess of one hundred twenty-five (125) feet aerial distance or that requires an underground installation, Comcast shall extend cable service and the subscriber shall pay Comcast's actual cost of installation from its main distribution system.

(c) The City has the authority to require Comcast to place wires and/or equipment underground, provided that the City imposes such requirement on all similarly situated entities. All installations of wires and/or equipment by Comcast shall be underground in those areas of the City where the wires and/or equipment of similarly situated entities (i.e. telephone and electric utilities) are underground; provided, however, that such underground locations are capable of accommodating Comcast's facilities without technical degradation of the Cable System's signal quality. Comcast shall not be required to construct, operate, or maintain underground any ground-mounted appurtenances such as Subscriber taps, line extenders, system passive devices, amplifiers, power supplies, or pedestals.

In the event that public or private funds are made available to pay for such project, to the extent other users of the Public Right-of-Way are so notified the City shall notify Comcast that such funds are available and Comcast may apply or request that the City apply for such funds. In the event that Comcast is required to place existing aerial plant underground, Comcast reserves its right to pass those costs through to Subscribers if and to the extent allowed by applicable law.

(d) Comcast may refuse to provide Service to any Person for demonstrable reasonable cause.

3.3 CABLE SYSTEM SPECIFICATIONS

(a) Comcast has designed, constructed and shall maintain a Cable System with the capability to provide no fewer than one hundred fifty (150) video channels and shall allocate a sufficient portion of said bandwidth to deliver two-way Cable Services. The cable system shall be capable of providing high definition (HD) video signals and video-on-demand.

(b) Comcast reserves the right to alter, adjust, modify, rebuild, upgrade, redesign, or otherwise reconfigure the Cable System at any time during the term of the Agreement, provided that no alteration, adjustment, modification, rebuild, upgrade, redesign or other reconfiguration of the Cable System shall have the effect of reducing the technical capabilities of the Cable System as set forth in Section 3.1.

3.4 SYSTEM TESTS

(a) Comcast shall conduct required proof of performance and other system tests as set forth below. Comcast shall retain written reports of the results of any tests required by the FCC, and such reports shall be submitted to the City within thirty (30) days of a written request from the City; provided, however, that Comcast shall not be required to submit such reports more than one (1) time in any calendar year.

(b) Comcast shall perform the following tests on its Cable System:

(1) All tests required by the FCC; and

(2) All other FCC tests reasonably necessary to determine compliance with technical standards adopted by the FCC in response to Subscriber Complaints.

(c) The rights and obligations of the City and Comcast under this Section shall at all times be subject to applicable federal law and FCC regulation.

3.5 EMERGENCY ALERT SYSTEM

Comcast shall comply with the Emergency Alert System requirements of the FCC.

3.6 RATE DISCRIMINATION

In accordance with applicable law, all rates for Subscriber services shall be published and non-discriminatory. Nothing in this Agreement shall be construed to prohibit the reduction or waiver of charges in conjunction with promotional campaigns for the purpose of attracting or maintaining Subscribers.

3.7 SERVICES FOR SUBSCRIBERS WITH DISABILITIES

Comcast shall comply with all applicable federal regulations, including the Communications Act of 1934, as amended, that ensure the provision of Cable Services and related equipment are accessible to and usable by persons with disabilities, if readily achievable.

3.8 SERVICE TO MULTIPLE DWELLING UNITS ("MDU's")

Comcast and the City hereto acknowledge and agree that installation and provision of Cable Service to MDU's are subject to a separate negotiation between the landlord, owner or governing body of any such MDU and Comcast, which negotiations shall be conducted in accordance with the procedures set forth in the Cable Act, as amended, applicable FCC regulations, and applicable Delaware Landlord Tenant Code.

3.9 REPAIRS AND RESTORATION

(a) Whenever Comcast or any of its agents, including any contractor or subcontractor, takes up or disturbs any pavement, sidewalk or other improvement of any public

property, the same shall be replaced and the surface restored in as reasonably good condition as before the disturbance within twenty (20) business days of the completion of the disturbance, weather permitting. Upon failure of Comcast to comply within the time specified and the City having notified Comcast in writing of the restoration and repairs required, the City may cause proper restoration and repairs to be made and the expense of such work shall be paid by Comcast upon demand by the City.

(b) Whenever Comcast or any agent, including any contractor or subcontractor, shall install, operate or maintain equipment, cable, or wires, it shall avoid damage and injury to property, including structures, improvements and trees in and along the routes authorized by the City if required for the proper installation, operation and maintenance of such equipment, cable, or wires. Comcast shall promptly repair and restore, to a condition as reasonably good as before any disturbance, any public or private property that is damaged as a result of construction, installation, repair or maintenance of the Cable System within twenty (20) business days, weather permitting.

(c) Comcast's operation, construction, repair and maintenance personnel, including all contractors and subcontractors, shall be trained in the use of all equipment and the safe operation of vehicles. Such personnel shall follow all safety procedures required by all generally applicable federal, state and local laws and regulations. All areas of the Cable System shall be inspected in accordance with such generally applicable federal, state and local laws and regulations so as to prevent hazardous conditions or risks to safety for the public and/or operating and maintenance personnel. Comcast shall install and maintain its wires, cables, fixtures, and other equipment in such a manner as shall not interfere with any installations of the City or any public utility serving the City.

(d) Should a public safety emergency occur as a result of, incident to, or connected with operation, construction, repair, or maintenance activities by Comcast personnel, including all contractors and subcontractors, then such personnel shall immediately contact the applicable public safety emergency dispatcher (e.g. 9-1-1).

(e) Whenever Comcast or any agent, including any contractor or subcontractor, shall disturb any pavement, sidewalk or other public property in order to perform any underground activity, it shall utilize the Miss Utility System prior to any such disturbance. Comcast shall adhere to any additional undergrounding requirements which the State may establish in the future. Comcast shall adhere to all requirements of the Delaware Underground Utility Damage Prevention and Safety Act.

(f) All structures and all lines, equipment and connections in, over, under, and upon streets, sidewalks, alleys, and public and private ways and places of the City, wherever situated or located, shall at all times be kept and maintained in a safe and suitable condition and in good order and repair.

3.10 SERVICE AREA MAPS

Upon written request, Comcast shall provide to the City for its exclusive use and shall maintain at its local offices a complete set of Comcast service area strand maps of the City on which shall be shown those areas in which its facilities exist and the location of all streets. The strand maps shall be provided to the City in hardcopy and also, if requested and available, in an electronic GIS format which is compatible with the City's GIS format. The strand maps shall also designate where the cable wires and other equipment are aerial and where they are underground. Comcast shall provide the City with updated maps within thirty (30) days after any written request by the City.

3.11 DISCONNECTION AND RELOCATION

(a) Comcast shall, at no cost to the City, protect, support, temporarily disconnect, relocate in the same street, or other public way and place, or remove from any street or any other public way or place, any of its property as required by the City or its designee by reason of traffic conditions, street construction, change or establishment of street grade, site distance visibility, the construction of any public improvement or structure, or any other reason related to public health, safety and welfare.

(b) In requiring Comcast to protect, support, temporarily disconnect, relocate or remove any portion of its property, the City shall treat Comcast the same as, and require no more of Comcast than, any similarly situated entity. Comcast shall have the right to seek reimbursement under any applicable insurance or government program for reimbursement.

3.12 EMERGENCY REMOVAL OF EQUIPMENT

(a) If, at any time, in case of fire or other disaster in the City, it shall be necessary, in the reasonable judgment of the City or its agent, to cut or move any of the wires, cable or equipment of the Cable System, the City shall have the right to do so without cost or liability, provided that, wherever possible, the City shall give Comcast notice and the ability to relocate wires, cable or other equipment. The City shall use reasonable efforts to minimize the impact on Comcast's facilities related to any emergency removal.

(b) In cutting or moving any of the wires, cable or equipment of the Cable System in the event of fire or other disaster, the City shall treat Comcast the same as, and require no more of Comcast than, any other similarly situated entity. Comcast shall have the right to seek reimbursement under any applicable insurance or government program for reimbursement.

3.13 TREE TRIMMING

(a) Comcast, or its agents, including contractors and subcontractors, shall have the authority to trim trees upon and overhanging the Public Rights-of-Way so as to prevent the branches of such trees from coming in contact with the wires, cables, or other equipment of Comcast. Any such tree trimming shall only be performed in accordance with applicable laws and regulations.

(b) If Comcast or its agents, including contractors and subcontractors, wish to cut down and remove any tree or trees as may be necessary for the installation and/or maintenance of its equipment, it shall apply to the City for permission with the exception of Emergency situations as defined in Section 1(k), and if permission is granted, shall perform such cutting and removal in accordance with the regulations of the City.

3.14 CHANNEL CAPACITY

Comcast shall meet or exceed programming and channel capacity requirements set forth in Section 3.15 of this Agreement and required by applicable federal law and regulations.

3.15 BROADCAST CHANNELS

To the extent required by federal law, Comcast shall provide all Subscribers with the most basic tier of Service including, but not limited to: a) all broadcast television signals carried in fulfillment of the requirements of Section 614 of the Cable Act; b) the signals of any qualified non-commercial educational television signals carried in fulfillment of the requirements of Section 615 of the Cable Act; and c) any Educational and Governmental Channel pursuant to Section 611 of the Cable Act. All such signals shall be delivered to Subscribers in accordance with applicable FCC technical specifications.

3.16 PROGRAMMING CATEGORIES

In accordance with applicable law, Comcast shall provide broad categories of video programming on the Cable System.

3.17 SIGNAL SCRAMBLING

Comcast shall at all times comply with FCC regulations regarding scrambling or other encryption of audio and video signals.

3.18 CONTINUITY OF SERVICE

Subscribers shall continue to receive Cable Service from Comcast provided their financial and other obligations to Comcast are honored. Subject to Force Majeure provisions in Section 9.1, Comcast shall use its best efforts to ensure that all Subscribers receive continuous, uninterrupted service regardless of the circumstances. For the purpose of construction, routine repairing or testing of the Cable System, Comcast shall use its best efforts to interrupt service only during periods of minimum use. When there are planned service interruptions of more than twenty-four (24) hours, Comcast shall notify Subscribers in advance of such service interruption along with providing Subscribers with a pro-rata credit for the time of such service interruption.

3.19 PARENTAL CONTROL CAPABILITY

Comcast shall comply with Section 641 of the Cable Act.

SECTION 4
SUBSCRIBER SERVICE STANDARDS

4.1 OFFICE HOURS AND TELEPHONE AVAILABILITY

(a) In accordance with applicable law, Comcast's service centers shall be conveniently located and shall be open during Normal Business Hours.

(b) Comcast shall provide and maintain a toll free telephone access line that will be available to Subscribers twenty-four (24) hours a day, seven (7) days a week. Trained representatives shall respond to Subscriber telephone inquiries during Normal Business Hours. After Normal Business Hours, the access line may be answered by a service or an automated response system. Inquiries received after Normal Business Hours must be responded to by a trained company representative on the next business day.

(c) Under Normal Operating Conditions and during Normal Business Hours, telephone answering time by a Subscriber representative, including wait time, shall not exceed thirty (30) seconds after the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety percent (90%) of the time, measured on a quarterly basis. Under Normal Operating Conditions, the Subscriber shall receive a busy signal less than three percent (3%) of the time.

(d) Comcast will not be required to acquire or perform surveys to measure compliance with the telephone answering standards above unless an historical record of Complaints indicates a clear failure to comply. If the City determines, after receiving Complaints itself and/or receiving a record of Complaints made to Comcast in accordance with Sections 4.5 and/or 5.7(a), that there is a clear failure to comply with the telephone answering requirements above, the City shall notify Comcast in writing that it must measure its compliance with these requirements for the next ninety (90) days and report to the City with its results.

4.2 INSTALLATIONS AND SERVICE CALLS

(a) Comcast shall maintain a staff of employees sufficient to provide adequate and prompt service to its Subscribers. Comcast shall require that any employee or agent, including any subcontractor, who personally visits any residential dwelling, shall display a photo identification badge. Any vehicle used for installation, operation or maintenance activities by any Comcast employee or agent, including any subcontractor, shall prominently display the Company logo or sufficient markings identifying it.

(b) Standard installations will be performed within seven (7) business days after an order has been placed. "Standard" installations are those aerial installations that are located up to one hundred twenty-five (125) feet from the existing main distribution line.

(c) Upon scheduling of appointments with the Subscriber for installations, service calls and other activities, Comcast shall provide the Subscriber with either a specific time or an

"appointment window" of a maximum of four (4) hours during Normal Business Hours. Comcast may schedule service calls and installation activities outside of Normal Business Hours at a time that is convenient for the Subscriber.

(d) Comcast may not cancel an appointment with a Subscriber after the close of business on the business day prior to the scheduled appointment. If, at any time, an installer or technician is running late, an attempt to contact the Subscriber must be made prior to the time of the appointment. If the appointment must be rescheduled, it must be done so at a time that is convenient for the Subscriber.

4.3 NOTICES

(a) Comcast shall provide written notice to each Subscriber upon initial subscription, at intervals not less than one (1) per year thereafter to each Subscriber and at any time upon request, regarding each of the following areas:

(1) Products and services offered;

(2) Prices and options for programming services and conditions of subscription to programming and other services;

(3) Channel positions of programming carried on the Cable System;

(4) Installation and service maintenance policies;

(5) Instructions on how to use the Cable Service;

(6) Billing and Subscriber complaint procedures;

(7) Comcast's address, telephone number and office hours; and

(8) A notice of Subscriber privacy rights as required by federal law.

(b) In accordance with applicable law, Comcast shall notify Subscribers and the City in writing of any changes in rates, programming services or channel positions a minimum of thirty (30) days in advance of such changes provided that such change is within the control of Comcast. Comcast shall not be required to provide prior notice to Subscribers of any rate change that is the result of a regulatory fee, Franchise Fee or any other fee, tax, assessment or charge of any kind imposed by any federal agency, the State of Delaware or the City on the transaction between Comcast and the Subscriber.

4.4 BILLING

(a) Bills shall be clear, concise and understandable. Bills must be fully itemized, and shall include all applicable service tiers, equipment charges and any installation or repair

charges. Bills shall state the billing period, including an effective due date, the amount of current billing and any relevant credits or past due balances.

(b) Comcast shall not assess late fees for non-payment of a current bill until at least twenty (20) days have elapsed since the mailing of the bill by Comcast.

(c) The City hereby requests that Comcast omit the City's name, address, and telephone number from Subscriber bills as permitted by 47 C.F.R. § 76.952.

4.5 SUBSCRIBER COMPLAINT PROCEDURES

Comcast shall establish clear written procedures for resolving all Subscriber Complaints, which shall include at least the following:

(a) Comcast shall provide the Subscriber with a written response to a written Complaint within thirty (30) days of its receipt at the local business office. Such response shall include the results of its inquiry into the subject matter of the Complaint, its conclusions based on the inquiry, and its decision in response to the Complaint.

(b) If the City is contacted directly about a Subscriber Complaint, it shall notify Comcast promptly and in writing. When Comcast receives such notification, the time period for Comcast to respond as required by Section 4.5(a) shall commence. If the City notifies Comcast in writing, then Comcast shall respond in writing within the time period specified in Section 4.5(a).

(c) Any Subscriber who, in good faith, disputes all or part of any bill sent by Comcast has the option of withholding the disputed amount, without a late fee or disconnection, until Comcast has investigated the dispute in good faith and has made a determination that the amount is owed provided that:

(1) The Subscriber provides a written Complaint to Comcast in a timely fashion and includes identifying information;

(2) The Subscriber pays all undisputed charges; and

(3) The Subscriber cooperates in determining the appropriateness of the charges in dispute.

(4) It shall be within Comcast's sole discretion to determine when the dispute has been resolved.

(d) Comcast shall maintain Subscriber Complaint records for inspection by the affected Subscriber, which shall contain the date each Complaint is received, the name and address of the affected Subscriber, a description of the Complaint, the date of resolution of the Complaint, and a description of the resolution.

4.6 DISCONNECTION

Comcast may disconnect or terminate a Subscriber's service for cause:

(a) If at least thirty (30) days have elapsed from the due date of the bill that Subscriber has failed to pay; and

(b) If Comcast has provided at least ten (10) days' notice to the affected Subscriber prior to disconnection, specifying the effective date after which Cable Services are subject to disconnection. Said notice may be part of a bill; and

(c) If there is no pending written dispute with Comcast regarding the bill; or

(d) If at any time and without notice, Comcast determines in good faith that Subscriber has tampered with or abused Comcast's equipment or service or is engaged in theft of Cable Service or has exhibited violent or threatening behavior toward its employees.

4.7 SERVICE INTERRUPTIONS

(a) Excluding conditions beyond its control, Comcast shall begin working on a Service Interruption promptly and in no event later than twenty-four (24) hours after the interruption becomes known and shall pursue to completion. Notice of a Service Interruption of a single Subscriber shall give rise to this obligation on behalf of Comcast. All other service calls not affecting public health, safety or welfare must be responded to within forty-eight (48) hours after notice to Comcast.

(b) In the event that there is a Service Interruption to any Subscriber for six (6) or more consecutive hours and upon receipt of written or credible oral request, Comcast shall grant such Subscriber a pro rata credit or rebate, on a daily basis, of that portion of the service charge during the next available billing cycle, or, at its option, apply such credit to any outstanding balance that is currently due.

4.8 PRIVACY

(a) Comcast shall at all times comply with the privacy provisions of Section 631 of the Cable Act and all other applicable federal and state privacy laws and regulations.

(b) Comcast shall at all times maintain adequate physical, technical and administrative security safeguards to ensure that personally-identifiable Subscriber information is handled and protected strictly in accordance with this policy and all applicable laws and regulations.

(c) Except as permitted by Section 631 of the Cable Act as amended, neither Comcast nor its designee nor its employees shall make available to any third party, including the City, information concerning the viewing habits or subscription package decisions of any individual Subscriber. If a court authorizes or orders such disclosure, Comcast shall notify the Subscriber

prior to disclosure, unless such notification is otherwise prohibited by applicable law or the court.

(d) Upon a request by a Subscriber, Comcast shall make available for inspection at a reasonable time and place all personal Subscriber information that Comcast maintains regarding said Subscriber. Comcast shall ensure that all information related to billing and service requests is accurate and up to date and shall provide subscribers with a reasonable opportunity to correct any errors upon discovery.

(e) Comcast shall not make its Subscriber list or lists, or any portion thereof, available to any other person or entity, with or without remuneration in conformance with Section 631 of the Cable Act.

(f) Nothing in this section is intended to prohibit the use of viewing or other information in a manner that complies with applicable privacy requirements, including Section 631 of the Cable Act, for the delivery of advanced services such as program recommendations, advertising, and interactivity features.

SECTION 5
REGULATION BY THE CITY

5.1 RIGHT TO INSPECT

(a) The City shall have the option, upon thirty (30) business days written notice and during Normal Business Hours, to inspect at the notice location for Comcast specified in Section 9.3, all documents, records and other pertinent information maintained by Comcast which relate to the terms and conditions of this Agreement and applicable law.

(b) In addition, Comcast shall maintain for inspection by the public and the City all records required by the FCC as specified in 47 C.F.R. § 76.305 in the manner specified therein.

(c) Upon thirty (30) days written request to Comcast, the City may inspect the Cable System at any time to ensure compliance with this Agreement and applicable law, including to ensure that the Cable System is constructed and maintained in a safe condition. The City may not conduct a physical inspection of the Cable System or open any vaults, pedestals or conduits without the express permission of Comcast. The City may not inspect the Cable System on Comcast's property other than for permitted work. If an unsafe condition is found to exist, the City, in addition to taking any other action permitted under applicable law, may order Comcast, in writing, to make the necessary repairs and alterations specified therein forthwith to correct the unsafe condition within a reasonable time established by the City.

(d) Notwithstanding anything to the contrary set forth herein, all information specifically marked by Comcast as proprietary or confidential in nature and furnished to the City or its designated representatives shall be treated as confidential by the Municipality so long as it is permitted to do so under applicable law. Representatives and/or agents and/or designees of the

City may be requested to execute a non-disclosure agreement prior to the provision by Comcast of certain confidential information provided such representatives and/or agents are permitted to do so under applicable law. The City and its officially designated representatives agree in advance to treat any such information or records which Comcast reasonably deems proprietary or confidential as confidential so long as permitted to do so under applicable law and only to disclose it to Municipal employees, agents, or representatives who have a need to know or in order to enforce the provisions of this Agreement. In the event a request is made by an individual or entity not an employee, agent or representative of the City acting in their official capacity, or in the event the City has in its possession or receives a request under a state "sunshine," public records, or similar law for information related to the Franchise and marked by Comcast as confidential and/or proprietary, the City shall notify Comcast of such request and take any necessary action to not prejudice Comcast's ability to oppose such request. Comcast shall not be required to provide Subscriber information in violation of Section 631 of the Cable Act, or information which is not relevant to regulation of the franchise (e.g.) employee files, tax returns, etc.)

5.2 RIGHT TO CONDUCT COMPLIANCE REVIEW

Not more than once every thirty-six (36) months during the term of this Agreement, the City or its representatives may conduct a full compliance review with respect to whether Comcast has complied with the material terms and conditions of this Agreement so long as it provides Comcast with thirty (30) days written notice in advance of the commencement of any such review or public hearing. Such notice shall specifically reference the section(s) or subsection(s) of the Agreement that is (are) under review, so that Comcast may organize the necessary records and documents for appropriate review by the City. Within thirty (30) days of a written request, Comcast shall provide the City with copies of records and documents reasonably related to the cable compliance review. The period for any such review shall be for not more than the twelve (12) months immediately previous to the notice. The City shall promptly inform Comcast of any non-compliance issues that result from the compliance review or shall promptly issue an affirmative letter as to Comcast's compliance with the terms and conditions of the Agreement.

5.3 RESERVED AUTHORITY

The City reserves the regulatory authority arising from the Cable Act and any other applicable federal or state laws or regulations. Nothing in this Agreement shall remove, restrict or reduce the City's authority, rights and privileges it now holds, or which hereafter may be conferred upon it, including any right to exercise its police powers in the regulation and control of the use of the Public Rights-of-Way.

5.4 POLICE POWERS

Comcast's rights under this Agreement are subject to the police powers of the City to adopt and enforce general laws and regulations necessary for the safety and welfare of the public. Such laws and regulations are separate and distinct from the terms and conditions contained in this Agreement. If the City's lawful exercise of its police powers materially alters the rights,

benefits, obligations, or duties of this Agreement, Comcast and City shall modify the provisions of this Agreement to minimize the negative effects on Comcast of the material alteration.

5.5 NO LIMITATION ON TAXING OR FEE AUTHORITY

Nothing in this section or in this Agreement shall be construed to limit the authority of the City to impose any tax, fee or assessment of general applicability. Such taxes, fees or assessments shall be in addition to Franchise Fees.

5.6 PERMITS

Comcast shall apply to the City for all generally-applicable required permits and shall not undertake any activities in the Public Rights-of-Way subject to a permit without receipt of such permit, the issuance of which shall not be unreasonably withheld by the City. Comcast shall not be required to obtain permits for Cable Service drops for individual Subscribers or for servicing or installation of pedestals or routine maintenance that does not disturb surface grade or impact vehicular traffic. Comcast shall pay any and all required permit fees.

5.7 REPORTING

In addition to the other reporting requirements contained in this Agreement, Comcast shall provide the following reports to the City:

(a) Subscriber Complaint Reports

Within thirty (30) days of a written request, Comcast shall submit to the City a report showing the number of Complaints, as defined in Section 1(g), that required a work order and/or service call, originating from the City and received during the previous twelve (12) month reporting period, the dates they were received, summary descriptions of the Complaints, the dates the Complaints were resolved and summary descriptions of the resolutions.

In addition, and upon written request, Comcast shall provide a report containing at least the following statistical information for the previous twelve (12) month period:

(1) Number of repair service requests received;

(2) Breakdown by type of complaint received (i.e. complete outage, snowy picture, etc.);

(3) Breakdown by cause of problem (i.e. subscriber equipment, drop/converter, system, etc.);

(4) Number of known service interruptions and the approximate length of time of each such interruption;

(b) Annual Financial Reports

Within thirty (30) days of a written request, Comcast shall submit to the City its current financial statement, including a statement of income, balance sheet and a statement of sources and applications of funds which shall be verified by Comcast's Chief Financial Officer in accordance with Generally Accepted Accounting Principles. Submission by Comcast of the most recent U.S. Securities and Exchange Commission Annual Report Form 10-K prepared by Comcast shall be deemed as satisfactory compliance with this Section 5.7(b).

(c) Government Reports

Comcast shall provide to the City, upon written request, copies of any and all communications, reports, documents, pleadings and notifications of any kind which Comcast has submitted to any federal, state or local regulatory agencies if such documents relate specifically to Comcast's Cable System within the City. Comcast shall provide copies of such documents no later than thirty (30) days after their request.

SECTION 6
COMPENSATION TO THE CITY

6.1 FRANCHISE FEES

Comcast shall pay to the City an amount equal to five percent (5%) of the Gross Revenues derived from the operation of its Cable System to provide Cable Service in the City. Comcast shall not deduct or otherwise credit against the Franchise Fee any tax, fee or assessment of general applicability. The City may amend the Franchise Fee upon written notice to Comcast provided that the Franchise Fee may not exceed the maximum percentage permitted by law. A copy of the Resolution or Ordinance authorizing the Franchise Fee rate adjustment by the City shall accompany such written notice. Any change in Comcast's Franchise Fee obligation contained herein shall commence within ninety (90) days from such written notice.

6.2 QUARTERLY PAYMENTS

Franchise Fee payments to the City under this provision shall be computed at the end of each calendar quarter. Such payments shall be made within forty-five (45) days following the end of each of the first three (3) calendar quarter and sixty (60) days after the fourth calendar quarter. Specifically, payments shall be due and payable on or before May 15 (for the first quarter), August 15 (for the second quarter), November 15 (for the third quarter), and March 1(for the fourth quarter). In the event that any Franchise Fee payment is not made on or before the date by which it is due, then interest calculated at the then-current prime rate, as published by the Wall Street Journal, shall be added to the amount of Franchise Fee revenue due to the City. The interest rate shall be applied as described from the date such Franchise Fee payment was originally due. No acceptance of any payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall acceptance of any payment be construed as a release of any claim the City may have for additional sums payable under this Agreement. Upon request

and if mutually agreeable, Comcast shall deposit the Franchise Fee payments electronically into an account as designated by the City.

6.3 QUARTERLY REPORTS

Within ten (10) days of each Franchise Fee Payment described in Section 6.2 above, Comcast shall provide a written report containing an accurate statement of Comcast's Gross Revenues received for Cable Services for each calendar quarter in connection with the operation of Comcast's Cable System and showing the basis for the computation of fees. Specifically, the report shall contain line items for sources of revenue received and the amount of revenue received from each source. The report shall be verified by a financial representative of Comcast.

6.4 FRANCHISE FEE REVIEW

Not more than once every three (3) years the City shall have the right to conduct a Franchise Fee review of Comcast's records reasonably related to the sources, amounts and computation of Gross Revenues. Any such Franchise Fee review shall occur within thirty-six (36) months from the date the City receives such payment, after which period any such payment shall be considered final. Within thirty (30) days of a written request, Comcast shall provide the City with copies of financial records related to the Franchise Fee review.

(a) In the event of an alleged underpayment, the City shall provide Comcast with a written statement indicating the basis for the alleged underpayment. If the Franchise Fee review reveals that there have been no underpayments, the City shall provide written notice to Comcast indicating that no underpayments were found and that the Franchise Fee review is closed. Comcast shall have thirty (30) days from the receipt of the statement regarding an alleged underpayment to provide the City with any written objection to the results of the Franchise Fee review, including any substantiating documentation. Based on this exchange of information, the City shall make a final determination of the underpayment(s), if any, within thirty (30) days of Comcast's objection and shall provide Comcast with written notice of the determination. If Comcast disputes the City's final determination, it may submit the dispute to mediation or arbitration within thirty (30) days of receiving the City's written notice of determination. In the event an agreement is not reached at mediation or arbitration, either party may bring an action to have the disputed amount determined by a court of law.

(b) Any Franchise Fee payment due to the City as a result of the Franchise Fee review shall be paid to the City by Comcast within sixty (60) days from the date the City notifies Comcast of its final determination, or if the matter is submitted to mediation, litigation, or a court of law, within sixty (60) days from the final disposition of such action. If the Franchise Fee review shows that Franchise Fees have been underpaid, then Comcast shall pay the underpaid amount plus monetary fines of ten percent (10%) of the underpayment, provided however, that Comcast shall not be compelled to pay a higher fine percentage under this Section than any other wired video service provider in the Franchise Area pursuant to any franchise, or other authorization, entered into subsequent to this Franchise Agreement. If Franchise Fees have been underpaid by five percent (5%) or more, then Comcast shall also pay up to three thousand dollars ($3,000) of documented out-of-pocket costs of the Franchise Fee review. Any entity employed

by the municipality that performs an audit or franchise fee review shall not be permitted to be compensated on a success based formula, e.g. payment based upon underpayment of fees, if any.

6.5 BUNDLED SERVICES

If Cable Services subject to the Franchise Fee required under this Section are provided to Subscribers in conjunction with non-Cable Services and the total cost of the bundle reflects a discount from the aggregate retail prices of the services contained therein, then the Franchise Fee shall be applied to the retail price of the Cable Services in the bundle reduced by no more than a proportionate share of the overall discount. Equipment may be allocated at full retail price.

SECTION 7
SERVICES TO THE COMMUNITY

7.1 SERVICES TO MUNICIPAL FACILITIES

Upon written request, Comcast shall, at no charge to the City, provide one (1) complimentary standard installation and complimentary cable services as described herein below to all present and future public facilities including, but not limited to, the following: the City Building, police stations, fire companies, public works buildings, municipal owned and operated community facilities, water and sewer authorities, all public school buildings and public libraries ("Permitted Locations"), but shall not include buildings owned by the City but leased to third parties or buildings such as storage facilities at which government employees are not regularly stationed. Comcast shall maintain any complimentary courtesy Cable Service being provided to Permitted Locations as of the Effective Date.

(a) Upon request, Comcast shall provide or maintain, at no charge to the City, one (1) standard cable Drop, outlet, converter box (and any other required end user equipment) and Standard Cable level Services (or equivalent) package to each Permitted Location. No charge shall be made for standard installation, except that Comcast may charge for underground installation, installation beyond two hundred (200) feet from the cable plant, and/or for more than one (1) drop in each Permitted Location.

(b) For the purposes of this section, the term "school" means an educational institution that receives funding pursuant to Title I of the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 6301 *et seq.*, as amended, and does not include "home schools" or "cyber schools," or any other educational situation that does not meet the specific criteria set forth herein. During the term of this Agreement, new public facilities shall be eligible to receive such complimentary service to the extent that they meet the qualifications as set forth herein above as Permitted Locations.

7.2 EDUCATIONAL AND GOVERNMENTAL (EG) CHANNEL

(a) Comcast shall provide to the City, within one hundred eighty (180) days of a written request and as set forth herein, the use of one (1) dedicated Educational and

Governmental ("EG") Access Channel in accordance with Section 611 of the Cable Act. Such EG Channel shall be used for community programming related to educational and/or governmental activities. Such programming shall be non-commercial, except that it may include underwriting or sponsorships of the type that are typically displayed by the Public Broadcasting System. The City shall have complete control over the content, scheduling, administration and all other programming aspects of the EG Channel, and may delegate such functions, or a portion of such functions, to an appropriate designee. Comcast shall not exercise editorial control over any EG Channel programming, except Comcast may refuse to transmit any program or portion of a public access program that contains obscenity, indecency, or nudity pursuant to Section 611 of the Cable Act, to the extent allowed by applicable law. Comcast shall cablecast the activated EG Channel so that it may be received by all Comcast Subscribers in the City.

(b) To enable the City to continue to utilize the EG Channel, Comcast shall continue to provide a direct fiber link, including activation equipment capable of transmitting HD quality video and audio between the video origination location at 15 Loockerman Plaza, Dover, DE 19903 and the Comcast headend such that live programming can originate from this selected location and be distributed via the Cable System to Subscribers in the City. This fiber link and equipment shall be collectively known as the "Return Line."

(c) Any expenditure made in connection with the construction, maintenance, or relocation of the Return Line shall be at the expense of the City. The City and Comcast further agree that all costs incurred by Comcast for supporting such EG Channel, including any and all maintenance, equipment and EG support grants may be designated as "costs of franchise requirements" or "external costs" as defined by the FCC and Comcast reserves its right to pass these costs through to the Subscribers pursuant to federal law.

(d) Comcast shall be responsible for maintaining the Return Line to the video origination point of the EG Channel so long as the City provides Comcast with access to such location and access to the EG Channel equipment within such location. Comcast shall provide, install and maintain in good working order the equipment and the cable necessary for transmitting the signal to the channel aggregation site for further processing and distribution to Subscribers. Comcast shall maintain the EG Channel in accordance with the same FCC technical specifications that are comparable to the specifications used to maintain commercial channels transmitted to Subscribers on the Cable system, except that it shall not be responsible for the technical signal quality of programming produced by any EG channel programmer.

(e) The City or its designee shall be responsible for providing any necessary production or playback equipment and shall be responsible for securing and supervising any trained/qualified personnel who conduct the operation of the EG channel. The City and Comcast agree to work cooperatively in implementing the EG channel through such means and in such manner as shall be mutually satisfactory.

(f) Within one hundred eighty (180) days of a written request by the City, Comcast shall relocate the EG origination site and the associated Return Line one (1) time during the term of this Agreement as follows: (i) the new location must be located within one hundred twenty-five (125) feet of Comcast's main distribution line; (ii) Comcast's obligation shall be subject to

the same terms and conditions that apply to the original EG origination site in this Section; and (iii) the City shall provide access to such site at least ninety (90) days prior to anticipated use of the new EG origination site. The timeline for relocation of the EG origination site shall be subject to the timely granting of any and all required permits, walk-out, make ready, and the detection of all underground utilities. Comcast shall be responsible for fifty percent (50%) of the costs associated with a relocation of the EG origination site hereunder up to a maximum of fifty thousand dollars ($50,000). The City shall be responsible for any remaining costs and payment shall be made in advance to Comcast subject to Comcast providing the City with a detailed estimate of said costs.

(g) In the event the City or its designee does not program any EG Channel, Comcast may request the use of this channel subject to written approval by the City. If the City approves Comcast's use of an EG Channel and, subsequent to such approval, the City requests the utilization of the EG Channel being programmed by Comcast, Comcast shall relinquish such use no later than sixty (60) days after receipt of written notification from the City that it requires such channel for educational and/or governmental use.

7.3 EG GRANT

(a) Comcast shall pay to the City an amount equal to twenty-five cents ($.25) a Subscriber per month as support for lawful EG uses; provided, however, that Comcast shall not be compelled to pay a higher EG support amount than any other cable operator providing service in the City pursuant to any agreement, whether a Franchise or otherwise, entered into subsequent to this Franchise Agreement. Such payments shall be made within forty-five (45) days following the end of each of the first three (3) calendar quarter and sixty (60) days after the fourth calendar quarter. Specifically, payments shall be due and payable on or before May 15 (for the first quarter), August 15 (for the second quarter), November 15 (for the third quarter), and March 1(for the fourth quarter). The City shall allocate such amount in accordance with applicable law.

(b) The EG Grant funding need not be used in the year it is received and may accumulate during the life of the Agreement. Upon request, the City shall provide Comcast with an annual report documenting any EG funding used during the previous year. In the event that the City cannot demonstrate the EG funding actually used during the previous year was used for lawful EG uses and in accordance with applicable law, Comcast's EG funding obligation going forward shall be reduced by an equivalent amount.

SECTION 8
ENFORCEMENT, INSURANCE AND INDEMINIFICATION

8.1 VIOLATIONS AND OPPORTUNITY TO CURE

(a) If the City has reason to believe that Comcast violated any provision of this Agreement, it shall notify Comcast in writing of the nature of such violation and the section(s) of this Agreement that it believes has been violated and the details relating thereto.

(b) Comcast shall have thirty (30) days to cure such violation after written notice is received by taking reasonable steps to comply with the terms of this Agreement or demonstrate to the City that no violation has occurred. If the nature of the violation is such that it cannot be fully cured within thirty (30) days, the period of time in which Comcast must cure the violation shall be extended by the City in writing for such additional time necessary to complete the cure, provided that Comcast shall have promptly commenced to cure and is taking reasonable steps to cure in the reasonable judgment of the City.

(c) If the violation has not been cured within the time allowed under Section 8.1(b) and, in the City's judgment, Comcast has not taken reasonable steps to cure the violation, or if the City disagrees with Comcast's demonstration that no violation has occurred, then the City may deem that Comcast is liable for liquidated damages and/or any other right or remedy in accordance with Section 8.2.

(d) No violation shall be deemed to have occurred if the violation occurs without the fault of Comcast or occurs as a result of circumstances beyond its control or by reason of Force Majeure as defined in Section 1(m). Comcast shall not be excused from the performance of any of its obligations under this Franchise by mere economic hardship or by the misfeasance or malfeasance of its directors, officers or employees.

8.2 LIQUIDATED DAMAGES

(a) Because Comcast's failure to comply with material terms of this Agreement may result in harm to the City and because it will be difficult to measure the extent of such injury, the City may assess liquidated damages against Comcast in the amount of One Hundred Dollars ($100.00) per day for each day a violation of a material term continues up to a maximum of Twelve Thousand Dollars ($12,000) per year, provided Comcast has had an opportunity to cure in accordance with Section 8.1(b). The City shall provide Comcast with written notice that it intends to elect the liquidated damages remedies set forth herein. Such damages shall be an exclusive remedy for the time period in which they are assessed, provider, however, they shall not be a substitute for specific performance by Comcast or legal action by the City once assessment ceases, but shall be in addition to such specific performance or legal action. Nothing herein is intended to allow duplicative recovery from or payments by Comcast or its surety(s).

(b) With respect to liquidated damages assessed pursuant to Section 8.2, all similar violations or failures from the same factual events affecting multiple Subscribers shall be assessed as a single violation, and a violation or a failure may only be assessed under any one material term.

(c) The first day for which liquidated damages may be assessed, if there has been no cure after the end of the applicable cure period, shall be the day after the end of the applicable cure period, including any extension of the cure period granted by the City. Liquidated damages may not be assessed for a time period exceeding one hundred and twenty (120) days per violation. The City may commence revocation proceedings and/or initiate an action in law or equity in a court of competent jurisdiction after the assessment of liquidated damages or in lieu of liquidated damages.

8.3 REVOCATION

(a) In addition to the other rights, powers and remedies retained by the City under this Agreement, the City reserves the separate and distinct right to revoke this Franchise if:

(1) It is demonstrated that Comcast practiced any fraud or deceit upon the City in the operation of its Cable System or any other activities pursuant to this Agreement;

(2) Comcast repeatedly fails, after notice and opportunity to cure, to maintain signal quality pursuant to the standards provided for by the FCC or the technical requirements set forth in Section 3.1;

(3) Comcast repeatedly violates, after notice and opportunity to cure, one or more of the material terms or conditions of this Agreement;

(b) A revocation shall be declared only by a written decision of the City Council after an appropriate public hearing that shall afford Comcast due process and full opportunity to be heard. This shall include the ability to introduce evidence, to question witnesses and to respond to any notice of grounds to terminate in accordance with the standards of a fair hearing applicable to administrative hearings in the State of Delaware. All notice requirements shall be met by providing Comcast at least thirty (30) days prior written notice (via certified mail-return receipt requested) of any public hearing concerning the proposed revocation of this franchise. Such notice shall state the grounds for revocation. The City, after a public hearing and upon finding the existence of grounds for revocation, may either declare this franchise terminated or excuse such grounds upon a showing by Comcast of mitigating circumstances or good cause for the existence of such grounds. The City shall issue such declaration and finding within thirty (30) days in a written decision which shall be sent via certified or overnight mail to Comcast. Comcast may appeal such determination to an appropriate court.

8.4 PERFORMANCE BOND

(a) Comcast shall obtain and maintain, throughout the term of this Agreement, at its sole cost and expense, a performance bond with a surety company licensed to do business in the State of Delaware to ensure Comcast's faithful performance of its obligations imposed by this Agreement. The performance bond shall provide that the City may recover from the principal and surety any and all liquidated damages and/or compensatory damages incurred by the City for Comcast's violations of this Agreement, after notice and opportunity to cure, in accordance with Sections 8.1 and 8.2. The City shall give Comcast twenty (20) business days' notice of its intent to draw from the performance bond. The City may not draw from the performance bond while any action, appeal or other process has been instituted by Comcast to challenge the amount owed.

(b) The performance bond shall be in the amount of Twenty-Five Thousand Dollars ($25,000). In the event that a performance bond provided pursuant to the Agreement is not

renewed or is cancelled, Comcast shall provide new security pursuant to this Section 8.4 within thirty (30) days of such cancellation or failure to renew.

8.5 INSURANCE

(a) Comcast shall obtain and maintain, in full force and effect, at its sole cost and expense, during the Franchise term, the following minimum insurance coverage with an insurance company that is authorized to conduct business in Delaware and which has an A.M. Best rating (or equivalent) no less than A-minus VII, indemnifying the City from and against any and all claims for injury or damage to persons or property, both real and personal, caused by the construction, installation, reconstruction, operation, maintenance or removal of the Cable System by Comcast or any of its contractors, subcontractors, agents or employees in the following amounts:

(1) The amount of such insurance against liability for damage to property shall be no less than One Million Dollars ($1,000,000) as to any one (1) occurrence.

(2) The amount of such insurance against liability for injury or death to any person shall be no less than One Million Dollars ($1,000,000).

(3) The amount of such insurance for excess liability shall be Three Million Dollars ($3,000,000) in umbrella form.

(4) The amount of such insurance against all claims arising out of the operation of motor vehicles and general tort or contract liability shall be One Million Dollars ($1,000,000).

(b) The City, its officials and employees, shall be designated as additional insureds under each of the insurance policies required in this Section 8.5.

(c) Comcast shall not cancel or not renew any required insurance policy without obtaining alternative insurance in conformance with this Section 8.5.

(d) Comcast shall deliver to the City Certificates of Insurance showing evidence of the required coverage within thirty (30) days of a written request by the City.

8.6 INDEMNIFICATION

Comcast shall indemnify, defend, save and hold harmless the City, its elected and appointed officials, officers, agents and employees acting in their official capacities, from claims for injury, loss, liability, cost or expense arising in whole or in part from, caused by or connected with any act or omission of Comcast, its officers, agents, contractors, subcontractors or employees, arising out of, the construction, installation, upgrade, reconstruction, operation, maintenance or removal of the Cable System. The City shall give Comcast timely written notice of its obligation to indemnify and defend the City. The City agrees that it will cooperate with Comcast to avoid a default judgment and not prejudice Comcast's ability to defend the claim or

action. The obligation to indemnify, defend, save and hold the City harmless shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, penalties, and reasonable attorneys' fees. If the City determines that it is necessary for it to employ separate counsel, in addition to that provided by Comcast, the cost for such separate counsel shall be the responsibility of the City. Comcast shall not indemnify the City for any claims resulting from acts of willful misconduct or negligence on the part of the City.

SECTION 9
MISCELLANEOUS

9.1 FORCE MAJEURE

If for any reason of force majeure, Comcast is unable in whole or in part to carry out its obligations hereunder, Comcast shall not be deemed in violation of this Agreement during the continuance of such inability.

9.2 REMOVAL OF SYSTEM

(a) Upon lawful termination or revocation of this Agreement, Comcast shall remove its supporting structures, poles, transmissions and distribution systems and other appurtenances from the streets, ways, lanes, alleys, parkways, bridges, highways, and other public and private places in, over, under, or along which they are installed and shall restore the areas to their original condition. If such removal is not completed within six (6) months of such lawful termination or revocation, the City or property owner may deem any property not removed as having been abandoned and the City may remove it at Comcast's cost.

(b) During the term of the Agreement, if Comcast decides to abandon or no longer use all or part of its Cable System, it shall give the City written notice of its intent at least ninety (90) days prior to the announcement of such decision, which notice shall describe the property and its location. The City shall have the right to either require Comcast to remove the property or remove the property itself and charge Comcast with the costs related thereto.

(c) Notwithstanding the above, Comcast shall not be required to remove its Cable System, or to relocate the Cable System, or to sell the Cable System, or any portion thereof as a result of revocation, denial of renewal, or any other lawful action to forbid or disallow Comcast from providing Cable Services, if the Cable System is actively being used to facilitate any other services not governed by the Cable Act.

9.3 NOTICES

Every notice or payment to be served upon or made to the City shall be sent to:

City of Dover
15 Loockerman Plaza
Dover, DE 19901

Attention: CITY MANAGER'S OFFICE

The City may specify any change of address in writing to Comcast. Every notice to be served upon Comcast shall be sent to:

Comcast
253 Najoles Road
Millersville, Maryland 21108
Attention: Government Affairs Department

With copies to:

Comcast Cable
7850 Walker Drive, 2nd Floor
Greenbelt, MD 20770
Attention: Government Affairs Department

and

Comcast
Northeast Division
676 Island Pond Road
Manchester, NH 03109
Attention: Government Affairs Department

Comcast may specify any changes of address in writing to the City. Each delivery to Comcast or the City shall be in writing and shall be sufficiently given and served upon the other party by hand delivery, first class mail, registered or certified, return receipt requested, postage prepaid, or by reputable overnight courier service. Each delivery shall be equivalent to direct personal notice, direction or order, and shall be deemed to have been given at the time of receipt.

9.4 EQUAL EMPLOYMENT OPPORTUNITY

Comcast is an equal opportunity employer and shall comply with all applicable federal and state laws and regulations regarding equal opportunity employment.

9.5 CAPTIONS

The captions for sections throughout this Agreement are intended solely to facilitate reading and reference to the sections and provisions of this Agreement. Such captions shall not affect the meaning or interpretation of this Agreement.

9.6 GOVERNING LAW; VENUE

This Agreement shall be governed and construed by and in accordance with the laws of the State of Delaware. If suit is brought by a party to this Agreement, the parties agree that trial

of such action shall be vested exclusively in the state courts of Delaware, County of Kent, or in the United States District Court for the District of Delaware.

9.7 TRANSFER, ASSIGNMENT OR CHANGE IN CONTROL

(a) Neither Comcast nor its parent nor any Affiliated Entity shall transfer, assign or otherwise encumber, through its own action or by operation of law, its right, title or interest in the Cable System or in this Agreement without the prior written consent of the City, provided that such consent shall not be unreasonably withheld.

(b) Neither Comcast nor its parent nor any Affiliated Entity shall change, transfer or assign, through its own action or by operation of law, its control of the Cable System or of this Agreement without the prior written consent of the City, provided that such consent shall not be unreasonably withheld.

(c) Neither Comcast nor its parent nor any Affiliated Entity shall sell, convey, transfer, exchange or release more than fifty (50%) of its equitable ownership in the Cable System without the prior written consent of the City, provided that such consent shall not be unreasonably withheld.

(d) No such consent shall be required for (i) a transfer in trust, by mortgage, hypothecation, or by assignment to a financial institution of any rights, title or interest of Comcast in the Franchise or in the Cable System in order to secure indebtedness; or (ii) a transfer to an entity owned and/or controlled by Comcast.

(e) Comcast shall make written application to the City of any transfer, change in control or assignment as described above and shall provide all information required by FCC Form 394 and any other applicable federal, state, and local statutes and regulations regarding transfer or assignment. The City shall have thirty (30) days from the receipt of FCC Form 394 to notify Comcast of any additional information it needs to make an informed decision on the transfer or assignment. The City shall have one hundred twenty (120) days from the receipt of all required information to take action on the transfer or assignment.

(f) Any consent by the City for any transfer or assignment described above shall not be effective until the proposed transferee or assignee shall have executed a legally binding document stating that it shall be bound by all the terms and conditions contained in this Agreement.

9.8 ENTIRE AGREEMENT

This written instrument contains the entire agreement between the parties, supersedes all prior agreements or proposals whether written or oral except as specifically incorporated herein, and cannot be changed without written amendment approved by both the City and Comcast. This Agreement supersedes all prior cable franchise agreements or cable ordinances, or parts of cable franchise agreements or cable ordinances, that are in conflict with the provisions herein.

9.9 SEVERABILITY

If any section, provision or clause of this Agreement is held by a court of competent jurisdiction to be illegal, invalid or unenforceable, or is pre-empted by federal or state laws or regulations, such section, provision or clause shall be deemed to be severable from the remaining portions of this Agreement and shall not affect the legality, validity or enforceability of the remaining portions of this Agreement.

9.10 NO WAIVER OF RIGHTS

No course of dealing between the City and Comcast, nor any delay on the part of the City in exercising any rights hereunder, shall operate as a waiver of any such rights of the City or acquiescence in the actions of Comcast in contravention of such rights, except to the extent expressly waived by the City.

No course of dealing between Comcast and the City, nor any delay on the part of Comcast in exercising any rights hereunder, shall operate as a waiver of any such rights of Comcast or acquiescence in the actions of the City in contravention of such rights, except to the extent expressly waived by Comcast.

9.11 CHANGE OF LAW

(a) In the event there is a change in a federal or state statute or regulation applicable to the Cable System or to this Agreement, the City or Comcast may notify the other party of its desire to amend this Agreement in order to comply with the change in statute or regulation. The City and Comcast may amend this Agreement to comply with such change in statute or regulation provided such amendment is approved by the City and Comcast.

(b) Should the federal government, State, or FCC require Comcast to perform or refrain from performing any act the performance or non-performance of which is inconsistent with any provision herein, the City and Comcast will thereupon, if they determine that a material provision herein is affected, modify any of the provisions herein to reflect such government action.

9.12 COMPLIANCE WITH LAWS

All presently and hereafter applicable conditions and requirements of federal, State and generally applicable local laws, including but not limited to the rules and regulations of the FCC and the State where the City is located, as they may be amended from time to time, are incorporated herein by reference to the extent not enumerated herein.

9.13 THIRD-PARTY BENEFICIARIES

Nothing in this Agreement is or was intended to confer third-party beneficiary status on any person other than the parties to this Agreement to enforce the terms of this Agreement.

9.14 APPLICABILITY OF AGREEMENT

All of the provisions in this Agreement shall bind Comcast, the City and their respective successors and assigns. This Agreement is authorized by a motion of City Council dated May 22, 2017 of the City Council.

WITNESS our hands and official seals to this Cable Franchise Agreement.

CITY OF DOVER

By: _____

Name: _____

Title: _____

Date: _____

COMCAST OF DELMARVA, LLC

By: _____

Name: Mary McLaughlin

Title: Regional Senior Vice President

Date: _____

TO: Mayor and Members of City Council

FROM: Traci A. McDowell, City Clerk

DATE: May 22, 2017

SUBJECT: May 16, 2017 Special First (1st) District Municipal Election Results

Following are the results of the 2017 Special First (1st) District Municipal Election, as certified by the Election Board:

FIRST (1ST) DISTRICT			
Candidate	Votes	% of District Votes	% of District Voters
Rachel L. Dunning	77	14.42%	1.08%
Matthew J. Lindell	**230**	**43.07%**	**3.22%**
Ronald G. Poliquin	227	42.51%	3.18%
TOTAL VOTES CAST	534		
TOTAL REGISTERED VOTERS	7,149		
% OF DISTRICT VOTERS	7.47%		

/tm

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CITY OF DOVER PROPOSED ORDINANCE #2017-06

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

That Chapter 70 - Offenses and Miscellaneous Provisions, Section 70-2 - Weapons Generally, Paragraph (d) - Prohibited, (2) - Furnishing to Certain Persons, of the Dover Code be amended by inserting the bold, blue text, as follows:

Sec. 70-2. - Weapons generally.

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

Municipal building shall mean any building where the city meets in its official capacity, including non-city owned or leased buildings during the time in which the city is meeting in or occupying the building, or any building containing the offices of city elected officials and of city employees actively engaged in performing governmental business. Parking facilities are excluded.

Weapon shall mean any firearm from which a shot, projectile or other object may be discharged, or any air gun, BB gun, or any instrument, toy or weapon commonly known as a "peashooter," "slingshot" or "beany," or any bow made for the purpose of throwing or projecting missiles of any kind, or any knife, brass or metal knuckles, or any club loaded with lead or other weight, or any blackjack or billyclub.

(b) *Unlawful discharge*. It shall be unlawful for any person to discharge any firearm within the city, except lawfully in self-defense, in defense of property, in defense of others or as permitted in paragraph (c).

(c) *Lawful discharge*.

(1) *Law enforcement officers*. The discharge of weapons by any law enforcement officer while on duty, or as necessary in the lawful discharge of his or her duties, is permitted.

(2) *Galleries and ranges*. The discharge of weapons at licensed shooting galleries or ranges when the instrument can be fired, discharged or operated in a manner that shall not endanger persons or property, and also in a manner that shall prevent the projectile from traversing any grounds or space outside the limits of the gallery or range is permitted.

(d) *Prohibited*.

(1) *Business display*. It shall be unlawful for any pawnbroker, secondhand dealer or other person who engages in business in the city to display, or to place on exhibition in any show window or other window facing upon any street, any pistol, revolver or other firearm with a barrel of less than 12 inches in length, or any switchblade knife, or any brass or metal knuckles, or any club loaded with lead or other weight, or any blackjack or billyclub.

(2) *Furnishing to certain persons*. It shall be unlawful for any person to purchase from, or sell, loan or

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furnish any weapon to any person under the influence of any alcoholic beverage or any illegal narcotic drug, stimulant or depressant, any person in a condition of agitation and excitability or a minor under the age of 18 years. **Nothing in this ordinance shall be construed to prohibit the furnishing of weapons pursuant to an authorized course of school instruction, or for the purpose of engaging in any school-authorized sporting or recreational activity.**

(3) *Possession of firearms, ammunition, components of firearms, or explosives in municipal buildings*. Except as set forth in section (c) below, possession of firearms, ammunition, components of firearms, or explosives is prohibited in all municipal buildings.

a. *Required signs*. In all municipal buildings, a conspicuous sign shall be posted at each entrance stating that the possession of firearms, ammunition, components of firearms, or explosives are prohibited. Such sign may also state that persons in violation may be denied entrance to the building or be ordered to leave the building.

b. *Immediate departure*. Any person who immediately foregoes entry or immediately exits any municipal building or police station due to the possession of a firearm, ammunition, components of firearms, or explosives shall not be guilty of violating this section.

c. *Exceptions*. The following shall constitute valid exceptions to this section:

1. Possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;

2. Law enforcement agencies receiving shipments or delivery of firearms, components of firearms, ammunition, or explosives;

3. Law enforcement agencies conducting firearm or ammunition safety and training programs, donation, amnesty, or any other similar programs in police stations or municipal buildings;

4. Compliance by persons subject to protection from abuse court orders;

5. Carrying firearms and ammunition by persons who hold a valid license pursuant to either § 1441 or § 1441A of Title 11 of the Delaware Code so long as the firearm remains concealed except for inadvertent display or for self defense or defense of others;

6. Carrying firearms and ammunition by officers or employees of the United States duly authorized to carry a concealed firearm; or

7. Carrying firearms and ammunition by agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.

(e) *Penalties*.

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(1) *Fines*. Except as otherwise provided, any violation of this section shall be subject to a fine as provided for in Appendix F-Fees and Fines.

(2) *Forfeiture*. Every person convicted of a violation of this section, section 70-3, or any state law relating to weapons shall forfeit the weapon to the city. Upon a finding of guilt, it shall then be the duty of the court, after the expiration of a reasonable time, to declare by written order that the chief of police shall either dispose of the weapon or retain the weapon for official police department use.

(f) *Severability*. The provisions of this ordinance shall be severable. If any provisions of this ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this ordinance shall remain valid, unless the court finds that the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that city council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with city council's intent.

(Code 1968, §§ 20-29, 20-33-20-36; Code 1981, § 14-5; Ord. No. 2015-15, 10-26-2015)

ADOPTED: *

S:\ORDINANCES\2017\DRAFT\ORDINANCE #2017-06 CH 70 - OFFENSES AND MISCELLANEOUS PROVISIONS - WEAPONS GENERALLY\ORDINANCE #2017-06 - CH 70 - OFFENSES AND MISC PROVISIONS - 70-2 - WEAPONS GEN (MARKSMANSHIP COURSES)-Final Reading.wpd

SYNOPSIS

The amendment would enable furnishing weapons for an authorized course of school instruction, or for the purpose of engaging in any school-authorized sporting or recreational activity.

(SPONSORS: COLE, HUTCHISON, AND NEIL)

Actions History

05/22/2017 - Scheduled for Final Reading - City Council
05/08/2017 - First Reading - City Council
04/25/2017 - Introduction - Council Committee of the Whole/Safety Advisory and Transportation Committee

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