COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole met on September 12, 2017 at 6:01 p.m., with Council President Slavin presiding (departed at 7:12 p.m. and returned at 7:15 p.m.). Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Polce (departed at 6:15 p.m. and returned at 6:16 p.m.; departed at 7:12 p.m. and returned at 7:14 p.m.), Mr. Hare, and Mr. Lindell (arrived at 6:07 p.m.; departed at 7:08 p.m. and returned at 7:12 p.m.). Mayor Christiansen was also present (departed at 7:28 p.m.). Civilian members present for their Committee meetings were Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*), and Mr. Caldwell and Dr. Warfield (*Parks, Recreation, and Community Enhancement*).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee met with Chairman Hare presiding.

AGENDA ADDITIONS/DELETIONS

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

Evaluation of Requests for Proposals (RFP) - Enterprise Resources Planning (ERP)

Mr. Kirby Hudson, Assistant City Manager, reminded members that the Finance Department had solicited proposals (RFP # 16-039FN) for consulting services to assist the City with an Enterprise Resource Planning (ERP) project. The City selected Berry Dunn McNeil & Parker, LLC (BerryDunn) as the consultant to successfully guide the City through the initial project of Phase I which included the ERP needs assessment, software development, vendor selection for Phase II consultant, and contract negotiations with the ERP vendor selected.

Mr. Hudson advised that proposals were solicited for an ERP solution that would best meet the City's requirements in March 2017, and two (2) entities responded to the Request for Proposal - ERP System Selection Project: Edmunds and Associates, and Tyler Technologies. He stated that, after staff's due diligence and with the technical assistance of BerryDunn, it was staff's recommendation that the Cities enter into an Enterprise Resource Planning Technology Implementation Contract with Tyler Technologies. Mr. Hudson noted that the Tyler proposal provided the best in class functionality and would provide the City with a long-term solution.

Mr. Hudson informed members that City staff selected the City-Hosted Deployment as the ERP solution at an estimated one-time cost of $2,193,832 and an annual maintenance cost of $200,220. He explained that maintenance cost will start upon the installation of each module as the City works through the three-year project schedule. Mr. Hudson stated that the City has requested to price in the E-Notify services (annual cost $24,200) for customer alerts/notifications and the ECitation for Police Code enforcement operations. He advised that these items are being included in the final contract negotiations, so the final pricing will vary but will remain within budget.

Mr. Hudson stated that staff was also requesting authorization to retain the services of BerryDunn to assist with the implementation phase of this project. He advised that their proposal for that service

was $186,665, which was within $5,000 of two (2) proposals submitted in the original consulting RFP.

Staff recommended authorization for the Acting City Manager to enter into a contract with Tyler Technologies for the purpose of acquiring an Enterprise Resource Planning system and authorization to retain the services of BerryDunn to assist staff with the implementation phase of this project. Total cost not to exceed the authorized budget unless otherwise approved by City Council.

Responding to Mr. Sudler, Mr. Hudson explained that if the E-Notify module is obtained, Customer Service staff would ask new customers and existing customers who come in to pay their bills for cell phone and email information, which would be needed to contact customers by text and email. He indicated that staff would explain why they were asking for the information, stating his belief that customers would want to provide their information because this service would benefit them. Mr. Hudson noted that ECitation relates to law enforcement and is a separate module.

In response to Mr. Anderson, Mr. Hudson advised that staff did not personally test these solutions. He explained that BerryDunn gave Edmunds and Associates and Tyler Technologies each two-and-a-half days to go through all of their modules, and a number of department heads and staff attended these presentations. Mr. Hudson indicated that staff was able to explain how the current systems work, ask if the companies' modules could perform those functions, and ask questions. He stated that staff was able to get their individual needs addressed and pinpoint some of the things that the City would like to see for particular departments. Mr. Hudson noted that each department looked at modules from their own standpoint, and staff overwhelmingly stated that they liked the Tyler Technologies proposal much better than Edmunds and Associates.

Mr. Anderson asked how system information would be backed up. Responding, Mr. Hudson explained that staff recommended the City-Hosted Deployment, so everything would be located on-site.

In response to Mr. Anderson, Mr. Hudson stated that the annual cost would be lower with the new system, if approved, and that the City still had to enter into the negotiation phase. He noted that BerryDunn negotiates with governments, school systems, and colleges and, as a consultant, BerryDunn had worked with Tyler and many other entities. Mr. Hudson stated that staff believed that, coupled with BerryDunn, they should be able to get the price down.

Responding to Mr. Anderson, Mrs. Donna Mitchell, Acting City Manager, stated that the Town of Georgetown uses the full Tyler Technologies suite, and the City of Newark uses the general ledger (GL) side but not the utility billing. She noted that the City of Newark had another firm doing their utility billing but then had to integrate and experienced a lot of difficulties, and the City of Dover's staff did not want to go down that path. Mrs. Mitchell advised that staff wanted to have one (1) company so that everything would be fully integrated. *(City Clerk's Office Note: Subsequent to the meeting, Mr. Hudson clarified that it was Sussex County, rather than the Town of Georgetown that uses the full Tyler Technology Suite.)*

Mr. Neil noted the large difference of $2M versus $531,000 in price and asked why staff felt the Tyler software was so superior to Edmunds. Responding, Mr. Hudson stated that this could be described as driving a Mercedes Benz and then getting into a Yugo. He advised that every department head and staff member involved believed that the Tyler system was easier to understand, view screens, and work with for their particular module.

Mrs. Mitchell advised that Tyler has much more functionality than Edmunds and, while Edmunds would get the City partway into the 21st century, Edmunds would bring it all the way there. She explained that the Tyler system covers every office that the City has, and the ECitation module for police fines could be integrated as a separate PC system. Mrs. Mitchell stated that the Tyler system covered the whole gamut of everything staff could imagine would be needed for the City's system, including every type of billing, inspections, planning, and code. She indicated that Edmunds was not able to do everything to get the City where it needed to be for the long term, and this was the driving force for staff's recommendation to select Tyler Technologies.

In response to Mr. Lewis, Mr. Hudson indicated that if the proposed system was implemented, staff intended to go forward with the project, rather than doing a trial run, because staff had the opportunity for approximately the last six (6) months to review and test it. He noted that staff had not necessarily been at terminals using the system but they had watched Tyler perform things that were closely related to what staff does on a daily basis.

Mr. Lewis asked how much advance notice customers would be given regarding their billing cycle if the system were approved. Responding, Mr. Hudson advised that staff could tailor the notice, explaining that a robo-call could be issued with a drop-dead date, or alerts could be issued some time before implementation. Mr. Lewis asked if this would be optional for customers. Responding, Mr. Hudson stated that staff would let customers know that the City has a feature that is going to benefit them; however, staff could not make someone provide their information if they do not want to. He indicated that he was unsure why customers would not want to have a reminder that would eliminate the typical excuses that staff frequently hears from customers regarding not paying their bills because they forgot or were away on vacation.

Ms. Slavin stated that he had a little experience with such implementations. He advised software typically comes with standard functionality, and requirements are then mapped into the standard functionality. Mr. Slavin explained that a gap exists, and there is an option to modify the system and have it meet everything that the agency currently does or modify business practices so that they meet the system. He indicated that there is typically an 80/20 rule, whereby 80% is the out-of-the box system and there is a 20% gap between the requirements and the system. Mr. Slavin asked if staff had looked at the gap analysis between the City's requirements and the capability of the software in general terms. Responding, Mr. Hudson stated that the whole idea behind having department heads and staff attend sessions was to come up with ideas, and this was discussed repeatedly. He stated that BerryDunn would also allow staff to submit questions at a later date if things came up at the last minute. Mr. Slavin cautioned that there would be an additional one-time cost for each modification made to the system and, although some of the cost may be included in the customization, modifications may increase the out-year maintenance cost. He advised that the City would be forced into upgrades on the software and would have to upgrade modifications each time as well.

Mr. Slavin stated his assumption that the City would not run ADP and the new system as parallel systems but would have a cut-over date. He stated his belief that what Mr. Lewis had been hinting at was the fact that there would probably be a fairly rigorous acceptance testing to ensure that things are being done correctly, people are being paid the right amount, and bills are being issued for the right amount. Mr. Slavin asked what dates were driving the decision for the cut-over, noting that sometimes it is a fiscal year and sometimes a pay cycle. Responding, Mr. Hudson stated that one (1) of the reasons that BerryDunn was being asked to be the City's consultant and to assist staff with the implementation phase was that they have a lot more experience. Mr. Slavin advised that, although staff may think that the system can be turned on and go live as soon as they get through testing, they would find that they will only have four (4) available dates for any year when this can be done so that everything syncs up.

Mr. Sudler asked if staff had compared success rates for neighboring cities in regard to this system. Responding, Mr. Hudson stated that he had a list of municipalities throughout the country which were very close to Dover in size, with some a little larger; however, none of them were in Delaware. He explained that staff used a scoring method to compare the companies that presented, noting that BerryDunn helped with this process. Mr. Hudson stated that both systems were scored twice and the results were clearly on the side of Tyler, rather than Edmunds and Associates.

Responding to Mr. Sudler, Mr. Hudson stated that, as a whole, staff did not come across any negatives for the Tyler system. He noted that Edmunds was not able to provide some things that staff would have liked to have seen but they indicated that they may be looking to do them in the future.

Mr. Sudler stated his belief that, if the system were implemented, retaining contact information would have to be mandatory for total success. He advised that it would be a good idea to make it mandatory for customers to provide contact information when they sign up to let them know that their bill may or may not be late. Mr. Hudson advised that staff would be asking all new customers for their contact information and it would not be optional. He indicated that the option would be for existing customers from whom staff would have to ask for additional information.

In response to Mr. Shevock, Mr. Hudson stated that the City's current hardware would not be capable of running the functionality of the new system and new hardware equipment would be needed, in addition to the software.

Mr. Shevock noted that a little more than $2M was budgeted for the current year and asked if the other funds would be budgeted next year to cover everything. Responding, Mr. Hudson stated that the figures that the Committee was reviewing would apply to the implementation of the system. He reminded members that the two (2) additional modules that were added in for Customer Service and the Police Department would be negotiated. Mr. Hudson stated that staff felt that the current price was a sticker price and could still be negotiated.

Mrs. Mitchell reminded members that this project started in September of 2016 when vendors were brought in with demos, and they showed staff what new systems would look like and piqued their interest. She explained that staff set up a process and an RFP was completed to select a vendor to

help staff select an ERP system. Mrs. Mitchell stated that she had sent a milestone chart to Council a couple of times letting them know where staff was on the project. She noted that staff had been following the project plan all along and the ERP had been in the Capital Improvement Plan (CIP) for the last two (2) years. Mrs. Mitchell advised that the total funds for this project had been included in the CIP over three (3) years and noted that the timing for paying the fees may be different. She stated that the process took into account the demos that Mr. Hudson had discussed, and staff went through scoring sheets. Mrs. Mitchell estimated that BerryDunn had been to Dover probably three (3) times having seminars with staff, writing seminars, scoring the products, and doing a needs assessment. Mrs. Mitchell explained that staff went through a very long needs assessment and all departments had to fill out forms regarding their needs to make sure that the system would meet the needs.

Mrs. Mitchell explained that staff was being told that the system would not be a customizable solution but a standard package, and the City would need to change its processes to meet the system. She advised that staff was not looking to do a lot of modifications and customizations because they would be outside of the regular license and maintenance fees. Mrs. Mitchell stated, in regard to customer files, that staff had been told that they could cross modules for taxes, utilities, permits, clean hands, etc., that staff deals with every day. She indicated that when a customer is brought up, everything for that person would be provided, noting that currently the information for each module type was in a silo and the customer's name was entered differently.

Mrs. Mitchell stated that staff met last week and planned to start with the GL, and other functions would be phased in. She advised that the utility billing would be at the end of the three-year time frame. Mrs. Mitchell stated that they met with the tax office, permitting and inspections, and utility billing and told them of the need to get their files matched up. She explained that staff had been told that this could be done before or after the fact, and she did not want to do it after the fact because it would not get done, and she wanted the system to work the way it is supposed to work.

Mrs. Mitchell advised members that staff would be starting with the tax system because it is the main system that includes lot numbers and tax information. She stated that she had her monthly meeting with Mrs. Cheryl Bundek, Tax Assessor, earlier in the day, and Mrs. Bundek and Ms. Patricia Marney, Customer Service Director, had already developed a checklist of all the information that staff has to take from each customer and input, to ensure that the same information is available to everyone who needs to access it. She indicated that staff was already being trained that the City has to change the way it does business.

Mrs. Mitchell stated that this would be a really big project, the consultants had advised that it would take approximately 30% of the time of the key people involved, and staff was being told that they must gear up for it. She expressed her hope that interns could be brought in to help with routine tasks if there were funds left over; however, she did not know if there would be enough funds to do this. Mrs. Mitchell explained that funds were getting close because she was asking to add ECitation to make things easier on the police. She advised that staff was trying to manage to the budget and make sure that everyone is educated on how the project would work and what the expectations are.

Mrs. Mitchell stated that, after reviewing the scope of work from Tyler, she was thinking about relocating a staff member to the former office space of Mr. William Neaton, with the sole responsibility of making sure that everybody stays on track. She noted that she had not yet talked to this staff member. Mrs. Mitchell advised that staying on track would affect the City's pricing, and she stated her belief that an allowance of approximately 250 hours of leeway would be given and the City would have to pay more for anything over that. She stated that staff understood that this project was a big step for the City; however, the City has had the current system for 20 years and there was a need to move into the future.

Mr. Anderson asked if Edmunds would require the City to use ADP. Responding, Mrs. Mitchell explained that Edmunds has a payroll system but not time and attendance. Mr. Anderson noted that this was another flaw with Edmunds. Mrs. Mitchell advised that staff was trying to keep everything moving into a fully integrated system so there would not be silos, like the City currently has. She stated that staff was trying to get all the pieces communicating and working together.

Dr. Stewart noted that City-Hosted Deployment would be cheaper than Vendor-Hosted and asked if the City has the staff and technical background to actually manage the system once the vendor wraps it up and walks away. Mrs. Mitchell responded yes, stating that the City has an IT programmer for its HTE system who is on an IBM AS400 and is somewhat familiar with SQL. She indicated that staff chose City-Hosted Deployment, and the additional hardware cost of approximately $62,000 was included in the $2,444,000 in the recap of the budget. Mrs. Mitchell noted that the system would take an SQL programmer, and the $2,444,000 included $70,000 for an SQL programmer consultant to help with the project and to train the City's current programmer how to do the job in the future. She noted that she had received the RFP for the consultant earlier in the day. Mrs. Mitchell stated that, rather than telling the current employee that they are not qualified for the job anymore, the City will get the employee qualified for the job by having the consultant train them at the same time they are helping with the project.

Mr. Neil moved to recommend approval of staff's recommendation to authorize the Acting City Manager to enter into a contract with Tyler Technologies for the purpose of acquiring an Enterprise Resource Planning system and authorization to retain the services of BerryDunn to assist staff with the implementation phase of this project. Total cost not to exceed the authorized budget unless otherwise approved by City Council. The motion was seconded by Mr. Anderson and unanimously carried.

Proposed City of Dover Ethics Initiative

Mr. Polce stated that, in order for Councilmembers, Council-appointments, Mayoral-appointments and the Mayor to better serve the constituents of the City of Dover in an open, transparent fashion and to further be held accountable for any conflicts of interest, the proposed Ethics and Financial Disclosure Initiative was brought forward for consideration. He reviewed the Initiative as follows:

The following actions shall be taken by each of the designated persons:

1. Councilmembers shall file financial disclosures annually with the Public Integrity Commission. Councilmembers shall submit proper and necessary documentation by August 1st of each calendar year.

2. Committee and Commission appointees shall sign an acknowledgment decree of the ethics policies of the City of Dover. The document shall be read, reviewed, and signed by all appointees by the time of their appointment or re-appointment.

3. Councilmembers, Council-appointments, Mayoral-appointments, the Mayor and all city employees shall undergo and receive annual training on the City of Dover's ethics policies and procedures.

Mr. Polce noted that the City currently has an Ethics Commission that was put in place before his time on Council. In regard to recommendation #1, he stated that Council members should be held accountable by filing an annual financial disclosure form to the Public Integrity Commission (PIC) that would clearly delineate Council members' personal holdings and highlight any personal conflicts of interest that could arise throughout normal business.

Mr. Polce moved to recommend that the recommendations be forwarded to full Council, seconded by Mr. Lindell.

Mr. Anderson advised that he liked the idea of point #2 and thanked Mr. Polce for bringing the subject up. Responding to Mr. Anderson, Mr. Polce stated that he was open to clarification regarding point #3 and that the annual refresher training was something that could be done online or by paper rather than holding a meeting for that purpose. Mr. Anderson indicated that he would like to see this clarification put in the amendments.

Mr. Anderson asked why members would file disclosures with the PIC, noting that this is not required in the City's Charter and the City is governed under its own ethics. He indicated that he was a bit skeptical of this recommendation, as someone who had been a longtime privacy advocate. Mr. Anderson stated that this requirement would be enough to be intrusive but not enough to do any good at the State level, and he did not see how that would change at the City level.

Mr. Polce expressed appreciation for Mr. Anderson's support for points #2 and #3. He stated that, in regard to point #1, he had filed a PIC disclosure form directly after he was elected, and he knew that other current and past members of Council had filed as well. Mr. Polce noted that this is an easy process, explaining that the form asks where your sources of income are coming in from and at what amounts. He indicated that this document keeps you true to know where your financial interests lie. Mr. Polce stated that this is a level of transparency for the general public and a way to hold members and their constituency accountable for actions of potential impropriety.

Mr. Anderson asked if a conflict of interest was not governed already under the ethics code. Responding, Mr. Polce stated that the major concern was that a conflict would not be disclosed,

noting that currently the Ethics Commission does not require disclosure of financial holdings and vested interests by Council. He noted that members could recuse themselves; however, this would be based on a Council member's personal actions. Mr. Polce advised that his recommendation would: 1) streamline the process; 2) create equity among all Council members, specifically with financial interests; and 3) open the doors for full and open transparency as much as possible.

Mr. Anderson asked if Mr. Polce had any particular reason for the suggestion, or statistical or other background regarding this issue being a problem. In response, Mr. Polce advised that, nationally, numerous municipalities around the same size as the City have financial disclosure documentation. He indicated that Delaware's situation is unique in that it has a State-wide entity whose sole job is to receive these documentations, reconcile them, and be the public watchguard of potential conflicts of interest. Mr. Polce stated that he was pretty sure that not a single municipality or town had taken this step in Delaware, based on his limited research in the State, and the City of Dover would be the first. He advised that there is potential impropriety happening in some of the municipalities across the State, noting that it is seen quite often in the newspaper that council members' discretionary funds, and their personal vested interest in those discretionary funds, raise questions and alarm. He indicated that the recommendation would be a way to create an even playing field for all members to be proactive, disclose their interests, and have transparency to their constituency, which hopefully would allow members to perform better government.

Mr. Sudler stated that, in regard to point #1, he did not have a problem disclosing who he works for and some of his interests, but did have a problem with disclosing how much money he makes. He indicated that this was personal, noting that some things should remain personal and some public, and he did not think disclosing how much he makes or does not make is the public's view. Mr. Sudler advised that the IRS can provide information if someone was really inquisitive as to his finances or if this was an issue; however, he did not think this was necessary. He indicated that he did believe it necessary to provide a member's employer or what other jobs they may have for conflict of interest. Mr. Sudler stated that he did not appreciate the kind of legislation that pries into his personal income. He noted that members are public officials and open to scrutiny; however, they also have a right to privacy.

Mr. Slavin stated that Mr. Sudler had offered a valid concern and, for clarification, Mr. Slavin explained that the PIC filing does not ask for level of income but asks where the individual is receiving income from over a certain amount and who the individual is in debt to over a certain amount so that they know what entanglements the individual may have.

Responding to Mr. Hare, Mr. Polce explained that individuals are asked if they have any holdings above a certain amount. Mr. Hare asked if individuals are asked about property or business ownership, for example, if someone was a 90% equity owner of a company. Responding, Mr. Slavin stated that a business ownership level over a certain amount would be disclosed; however, he did not believe that individuals are asked for disclosure on real property. Mr. Polce advised that if members owned several homes held in an LLC, they would have to report that information because it is a business entity; however, they would not have to report their personal domicile.

Mr. Hare asked if an individual would have to disclose that they own property that they are trying get the City to do something with, that the City may not want to do, for example annexation. Responding, Mr. Polce stated that this would technically not have to be disclosed.

Mayor Christiansen stated that he appreciated Mr. Polce bringing this forward since Mayor Christiansen was one of the people who originally brought the City's Ethics Commission to fruition. He indicated that he agreed with some of Mr. Sudler's points; however, when there is mischief outside of the City, it is reassuring that Council is addressing these issues. Mayor Christiansen advised that he would be supportive. He indicated that he also agreed with Mr. Anderson, noting that committee members and Council appointees are all on tight schedules and have other lives; therefore, an online option or paper copy should be available. Mayor Christiansen advised that he thought it really important that the public have trust that the members of Council, the Mayor, and City staff are above reproach, and the City owes this to the public. He stated that he appreciated the Legislative, Finance, and Administration Committee and members of Council for being candid in their discussions.

Mr. Slavin stated that he believed very strongly in this proposal and appreciated that it was being brought forward. He advised that this would correct a deficiency that the City has, stating that members receive little to no real guidance on ethics on a one-time or annual basis, through no fault of their own, simply because they do not pay attention to it. Mr. Slavin indicated that members know what is in the ordinance and Code; however, they have other responsibilities as well, and leaving ethics to a case-by-case basis makes for difficulty sometimes. He stated that the recommendation would allow members to be very proactive and would align them with a practice that is already in place for hundreds of public officials of the State, and this is a standard that he thought members should shoot for. Mr. Slavin advised that this would correct a deficiency, which he stated was not meant as a slight to the members of the City's Ethics Commission. He stated that he thought that members of the Ethics Commission would perhaps agree with the statement that when they are nominated by the Mayor and confirmed by Council, they are then in a delicate position when a member of Council has to come before them. Mr. Slavin explained that the recommendation would take the elected officials out of the Ethics Commission's purview but would leave everyone else, so the Commission would be dealing with appointees and staff.

Mr. Slavin stated, in regard to Mr. Anderson's concern, that PIC filings, which Mr. Slavin had been filing for over 20 years as a public official in Delaware, are eligible under the Freedom of Information Act (FOIA), but they are not published. He noted that when an individual hits the send button, the filing does not go to a website that lets everyone see it.

Mr. Sudler asked, in regard to point #3, if PIC would step in and be the deciding factor for an ethics complaint or issue regarding the Mayor or Council. Responding, Mr. Polce stated that this would apply to the entirety of his recommendations and not specifically to item #3.

Mr. Polce withdrew the motion to recommend that the recommendations be forwarded to full Council, in order to accept amendments to the proposed Ethics and Financial Disclosure Initiative document.

Mr. Sudler stated that he would like to work with Mr. Polce regarding council members and mayor concerns going to the PIC rather than the Ethics Commission. He indicated that he thought this was a great idea.

Mr. Polce stated that he appreciated Mr. Sudler's comment and was committed to adopting feedback from this conversation to ensure members get it right. He indicated that it was a pivotal point that probably lacked clarity within the document that PIC would be the proper channel for recourse for all three (3) points. Mr. Sudler thanked Mr. Polce for his hard work and answering his questions.

Mr. Lewis thanked Mr. Polce for bringing this issue forward, noting that he was a big proponent of transparency. He asked where the training would come from and whether an attorney from PIC would be called in to give members a course. Responding, Mr. Polce indicated that he was committed to making sure that, moving forward to Council, there is clarification in the document. He advised that his commitment was to making sure that the modality is best fitted for the individual, so online training or a written test, as suggested by Mayor Christiansen, would be completely acceptable. Mr. Polce advised that numerous initiatives across the nation have several forms of ethics training, which is most often offered in an online platform that takes a few hours to complete and certification is given. He noted that the State currently requires annual ethics training.

Mr. Lewis asked how technical members would get and if they would reveal 401(k)s and pensions. In response, Mr. Polce advised that, anecdotally, the PIC form is very easy to submit. He noted that it asks where the individual's income is coming from and if they have any vested interests in stocks/bonds, over a certain threshold. Mr. Polce stated that it did not ask how an individual is vested, such as if the majority share of a rolling Roth is in real estate or not, but does ask very direct, simple questions about financial interests, records them, and holds the individual accountable. Mr. Slavin stated, for clarification, that if holdings were in a mutual or retirement fund, the individual is only required to name the fund. For example, he advised that the State has a Voya retirement fund, and if you are in that, you just state Voya retirement.

Mr. Anderson stated that he would like to get working toward an amendment so that members could move this forward, as he thought it was worthwhile. He asked how members wanted to word the amendments, for instance an amendment regarding the annual training and another regarding the PIC. Responding, Mr. Hare suggested that members let Mr. Polce take the proposal back, tweak it, and bring it back at the next Committee meeting, and Mr. Anderson and Mr. Polce agreed. Mr.Polce thanked his colleagues for their feedback, and promised to incorporate the Committee's recommendations and revisit the subject at the next Legislative, Finance, and Administration Committee meeting.

Mr. Hare stated that this item would be placed on the agenda for the next Legislative, Finance, and Administration Committee meeting and Mr. Polce would have the changes made.

Updated Memorandum of Understanding (MOU) for Preliminary Land Use Services (PLUS) Review

Mr. David Hugg, Acting Director of Planning and Community Development, informed members that, in 2004, the State adopted the Preliminary Land Use Service (PLUS), which is a process at the

State level where large projects that have the potential to have impacts beyond the local jurisdiction or of a somewhat regional nature go through a review and comment period separate from local government. He explained that the law that enacted PLUS requires that those projects be submitted by a local government to the PLUS process.

Mr. Hugg informed members that, in 2004, the City adopted a Memorandum of Understanding (MOU) with the Office of State Planning Coordination (OSPC) that sets thresholds and provides baselines for how the process will work. He indicated that since 2004, approximately 6% of all of the land use change/land development applications filed with the City had raised to the level where a PLUS review was needed. Mr. Hugg explained that examples of projects requiring PLUS review were a residential development of more than 125 houses and a commercial or industrial project of more than 75,000 square feet.

Mr. Hugg advised that the City has a certified and adopted Comprehensive Plan from 2009, which is one (1) of the requirements for allowing a jurisdiction to exempt itself from PLUS. Additionally, he advised that the City has its own review process in the Development Advisory Committee, explaining that if a City has a review process that is equal to or more stringent than the State, it can seek a waiver. Mr. Hugg noted that the provisions of the PLUS process can be avoided for situations such as a very incidental or minor rezoning that requires a de minimis Comprehensive Plan amendment. He explained that the new MOU, developed by the City's Planning Staff and OSPC Staff, clarifies these understandings. Mr. Hugg reviewed the MOU, noting, in particular, that it clarified that projects at Garrison Technical Park do not require PLUS review except in very limited circumstances, raised the threshold limit on residential projects to 125 or more dwelling units, and added in the minor projects waiver provisions. Mr. Hugg advised members that the City's Planning Commission reviewed the MOU at its Quarterly Workshop on August 23, 2017.

Mr. Neil moved to recommend approval of the Memorandum of Understanding (MOU) for Preliminary Land Use Services (PLUS), as recommended by staff. The motion was seconded by Mr. Sudler and unanimously carried.

Proposed Code Enforcement Policy and Vacant Building Ordinance Changes

Mr. David Hugg, Acting Director of Planning and Community Development, stated that, as a result of increasing concerns about the time associated with resolution of code enforcement actions, the difficulty in collecting on fines or alternatively causing buildings to be brought into compliance, and the implications of the various exemptions to the vacant building ordinance (VBO), staff had reviewed their authority and proposed changes to procedure and code provisions. He reviewed the proposed changes to Code Enforcement Policy and the VBO, noting that this was the first part of a two-part process that related to policy. Mr. Hugg stated that he had been given the advice that even though he, as Acting Director, can impose policy as long as it is consistent with the underlying code, which this policy was, it should come before the Legislative, Finance, and Administration Committee to be discussed or endorsed. He noted that he had not included in the document that there is a provision in the fee structure in the Dover Code that the City can double fines if corrective action is not taken; therefore, an even greater penalty is available. Mr. Hugg advised that the second piece of the policy would be a rewrite of the VBO to eliminate some of the waivers and loopholes, which would probably come before members in October. He noted that it did not make any sense

to him to exempt all the vacant storefronts downtown if they have somebody living upstairs above them, stating that there was no disincentive for the property owner to make improvements. Mr. Hugg indicated that he wanted to make members aware of these policy changes and ensure that they did not have any major concerns.

Mr. Slavin thanked Mr. Hugg and his staff, as well as Mrs. Donna Mitchell, Acting City Manager; Ms. Lori Peddicord, Acting Controller/Treasurer; Mr. Kirby Hudson, Assistant City Manager, and everyone in City government, stating that this spirit of finding and fixing things was contagious. He stated that the City had turned the corner and was now addressing all of these things that were weighing it down. Mr. Slavin stated that this was a good example of seeing something that is wrong with the ordinance, knowing how to fix it, and doing so. He thanked Mr. Hugg for bringing this matter, and other things, forward.

Responding to Mr. Slavin regarding the particular fines he was discussing, Mr. Hugg advised that fines would be primarily for property maintenance kinds of code violations. He indicated that there is a fee structure associated with grass cutting, which is a separate category of violations. Mr. Hugg explained that grass cutting has its own notice provisions and ability to follow up by having the grass cut if needed. He explained that examples of these violations are cars parked on the grass, trash, buildings with broken windows that do not rise to the level of being a dangerous building but clearly are violations, or something that needs to be addressed.

Mr. Neil congratulated Mr. Hugg and the staff and everyone else who had worked on the policy. He asked if the City or the violator would have to pay court and legal costs. Responding, Mr. Hugg advised that if the City brings an action, part of that action can be a request for recovery of costs if the City is successful. He stated that the thinking behind this was that the most critical thing is to get the building and code violation issues corrected and not necessarily recovery of the money, noting that Mrs. Mitchell might have a different thought. Mr. Hugg advised that, in his experience, when a jurisdiction goes to court, very often the magistrate or Justice of the Peace will waive the financial penalties, noting that they do not have a history in Delaware of being in favor of fining people for code and planning violations, etc. Mr. Hugg stated that the City could say, "We're taking Mr. Anderson to court because he refuses to fix his property and we want $500 plus our court costs," which would be nice; however, at the end of the day the owner would still have a building that has not been fixed up. He indicated that if the City was going to cure some of the blight conditions that it is dealing with, it was much more important to get the property addressed and risk that all of the penalty money might not be paid. Mr. Neil stated that he would like to see it included in the document that the City could do this so that the City would have another tool, and Mr. Hugg stated that he would address this.

Mr. Anderson stated his belief that, in accordance with the ordinance, people are first notified. He noted that the proposed change would associate the warning with a fine and questioned if it would really be a warning if it comes with a fine. Responding, Mr. Hugg stated that this would be like the fine he would probably receive if he ran a red light. He advised that the code officer has discretion and, for example, if there was an issue with debris in the front yard of Mr. Anderson's house, the code officer could say, "Hey, how about picking this up? I don't really want to give you a citation." Mr. Hugg stated that this would be the end of the discussion, a new case would not be opened, and

nothing would really happen. He advised that part of the reason he wanted to reduce the penalty to $25 was that the City was expending some cost in sending a person out and writing a citation, and he did not want to just say, "Oh sorry, don't do it again." Mr. Hugg indicated that a little pain should be associated with the violation, which was why it was structured this way.

Mr. Hare stated that a code enforcement officer had advised someone that they were not allowed to park their car on the grass in their front yard and asked them to move it so they did not get a violation. He stated that three (3) days later the employee came back, the car was parked in the grass, and he issued a first violation. Mr. Hare stated the car was moved and had not been there since. He commended the Mr. Phillip Lewis, Code Enforcement Officer, who had done a very good job and was very nice. Mr. Hugg noted that the code enforcement staff has that discretion.

Responding to Mr. Lewis, Mr. Hugg stated that he did not know the percentage of fines that are collected; however, most of the initial fines, such as $100 or $250, are collected but fines above that level are not. He noted, in addition, that traditionally penalties for certain kinds of exterior property management violations had not been added as a tax lien because staff was under the impression that they could not do this. Mr. Hugg advised that, after reading the State law carefully with Mr. William Pepper, Deputy City Solicitor, staff would be amending that procedure so a penalty for a property maintenance issue, for a violation such as a sagging front porch, could be applied as a tax lien. Mr. Lewis requested Mr. Hugg to email him with the percentage of fines that are collected. He stated that he concurred with Mr. Hugg regarding liens being implemented on taxes and commended him for integrating this.

Mr. Hare stated that he was unsure if any action was needed on this matter, stating his understanding that it was Mr. Hugg's option to make these changes and he was just presenting them to members for discussion. Mr. Slavin stated that staff was informing members of this action but it was clearly at staff's level to do this.

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

Meeting adjourned at 7:12 p.m.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee met with Chairman Sudler presiding.

AGENDA ADDITIONS/DELETIONS

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

Request for Dog Park and Passive Playground - Acorn Farms

Members reviewed a request from Ms. Mahala Duffy, 104 Teak Court, for consideration to build a dog park and passive playground, as well as a petition requesting a dog park and playground for Acorn Farms Park at 1 Acacia Place.

Mr. Sudler acknowledged that members had received correspondence from Ms. Mary E. Bradley, dated September 11, 2017, expressing her strong opposition to the request for a dog park and passive playground in Acorn Farms **(Attachment #1)**.

Ms. Duffy advised that members of the community were present to advocate on behalf of the Acorn Farms community.

Ms. Sandra Taylor, 36 Acacia Place, indicated that the Acorn Farms community had talked about a dog park and a playground approximately ten years ago; however, it did not go forward because they thought that they would be liable for any accidents. She noted that they had been told that it would be at the person's discretion, and if they fell, it would not come on the homeowners; therefore, they brought the matter up again and came up with the dog park and playground. Mr. Sudler asked if Ms. Taylor was in support of a dog park or not, and she stated that she was in support.

Mr. Anderson expressed his thanks that this issue had been brought up, noting that there had been a number of requests for dog parks around the City. He asked if the area was currently owned by the City or would be ceded to the City. Responding, Ms. Duffy stated that the area was currently owned by the City and this was why the request was brought to the City. She explained that she had created a petition and drafted a letter regarding having a City park put into this zoned off area.

In response to Mr. Slavin, Ms. Taylor explained that the Acorn Farms Homeowners Association (HOA) was the underlying property owner; however, during their HOA meeting in July, it was brought to her attention that there was currently a City of Dover sign posted there. She indicated that she did not know what was going on, stating that she thought it was common ground owned by the Acorn Farms HOA. Mr. Slavin suggested that the City might be able to clarify who owns the property.

Mr. Hare stated his understanding that they wanted to put a dog park there at their expense, and not the City's expense, if the land is HOA land. Responding, Ms. Duffy explained that the request was brought for the City to incorporate a dog park. She stated that the area is zoned off to the City and the HOA is no longer a part of owning the area. Mr. Hare asked if they would want to put in a dog park if the City was to give the area back to the HOA. Responding, Ms. Duffy stated that this would have to be discussed within the HOA.

Mr. Hare advised that he had driven through the area and there were quite a few yards with grass that was approximately two (2) feet tall. He asked if the HOA monitors this and calls the City to come and issue summonses. In response, Ms. Taylor advised that they do not monitor this because they do not have the numbers to do so and there is no volunteerism. Mr. Sudler stated, as a point of order, that this was not the issue being discussed.

Responding to Mr. Sudler, Ms. Duffy stated that the request was to convert the park to a dog park. Mr. Sudler advised that he had gone to the park and noted that the area may be open space; however, he had seen "City of Dover Property", and he stated that the City of Dover owns it. He thanked Ms. Duffy and Ms. Taylor for coming out and expressing their concerns and suggested, if there were additional concerns, that a conversation be held outside of Council Chambers with Mr. David Hugg, Acting Director of Planning and Community Development.

Mr. Slavin expressed his thanks that the request was brought forward to members. He explained that this is how parks are born in the City, when people come forward saying that there is a need for recreation, etc. Mr. Slavin noted that he had no idea what it takes to put a dog park in; however, Mr. Hugg's office would be able to identify that. He indicated that there are key questions about who owns the land and how much land, and there would be issues about parking, etc. Mr. Slavin stated that they should understand that a unique park, like a dog park, would likely attract more vehicular traffic from people outside the neighborhood and this would be a consideration.

Mr. Matt Rooney, 118 Linden Court, stated that he had resided there for ten years. He advised that he was for the dog park, which would do nothing but help the community, bring it together, and do good things for it.

Ms. Paula Duffy, 104 Teak Court, stated that she is a homeowner and had been a resident there for 20 years. She advised that she thought that it was imperative and a good cause to see if the project could come into effect. Ms. Duffy indicated that it would be nice to have some place in their community for dogs to go, stay off the property, and have a place to run. She noted that they were talking about dogs, but it is a family community and it would be nice to have a place for the children to be able to play as well.

Ms. Mary E. Bradley, 209 Mahogany Place, stated that she had written the letter strongly opposing the dog park. She asked if members had read the letter or were aware of its points. Responding, Mr. Slavin noted that the letter had been emailed to members and paper copies were provided during the meeting.

Mr. Anderson thanked everyone for their opinions and engagement.

Mr. Cole advised that the dog park issue was something that he had always been interested in, stating that he had met with Officer Christopher Hermance and the K-9 officer from the Dover Police Department approximately one (1) year ago. He indicated that the Police Department was looking at writing grants and different things to try to find funds, as well as where to put a dog park. Mr. Cole stated that he was unsure where the Police Department was with following through and recommended that Mr. Hugg, Mrs. Donna Mitchell, Acting City Manager, or whoever is moving forward with this matter match up with the Police Department.

Mr. Anderson moved to recommend acceptance of the petition and the letter, seconded by Mr. Sudler.

Responding to Mr. Slavin's request for clarification on the motion, Mr. Anderson stated that the motion would accept the petition and letter into the record. Mr. Slavin requested an amendment to accept and refer the matter to Mr. Hugg for further development of the proposal.

Mr. Anderson moved to recommend acceptance of the petition and letter and referral of the matter to Mr. Hugg, seconded by Mr. Sudler.

Mr. Slavin stated that this matter would come back to the Committee for full vetting once the property ownership issue, space requirements, etc., are understood. He noted that he wanted to be clear that the request was not approved and that members were just recommending approval to have a dialog about it.

Mr. Sudler thanked everyone, whether for or against the proposal, for coming forward and stating their opinions.

The motion to recommend acceptance of the petition and letter, and referral of the matter to Mr. Hugg was unanimously carried.

Mr. Hugg advised that he would look into whether the Acorn Farms park area was City property or not. He stated that he believed that it was owned, operated, and managed by the HOA.

Proposed Resolution No. 2017-11 In Support of Delaware Outdoor Recreation, Parks and Trails (ORPT) Grant Application - Dover Park Master Plan and Schutte Park Phase I Improvements

Mr. David Hugg, Acting Director of Planning and Community Development, stated that, in May or June 2017, he advised Council that the City had been invited to submit pre-applications for possible park development grants from the State. He noted that this was done, in accordance with State deadlines, and the City was asked to submit formal applications for two (2) of the three (3) projects applied for. Mr. Hugg informed members that, as of September 8, 2017, applications were submitted for 50% matching funds for the Dover Park Master Plan and approximately 35% matching funds for the improvements at Schutte Park. He indicated that the amount of money that the City was able to obtain was less than the actual cost of the improvements that staff wanted to carry out. Mr. Hugg stated that both projects were pending final approval and staff hoped to hear the results soon. He advised that one (1) of the requirements for funding would be adoption of a resolution by Council authorizing Mr. Hugg as the appropriate City official to accept the grant applications and funding, and to manage the projects.

Staff recommended adoption of Resolution No. 2017-11.

Mr. Anderson asked if the covenant restrictions that the City would enter into would apply only to the improvements and if the restrictions would interfere with putting in or expanding indoor facilities at these locations. Responding, Mr. Hugg advised that all of the properties that the City acquires using federal or State recreation funds have an associated covenant that the improvement or property shall be used in perpetuity for outdoor recreation, or for whatever the purposes were. He reminded members that the City had been working on a transfer of land with Capitol Baptist Church in

Mayfair, noting that the City acquired a piece of property there with State funds many years ago and was trying to work out a land swap with the church. Mr. Hugg explained that the covenant would be limited to the things that are actually being funded and would go with the property, noting that if the City were to do something different later, this would have to be addressed. He advised that it would not restrict the City in terms of anything else it does unless the City applies for grant funds for that purpose.

Mr. Lewis asked if the funds would be put toward existing issues and repairs rather than anything new. Responding, Mr. Hugg stated that the funds were for continued improvements. He explained that the funds for Dover Park would be used to develop a master plan, like the plan completed last year for Schutte Park. Mr. Hugg advised that Mr. Eddie Diaz, Planner I, would be the project lead and the City would contribute in-kind services for a substantial majority of its share of the 50/50 matching grant. He indicated that Schutte Park funding would be used to begin implementing the master plan that Council adopted earlier in the year. Mr. Hugg stated that the funds would be used to continue one (1) of the loop trails, explaining that the trail would extend along the road that goes to Wyoming Mill Road, cut back across the park south of the fields, and go back to the Pitts Center. He advised that the grant would also provide for drainage improvements for the parking lots and grading, design, and seeding of new playing fields in the north quadrant. Mr. Hugg indicated that these new improvements were consistent with the capital budget items that were approved as part of the current and previous year budgets. He explained that the improvements in Dover Park could be the subject of a later application, and if it was desired to do a management process for the wooded area, remove and re-align some of the parking, or put in new facilities, the City could go back and seek additional State funding for that purpose.

In response to Mr. Anderson, Mr. Hugg stated that these expenses were budgeted in the current year. He noted that the capital program has a couple of levels of funding specifically for large and small park development projects that would be used. He indicated that there were also funds in the Parkland Reserve Fund, which was a separate fund.

Mrs. Donna Mitchell, Acting City Manager, explained that $15,000 was included in this year's budget for small park improvements, which Mr. Hugg had gotten underway, and $66,000 for more park improvements, $33,000 of which were matching funds from the State. Mr. Hugg advised that some of these funds would be used for Continental Park.

Mrs. Mitchell stated that approximately $190,000 was budgeted for Schutte Park improvements based on pre-conceptuals from the master plan designed by Mr. Diaz. She noted that the preliminary set of numbers was based on the conceptual opinion of the engineer and not fine tuned. Mrs. Mitchell explained that the total master plan engineering costs were $9M, which the City does not have; however, Mr. Hugg was trying to get in pieces of the plan as he could. She indicated that the plan includes laying everything over with sod, and has a lot of components, and there was a need to make determinations regarding what would be done and what the City can afford to do at the park. Mrs. Mitchell noted that there were still other parks to be done. She advised that the $190,000 would come from the reserve. Mrs. Mitchell noted that the reserve balance was approximately $300,000 last year and she would have to get a new balance; however, it was being depleted and would not have a lot of money in it next year.

Mr. Neil moved to recommend adoption of Resolution No. 2017-11 (Attachment #2), as recommended by staff. The motion was seconded by Mr. Anderson and unanimously carried.

Mr. Hugg reminded members that staff had applied for an AARP Community Challenge Program grant that was competitive nationwide, and he announced that the City of Dover's project was one (1) of 89 projects nationwide, and the only project in Delaware, that was awarded funds. He noted that AARP had already sent $2,000 for promoting and starting signage for the re-opening of the bicycle and pedestrian pathway system along North Street, from the railroad extending to where construction had been undertaken. Mr. Hugg advised that the project must be completed by November 1st and that he was very pleased to get it. He thanked Mr. Diaz, who put the application together in approximately an hour and submitted it, and he noted that there should be an announcement in the newspaper soon.

Update - Continental Park

During the Regular City Council Meeting of August 14, 2017, members received the Continental Park's Workshop Update and accepted the July 2017 Chair's Report. During their August 14, 2017 meeting, members also considered a Back to School Giveaway and Rib-Off Fundraiser Initiative for Dover Park and Continental Park and endorsed the project and made it a City-sponsored event.

Mr. David Hugg, Acting Director of Planning and Community Development, provided members with a proposal and quote from Cunningham Recreation for a play area in Continental Park for children aged two (2) to five (5) **(Attachment #3)**, and advised members that they were able to get the original price of $17,000 reduced to slightly more than $15,000 for the project. Referring to the drawing for the Continental Park Proposed Playground for Ages 2-5, Mr. Hugg indicated that the play area would be placed in Bicentennial Village around the corner from the existing park. He noted that it would start to meet some of the recreational needs in the community and send the community a signal that the City heard and listened to them and would respond with an area for young children to play.

Mr. Hugg informed members that two (2) park benches that had been located near the PNC fountain were sent to the Public Works Department to be rehabbed and installed on Independence Boulevard in the existing Continental Park, once road improvements are finished there.

Update - City of Dover Partnership with NCALL - Pop-Up Parks

Mr. David Hugg, Acting Director of Planning and Community Development, informed members that approximately a month ago staff was approached by the National Council on Agricultural Life and Labor Research (NCALL) with a request for funds for disposable, consumable items for a pop-up park program that NCALL does periodically in the City. He noted that this concept has also been referred to as a play in the streets or street playground and is a one-morning or one-day program where the street is blocked and play equipment is brought in for an ad hoc park for the kids in the neighborhood. Mr. Hugg advised that Mr. Slavin had generously authorized Mr. Hugg to give NCALL some funding to buy equipment. He noted that funds would be used to buy play equipment instead of helping to buy items like sodas and hot dogs. Mr. Hugg stated that staff had been a little delayed in getting this project off the ground; however, they found NCALL some storage space in the City warehouse for the items, since security and a storage place were concerns. He advised that

NCALL was hoping to hold one (1) more pop-up park before the end of the warm weather and that he would make sure that Council and Committee members are made aware of it as soon as he knows when it will occur.

Mr. Sudler welcomed Dr. Warfield as a new member of the Parks, Recreation, and Community Enhancement Committee and thanked her for accepting the challenge and filling out an application. He noted that he had previously had the pleasure of serving with Dr. Warfield on the Dover Human Relations Commission and knew that she would be a great contributor.

Mr. Neil moved for adjournment of the Parks, Recreation, and Community Enhancement Committee meeting. The motion was seconded by Mr. Cole and unanimously carried.

Meeting adjourned at 7:43 p.m.

Mr. Anderson moved for adjournment of the Council Committee of the Whole meeting. The motion was seconded by Mr. Hare and unanimously carried.

Meeting adjourned at 7:43 p.m.

Timothy A. Slavin
Council President

TAS/TM//js/dd
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Attachments
Attachment #1 - Correspondence from Ms. Mary E. Bradley, dated September 11, 2017, regarding Acorn Farms
Attachment #2 - Proposed Resolution No. 2017-11
Attachment #3 - Quote #125942 from Cunningham Recreation - City of Dover Continental Park - Ages 2-5 Play Area, provided by Mr. David Hugg, Acting Director of Planning and Community Development

From: Bradley, Mary E. (Student)
To: City Clerks Office
Cc: mary.e.bradley@state.de.us
Subject: September 12 - Acorn Farms
Date: Monday, September 11, 2017 9:36:41 AM
Attachments: City of Dover Council 9.12.17.pdf

Dear City of Dover Council Committee,

I am writing to express my concern with the agenda item for the *Request for Dog Park and Passive Playground in Acorn Farms*. I am strongly opposed to this request for the following reasons.

- When I purchased my home in Acorn Farms 14 years ago, the Homeowner Association fee had just increased to $100 annually. Since then, it has increased in $20 increments about every 3 years. ($120; $140; to $160 and due to the state budget crunch, it is on the table for yet another increase). The residents of Acorn Farms get absolutely nothing for this annual cost except for very poor quality grass cutting service in the common areas. If a dog park and passive playground are established, this will increase the Homeowners Association fee substantially. The majority of the homeowners in this duplex development are single women, retirees, and young couples just starting out. The turnover of these young couples with children is very frequent. **The substantial increase due to the cost to build the dog park and playground, the cost to maintain the area and playground equipment, and increase in liability insurance will cause a substantial burden on the single, mature, and permanent residents of the community.**
- There is a new dog park and playground area exactly 3 miles east of Acorn Farms behind the Little Creek Post Office.
- **Who will maintain the dog park and playground?** Many of the residents don't even maintain their own homes and lawns. There are more important issues that need to be addressed and improved upon within the neighborhood without the addition of a dog park and playground.
    - People do not cut their grass, trim, or weed on a regular basis. They do not keep their porches and walkways neat and clean. They do not keep their (shared) rain gutters clear of debris causing potential damage and injury. Those whose houses face north do not pressure wash their houses often enough to prevent mold from developing.
    - There is a problem of random trees reseeding behind the properties, in the common areas, and in the drainage system. These trees are a nuisance.
    - People do not cut and clear reseeded trees, weeds, and brush from behind their properties which is not only unsightly, but breeds mosquitos, unwelcome habitat, and have blocked the drainage system. (Should there be a storm causing major flooding, the water will back-up into their property if not in their homes and cause damage. Of course these residents will not accept responsibility and will more

likely blame the Homeowners Association for not maintaining the drain - possibly bringing suit against the Association for cost recovery of damages.) (Homeowners Association rules clearly state that the residents are responsible for maintaining property located behind their homes, for keeping the drainage system clear, and maintaining the right of way in front of their homes to include sidewalks and mailboxes).

- **Many residents do not contain their dogs and cats. Cats have been a nuisance and dogs have often run loose throughout the development. Even when being walked by the owner, often the dogs are not leashed. Stray dogs running loose has been a common and ongoing problem along North Little Creek Road and Acorn Lane for many years. A dog park will add to this problem. A play ground will be unsafe from dog bites/attacks for children unsupervised.**
- **Unsupervised children have been a problem in the past.**
- **There are registered sex offenders in the neighborhood.** I accidentally discovered this information when searching ownership of a home I thought was a rental when actually the sex offenders are the owners and occupy the house **(205 Mahogany Place). Residents were not made aware of this. How many other sex offenders live in the community that we are not aware of?**
- There is often **suspicious activity in the neighborhood** such as cars parked at the entrance and circling around certain houses that have had suspected drug activity.
- Careless driving and speeding is another issue within the development causing an unsafe environment for dogs and children playing.

In summary, I understand that there was a petition circulated through the neighborhood and those who initiated the possibility of a dog park and playground may have had good intentions. However, having lived in Acorn Farms for as many years as I have, having experienced and witnessed what I have, this is not a safe neighborhood and has too many issues that need attention. Without proper supervision, funding, and maintenance care, the dog park and playground will not be safe and will eventually become nothing more than an eye sore and an attraction for undesirable activity.

Sincerely,

Mary E. Bradley
209 Mahogany Place
Dover, DE 19901
(302) 672-9481

City of Dover

MAYOR AND COUNCIL

PROPOSED COUNCIL RESOLUTION NO. 2017-11

A RESOLUTION IN SUPPORT OF DELAWARE OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) GRANT APPLICATION - DOVER PARK MASTER PLAN AND SCHUTTE PARK PHASE I IMPROVEMENTS

WHEREAS, the City of Dover has worked with residents in the Dover Park neighborhood to begin a process to restore Dover Park to its Anchor Park status and has approved and adopted a master plan for the future development of Schutte Park; and

WHEREAS, the City of Dover has filed ORPT Grant pre-applications with the Delaware Division of Parks and Recreation for both purposes and has been authorized to submit formal ORPT applications in the amount of $30,000 for the development of a Master Plan for Dover Park, and $70,000 for Phase I improvements at Schutte Park and the City has set aside funds in the Parkland Reserve and General Fund to support these efforts; and

WHEREAS, the City of Dover designates David S. Hugg III, interim Director of Planning and Community Development and Parks and Recreation to manage the project and coordinate ORPT Program requirements for reporting and reimbursement; and

WHEREAS, the City understands that these improvements funded through the ORPT Grant Program will remain in outdoor recreation uses in perpetuity.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Dover that the application for ORPT Grant funding for Dover Park and Schutte Park is authorized and the City of Dover shall abide by all the requirements of the ORPT Grant Program for reimbursements and stewardship responsibilities.

ADOPTED: *

S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2017\DRAFT\RESOLUTION NO. 2017-11 DELAWARE OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) GRANT APPLICATION\Resolution No. 2017-11 IN SUPPORT OF DELAWARE OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) GRANT APPLICATION.wpd

ROBIN R. CHRISTIANSEN	TIMOTHY A. SLAVIN
MAYOR	COUNCIL PRESIDENT

Actions History

09/12/2017 - Scheduled for Introduction - Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee

Draft

Cunningham Recreation
PO Box 487
Queenstown, MD 21658
800-233-0529 FAX 410-827-8855

QUOTE
#125942

09/07/2017

City of Dover - Continental Park - Ages 2-5 Play Area

City of Dover Dept. of Parks and Recreation
Attn: Wayne Voshell
P.O. Box 475
Dover, DE 19903
Phone: 302-674-7541
Fax: 302-678-2674
WVoshell@dover.de.us

Project #: P89529
Ship To Zip: 19701

Quantity	Part #	Description	Unit Price	Amount
1	GSS16641	Cunningham Recreation - State of Delaware Playground and Recreation Equipment and Accessories Contract - • Contract Number: GSS16641 - Playground • Contract Term: August 1, 2016 thru July 31, 2018.		
1	RDU	GameTime - Custom PrimeTime Modular Play Structure for Ages 2-5 *[Basic:_____]* *[Deck:Pvc:_____] [Roof:_____]* *[Accent:_____] [Arch:_____]* *[Roto Plastic:_____]* (4) 12027 -- 3 1/2" Uprt Ass'Y Alum 12' (1) 18200 -- 36" Sq Punched Deck P/T 1.3125 (1) 18671 -- Shingle Roof (1) 19013 -- Transfer Platform W/ Barrier (3') (1) 19035 -- Optional Access Step (3' & 5') (1) 19047 -- Tree (3; & 3'6") (1) 19122 -- Wave Zip Slide (2'-6" & 3') (1) 19158 -- Zoo Panel (1) 19247 -- How Tall Am I	$8,253.00	$8,253.00
1	5032	GameTime - 2-5 Age Appropriate Fiberglass Sign *[Basic:_____]*	$1,101.00	$1,101.00
2	28009	GameTime - 6' P/S Bench W/Back Inground *[Basic:_____] [Coated Site:_____]*	$540.00	$1,080.00
19	4862	GameTime - Playground Border	$48.00	$912.00
1	4858	GameTime - Access Playcurb-W/Adap	$495.00	$495.00
1	178749	GameTime - Owner'S Kit	$50.00	$50.00
1	MISC	GameTime - Owner's Kit (No Charge)	($50.00)	($50.00)
88	INSTALL	PSP - Receive, Inspect, Deliver and Install Playground Equipment, Sign and Benches	$42.00	$3,696.00

Cunningham Recreation
PO Box 487
Queenstown, MD 21658
800-233-0529 FAX 410-827-8855

QUOTE #125942

09/07/2017

City of Dover - Continental Park - Ages 2-5 Play Area

Quantity	Part #	Description	Unit Price	Amount
6	INSTALL	PSP - Receive, Inspect, Deliver and Install Border System	$42.00	$252.00
3	INSTALL	PSP - Supply and Install Fabric under Safety Surfacing	$42.00	$126.00
15	INSTALL	PSP - Receive, Inspect, Deliver and Install (2) 4' Benches for the Community (not shown on plans)	$42.00	$630.00

Safety Surfacing to be quoted seaparetly under Delaware State Contract GSS16583-MULCH.

SubTotal:	$16,545.00
Discount:	($754.02)
Total Amount:	**$15,790.98**

Site must be clear, level, free of obstruction and accessible. Site work is not included in the proposal, unless stated otherwise, and will be the responsibility of the owner.

Pricing: Prices are firm for 30 days unless otherwise noted. Above costs assume one shipment and one installation unless otherwise noted. Taxes will be shown as a separate line item if included. Any applicable taxes not shown will be applied to final invoice.
Lead Time/Shipment: Standard orders shipped 4 weeks after receipt of order and acceptance of your purchase order, color selections, approved submittals,(if required)unless otherwise noted. Custom equipment and shades may require a longer lead time. Surfacing lead time is approximately 2 weeks after scheduling request. It is the responsibility of the owner to offload and inventory equipment, unless other arrangements have been made. Missing or damaged equipment must be reported within 60 days of acceptance of delivery. Equipment may be sent in multiple shipments based on point of origin.
Payment Terms: Net 30 days subject to approval by Credit Manager. A signed P.O. made out to Cunningham Recreation or this signed quotation is required for all orders unless otherwise noted. A 1.5% per month finance charge will be imposed on all past due accounts. Equipment shall be invoiced separately from other services and shall be payable in advance of those services and project completion. Checks should be made payable to Cunningham Recreation unless otherwise directed.

Acceptance of this proposal indicates your agreement to the terms and condition stated herein.

Site should be clear, level and allow for unrestricted access of trucks and machinery. Customer is responsible for providing a secure location to off-load and store the equipment during the installation process. The customer is responsible for theft or damage of the equipment from the time the equipment is off-loaded until the installation of the equipment is complete, unless other arrangements are made and noted on the quotation. Price includes ONLY what is stated in this quotation. If additional site work or equipment is needed then the price is subject to change. Customer shall be responsible for unknown conditions such as buried utilities (public & private), tree stumps, rock, or any concealed materials or conditions that may result in additional labor or materials cost. Customer will be billed hourly or per job for any additional costs.

Acceptance of quotation:

Accepted By (printed): _____ Date: _____

Title: _____ P.O. No: _____

Telephone: _____ Fax: _____

Purchase Amount: **$15,790.98**

SALES TAX EXEMPTION CERTIFICATE #:_____

(PLEASE PROVIDE A COPY OF CERTIFICATE)

_____ _____
Salesman Signature Customer Signature

Cunningham Recreation
PO Box 487
Queenstown, MD 21658
800-233-0529 FAX 410-827-8855

QUOTE #125942

09/07/2017

City of Dover - Continental Park - Ages 2-5 Play Area

ORDER INFORMATION:

Bill to: _____ Ship to: _____

Contact: _____ Contact: _____

Address: _____ Address: _____

Address: _____ Address: _____

City, State, Zip: _____ City, State, Zip: _____

Tel: _____ Fax: _____ Tel: _____ Fax: _____