REGULAR COUNCIL MEETING
AGENDA

JANUARY 22, 2018 - 7:30 P.M.

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 COLE

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 - VIOLATIONS OF THE DANGEROUS BUILDING ORDINANCE OF JANUARY 2, 2018**
- **B. REGULAR COUNCIL MEETING OF JANUARY 8, 2018**
- **C. SPECIAL COUNCIL MEETING OF JANUARY 9, 2018**

2. PRESENTATION - SNOW REMOVAL PLAN

3. PROCLAMATION - BLACK HISTORY MONTH

4. COUNCIL COMMITTEE OF THE WHOLE REPORT - JANUARY 9, 2018

* **A. PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE**

(1) POTENTIAL LAND ACQUISITION - 104 WASHINGTON STREET AND 149 HAZEL ROAD (233 WALKER ROAD WAS DETERMINED TO BE THE INCORRECT ADDRESS)

(COMMITTEE POSTPONED THIS ITEM UNTIL MR. SALKIN RECEIVES NOTIFICATION)

(2) APPENDIX B - ZONING, ARTICLE 10 - PLANNING COMMISSION, SECTION 1 - APPROVAL OF CONDITIONAL USES, SUBSECTION 1.43 - REVOCATION OF CONDITIONAL USE PERMIT

(COMMITTEE ACTION NOT REQUIRED)

4. COUNCIL COMMITTEE OF THE WHOLE REPORT - JANUARY 9, 2018 (CONTINUED)

*** A. PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE (CONTINUED)**

(3) CHAPTER 70 - OFFENSES AND MISCELLANEOUS PROVISIONS, SECTION 70-8 - DISORDERLY PREMISES, (A) DISTURBING ACTIVITY

(COMMITTEE ACTION NOT REQUIRED)

*** B. UTILITY COMMITTEE**

(1) AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN: PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY

(COMMITTEE RECOMMENDED APPROVAL OF THE PLAN)

C. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

*** (1) DISSOLUTION OF BONUS COMMITTEE, POLICY AND PROGRAMS**

(COMMITTEE RECOMMENDED THE DISSOLUTION OF THE BONUS COMMITTEE AND TERMINATION OF THE BONUS POLICY AND PROGRAMS, IN FAVOR OF THE STAR EMPLOYEE AWARD, EMPLOYEE OF THE MONTH PROGRAM. THE BREATHE PROGRAM AND STOP PROGRAM WILL BE CLOSED TO NEW PARTICIPANTS EFFECTIVE IMMEDIATELY AND DISCONTINUED ON JULY 1, 2018.)

*** (2) DISPOSITION OF EXCESS PROPERTY - 311 NORTH GOVERNORS AVENUE**

(COMMITTEE RECOMMENDED ACCEPTANCE OF STAFF'S RECOMMENDATION TO: 1) DECLARE THAT THE PROPERTY LOCATED AT 311 NORTH GOVERNORS AVENUE IS EXCESS PROPERTY; AND 2) AUTHORIZE THE CITY MANAGER TO SELL THE EXCESS PROPERTY TO NCALL RESEARCH, INC. FOR $20,000 (BEFORE CLOSING COST) IN CONJUNCTION WITH THE RESTORE CENTRAL DOVER HOME OWNERSHIP PROGRAM)

(3) PROCEDURE/POLICY FOR COUNCIL COMMUNITY ENHANCEMENT FUND EXPENDITURES

(COMMITTEE RECOMMENDED APPROVAL OF THE DRAFT POLICY FOR COUNCIL COMMUNITY ENHANCEMENT FUND EXPENDITURES, AS AMENDED TO REFLECT THE TENOR OF THE COMMITTEE'S CONVERSATION)

*** 5. QUARTERLY REVENUE REPORT AS OF DECEMBER 31, 2017**

(STAFF RECOMMENDS ACCEPTANCE OF THE REPORT)

*** 6. CONFIRMATION OF POLICE PENSION ELECTION - RETIRED CAPTAIN LARRY GRAY - THREE-YEAR TERM TO EXPIRE JANUARY 31, 2021**

*** 7. APPOINTMENT RECOMMENDED BY COUNCIL PRESIDENT SLAVIN - UTILITY SUBCOMMITTEE - MARGARET SCARBOROUGH (TO FILL THE EXPIRED TERM OF LESTER L. BLAKEMAN, SR., TERM TO EXPIRE MAY 14, 2018)**

8. CITY MANAGER'S ANNOUNCEMENTS

9. COUNCIL MEMBERS' ANNOUNCEMENTS

10. ADJOURNMENT

/TM

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 January 2, 2018 at 6:00 p.m. with Mr. Hare presiding in the absence of Council President Slavin. Council members present were Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, and Mr. Polce. Mr. Anderson and Mr. Lindell were absent. Mayor Christiansen was also absent.

Council staff members present were Mrs. Mitchell, Mr. Hugg, Mrs. McDowell, and Mr. Pepper.

ADOPTION OF AGENDA

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

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 113 DAVIS CIRCLE, OWNED BY RAYMOND N. BROWN

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 113 Davis Circle, owned by Raymond N. Brown.

Mr. David Hugg, Director of Planning and Community Development, advised that the property is a one-story, wood-framed, single-family home. The house has been known to be vacant since January 28, 2013 and is registered with the City as a Vacant Building. Utilities were terminated on July 18, 2012. On June 8, 2017, City Staff from the Planning and Inspections Department responded to the property after a report that the rear door was unsecured. Upon entering the property, City Staff observed numerous code violations, including mold and mildew throughout the basement. The dwelling was condemned as unfit for human occupancy due to no active utilities and for the mold and mildew. Currently the home is vacant with numerous outstanding code violations.

Mr. Tim Taraila, Code Enforcement Supervisor, reviewed a presentation depicting the condition of the property **(Exhibit #1)**.

Staff recommended: 1) declaring this building and all accessory structures on this property dangerous; 2) ordering the property demolished by February 2, 2018 by the owner or equity owner at their own risk; 3) ordering the Building Inspector to cause the demolition of the structures if not completed by the owners within 10 days of the date established by City Council; and 4) ordering the City Manager, with the assistance of the City Solicitor, to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mr. Sudler stated that a lot of his constituents on Davis Circle had expressed their concerns in regard to the welfare and the environmental hazard that the mold had brought in their community; therefore, he would support staff's recommendation to demolish.

Mr. Lewis asked if anyone had reached out to the owner and if there was a response. Responding, Mr. Taraila advised that staff had sent several notices over the past couple of years, noting that they began sending notices in 2013. He indicated that staff had received a complaint through Mr. Sudler that the back door was open, and when they responded they found the condition of the interior.

In response to Mr. Lewis, Mr. Taraila advised that the property had an owner and was not a foreclosure.

Responding to Mr. William Pepper, Deputy City Solicitor, Mr. Taraila advised that Mr. Taraila's December 20, 2017 letter addressed to Mr. Brown, Discover Bank, and City Mortgage, which Mr. Pepper had been copied on, had gone out by certified mail. Mr. Taraila stated that the owner of 113 Davis Circle lives at 874 Paul Street and had signed for all the registrations; however, Mr. Taraila had not had any contact with him.

Responding to Mr. Pepper, Mr. Taraila stated that the property had been posted with Mr. Taraila's December 20, 2017 letter.

Mr. Hare declared the public hearing open.

There being no one present wishing to speak, Mr. Hare declared the public hearing closed.

Mr. Sudler moved to accept staff's recommendation to: 1) declare this building and all accessory structures on this property dangerous; 2) order the property demolished by February 2, 2018, by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structures if not completed by the owners within 10 days of the date established by City Council; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner. The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote (Anderson, Lindell and Slavin absent).

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 526 FULTON STREET, OWNED BY WAYNE J. COOPER

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 526 Fulton Street, owned by Wayne J. Cooper.

Mr. David Hugg, Director of Planning and Community Development, advised that the property is a two-story, wood-framed, single-family home. The house has been vacant since April 20, 2015, and is registered with the City as a Vacant Building. Utilities were terminated on January 26, 2015. On November 17, 2017, City Staff from the Planning and Inspections Department condemned the structure as unfit for human occupancy due to no active utilities and outstanding code violations. Currently the home is vacant with outstanding code violations.

Mr. Hugg reviewed a presentation depicting the condition of the property **(Exhibit #2)**. He noted that on numerous occasions it had been reported to staff that vagrants were breaking into the building to use it as a shelter.

Staff recommended: 1) declaring this building and all accessory structures on this property dangerous; 2) ordering the property demolished by February 2, 2018, by the owner or equity owner at their own risk; 3) ordering the Building Inspector to cause the demolition of the structures if not completed by the owners within 10 days of the date established by City Council; and 4) ordering the City Manager, with the assistance of the City Solicitor, to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mr. Hugg stated that staff had notified the property owner by certified mail and had not heard from the owner. He noted that the owner had not made any effort to get a permit or do anything with the property. Mr. Hugg advised that Mr. William Pepper, Deputy City Solicitor, was notified by letter in December.

Mr. Tim Taraila, Code Enforcement Supervisor, advised that notices had been sent to the owner of record with Kent County, who never replied. He stated that the last two (2) notices had been sent by certified mail and had come back unsigned.

Responding to Mr. Pepper, Mr. Hugg stated that the property had been posted.

Mr. Hare declared the public hearing open.

There being no one present wishing to speak, Mr. Hare declared the public hearing closed.

Mr. Neil moved to accept staff's recommendation to: 1) declare this building and all accessory structures on this property dangerous; 2) order the property demolished by February 2, 2018, by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structures if not completed by the owners within 10 days of the date established by City Council; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner. The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote (Anderson, Lindell, and Slavin absent).

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

Meeting adjourned at 6:13 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Special Meeting of January 2, 2018, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
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Exhibits
Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 113 Davis Circle
Exhibit #2 - Presentation - Violation of Dangerous Building Ordinance - 526 Fulton Street

EXHIBIT #1
Special Council Meeting of 01/02/2018

Violation of Dangerous Building Ordinance 113 Davis Circle

Planning & Inspections Department

Dover, Delaware

January 2, 2018

113 Davis Circle
Case History

- 10 code enforcement cases since 2013
  - Exterior code violations – deteriorated gutters, fascia & damaged driveway – Interior mold and mildew
  - Numerous tall grass violations
- The utilities were terminated on July 18, 2012.
- Registered as vacant by the city on February 28, 2013.
- Condemned as unfit for human occupancy on June 8, 2017.
- Outstanding Charges
  - $3,000.00 5th year vacant building fee

113 Davis Circle
Current Condition

- *Deterioration of the roof*
- *Mold and deterioration of interior due to water intrusion*
- *Deterioration of siding*
- *Overall deterioration and lack of maintenance*




113
17






DAFB000






2017/06/08 14:21


2017/06/08 14:21


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2017/06/08 14:23


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2017/06/08 14:24


2017/06/08 14:25

Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*

Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property demolished by **February 2, 2018,** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

EXHIBIT #2
Special Council Meeting of 01/02/2018

Violation of Dangerous Building Ordinance 526 Fulton Street

Planning & Inspections Department

Dover, Delaware

January 2, 2018

526 Fulton Street
Case History

- 11 code enforcement cases since 2011
  - Exterior code violations – Junk, Debris and Trash
  - Damaged wall siding & roof.
  - Outstanding code violations from a rental inspection
- The utilities were terminated on January 26, 2015.
- Registered as vacant by the city on May 21, 2015.
- The rental license for the property was suspended on January 28, 2015 for failure to correct code violations.
- Condemned as unfit for human occupancy on November 11, 2017.

526 Fulton Street
Current Condition

- *Deterioration of the roof*
- *Mold and deterioration of interior due to water intrusion*
- *Deterioration of siding*
- *Overall deterioration and lack of maintenance*

526 Fulton Street
Outstanding Fines/fees

- *Misc Electric* *$308.55*
- *Grass Cutting* *$100.00*
- *Grass Citation* *$50.00*
- *Vacant Building Fee* *$1,500.00*




WARNING




dish HD


Dish HD




CRAFTMASTER
burnham














Colt
45
MALT
LIQUOR
Campbell's
Chicken

Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*

Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property demolished by **February 2, 2018** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on January 8, 2018 at 7:30 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Polce, Mr. Hare, and Mr. Lindell.

Staff members present were Police Chief Mailey, Ms. Peddicord, Mrs. Mitchell, Mr. Hugg, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 7:43 p.m.). Fire Chief Carey was absent.

OPEN FORUM

The Open Forum was held at 7:00 p.m., prior to commencement of the Official Council Meeting. Council President Slavin declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

There was no one present wishing to speak during the Open Forum.

The invocation was given by Bishop W. James Thomas, II, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

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

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF DECEMBER 11, 2017

The Minutes of the Special Council Meeting of December 11, 2017 were unanimously approved by motion of Mr. Lewis, seconded by Mr. Neil and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF DECEMBER 11, 2017

The Minutes of the Regular Council Meeting of December 11, 2017 were unanimously approved by motion of Mr. Lewis, seconded by Mr. Neil and bore the written approval of Mayor Christiansen.

CERTIFICATE OF APPRECIATION - FINANCE DEPARTMENT STAFF

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

CERTIFICATE OF APPRECIATION

presented to

City of Dover Finance Department

On March 13, 2017, the City of Dover Controller/Treasurer assumed the position of Acting City Manager, vacating a crucial leadership position in the Finance Department. Since that time, the Department's staff has continued to maintain daily operations competently and with very little

disruption, serving the City and its customers with open communication, timely reporting of financial results, and prudent cash management. Through their diligent work and commitment to excellence, they have met all major goals during this period, in spite of the additional challenges presented by the loss of another key employee and implementation of the Enterprise Resource Planning (ERP) project. The Mayor and Council of the City of Dover are deeply appreciative of the dedicated efforts and professionalism of the Finance Department staff and commend them for their exceptional performance.

On behalf of the Mayor and Council, Mayor Christiansen presented the Certificates to Ms. Lori Peddicord, Acting Controller/Treasurer, and Mrs. Tracey Lisiecki, Financial Reporting and Accounting Manager. Mayor Christiansen, Council President Slavin, and Mrs. Donna Mitchell, City Manager, commended the Finance Department staff for their exceptional performance.

CERTIFICATE OF APPRECIATION - PLANNING, INSPECTIONS, AND COMMUNITY DEVELOPMENT STAFF

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

CERTIFICATE OF APPRECIATION

presented to

City of Dover Department of Planning, Inspections, and Community Development

The City of Dover is committed to "Community Excellence Through Quality Service," and it is only through the efforts of skilled and dedicated employees that such service can be provided. The staff of the Department of Planning, Inspections, and Community Development, in the face of a turnover in leadership and a number of other challenges, has demonstrated their willingness and commitment to improved service, creation of a user-friendly environment, attention to identifying and addressing lingering regulatory issues and code provisions, and promotion of a positive image for the City. Dover is seen, once again, as a "place where people want to live...with a future of balanced growth and opportunity." The Mayor and Council of the City of Dover are deeply appreciative of the commitment, dedication, and professionalism of the Department of Planning, Inspections, and Community Development and commend them for their exceptional performance.

On behalf of the Mayor and Council, Mayor Christiansen presented the Certificates to Mrs. Maretta Purnell, Administrative Assistant. Mayor Christiansen, Council President Slavin, Councilman Sudler, and Mr. Dave Hugg, Director of Planning and Community Development, commended the Planning, Inspections, and Community Development staff for their exceptional performance.

Mayor Christiansen thanked all of the departments that were involved in the recent snow event.

ECONOMIC DEVELOPMENT COMMITTEE REPORT - OCTOBER 25, 2017

The Economic Development Committee met on October 25, 2017 with Mayor Christiansen presiding.

AGENDA ADDITIONS/DELETIONS

Due to the lack of a quorum at the commencement of the meeting, the agenda was not adopted.

Presentation - Economic Development and Downtown Revitalization (Mayor Mike Purzycki, City of Wilmington)

Mayor Christiansen introduced Mayor Mike Purzycki, the 56th Mayor of the City of Wilmington, stating that Mayor Purzycki is a great force in economic development in the City of Wilmington and the State of Delaware and could bring a message of hope and encouragement to the City of Dover's economic development efforts, based on the successes that he has had in his community and city. Mayor Christiansen noted that partnership on economic development and other issues equates to success.

Mayor Purzycki stated that it was nice to be back in Dover, noting that he had been Senate Attorney in the early '80s and spent more time in Dover when Mr. Joe Purzycki was a coach at Caesar Rodney High School and Delaware State. Mayor Purzycki stated that he did not miss a game for all those years and saw every Friday night Henlopen Conference football game throughout the late '70s and '80s.

Mayor Purzycki stated that being Mayor of the City of Wilmington had been an extraordinary experience. He noted that he was 72 years old and did not expect to find himself in the unique situation of taking on the job of mayor at his age but did so because it felt right. Mayor Purzycki advised that he got to a point in his life where he looked at his city and saw that it was not doing very well. He indicated that he did not realize how difficult the job was with respect to the number of things that come at him every single day from every corner and stated that he thought that everybody ought to be mayor for one (1) hour. Mayor Purzycki advised that he was surprised how rewarding the job could be, noting that people say it must be a thankless job; however, it is anything but thankless and people are very generous and appreciative.

Mayor Purzycki stated that his reputation was largely due to his work on the Riverfront. He advised that he has had a successful and happy life, has a great family, and is very blessed in those respects. Mayor Purzycki stated that he was previously in the private sector and suddenly became the executive director of the Riverfront, which was an extraordinary experience. He explained that all of the buildings there were Department of Defense grade buildings that were left over after World War II, and there was nothing attractive, such as in the antebellum South with its big, old, brick buildings with beautiful architecture. Mayor Purzycki explained that they took what they could and made something special out of it, noting that when they started there was nothing there but Frawley Stadium and Kahunaville. He stated that Kahunaville brought a lot of people to the area; however, everything was kind of trashy, and they had to figure out what to do. Mayor Purzycki advised that the success they had was because of a vision of what the development could be. He indicated that the initial vision was an image of a huge harbor to be built on the

marshland east of Walnut Street; however, it made more sense to him to develop the west side, where the development is today. Mayor Purzycki advised that if he brought anything to his role it was a practical sense of what could be done, versus the starry-eyed things that had been talked about. He noted that the grand images were inspiring to some people and denigrating to others because they were so silly, and he thought he brought everybody back to earth with an aspiration that was grand but pretty realistic and wound up being much of what is seen today.

Mayor Purzycki advised that there has to be leadership. He noted that there does not have to be a great leader; however, there must be someone that everyone has confidence in because decisions must be made. He indicated that, more often than not, it is not the idea that is bet on but the individual, and people will place a bet on an individual or organization that they have confidence in.

Mayor Purzycki advised that investment is needed and noted that, in Wilmington, the '90s were pretty strong and there were surpluses in the State. He explained that Governor Tom Carper, as well as Senator Patty Blevins and Representative Roger Roy, co-chairs of the Bond Bill Committee, believed in the project and were committed to it, and whenever there was an idea they would write a check. Mayor Purzycki stated that all the good ideas in the world will not work without any money. He noted that about $250M was probably used over 22 years in roads and Delaware Department of Transportation (DelDOT) spending; in cleaning up land, a good bit of which was owned publicly by the State and City; and in building necessary infrastructure. Mayor Purzycki advised that approximately $100M were economic development funds, noting that approximately $5M was received per year, which allowed them to operate. He stated that these funds provided some wiggle room on investments they made; however, they returned every single penny back to the State in taxes in 2013, when the payback was finished. Mayor Purzycki also indicated that about $40M came back to the State every year due to the employment and economic development that was going on, noting that these were the University's figures and not his own. He advised that this was a great justification for the necessity of investment. Mayor Purzycki explained that these projects cannot be done cheaply and a difference can be seen between places where there is investment and where there is none.

Mayor Purzycki advised that when he left the Riverfront project, approximately two (2) years ago, there were 7,000 people working and 1,400 people living there, a dozen restaurants, and a spectacularly beautiful wildlife refuge. He noted that there are river boats, a movie theater, a children's museum, and the Riverfront Market. Mayor Purzycki stated that the Riverfront was turning into a wonderful place that could be put in any city in America and people would still say, "Boy this is really nice down here." He indicated that there was much more to come, two (2) hotel developers had applications in to build hotels, and another restaurant was being built. Mayor Purzycki advised that a bridge was currently under construction across the river and Wilmington was one (1) of the long shot competitors for Amazon. He explained that competing for Amazon was a great exercise that made Wilmington reflect on their greatness and their shortcomings. Mayor Purzycki stated that they

hired Robert A. M. Sterns, one (1) of the world's great architectural design firms, to provide a vision of what the South Market and South Walnut Street area, on the other side of the river across the bridge, could be. He noted that this is the area where the ShopRite is and where they had gotten rid of big petroleum tanks, although there are still tanks from the recycling operation there, and that they want to land plant that area all over again. Mayor Purzycki explained that Robert A.M. Sterns had done the Navy Yard in Philadelphia, this was the kind of model that Wilmington was looking for, and Robert A. M. Sterns came back with an outstanding plan that Wilmington cannot to wait to roll out in the near future. He stated that redeveloping that side of the river in this way has the potential to redefine the City of Wilmington forever.

Mayor Purzycki indicated that the rest of Wilmington has economic development challenges. He stated that, on the positive side, in addition to the hotels, 1,000 units are being built, including some on the Riverfront, 300-400 downtown, and another 500 throughout other parts of the City. Mayor Purzycki advised that Wilmington has a good, strong residential market; people who are willing to move into the City; and developers who are willing to invest a great deal of money. He indicated that their negative issue is crime, which appears in the papers all the time. Mayor Purzycki informed members that when he ran for office, he stated, "Crime is not the problem, crime is a symptom of the problem, and if you keep chasing crime as a problem you will never beat it. You simply won't beat it. You have to keep looking at what the underlying causes are of crime." He advised that in Wilmington the causes are joblessness, poverty, and a kind of subculture of underclass. Mayor Purzycki stated that this was deeply distressing to him as a human being and confounding as somebody who is in charge of trying to steer the course for the City in the future. He indicated that his commitment was to do whatever it takes to turn around these neighborhoods and address problems in a way that is uncomfortable for some people, because we have done some things as a society that we should not be proud of.

Mayor Purzycki advised that he had hired the best police chief in the country, noting that in the history of Wilmington's Police Department they had never hired a police chief outside their City limit or Department. He stated that his reasoning was that if you keep getting people from the same department, in any department, you get a recycling of what they did before. Mayor Purzycki indicated that everybody learns from the old chief, who learned from the old chief, who learned from the chief before him.

Mayor Purzycki noted that it was stated in a crime report approximately five (5) years ago that Wilmington had tried every crime strategy proven to work in cities throughout America, and Wilmington always moves on to chase the next shiny object. He advised that this is like a football coach who says, "Our blocking and tackling is not the problem, let's change the system." Mayor Purzycki stated that if you cannot do the basics, any system does not work. He advised that Wilmington had to change what it was doing, and the best way to do that was to hire a new chief. Mayor Purzycki informed members that there were 30 applicants from every large city in America and, after interviewing many of them, he hired Police Chief Bob Tracy, who had 22 or 24 years in New York City and five (5) years in Chicago.

He noted that Chief Tracy understood any number of strategies that had worked very well in New York City, and crime had dropped precipitously while he was in New York and in Chicago. Mayor Purzycki stated that they have a lot of confidence in the Chief, who goes out into every single community and meets with everybody. He advised that Wilmington's police officers are everywhere, there are more police on the street than ever before, and they meet people, including good guys and bad guys. Mayor Purzycki indicated that he and Chief Tracy share the tenet that they must start treating people as equals and as people who share the same city. He stated that they cannot keep treating people like "others" and as if a class of people have a different status in their community. Mayor Purzycki advised that this approach had been working and core relationships were being built in the community; however, at the moment this was not translating to a reduction on crime. He indicated that he thought that this was, in large measure, because these kinds of things have to take root so that people will pick up the phone and call and there will be cooperation from their neighbors, which is a longer process.

Mayor Purzycki explained that the second part of the process involves the CompStat methods that Wilmington uses, which require the accumulation of data about the people who are committing crimes. He indicated that Wilmington had approximately 167 or 168 shootings. Mayor Purzycki noted that the 125 victims had 2,800 prior arrests, 199 of which were gun charges; therefore, the victims were people who had gotten themselves into much trouble. He stated that the City of Wilmington is trying to get as much data as they can about the people who are committing these crimes and thinking about how to get them off the streets, because they are repeat offenders. Mayor Purzycki indicated that if people are going to insist on carrying guns, he will insist on getting them off the streets.

Mayor Purzycki expressed the need for a conversation with the Department of Corrections (DOC) about what they do when they put people into prison because, in his judgment, those who come out of prison are no better off, and in many cases worse, than when they went in. He stated that the DOC is misnamed, noting that it does not correct things but punishes people. Mayor Purzycki advised that there are people who insist that punishment is the right thing to do and expressed the need to face up to the fact that Delaware has the highest recidivism rate of any state in the country, including Mississippi, Louisiana, and Alabama. He stated that 77% of all those coming out of prison will be rearrested in three (3) years, and 66% will return to prison in three (3) years. Mayor Purzycki expressed the need to ask hard questions, noting that if three-quarters of those who come out of prison are going back, maybe someone is doing something wrong.

Mayor Purzycki stated that the police are being asked to solve the crime problem the way teachers are being asked to raise kids, and this is a bad decision. He advised that police officers do what they can; however, there is a need to change the communities that everyone lives in. Mayor Purzycki explained that his mantra is that we must strengthen neighbors and rebuild our communities, noting that people are living in terrible, third-world housing in old, broken-down houses that should not be inhabited. He noted that Wilmington did rental inspections for the first time in 10

years in West Center City, which was the first part of the city for his neighborhood stabilization efforts. Mayor Purzycki explained that staff needs permission to inspect rental houses before going to court, and one would assume that those who gave permission to inspect would be people who felt pretty confident about their ability to pass an inspection; however, 28% of them failed. Mayor Purzycki indicated that Wilmington had not yet gotten to the people who did not respond.

Mayor Purzycki informed members that Wilmington has a landlord rental industry of people who will buy a property cheaply, slap some paint on it, and collect a stiff rent, because everybody pays $800-$900 for their rent to the City. He stated that there is a condition of deterioration in the neighborhoods, and many landlords are, in a sense, predatory, although they do not think of themselves that way. Mayor Purzycki advised that these landlords are profiteers because they can buy a house for $30,000, slap some paint on it, and, if they get the rent, receive $800 per month, and this is the big number they are chasing. He stated that this is where the mind set of the people in the City of Wilmington must be changed.

Mayor Purzycki indicated that, looking forward, he feels pretty good about what is going on in Wilmington. He noted that optimism is considerably up because of confidence in leadership. Mayor Purzycki stated that if people believe that things can get better, things just start to get better. He advised that he did not take this for granted and did not want to squander it, but people were pretty excited about what could be done. Mayor Purzycki stated that although crime was up, people were not complaining about it. He advised that there had not been letters to the editor, which is not a bad bellwether, noting there may be five (5) letters tomorrow. Mayor Purzycki indicated that people understand that things will not turn around quickly and stated the importance of people believing that what was being done would accomplish the goal.

Mayor Purzycki stated that he was fortunate to have a key developer who is willing to spend huge amounts of money on the city. He explained that the Buccini/Pollin family is committed to the City of Wilmington, which is emotionally their home, and this group had a huge investment in Wilmington. Mayor Purzycki indicated that some may argue that their investment is self-preservation; however, he stated that Buccini/Pollin believes in this little world and his job is to support them in everything single way possible. He noted that this is good advice for any mayor anywhere, and if someone wants to invest in your city, you should support them.

Mayor Purzycki advised members that Wilmington has some remarkable things going on, with many people building apartments and great projects underway. He stated that he feels good about the future as long as he can put together a plan to deal with the City's communities, which are pretty fractured. Mayor Purzycki noted that he reads the paper and knew that Dover has issues also, although on a different scale, and that Dover wishes it could deal better with violence. He expressed his belief that this is America's problem. Mayor Purzycki indicated that last week was difficult and that, within two (2) days, a poor mother had drowned her two (2) children and two (2) men were shot in the middle of West Center City, the area where

Wilmington's staff is working as hard as they can and where police are doing such a great job. He noted that another individual from Maryland shot someone in Wilmington after killing two (2) or three (3) people in Maryland, and that all of this was enough to get one's shoulders a little bowed.

Mayor Purzycki stated that, at the same time, Father Gregory Boyle, a remarkable man who is a Jesuit from Los Angeles, came to speak. He explained that Father Boyle is the head of Homeboy Industries in Los Angeles, which puts those who are coming out of prison to work, for example, as painting contractors, and builds its own business. Mayor Purzycki advised that Father Gregory noted that Homeboy Industries is the biggest employer around for men coming out of prison. He noted that Father Gregory has a sense of humor, is real, and is in the trenches. He stated that the things that Father Gregory talked about meant a lot to him because one can look at things all day long and think they have it right, and then someone gives a perspective that changes one's focus.

Mayor Purzycki stated that he thought Father Gregory was right when he stated that we spend all of our time judging each other and we ought to marvel, in some cases, that people do as well as they do, given the burdens they have in their lives. He noted that he loved Father Gregory's statement that we have to live in kinship with one another, because in kinship you do not judge one another and are not living in service of one another. Mayor Purzycki stated that Father Gregory indicated that living in service of one another suggests that the superior person is giving something to the subordinate person; however, in kinship everyone understands that they are all in this together, which this is a mind set that is very difficult for some people. Mayor Purzycki indicated that his eyes had opened up to this idea, he was moved by it, and he thought this is ultimately what must be done. He explained that he thinks differently about going to work every day than he did before, this approach works, and he has hope.

Mr. Hammond advised that, in looking at West Center City and Southbridge, Wilmington has structural unemployment problems. He stated, in regard to the high recidivism rate, that although he did not have empirical data, he believed that a lot of those who come back to prison cannot get employment, and they go back to the things that put them in jail. Mr. Hammond stated his understanding that financial services, such as credit card and banking businesses are a major economic employer in the city; however, those coming out of prison have never worked in these areas, and he noted that DuPont had been scaled down. He asked what Mayor Purzycki's strategy was for engaging people in a long-term attachment to work in view of the structural problems in Delaware. Responding, Mayor Purzycki stated that 66 percent of all men over 18 years old in Wilmington's three (3) zip codes have been in prison. He noted that it is a tough road to get a job after getting out of prison and these individuals will obviously not get a well-paying job. Mayor Purzycki stated that some people may question why those with no skills or record should get employment. He advised that the bigger problem is that two-thirds of these men will go back to prison again.

Mayor Purzycki indicated that we tend to obsess over kids and noted that, off the top of his head, he could immediately recall two (2) schools in Wilmington where 3% or less of the students in third and eighth grades can do math at grade level and 8% can read at grade level. He advised that everybody states the need to help children and all of the emotional energy goes toward them. Mayor Purzycki stated that he was asked what kind of program he would have for kids if he had $1M, and he answered that he would spend this money on employing their fathers. He indicated that the trouble with our community is that young people do not internalize the kind of middle-class values that we simply take for granted. Mayor Purzycki explained that, although he had not been a very good student, he always knew that he would go to college because he was surrounded by expectations that he would do so, and he internalized that growing up. He noted that many people do the same thing that their parents did, such as becoming a police officer, fireman, or accountant. Mayor Purzycki advised that we internalize images as we grow and they become our aspirations. He indicated that people always say to him that these kids have no hope. Mayor Purzycki explained that words matter, and before one can have hope they have to have an aspiration. He indicated that kids do not even know what to hope for, and to him this was the big problem.

Mayor Purzycki stated that the challenge is the cycle of poverty. He advised that no one should be judged, because as soon as this is done the conversation becomes exhausting. Mayor Purzycki indicated that half of the room wants to say that things should be done as their family did them, others want to talk about entrenched racism, and no one gets anywhere.

Mayor Purzycki noted that there are men who cannot work when they finally decide they want to do so and, in his judgment, if they are not put to work, nothing else will work, regardless of how good the schools are. He expressed the desire for kids to feel the temple of life around them, explaining that people wake up in the morning, work all day, come home, relax in front of the TV, and go to bed. Mayor Purzycki indicated that if this is not the cycle of someone's life, they may wake up at 11:00 and hang out on the streets all day long, and there may be 20 people standing on a street corner doing nothing. He stated that the second path will not end well, something ill-advised will be done, and this is what happens every day. Mayor Purzycki stated the need find a way to get people working, even if this must be forced for a while. He noted that everybody says that they want to work; however, some have never held a job.

Mayor Purzycki informed members that he had been to step-down houses for those coming out of prison where a program for resume writing was provided that only a bureaucrat could make up. He estimated that only two (2) out of 30 former prisoners have held jobs and asked what they would put on their resumes. In addition, Mayor Purzycki advised that although these individuals state that they want to work, if he gets them a job they do not appear for work on the second day because they have never had to get out of bed and go to work every day. He noted that when they get to work, the boss may give them a hard time, which is part of working, and if they are not used to this they may take a swing at the boss and be fired. Mayor

Purzycki stated that it takes a long time for people to understand what it takes to be a responsible employee.

Mayor Purzycki reiterated the need to get people working because so much money is being spent on the other end. He noted that the Works Projects Administration (WPA) from 70-100 years ago put people to work during the Depression, and this approach worked. Mayor Purzycki advised that what we have now is worse than a depression. He stated that people should be put to work and there is plenty for them to do, noting that this might offend some people's politics. Mayor Purzycki stated the need to be practical because what was currently being done was not working. He advised that you cannot have two-thirds of the people going to prison and two-thirds of them going back again, noting that, doing the math, the statistic would become 90%, not 70%. He advised that this was his answer and that he did not have the details fleshed out.

Mayor Purzycki indicated that a tremendous amount of money was invested in the Riverfront, there was a huge return, and we can also invest in human capital and have a great return.

Mr. Kirby Hudson, Assistant City Manager, stated that he has two (2) mayors, since he works daily with Mayor Christiansen and lives in Wilmington. He noted that he is originally from New York and had been living in Delaware since 1988, when a lot of bankers and other people came from New York. Mr. Hudson indicated that over time he had been able to see the transformation of Market Street, had strolled from one end of it to the other for the first time over the past weekend, and was impressed to see how far Market Street had come. He noted that it had been hard to get people to come to that area; however, it was now bustling and many different things were opening up. Mr. Hudson asked what the top three (3) things were that Wilmington had done to turn that area around and inspire people to want to open businesses there. Responding, Mayor Purzycki advised that Market Street was not yet where they wanted it to be. He stated that the first thing was to have a developer who believes in the city and knows how to avail himself of the various programs that the State, city, and private sector offer. Mayor Purzycki explained that it is not easy to make things profitable, so partners are needed who help cushion the blow on the investment that will be made. Mayor Purzycki stated that, for Wilmington, investment is a no brainer because the return is tremendous.

Mayor Purzycki stated that the Riverfront never worked until people lived there. He recalled that in approximately the tenth year they needed photographs for a periodical and had to use time lapse photography to get enough people in the picture. Mayor Purzycki indicated that after people began living in the area, everything suddenly worked because it became populated and felt friendly.

Mayor Purzycki indicated that no one was living in the area for a long time, then the Buccini/Pollin Group developed the Residences at Rodney Square in the old Delaware Trust building, which was a start, and the LOMA development then started to work as well. He indicated that there is now a fund for the upstairs, another 200

units must be built scattered on the second floor of the retail spaces, and larger units are currently being built there. Mayor Purzycki advised that as soon as people are seen getting up in the morning, walking out and having coffee, and having friends over, the place will suddenly feel different.

Mayor Purzycki indicated that Wilmington has the same problem that Dover has, which is that retail business is struggling everywhere, and it is difficult to get retail business except in New York or Philadelphia, where there is a lot of money to patronize these businesses. He noted that Wilmington has many good things, including the Wilmington Playhouse, the Wilmington Grand Opera House, and The Queen. Mayor Purzycki stated that a big investment was needed to get The Queen going; however, The Queen was great because it provided some entertainment in the area.

Mayor Purzycki stated that Wilmington always gives people incentives to open businesses in different places, supports people, has good jobs, and will pay the ransom to keep businesses there. He indicated that he wanted to subsidize restaurants, night life, and bars because this is how he ultimately saw the downtown being populated. Mayor Purzycki advised that the Riverfront is going to be wonderful, but it will not have the city feel. He noted that Market Street has a block or two (2) that still needs some work, but it is very pretty. Mayor Purzycki stated that they had painted some of their buildings with nice colors, so the area feels good and is getting better. He indicated that they also have other nice things to start with there, such as the Historical Society.

Mr. Mike Harrington, ERA Harrington Realty, asked what Mayor Purzycki would suggest that the Department of Corrections do so that they do not have such a large return. Responding, Mayor Purzycki reiterated that he had been Senate Attorney in Dover for years and got a flavor of the culture of the State. He stated that our State had always had the idea that if you commit a crime you get punished for your crime, and he did not think people worried about who was going to prison. Mayor Purzycki stated that when his predecessor ran, he stated, "I'm not going to hug a thug," and everybody loved it; however, Mayor Purzycki stated that these individuals are people and, although some of the people put in prison cannot be fixed easily, there are many who are 18, 19, or 22 years old and are still pretty malleable. He advised that people can be treated in such a way that they come out of prison better than when they went in, with a General Educational Diploma (GED), education, or training. Mayor Purzycki noted that he meets people in the steel fabrication business who need welders terribly; however, they will not hire an unemployed welder because there are so many jobs and so few welders that they assume that an unemployed welder probably does not know what he is doing. He indicated that one would think that we would be investing by teaching skills like welding to prisoners, who could make much more than $15 per hour when they get out of prison. Mayor Purzycki advised that he was aware that some individuals cannot be fixed. He noted that there are many people who are in prison for multiple gun offenses and should not just be turned out but have to prove that they can be released. Mayor Purzycki indicated

that these individuals go back to the same places, have the same habits, and are the ones that are killing their neighbors.

Mayor Purzycki indicated that the mentality of police officers had always been to see themselves as warriors; however, they are now starting to think of themselves as people who are guarding and working in cooperation with the public, which is a different mind set. He noted that officers can flip the warrior switch. He advised that DOC also needs a new mind set. He stated that inmates are the bad guys; however, they have to be treated like human beings if they are to behave like human beings. Mayor Purzycki noted that he did not have a precise answer to Mr. Harrington's question; however, to state that there is no funding is foolish because money will be paid sooner or later.

Ms. Evans stated that she did not claim to be an expert on this subject; however, her husband had retired in April from the DOC after 28 years. She indicated that Mayor Purzycki was correct, noting that if someone's father grandfather, and mother are teachers, they become a teacher. Ms. Evans advised that it is the same way with those who have grandfathers, fathers, and uncles in prison. She stated that her husband worked for the last nine (9) years in an area of the DOC where concrete, welding, car repair, and upholstery are taught, so there are programs in place. Ms. Evans indicated that Mayor Purzycki and Mr. Hammond were more correct in saying that once prisoners are released there has to be an option for them if they have learned a skill. She noted that former prisoners are not used to working and the work environment. Ms. Evans advised that they have two (2) paths to choose when they are released: taking what they have learned or fitting right back into the same family and neighborhood and continuing down that path, and she asked which is the easier path. She suggested, although it would not be easy, putting money into some type of mentorship program, such as Alcoholics Anonymous (AA) or Narcotics Anonymous (NA), to plug these individuals into and have someone mentor, help, and pursue them. Ms. Evans indicated they could then possibly take that road less traveled within their own family or neighborhood, and begin developing that group one (1) person at a time. She stated that what the DOC does is not perfect; however, they do have programs that should be expanded on. Ms. Evans advised that the issue was more about figuring out what path former prisoners will take and whether or not they will put their skills to use.

Mayor Purzycki stated that we cannot be naive about what happens when a young man comes out of prison and goes back to the neighborhood where he grew up. He advised members that there is a wonderful book entitled, "The Short and Tragic Life of Robert Peace" which he read and enjoyed because it took place in Newark, New Jersey, his hometown. Mayor Purzycki explained that this young man grew up in East Orange, New Jersey, blocks away from Newark, and Charlie Cawley from MBNA paid for him to go to St. Benedict's. He indicated that Robert Peace went to Yale, where other students had money but he did not. Mayor Purzycki advised that Robert waited on tables but also sold marijuana and almost got jammed up; however, someone backed him and he managed to graduate at the top of his class in microbiology. He stated that Robert went to work for American Airlines as a

baggage handler because he wanted to see the world. Mayor Purzycki explained that Robert saved $60,000 and put it in his uncle's care while he traveled; however, when he returned, his uncle had spent the money and Robert was broke and went back to selling drugs. Mayor Purzycki advised that someone who is caught selling drugs in New Haven receives a smack on the wrist; however, in East Orange one can be killed for doing this, and Robert Peace was killed. He noted that he knew another tragic story exactly like Robert's, kids coming out of prison go back to what they know, and there is nothing good back there. Mayor Purzycki indicated that this issue is terribly complex and a tremendous challenge, and a terrible disservice is done by not defining the problem correctly.

Mr. Mike Petit de Mange, Kent County Administrator, referred to Mayor Purzycki's comment that great visions with no money do not go anywhere. He noted that the Riverfront project was a great example of a project that went somewhere; however, there was public and private risk. Mr. Petit de Mange stated that it is very common in most places for local governments to be risk averse, they do not want to go into debt and are afraid of it, and they expect someone else to pay for it. He asked for Mayor Purzycki to discuss some of the tools he may have employed or promoted in the Riverfront to get where they are, as well as what he was looking to do to finance Phase 2, which sounded exciting. In response, Mayor Purzycki stated that the City of Wilmington made proportionate contributions early. He noted that the City's pockets are not as deep as the State's; however, the City made investments along the way, and the things that they did early were not terribly risky. Mayor Purzycki explained, for example, that the first thing they spent a lot of money on was the Chase Center. He noted that every time he goes into the Center he questions what the City would do without it since the City does not have anyplace else to put 500 or 1,000 people. Mayor Purzycki advised that the building was built for $14M, and this was a remarkable effort. He noted that it has 126,000 square feet downstairs and 80,000 unfinished square feet upstairs. Mayor Purzycki informed members that when it was finished, they had $14M in another building, traded this building with Verino Pettinaro, who got the building for which rent is paid, and Wilmington got a building which is spectacular. He advised that, when all was said and done, the cost was $14M. Mayor Purzycki stated that the risk was owning a building that became their convention center, which was not a big risk.

Mayor Purzycki indicated that there were things that were a little risky at times, noting that the Riverwalk cost $25M and the river's edge was just mush, because it had been used for shipbuilding and had gouges every 200-300 feet for shipways. He explained that ships were built on the land and had to slide down these shipways. Mayor Purzycki advised that the cost was so much because the place where they wanted to have the Riverwalk had whatever fill had been put in over the years. He noted that some of the ways they used money were a little aggressive, and it would have been on him if things did not work out well.

Mayor Purzycki stated that they overpaid for the property where the Big Fish Grill on the Riverfront is located. He noted that the power of eminent domain was lost in the General Assembly eight (8) or 10 years ago and the owner of the roofing

company at this location had the advantage of knowing that the uglier the building, the more they would have to pay for it. Mayor Purzycki advised that most of the money was recovered when they sold the property to the Big Fish Grill. He stated that although they lost $600,000 or $800,000, it was a bargain to get rid of a roofing company eyesore and trade it for a nice restaurant, which will become a hotel and a conference room.

Mayor Purzycki explained that judgments are made along the line and this undertaking is not for the timid. He stated that a few dollars may be lost, but there are important reasons for doing projects. Mayor Purzycki advised that if you have your convictions about you, you will find people will be willing, noting that someone will always complain. He indicated that there must be judgment about what funds are invested in along the way, and it is important not to look at it on a project-by-project basis because there are loss leaders in every big investment. Mayor Purzycki noted that, although money will be lost on parts of the development, a tremendous amount of money will be made when looking at the big picture. He stated that the only sensible way of looking at the Riverfront is to consider how much money was put in and how much comes back every year, regardless of where it comes from. Mayor Purzycki explained that money may be lost here or there, but if three (3) times more is made somewhere else, it is a success.

Mr. Tom Burns, Burns and Ellis Realtors, stated that he was born and raised in Wilmington, and he knew what downtown Market Street used to look like and that all the shopping, etc., eventually moved away. He noted that he had been in Kent County for 40 years. Mr. Burns advised that, in the past 10 years, Kent County had not recovered from the recession in terms of unemployment and New Castle County was suffering from the same malady. He stated that he saw things going in the wrong direction in the State, businesses were disincentivized from moving here, and asked what Delaware can do as a state. Mr. Burns indicated that those in Kent County are striving to have stronger businesses come in to avoid underemployment; however, Delaware now ranks above the national average on unemployment. He indicated that he, the members of the Kent Economic Partnership, and other people in the room feel that they are at loggerheads with the State in terms of trying to move things forward. Mr. Burns stated, for example, that he and Mr. Harrington are real estate brokers and, at the last minute, the State increased the State transfer tax by one-third, which disincentivizes businesses and real estate investors to come here.

Mayor Purzycki stated that this tax adds to the burden when going into transactions, especially for young people buying homes. He advised that an estimated 5,000 or 6,000 people who do not come from Delaware own homes in Sussex County. Mayor Purzycki indicated that their deeds reflect that these homes are not even owned by people but by family trusts from Maryland, Georgia, and Virginia who beat the system and are not charged anything for taxes. He noted that there may be a $5M house on the beach whose owners do not pay $5,000 in taxes, and when the owners come for the closing they see the yearly amount for taxes and ask if it is the monthly rate. Mayor Purzycki indicated that this made no sense to him and it is hard for him to get his head around people coming from out of State, paying no sales tax,

using our services, and paying nothing. He stated that Delaware's taxes are so low that we invite older people from other states to come here, and all Delaware gets from them is a transfer tax. Mayor Purzycki noted that Delaware probably gives these individuals some sort of exemption since everyone is given a $500 exemption for being 65 years old, or possibly younger, and this is not even means tested. He stated that in the northern part of the State, where schools are so challenged, people of significant means who are wage earners are chased into Chester County, Pennsylvania. He advised that in the southern part of the State, Delaware attracts people who are retiring from other states who will pay nothing and Delaware does not even get a decent property tax out of them. Mayor Purzycki stated that Delaware then finds itself without money and raises the transfer tax. He indicated that it is said that a 10-cent gas cannot be added when gas costs $2.60. Mayor Purzycki advised that smart investment must be made in a state or it will die.

In regard to how to attract things to Delaware, Mayor Purzycki stated that people over-sophisticate why they choose a place. He noted that location is important, and Delaware has an unbelievable location. Mayor Purzycki advised that another question is how attractive a state is, some parts of Delaware are very attractive, and other parts are fixable but have been neglected. Mayor Purzycki stated that old, beaten up places on a highway indicate poverty, and that a sign that has not been fixed for 40 years states that we cannot afford to fix it and are old and tired. He advised that when he was running for office, he said, "If you have some guy standing on your highway with a sign saying, 'Please help me, I'm homeless,' that says there's something wrong with your city. You can't have it. You cannot have that guy standing there. You want to give him money? You do it on your own terms. He's not standing here, because that says the city is unwell." Mayor Purzycki indicated that, when driving down the highway, if there are places that look like they are ready to fall down and probably should be leveled, this says that the location is unwell.

Mayor Purzycki stated that the bond rating is strong and there are a lot of favorable things, including a great location and physical appeal. He indicated that the schools should be in Delaware's favor and, unfortunately, this cannot be said. Mayor Purzycki advised that access to government is tremendously important, noting that he sat with Mr. Jamie Dimon, Chairman, JP Morgan Chase, for an hour at their annual meeting and discussed access to the elected officials in Delaware. Mr. Dimon stated that Mayor Purzycki had no idea how important it is to him that Mr. Dimon can call Senator Chris Coons or Senator Tom Carper when he needs something or wants them to understand his point of view, and this does not happen elsewhere. Mayor Purzycki explained that Mr. Dimon stated that he had now spoken to Mayor Purzycki more than he had ever spoken to Mayor Bill de DeBlasio of New York, and that one cannot get to the Mayor of New York and speak to him. Mayor Purzycki stated that Delaware offers these organizations instant access to its congressional delegation, and Delaware's two (2) senators are as important as Texas or California senators. He stated that he thought Delaware should take advantage of these kinds of things.

Ms. Tammy Parris, Parris Nail Lounge, asked what should be done first for economic development downtown. In response, Mayor Purzycki stated that it would be presumptuous for him to advise on this subject since he does not know everything about downtown Dover, and this is why he was spending time here. He noted that it is now difficult for little downtowns everywhere, which had suffered economically, other than Newark, Delaware, which has the University of Delaware. Mayor Purzycki stated that Newark is thriving and is a wonderful little town, but it has 20,000 people walking around with pockets full of money to spend and 60 restaurants. He expressed his belief that it is a well-managed city, noting that it is easier to manage a place where there is money than a small town that is asking how to get retail downtown after retail has moved to the malls. Mayor Purzycki stated that retail is not strong in Wilmington, and that is why they need entertainment. He advised that Wilmington's downtown has to find its image, which he thought would have to be entertainment and culture. He noted that every place has to be real, stating that people are always waiting for a Nordstrom's, which is not going to happen. Mayor Purzycki advised that it is hard to get retailers and the kind of things that you want to see downtown. He stated that he wished he could provide better advice; however, he would not presume to tell those in Dover how to do their jobs.

Mayor Christiansen thanked Mayor Purzycki for his insight and for answering questions.

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

DOVER HUMAN RELATIONS COMMISSION REPORT - NOVEMBER 16, 2017

The Dover Human Relations Commission (DHRC) meeting was held on November 16, 2017 with Chairman Henderson presiding.

DHRC Committee Updates

Government Policy, Programs, and Practices Committee (Gaddis)
No report was provided.

Community Engagement Committee (Mullen)
No report was provided.

Education Committee (Fleming)
No report was provided.

Communications Committee (Paige)
During the Special Dover Human Relations Commission meeting of October 19, 2017, members reviewed a draft Dover Human Relations Commission brochure and Mr. Offredo advised that it was 99% complete. Ms. Paige provided a

revised draft Dover Human Relations Commission brochure and noted that the brochure would probably have to be revised again to include information regarding Mr. Gerald Rocha, Sr., a new DHRC commissioner. She explained that Mr. Henderson's name had been added to the brochure under "Committee Assignments" as DHRC Chair. Ms. Paige stated that they had not included it previously because there would be a need to print new brochures each time the Chairs change; however, she indicated that it was only right to have the Chair listed on the brochure. She advised that the Communications Committee was seeking approval for the brochure and noted that a correction would have to be made to the second paragraph under "Our Meetings," which stated that "The Commission begins each regular meeting by inviting anyone present to address the Commission." Ms. Paige stated that they would have to change this to reflect their understanding that the public comment period needed to be before the actual meeting opens. Mr. Henderson noted that this would be like the Open Forum that City Council holds.

In response to Mr. Fleming, Ms. Paige advised that the brochure would state that comments must be limited to three (3) minutes and no action will be taken at that time.

Mrs. Herbert noted that the Commission's agenda always states that meetings are from 6:00 to 7:00 p.m. and asked if the time could be increased or if 15 minutes could be added in somewhere. She noted that the DHRC often does not have anyone present who wishes to speak. Responding, Ms. Paige stated that the Commission would have to increase the time because meetings begin at 6:00 p.m. and the comment period would have to be before opening the meeting. She indicated that she was bringing these matters to members' attention because the Communications Committee wanted to seek approval of the brochure tonight with the amendments. In addition, she stated the desire to be able to update the brochure as new commissioners are appointed.

Mr. Fleming stated that, in the past, DHRC meetings had begun with comments from the community, and very often there was no one present to comment. He advised that if comments from the general public were given before the meeting, members would not know what time to get there. Mr. Fleming indicated that he thought that recognizing anyone that has a comment for the Commission as the first order of business would be good enough.

Mrs. Stein stated that it was suggested that the DHRC model the public comment period after City Council, where the public is allowed to comment prior to the meeting but not to comment on matters that City Council is planning to discuss. She noted that comments regarding agenda items could be taken during the DHRC meeting and that the Commission could not act on comments during the Open Forum segment. Mrs. Stein stated that it was strongly suggested that members set a designated period prior to the meeting, perhaps 10 or 15 minutes for public comment. She noted that the meeting must start at 6:00 p.m. because the meeting has a published agenda and only items on the agenda can be discussed during the meeting.

Mrs. Stein indicated that talking about an item that is not on the agenda would not allow for the public to come and comment.

Mrs. Herbert stated that if this was the case, a better agenda was needed than the current agenda because one sentence indicating that there will be a report from someone does not tell what the person might say. She indicated that a member may be planning to say something about what the public has commented on. Mrs. Stein stated that she would discuss this with the Clerk's Office.

Mr. Henderson stated that he had been on the DHRC for quite few years and did not think that comments would be overflowing. Mr. Henderson advised that in all the years he had attended he could remember four (4) or five (5) comments and that he thought that if an Open Forum was included on the agenda, members could get through the meeting quickly.

Mrs. Herbert stated that she was assuming that the whole idea was to get people to come in and comment on issues that they have, and Mr. Henderson agreed. Mrs. Herbert suggested having a couple of meetings per year that are devoted to the public coming in and telling members what they think and not having a working agenda. Mr. Henderson explained that this public comment period would be the agenda. Mrs. Herbert indicated that public comment would be on the agenda instead of committee reports, and this would be an opportunity for people to come in. She indicated that they may not come, and it would take a while with communication and activity to make people in the community aware that the DHRC exists and it is okay to come and talk about issues that they are having. Mrs. Herbert explained that she was thinking of the DHRC having an Open Forum from 6:00 p.m. to 7:00 p.m. on a specific date and taking input from the public.

Mr. Gaddis asked if this is the way the Committee of the Whole works. Responding, Mrs. Stein stated that the Committee of the Whole agenda states that public comment is welcomed on any item on the agenda, and the public is encouraged to come in. She noted that this is also stated on the DHRC agenda. Mrs. Stein explained that a problem would be created if someone comes in with items that are not part of the DHRC committee reports or anything on the agenda.

Responding to Mr. Gaddis, Mr. Henderson stated having people come in from 6:00 p.m. until 6:15 p.m. and extending the meeting until 7:15 p.m. or however long it takes members to finish would be a possibility. He indicated that it would be his goal as Chair to make sure that members meet within an hour and that meetings go from 6:00 to 7:00 p.m.

Mrs. Herbert asked if members could start out with a five-minute comment period since they normally do not have people. She stated that as people start to come, a little time could be added. Responding, Mr. Henderson stated that they would not want the Open Forum to go on indefinitely and suggested allowing 10 minutes and then starting the meeting, similar to what is done by City Council. He noted that two (2) or three (3) people could speak for three (3) minutes each.

Responding to Mr. Fleming, Ms. Paige stated that the brochure will be in color.

Mr. Fleming moved to recommend approval of the brochure as amended, seconded by Ms. Paige.

Mr. Gaddis stated that members had not determined what they would do regarding public comments and asked if they wanted to allow public comments for the first 10 minutes of the meeting. Mr. Fleming stated that he thought this would be good idea.

Ms. Paige suggested that members approve the brochure knowing that they have to make the necessary corrections. She indicated that they could then have discussion about when public comments should be and this would be included in the brochure.

The Commission recommended approval of the brochure, as amended.

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

Mr. Gaddis asked if public comments could be built into the agenda; for example, if the meeting could start at 6:00 p.m. and public comments could be between 6:00 p.m. and 6:10 p.m. Responding, Mrs. Stein stated that the meeting and public comment period should be two (2) separate events, so the public comment period could begin at 5:50 p.m. and the meeting at 6:00 p.m. She indicated that the times would be up to members to determine.

Mr. Gaddis stated that his preference was that the meeting start at 6:00 p.m. and the first item on the agenda would be public comments.

Responding to Mr. Rocha, Mr. Henderson stated that placing the public comment period on the meeting agenda would make it part of the meeting. Mr. Rocha noted that members could not include the public comment period in the meetings.

Mr. Rocha stated that members could start public comments at 6:00 p.m. and start the meeting by either 6:10 p.m. or 6:15 p.m. Mr. Henderson indicated that the public comment period could also start at 5:50 p.m. and either approach would work. He advised that whatever members decide to do, it would be his objective to get everything done from 6:00 p.m. to 7:00 p.m.

Mr. Fleming suggested starting with a 10-minute comment period and extend the meeting if necessary.

Mrs. Herbert advised that she did not think members could do this, noting that the agenda states that adjournment is at 7:00 p.m. Mrs. Stein explained that this adjournment time was stated on the agenda at Mr. Henderson's request.

Mr. Fleming stated that he thought that even with an Open Forum and community input, 95% of the time the meetings would end by 7:00 p.m. Mr. Henderson advised that, based upon his long tenure with the DHRC, he did not foresee this being a problem and, if it was, members could change the format. Mr. Henderson suggested starting the Open Forum at 6:00 p.m. and if there is an absolute crush of people, the Open Forum could take place before the meeting time. He stated that he agreed with Mrs. Herbert that as the DHRC gets publicity out and gets established, the public comment period could potentially grow.

Mr. Offredo asked what would happen if there were many people at a DHRC or a City Council meeting that want to discuss something that may be extremely relevant but there was not enough time to get it on the agenda and the Open Forum time runs out. He asked if the discussion would just end and the Council meeting start. Responding, Mrs. Stein explained that there had been occasions when the City Council Open Forum lasted 40 minutes rather than 30 minutes and the Council meeting started 10 minutes late; therefore, there would be the ability to do this if there is a special issue that a lot of people are concerned about.

Mr. Henderson stated that if meetings go a little over 7:00 p.m., so be it; however, his objective was to be in and out within an hour.

The Commission recommended adoption of a 10-minute Open Forum beginning at 6:00 p.m. within the format of the designated hour.

Mr. Henderson stated that henceforth the agenda would include an Open Forum from 6:00 p.m. until approximately 6:10 p.m.

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

State Human Relations Commission Liaison Report (Herbert)

Mrs. Herbert explained that Dr. Nancy Maihoff, Commissioner, State Human Relations Commission, had agreed to be the liaison from the State Human Relations Commission (SHRC) and noted that she and Dr. Maihoff had not yet had a chance to meet and may not do so until after the holidays. She stated that she and Dr. Maihoff would discuss developing an understanding between the DHRC and SHRC and put this into something that they can present. Mrs. Herbert advised that this would be an understanding that delineates the roles of the two (2) commissions and the solution of discrimination complaints, which fall within the jurisdiction of the SHRC. She stated, for instance, that the DHRC would need to know exactly what the SHRC covers and how one goes about making referrals. Mrs. Herbert stated her recollection that the DHRC had decided not to ask for subpoena power during the DHRC Workshop held on May 25, 2017, and Mr. Henderson stated that this was correct.

Mrs. Herbert stated that, at the last SHRC meeting that she attended, as she was walking out the door she heard a woman indicate that she wanted her comments to be confidential, and Mrs. Herbert had wondered how comments would be confidential during an open meeting. She noted that Dr. Maihoff had explained to her that if the SHRC goes into executive session, the public has to leave, and the person can present their issue. Mrs. Herbert stated her understanding that this would occur before the meeting so that names and other things are not included in the minutes, which are published.

Dr. Maihoff explained that they do not take minutes at the executive session. She advised that in their process they have an agenda, the meeting is opened, they have a roll call, and they then have a time for expressions from the community. Dr. Maihoff stated that this is when the individual that Mrs. Herbert mentioned brought her issue, which had to do with feelings of discrimination in one of the State entities, and she wanted to name names, etc. Dr. Maihoff noted that, unfortunately, this person did not have the full opportunity because the SHRC had a full schedule, she agreed to come to the next meeting, and this was the conversation that Mrs. Herbert overheard. She stated that a new, joint human resources or human relations commission had been created that deals with discrimination within State entities, so this matter had been moved from the SHRC to this commission and she indicated that she thought this person had the opportunity to talk to them at that point. Dr. Maihoff advised that if this individual did come back, the SHRC would vote to go into executive session, the tape recorders would be stopped, the people from the State Division of Human Relations would have to leave, and the individual could give the names and situations that she wanted to keep confidential. She indicated that this is how this situation would normally take place using Robert's Rules of Order.

Dr. Maihoff explained that she chairs the SHRC Community Response Committee, and they had mediated a situation at Cape Henlopen High School where the gay-straight community felt that they were being discriminated against by the administration. She noted that it looked like there were some issues that were stirring back up and that there are about four (4) people on the Commission trained to do mediation. Dr. Maihoff stated that the SHRC would certainly work with the DHRC if there were issues of mediation; for example, between a group of people and the Police Department.

Dr. Maihoff advised that, personally, she is a volunteer at the Center for Community Justice at People's Place, and explained that they do court-mandated mediation for the Kent and Sussex County court systems. She noted that there is an equivalent in New Castle County that does basically the same thing. Dr. Maihoff stated that she is very well trained in mediation and offered her services. She indicated that they have resources and can work with the DHRC to assist in any way that they need help. Dr. Maihoff indicated that there may be times when the SHRC would need the DHRC's assistance if there is an issue in the Dover area that they are trying to deal with, and the DHRC could lend its knowledge and strategies to the SHRC. She

stated that she could see a very good working relationship and a possible sharing of talents, knowledge, and strategies.

Mr. Offredo asked if members of the DHRC could go into executive session if a situation presented itself where they wanted to discuss something confidentially. Responding, Mrs. Stein stated that the Commission has the ability to recess into executive session if members consider an agenda item that evolves into something that qualifies for an executive session. She noted that this could not occur during the public comment period.

Mr. Offredo asked if members could go into executive session if the public was commenting on an item not related to the agenda. In response, Mrs. Stein stated that this item would be scheduled on a subsequent meeting agenda.

Mrs. Herbert stated that she would meet with Dr. Maihoff after the holiday and make sure that there is a clear plan so that she can advise members what is needed.

Mr. Henderson stated that he was very excited about the resources Dr. Maihoff can provide for the DHRC.

Mr. Henderson welcomed Mr. Rocha and stated that he would discuss with him which of the various committees would suit him. He indicated that he knew that Mr. Rocha is very actively involved in the community in Chester, noting that his reputation preceded him, both as a member of the military and of the community.

Mr. Henderson advised members that the next meeting would be scheduled for January 18, 2018.

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

ECONOMIC DEVELOPMENT COMMITTEE REPORT - NOVEMBER 29, 2017

The Economic Development Committee met on November 29, 2017 with Mayor Christiansen presiding.

Update - Starting a Small Business Incubator (Dr. Michael Casson - Delaware State University UCEDIT)

During their Regular Meeting of June 12, 2017 City Council approved the Committee's recommendations: 1) that there be a meeting held with the County to determine a path forward; and 2) entertaining the idea of participating in the Small Business Website Initiative.

Dr. Michael Casson, Director, Delaware State University Center for Economic Development and Trade (UCEDIT) advised that he had been communicating and working with Mr. Jim Waddington, Kent County Economic Development Office.

He informed members that Kent County has an enterprise center with dedicated space for small business incubators. Dr. Casson advised that Delaware State University, specifically the College of Business and UCEDIT, is working with Mr. Waddington to provide small business development course work. He explained that the University of Delaware Small Business Development Center (SBDC) has agreed to provide an intro to business development course. He stated that the business incubator would provide a comprehensive course selection, noting that many of the courses will be required for the tenants of the incubator itself. Dr. Casson noted that they were looking to bring to the table certification workshops and classes, such as small business accounting, small business marketing, and getting a business online, and also provide a graduate and/or undergraduate intern to help manage the office in this space for the patrons. He explained that DSU had floated a Memorandum of Understanding (MOU) to Mr. Waddington and his group to review, specifically as it pertains to the intern. Dr. Casson advised they were proposing to provide approximately 12 courses to the tenants there and also to the general public and had sent this to Mr. Waddington to review. He stated that they were looking to start servicing the facility in February 2018. Dr. Casson indicated that he thought this was a great pilot facility and, as it seen how it pans out and what works and does not work, this would be a great opportunity to expand this initiative.

Mr. Kirby Hudson, Assistant City Manager, asked if those who would be taking these courses would be well past the business plan stage. Responding, Dr. Casson advised that, as part of the process, a review board will determine which companies are in the best position to take advantage of the space, where clients are with a business plan, and things of that nature. He noted that they would be looking to see how they can extend participants' capabilities and knowledge sets, specifically as they pertain to small business taxes, marketing, business expansion-type techniques, how to close deals, and other types of workshops.

Responding to Mr. Dave Hugg, Acting Director of Planning and Community Development, Dr. Casson stated that it was written into the current by-laws that those who utilize the space have to register for the course work. He noted that the course work has to be defined. Mr. Hugg indicated that he thought this was critical, and Dr. Casson agreed, noting that the initiative is a great extension to Kent County Open for Business, since it is open not only to tenants of the incubator but also to the general public. He stated that there would potentially be registration across the board, not only in the City of Dover and Kent County but further down.

Mr. Hugg noted that one (1) of the things that had been heard in various meetings was that technical assistance in a variety of forms is one (1) of the most significant gaps for businesses that are looking to expand, and there is a need for ways to get assistance to them, whether tied to an incubator or in some other form. Dr. Casson indicated that this gap happens across the board in many areas and is always about coordination. He noted that DSU's upper-level marketing course and MBA graduate marketing course are prime examples of how the University can leverage what it is doing and vice versa. Dr. Casson advised that the professor requires students to work with local or not-so-local businesses and support their marketing plan

development. He stated that this is not currently coordinated, so with an incubator in Kent County and in the City of Dover, these efforts can be coordinated so they can target businesses here and create a greater impact for the local economy. Dr. Casson advised that this would not only further the plan to facilitate the workshops but also allow DSU's MBA and upper-level students and faculty to support participants in the actual implementation of marketing plans, business tax, and accounting practices.

Ms. Evans expressed her understanding that the incubator would be looking at businesses that are already established. She noted that feedback had been heard that people do not even know how to get to that step and do not know what plans are available to help them within the City, County, and the State, such as what kind of rebates they can get and how to go about this. Ms. Evans asked if the incubator would provide services at this level or past it. In response, Dr. Casson stated that the University of Delaware (UD) is offering intro business development course work for those businesses who do not have experience pertaining to what networks to touch and the processes and steps involved in starting a business through the SBCD, which is based at UD. He stated that he was uncertain about the frequency of this course.

Ms. Evans asked if UD has the same type of incubator or if they refer people to the program Dr. Casson was describing. She asked if someone who starts at the intro level at UD can move on at UD and why they would move to this program. Responding, Dr. Casson explained that representatives from UD are coming to Dover to provide the intro business development course for stakeholders here, and this is the only course that UD provides at the incubator at Kent County Levy Court. He noted that the SBDC has representatives for Kent and Sussex Counties and Ms. Danita Thomas will come as the representative. Dr. Casson stated that DSU would take the next step and go deeper into specific areas of small business development.

Mr. Hugg asked if Kent County's Open for Business process was the primary intake mechanism for the incubator's clients. Responding, Dr. Casson advised that he thought this process was a great springboard to attract clients; however, he felt that they would have to market the incubator's additional services. He noted that business services there would be tied not only to the incubator but also to the general public, which would potentially gain it more steam.

Mr. Herbert Konowitz, Vice Chair, Dover Interfaith Mission for Housing, stated that he had worked with Mr. Waddington a long time ago on this. Mr. Konowitz noted that he had also been involved with the SCORE Association for going on 12 years and had received an email this morning from Ms. Joan Cote, Executive Director, Downtown Dover Partnership (DDP), who wanted to know how SCORE can help the City. Mr. Konowitz advised that this could all be tied together, noting that he could lead his clients to the incubator.

Dr. Casson stated that some of the internal conversations at the College of Business as well as those with Mr. Waddington, had involved a team teaching approach and working with the Central Delaware Chamber of Commerce (CDCC). He explained,

for example, that a small business tax course could include experts in housing who could team teach with a local business owner or expert in the area to provide more applied knowledge and insight to clients.

Mr. Konowitz noted that Mr. Frank DeSantis, a SCORE counselor who ran the incubator for the New Castle Chamber of Commerce for approximately four (4) or five (5) years, had recently retired and was available. Dr. Casson stated that he had spoken to Mr. DeSantis. Mr. Konowitz advised that there are some talented people who would be involved.

Mr. Hudson indicated that he had thought that the incubator would be the next step for those who had already passed through a litmus test and had a business plan; however, it appeared that it would start from the very beginning and was for anyone who wanted to go into business for themselves. Dr. Casson stated that entrepreneurs would be vetted for their viability or ability to move into the incubator space, noting that there is a threshold to receive consideration for this. He explained that one (1) potential client had spoken to him but was not quite ready, in the opinion of the counselor he worked with, to move into the space, possibly because of revenues or an inadequate business plan. Dr. Casson advised that there is a track for those who are being considered for the amenity of having space and also a track for individuals who are just starting their journey and will begin with the SBDC course offered by UD. Dr. Casson indicated that the courses offered by DSU would be more in line with the tenets of the incubator or could be for any other entrepreneur who may deem them fruitful, regardless of where they are in the process. He stated that someone coming in may not have started their business plan and may want to sit for a business tax course, and there would not necessarily be a prerequisite since they had not yet discussed prerequisite skills for sitting for a business tax course or workshop being offered.

Responding to Mr. Hudson, Dr. Casson advised that the courses would be free.

Mr. Hare asked if people wanting to start a business would get a space in the incubator. Responding, Dr. Casson stated that space would be provided to those who have some traction in their current business. He explained that the space would allow these individuals to have some legitimacy as a business, noting that it would provide a location to work from, to bring clients that they are trying to court, and to use as a conference area. Dr. Casson noted that the incubator would have wi-fi and xerox machines.

Mr. Hare stated his understanding that the incubator would be for those who have a business with no storefront and need an office and a place to set up shop. In response, Dr. Casson noted that they would have access to services and business education. Responding to Mr. Hare, Dr. Casson stated that DSU no longer had the Minority and Small Business Entrepreneurial Course (MSBEC) that Mr. Hare had previously taught in. Mr. Hare explained that participants in this program were taught how to write a business plan, start a business, and everything they needed to

start a business. He indicated that it did not include having 10 businesses in the same area.

Dr. Casson explained, for example, that two (2) weeks ago he had a conversation with a friend who does taxes for small businesses and has a client with a janitorial service in Dover. He indicated that the cheapest office space this gentleman was able to find was approximately $400, not including phone, internet, wi-fi, etc. Dr. Casson informed him of the incubator, and he saw this as a viable possibility since he could not continue to work out of his home because it was not efficient. He noted that this businessman's accountant was asking why he should move into another facility; however, it was a question of the viability and legitimacy of the company. Dr. Casson stated that it is hard to pass up the incubator's amenities that are offered at a discounted rate, such as space for as low as $75 per month, $10 for a business's own phone line inclusive of wi-fi, and access to the conference, training, and break rooms. Mr. Konowitz stated that this is a real bargain. Responding to Mr. Hudson, Dr. Casson stated that clients could receive their mail there as well. Ms. Evans noted that a class on how to start a business was being offered every month; therefore, they are starting at the very entry level.

Ms. Evans asked what Dr. Casson wanted from the Committee and if he just wanted to make sure that members were aware and would push people toward the platform. Responding, Dr. Casson explained that he initially engaged the Committee when DSU was looking at an incubator for the City, potentially downtown. He advised that, at that point, there had been conversation around what the County was doing and potentially leveraging that partnership and the traction that they already had. Dr. Casson noted that it was agreed that he would move forward in speaking further with Mr. Waddington about where Kent County was in the process and potentially partnering. He indicated that he had come back to report to members where they were in the process.

Mr. Konowitz noted that it would be very important to get people in initially to get the program moving because they do not have anyone yet.

Dr. Casson stated, in regard to the cost, that the University Center is funded through U. S. Commerce and the funding to pay the instructors will come through the University. Ms. Evans thanked Dr. Casson for his support.

Responding to Mr. Hudson regarding the maximum number of people the incubator could hold, Dr. Casson noted that the training area was large. Ms. Evans stated her understanding that the number would depend on how much space each person is taking, noting that spaces are $75 up to $225. Dr. Casson indicated that the number would be determined by the configuration and how many $75 spaces and how many $225 spaces are taken, since there are cubicles.

Mr. Konowitz noted that the County was anxious to get people in this space, which had been vacant for quite a while, and this is why they were moving forward.

Ms. Evans noted that the space had been vacant since March of 2016 when part of County's recreation center moved to New Burton Road.

Mayor Christiansen asked Dr. Casson to keep members informed.

Business Incentives for Hiring the Homeless (Herb Konowitz)

Mr. Herbert Konowitz, Vice Chair, Dover Interfaith Mission for Housing (DIMH), provided a handout of a Diagram of the Adapted 8 level Hierarchy of Needs based on Maslow's theory. He explained that the diagram reflected all the things involved in getting someone's act together if they are homeless. Mr. Konowitz advised that people who are homeless have to start at the bottom of the hierarchy and work upwards. He also provided an advertisement for DIMH, noting that this advertisement had been run for the last two (2) days in the *Delaware States News* and explained everything that DIMH is presently doing.

Mr. Konowitz indicated that the big problems in hiring the homeless are their baggage and lack of education. He noted that DIMH has a number of people that do not even have their GED, which has to be addressed so that they can be hired, and some of these men cannot even write their own names.

Mr. Konowitz advised that DIMH had started an organization with eight (8) men whose job was to go around town picking up weeds that were generated from a lot of rain, and this was done at the request of Mrs. Donna Mitchell, Acting City Manager. Mr. Konowitz explained that it was worked out that DIMH would put these individuals on the payroll on the basis of $10 per hour without taxes, everything was legitimate, and the City paid the shelter. He indicated that everyone was satisfied with this approach; however, the City ran out of funds because the project was not budgeted.

Mr. Konowitz explained that, if this type of work was to be done by DIMH in the future, it would have to be done by contract and be a permanent situation. He indicated that they had previously run into some serious problems because his men were ready to go to work and the individual who was in charge for the City had canceled the day's work because he had meetings. Mr. Konowitz explained that his people are interested in going to work and working as close as possible to a 40-hour week. He noted that this could be a tremendous boon to the City because DIMH would pay $10 per hour and take care of all the taxes, etc. and DIMH might be able to fill the left when Mr. William Cooper, former Superintendent of the Grounds Department, left the City. Mr. Konowitz stated that he has a lot of people who really want to go to work. He advised that 60% of their men are coming out of prison for a myriad of reasons and the shelter's recidivism rate is less than 5%, whereas the State's rate is over 70%. Mr. Konowitz explained that DIMH works with these men and turns them around, noting that they are ready to go to work and want to get their feet on the ground. He indicated that DIMH can offer workshops given by SCORE as an incentive. He noted that there are three (3) primary workshops that would probably be tied in with the Kent County education program, explaining that these

workshops include start-up and basic concepts for those who want to be entrepreneurs as well as business idea assessment. Mr. Konowitz stated that individuals can sign up for the workshops online and must pay; however, there will be no charge if they go through him and his two (2) counselors. He noted that they could put these men in a workshop situation and from there possibly get them involved with the Kent County program.

Mr. Konowitz informed members that a number of years ago, he and Mr. Eddie Perez, former City of Dover Downtown Coordinator, put together a program of workshops at City Hall, Mr. Perez contacted the people in the downtown area, and on the first night two (2) people came. Mr. Konowitz advised that there is a problem getting people into such programs and those who say they are going to come do not show up. He stated that he did not know if people are interested; however, the men at the shelter are definitely interested in going to work.

Mr. Hare stated that when you reach out to employers in town and find jobs for individuals, they do not show up, and when you go back to these employers, they refuse, stating that the individuals will not show up again. Mr. Konowitz advised that DIMH does not have that problem because the men are living under the shelter's domain. He explained that if DIMH knows that their clients have jobs, they get them out of bed, and these individuals go to work.

Ms. Evans stated that, looking at the newspaper, it seemed there were construction and hands-on jobs which sounded perfect for these men. She asked if there were transportation or other problems. Responding, Mr. Konowitz stated that transportation is a terrible thing.

Mr. Hare advised that there had been jobs within walking distance of the shelter at Westside Car Wash. Mr. Konowitz indicated that he had two (2) men working there right now. Mr. Hare stated that some people had started working, but half of the time they did not show up. He explained that he had gotten a job for an individual at McDonald's for $10 per hour, 50 hours per week, a free meal; however, this individual stated that he was not going to work for McDonald's. Responding to Ms. Evans, Mr. Hare stated that he thought that benefits might have been offered by McDonald's after a time. He indicated that there may be some very good individuals; however, there are some who do not want to work, and Mr. Konowitz stated that there is no question about that.

Mr. Konowitz advised that DIMH's procedure is to give men 30 days to prove that they really want to get a job, and those who sit around and do not want to are put out immediately. He indicated that DIMH helps those who are looking for a job to find one. Mr. Konowitz noted that the average stay in the shelter used to be 90 days but had been reduced to 52 days. He explained that clients who are established in a job hook up with someone else in the shelter and DIMH moves them into an apartment, and this approach was working.

Ms. Evans asked what DIMH needed from the Committee. Responding, Mr. Konowitz indicated that he needed to possibly work with the City to employ some of these men doing menial jobs. Mr. Hudson noted that the City is not a social service agency and asked what Mr. Konowitz thought the City could do to help. Mr. Konowitz suggested there may be opportunities in the area that they had previously started on, such as picking up weeds, etc. He stated that, according to Mrs. Mitchell, there are a lot of jobs that could be done and she had mentioned painting curbs, which are in terrible shape now.

Mr. Hudson stated that there are a lot of maintenance-type things that could be done; however, the problem he foresaw is that most of this is work is unionized. He indicated that, when talking about Public Works or code-related work, there are some people who would say that the City is taking away union jobs and question why the City is doing this type of hiring instead of hiring another staff person. Mr. Konowitz stated that this was not the case with the weed situation, which was done as an outside contractor.

Mayor Christiansen asked what the ramifications of hiring would be and if private contracting is a good model. Responding, Mrs. Kim Hawkins, Human Resources Director, stated that the City's workforce is 85% unionized, and if the DIMH men come on board in regular positions, the union would say that this is work that the union does. She stated her understanding that the gentlemen who were with the City during the summer months worked on a temporary, short-lived, contract basis. Mrs. Hawkins advised that when someone is with the City for only for a short term and the contract is done, it is easy to defend this to the union. She indicated that someone who is brought on board as a regular employee would have to go through the entire recruitment process.

Responding to Mayor Christiansen, Mr. Konowitz stated that the program he was presenting would be as an outside contractor. In response to Mrs. Hawkins, Mr. Konowitz indicated that the work could be for a defined period of time. He explained that the problem they had when they were previously involved was that it was not a defined period. Mr. Konowitz stated that the City wanted DIMH to do the job and cover the entire City, they got into the project, and everybody was satisfied; however, after about six (6) or seven (7) weeks, the program ran out of money. He advised that it was explained to him that the City had used money that was initially supposed to be used for landscaping. Responding to Mrs. Hawkins, Mr. Konowitz indicated that he was unsure if this was for doing the flowers or other landscaping.

Ms. Evans indicated that it did not sound like this type of short-term work would be an option for DIMH men. She noted that they would not be put to work on a permanent basis, which would allow them to move on and get out on their own. Ms. Evans stated that it seemed more beneficial to build toward getting them placed and linked with the Delaware Transit Corporation (DART), if transportation is a problem. She noted that even if they were placed with the City in the spring due to the weeds that were growing again, this would only be for the short term.

Mrs. Hawkins stated that the only benefit she could see would be that the men would be gaining experience, which always looks good on a resume. She noted that if the gentlemen are reporting to work and get a three-week experience, hopefully they would learn something from City crews and not just be pulling weeds. Mrs. Evans stated that this could be landscaping experience. Mrs. Hawkins indicated that this type of experience could show that someone was diligent, reported to work on a 100-degree day, showed effort, and came every day.

Mr. Konowitz advised that if the work time frame was predetermined, whether for three (3) or five (5) weeks, participants would realize that this is the job, rather than being led to believe that it was going to be longer.

Referring to the DIMH advertisement, Mr. Hudson noted that it stated that DIMH's funding is very limited and they are looking for pledges of $1,000 annually. Responding to Mr. Hudson, Mr. Konowitz stated that DIMH needs $50,000 to sustain itself until the end of the year. He advised that DIMH receives $13,000 per year from the State and does not receive funding from the County on a regular basis. He noted that they had asked the County for funds.

Ms. Evans advised that DIMH had been going along for years and asked if they had lost something. Responding, Mr. Konowitz indicated that they had lost a $300,000 federal grant for re-entry. He stated that DIMH had used the grant, knowing that it was going to be over at this period of time, and they cannot reapply for this grant once it is over. Mr. Konowitz advised that they had applied for approximately 22 grants that were starting to come in now; however, grants are few and far between.

Mr. Hudson asked if it would be prudent for DIMH to establish its own business and employ these people if everything DIMH is trying to do has a labor flavor to it. He suggested using some of the funding to obtain a small bus or some vehicles. Mr. Konowitz indicated that this was not a problem and they could do this. Mr. Hudson advised that DIMH could be the subcontractor and, for example, cut grass for the school district or parks that the City cannot get to. He stated that a number of things could be done, noting that he had heard that landscapers sometimes have business that they cannot get to. Mr. Konowitz advised that DIMH is set up to work with landscapers and has a number of men who are trained in this field. He noted that the men are independent contractors who are paid directly, and DIMH does not enter into this, except to make the contact and make sure that the men go to work.

Mr. Hudson asked if it would be the responsibility of DIMH to help these individuals obtain their paperwork for W2s, etc. Responding, Mr. Konowitz stated that most people pay these individuals under the table, which he was trying to get away from.

Ms. Evans stated that DIMH could contract with companies that would pay DIMH, who would in turn pay the individuals. Mr. Konowitz indicated that they had not done this.

Mayor Christiansen asked whether there is a maximum time period for which the City could have an independent contractor once they sign a contract. Responding, Mrs. Hawkins stated that there are several definitions in the labor agreement that allow the City to contract out for an independent contractor, such as for efficiency and economics. She explained that these individuals would not be paid by the City of Dover. Mrs. Hawkins indicated that she envisioned using same type of agreement that they had previously, stating her belief that the men were paid $10 per hour and the City was charged $15 per hour. Mr. Konowitz stated that the rate was $14 per hour. Mrs. Hawkins noted that the City currently has mowing contractors.

Mayor Christiansen asked if this was doable and if there are parameters in place for the sake of the City as well as the independent contractors. Responding, Mrs. Hawkins indicated that she was not the expert that could speak to this because the positions being discussed fall under Mrs. Sharon Duca, Public Works Director/City Engineer. Mr. Konowitz noted that he had worked with Mrs. Duca. Mrs. Hawkins noted that comments had been made that a supervisor was not available since and that maintenance went downhill since Mr. Cooper left, and she stated that those comments may need to be defended first by Mrs. Duca. She stated that Mrs. Duca should be involved in the conversation as to the work that can be done so that when the supervisor is not available, those who are hired as contractors know what their duty is for the day. Mr. Hawkins advised that typically contractors bring their own tools, so they would not be coming to the City's shop in the morning to get what they need to do their duties. Mrs. Hawkins explained that the City does not want to get into IRS regulations by controlling what contractors are doing, and if the City starts controlling what they are doing, they would then be employees.

Mr. Hudson advised that he had discussed with Mrs. Mitchell and Ms. Margery Cyr, Library Director and Director of Parks and Recreation, that it is difficult for the Public Works Department to maintain parks so that they look pristine rather than unkempt, especially when staff is low. He stated that there had been past discussion regarding whether a separate group, not necessarily under Public Works, should be charged with maintaining the parks.

Mr. Konowitz noted that Council President Slavin and Ms. Shelly Cecchett had involved him in something along those lines regarding a property on Route 13 and Martin Luther King Boulevard in front of the tire company. Mayor Christiansen advised that this was part of the Route 13 beautification. Mr. Konowitz stated noted that the contract was going to be up at the end of October and the idea was for him to take over the project. He explained that they had been talking about putting in water for sprinklers, lights, etc., there was a meeting with Delaware Department of Transportation (DelDOT), and nothing happened. Responding to Ms. Evans, Mayor Christiansen stated that the Greater Kent Committee owns this property.

Mr. Hare noted that DIMH has an executive director, house manager, two (2) case managers, and evening and night supervisors. Responding to Mr. Hare, Mr. Konowitz advised that DIMH has seven (7) paid employees and everyone else

is a volunteer. He stated that their total operating expenses are $300,000 per year, approximately half of which is payroll.

Mayor Christiansen thanked Mr. Konowitz for the presentation and suggested that he sit down with Mrs. Duca and Mrs. Mitchell and review the previous work that was done and what the needs might be for budget purposes in the spring.

Mr. Hudson stated that he appreciated what DIMH was trying to do and suggested that they become their own business as part of their program. He advised that this is not something that would happen overnight, but if they have their own equipment, become a contractor, and lend themselves out to do business, this could be a win-win for everybody. Mr. Hudson advised that DIMH would be paid and nothing would really be coming out of the City, and he noted that a lot of work is needed.

Mr. Konowitz asked what the possibility was of bidding on a City contract. Responding, Mr. Hudson stated that this would be a public bid. He indicated that in many cases there is a list of people who have asked to be notified and DIMH would be competing with everybody else. Mr. Konowitz advised that DIMH would be interested in this. Mr. Hudson stated that they would need equipment such as safety gear, goggles, gloves, machinery, etc., as well as insurance in case someone gets hurt. Mr. Konowitz stated that DIMH has $3,000,000 worth of liability insurance. Mr. Hudson stated that he thought this approach would work and that there may be more people who want to help DIMH buy equipment as opposed to giving them money to pay individuals.

Responding to Mrs. Hawkins, Mr. Konowitz stated that DIMH deals only with gentlemen. He explained that approximately 60% of them are coming out of prison and the other 40% are from broken marriages, etc.

Mrs. Hawkins asked if most of these gentlemen were considered unskilled or if some of them had been, for example, electricians. In response, Mr. Konowitz stated that they do not have a lot of skilled men; however, they had obtained a job for one (1) of their clients, who is certified in HVAC, at Allen Harim in Harbeson starting at $28 an hour. He noted that another individual works at a portable shed business in Milford, noting that DIMH has some very talented people.

Mrs. Hawkins stated that alcohol had ruined the life of a gentleman who worked for the City years ago, ended up in prison with DUI's, and then went to DIMH. She explained that he was sorry for what he had done in life and was now successful. Mrs. Hawkins noted that another current City employee had been incarcerated but was now one (1) of the City's hardest workers.

Mr. Konowitz stated that DIMH has people living in their transition house. He advised that a number of their clients are sex offenders, noting that sex offenders are on tiers one (1) through five (5). Mr. Konowitz cited the example of one (1) such individual who was placed in as a custodian and DIMH was told that he was one of the best workers that the secretary at his place of employment had ever seen had ever

seen. He noted that these are second chances for many of these people. Mr. Konowitz advised that they also have many people with alcohol problems and drug problems and there is no place in the area to send them.

Mrs. Evans stated that many of those who are incarcerated do not come out of prison clean. Mr. Konowitz advised that he has 14 people living in three (3) transition houses and would stake his life on these individuals. Responding to Ms. Hawkins, Mr. Konowitz explained that those who have proven themselves over the 52 days that they spent in the shelter can move into the transition house if there is a space available. He noted that they must pay rent of $500 to $600 per month, supply their own food, and are on their own. Mr. Konowitz stated that some are still on probation. He advised that one (1) resident who is close to 60 years old had been with them for nine (9) years and was very happy because DIMH had just gotten him off probation.

Mayor Christiansen stated that he encouraged Mr. Konowitz to talk to Mrs. Mitchell and the Public Works Department regarding the scope the City is working with and the equipment. Mayor Christiansen stated that he had told Mr. Konowitz that he would give him a weedeater and a blower and would follow through on this.

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

COUNCIL COMMITTEE OF THE WHOLE REPORT - DECEMBER 12, 2017

The Council Committee of the Whole met on December 12, 2017 at 6:04 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Polce, and Mr. Lindell. Mr. Hare was absent. Mayor Christiansen was also present (departed at 6:22 p.m.). Civilian members present for their Committee meetings were Mr. Shevock *(Legislative, Finance, and Administration),* and Mr. Caldwell and Dr. Warfield (*Parks, Recreation, and Community Enhancement*). Dr. Stewart *(Legislative, Finance, and Administration)* was absent.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee met with Council President Slavin presiding in the absence of Mr. Hare.

Proposed Food Truck Pilot Program

Mr. Kirby Hudson, Assistant City Manager, advised that the City Manager's Office was seeking the support of Council to establish a 30 business day Pilot Mobile Food Truck Program for the City of Dover. He explained that after the trial, if the Food Truck Program is successful, the objective would be to make this program permanent.

Mr. Hudson stated that, over the past two (2) years, the City of Dover has seen the development of food truck services operating out of various locations on Route 13 and during special events within the downtown central business district. He indicated that, currently, there is no City Code or operational oversight allowing a permanent framework by which food trucks can park on City streets and sell to Dover's population and, consequently, food trucks are not permitted to operate on the public right-of-way on a regular basis. Mr. Hudson noted that, given the large density of employees and citizens visiting City Hall, the Dover Public Library, the Post Office, and the various State office buildings in the general area of Loockerman Street, these food truck vendors would like to be able to gain access to these potential customers.

Mr. Hudson explained that the Pilot Mobile Food Truck Program would commence on Monday, January 15, 2018 and end on Friday, February 23, 2018, noting that the plan is to have (10) ten food trucks located on Loockerman Street, fronting the Dover Public Library and City Hall area. He indicated that the City would allow food trucks to provide temporary Food Truck Service Monday through Friday, between the hours of 8:00 a.m. and 3:00 p.m. Mr. Hudson advised members that these food vendors will provide food service from pre-designated parking spaces only. Mr. Hudson stated that the City of Dover Police Department will ensure that signage and cones will be installed on a daily basis to inform drivers and the general public of reserved parking spot locations.

Mr. Hudson advised that this pilot program would hopefully give rise to a future comprehensive Mobile Food Truck Program which would address the issues of safety, fees, revenue impact, program management and oversight, licensing, site locations, and enforcement. He noted that the Mobile Food Truck Program is the culmination of research and conversations centered upon the current "Best Practices" of the City of Wilmington, with the sole goal of creating a positive Mobile Food Truck Program in the City of Dover.

Staff recommended approval of a 30 business day Food Truck Pilot Program.

Mr. Hudson introduced Mr. David Sophrin, Policy Analyst, Mayor's Office, City of Wilmington. He informed members that he had multiple meetings with Mr. Sophrin because the food truck program in Wilmington had been a huge success that got people out of the office and engaged them. Mr. Hudson stated that he thought food trucks might be a perfect way to stimulate the area in Dover and would also be perfect for the public.

Mr. Sophrin stated that, about two-and-a-half years ago, Delaware's growing food truck community approached the City of Wilmington with a very well-researched idea to bring food trucks onto the public right-of-way in Wilmington. He advised that, prior to this, the law did not really outlaw food trucks but, as a practical matter, never even considered them since laws sometimes take a while to catch up to changes in business. Mr. Sophrin stated that Wilmington spent seven (7) or eight (8) months working with food truck operators and their representatives; business people

and eateries on Market Street, especially downtown; City Council; and the Mayor to research the best practices in other cities and come up with a concept that would work for Wilmington. He indicated that the first thing that they realized was that there was no single best practice. Mr. Sophrin explained that some cities have an absolute laissez-faire approach, allowing trucks to park wherever they want if they do not break any traffic laws, and some cities are very restrictive. He noted that some have outright bans on food trucks or restrict them to very specific parking spots.

Mr. Sophrin advised that Wilmington eventually came up with a compromise that worked for City Council and the representatives. He stated that the food trucks wanted access to the downtown, lunchtime, pedestrian trade. Mr. Sophrin indicated that, in his opinion, it is a waste of time to try to bring food trucks to an area where they have no interest. He stated that the food truck vendors were interested in being in the downtown area; therefore, Wilmington took that general position and identified four (4) or five (5) spots in the immediate downtown area to give them access to what they were looking for. Mr. Sophrin advised that the vendors would pay a set fee, equivalent to the amount that would be paid by putting quarters into a parking meter all day, and would be given access to the public right-of-way. He stated that they started with four (4) or five (5) locations and told City Council that they were creating a pilot program and would keep track of what worked and what did not. He stated that the Food Truck Association was very helpful, flexible, and practical throughout the process. Mr. Sophrin indicated that the Association understood that, while the City of Wilmington wanted food trucks there and was very excited about it, putting trucks right in front of a restaurant would be unnecessary and maybe antagonistic, so wonderful middle ground was found that worked out well.

Mr. Sophrin stated that Wilmington created a licensing system. He noted that there was no charge for a license, but applicants had to provide documents that they were already supposed to have, such as a State business license, a health inspection, a fire inspection, and insurance. Mr. Sophrin explained that if everything was in working order, the license would be issued and the applicant would be free to sign up. He advised that Wilmington uses the website of a nationwide company that allows applicants to sign up and reserve spots online. Mr. Sophrin stated that the food truck vendors would not be calling City staff and there would be no playing phone tag; they would receive their licenses for one (1) year, reserve the spots, and pay the daily fee.

Mr. Sophrin stated that a fair amount of interaction was required with the departments that were involved, but there was a good deal of enthusiasm. He noted that a handful of Council members and some restaurateurs were reasonably concerned about the impact on existing restaurants; however, it was believed that they had not maxed out the number of people who could come outside in downtown Wilmington. He advised that plenty of people do not come outside for lunch and there was a desire to increase that population. Mr. Sophrin indicated that for the last year and a half there had been a very successful show of people, not just on Market

Street but also in Rodney Square, and the food trucks, smells, sounds, and music had provided an atmosphere of positivity. He stated that this had been a place-making undertaking which had been very effective.

Mr. Sudler asked what the concerns were from existing restaurants downtown and the pros and cons. In response, Mr. Sophrin stated that the majority of those who came out were in favor of food trucks, although two (2) or three (3) were concerned that the trucks could take business away. He explained that a fair amount of research had been done on this topic and the City of Wilmington gently pushed back on the idea that this was a zero sum game and that any additional eatery that appears would mean less consumers for existing restaurants. Mr. Sophrin reiterated that there are a large number of people in Wilmington who do not come out of their buildings for lunch, and it was believed that getting them outside, especially those who had worked there for 10 or 20 years, would allow them to see other existing restaurants and the increased exposure would be good for all. He noted that, after two (2) years, the restaurants that raised these reasonable concerns were still in business. Mr. Sophrin indicated that, to his knowledge, the food trucks had not shut any other businesses down but had brought very large numbers of people out of the buildings. He explained that it is more than just an eating experience as there is music, and a very positive atmosphere is created out of what can be neutral or even negative space in a city.

Responding to Mr. Polce, Mr. Sophrin stated that the legislation for Wilmington's food truck program was from the fall of 2015 and there was a one-year pilot program with a sunset provision. He advised that the sponsor of the legislation revisited it at the end of the year and removed the sunset provision, making it effectively permanent. Mr. Sophrin informed members that the same sponsor has some interest in exploring whether food trucks can go to other parts of Wilmington as well; however, the physical spots where they had put signs were currently just downtown.

In response to Mr. Polce, Mr. Sophrin indicated that Wilmington has quantitative metrics regarding the program, noting that they use a for-profit vendor that created a business model. He stated that the food trucks had suggested a vendor called LotMom and parties can sign up once and then reserve spots. Mr. Sophrin noted that more cities are looking to bring food trucks in but do not want to get involved in the day-to-day scheduling or field dozens of phone calls with food trucks that may be vying over one spot or another. Mr. Sophrin advised that the City, district, or vendor can put forth any restrictions they want, such as only allowing trucks to pick a spot once per week, not allowing them to pick two (2) days in a row, or not allowing them to reserve more than three (3) days. He indicated that the vendor can easily pump out metrics that will indicate which spots have worked and those in which there is no interest, noting that Wilmington had pulled spots off the street in reaction to those metrics.

Mr. Anderson asked if locations close to the industrial areas may be opened to food trucks after the pilot program. He noted that factory shift workers, such as those at Edgewell or General Foods, have a greater challenge in getting lunch. Responding,

Mr. Hudson advised that the pilot program was designed to see how things would work. He stated his understanding that there are currently food trucks at the Silver Lake complex and by the courthouse. Mr. Hudson stated the desire to concentrate on the proposed area but anticipated that the program could end up being much larger.

Mr. Cole asked if there is a concerted effort to get the information out to specific buildings, noting that there are 300 or 400 people in some of the buildings who never leave. He stated that he was supportive of the proposal but asked if January 15, 2018 to February 15, 2018 was the best time for the 30-day trial. In response, Mr. Hudson stated that he had not felt comfortable advertising the program until he knew that Council would allow it to happen. He explained that he lives in Wilmington and their program is very successful. Mr. Hudson indicated that he sees people daily at food trucks, even outside Wilmington city limits going toward New Castle, regardless of snow or rain, noting that people have to eat regardless of the weather. Mr. Hudson advised that, in talking with food truck operators, business may taper off a bit but many have large followings, and he did not anticipate weather being a problem.

Responding to Mr. Slavin, Mr. Hudson stated that he had not communicated the City's interest in the food truck pilot program to the owners of existing restaurants in the downtown area that may be impacted. Mr. Slavin advised that it would be very important to do this because there will likely be a negative reaction when they hear about it for the first time when reading the newspaper. He also noted that Mr. Hudson was proposing to start the program on Martin Luther King Day, which is a State holiday, and suggested adjusting that date. Mr. Slavin asked that Mr. Hudson reach out to the Downtown Dover Partnership (DDP) to see if they are doing a First Friday event in February and suggested extending the time to include the hours around that First Friday event. He noted that food truck vendors are typically brought in for First Friday and suggested that Mr. Hudson work with the DDP.

Mr. Sudler stated, in view of the concerns regarding Martin Luther King Day as well as getting information out to existing restaurants and receiving feedback from them, that he would like to see the program approved for 90 days, rather than 30 days.

The Committee recommended approval of the Food Truck Pilot Program for 90 business days.

Mr. Lindell asked if the effective start date could be delayed and set once the downtown restaurants are notified. Responding, Mr. Slavin stated that members could ask Mr. Hudson to advise members of the start date once everyone is notified, and Mr. Hudson stated that he would do so. He indicated that he had not pulled the dates out of a hat but was waiting for the program to be approved at the next Regular Council Meeting in January. Mr. Hudson explained that he had wanted to talk to restauranteurs; however, he had felt that it would be putting the cart before the horse to do so before obtaining approval.

During the Council meeting, Councilman Hare, Chair of the Legislative, Finance, and Administration Committee, moved to postpone the Proposed Food Truck Pilot Program and refer it back to staff for further review. The motion was seconded by Mr. Sudler and unanimously carried.

Proposed Ordinance #2017-16 - Amending Appendix B - Zoning, Article 3 - District Regulations, Section 28 - Traditional Neighborhood Design Zone (TND), Subsection 28.52 - Neighborhood Commercial District (Fuel Pumps)

Mr. David Hugg, Director of Planning and Community Development, reminded members that there are at least two (2) ways that text amendments to the zoning ordinance come before Council. He explained that typically staff works with the Planning Commission and others to draft an ordinance and requests to bring it forward for introduction and referral; however, he noted that the Code also provides a mechanism whereby three (3) or more Council members can request that a matter be brought forward through sponsorship. Mr. Hugg advised members that Proposed Ordinance #2017-16 would change the text of the Code as it relates to neighborhood commercial districts within the Traditional Neighborhood Design Zone (TND). He stated that the TND was essentially the Eden Hill Farm and the properties that are south of North Street and east of the new connector road.

Mr. Hugg noted that Proposed Ordinance #2017-16 was not a Planning staff recommendation but advised that there were representatives present from Pettinaro Company, the developer of this Neighborhood Commercial District. He asked if these representatives wanted to make any comments before he deferred to the members of Council who had asked for the Proposed Ordinance to be introduced. Mr. Hugg advised that if the Committee is agreeable tonight, the Proposed Ordinance would be presented to Council during their meeting of January 8, 2018, for a First Reading and referral to the Planning Commission. He noted that the rest of the process would follow as normally set forth.

Mr. John Paradee, speaking on behalf of Pettinaro Company, advised that the actual name of the developer of the Eden Hill property was Eden Hill, LLC. He stated that it was his belief that this was the only property in Dover that is a TND District. Mr. Paradee reminded members that the ordinance was written for this property and was a novel concept at the time. He advised that he had been involved in helping to draft that ordinance and, as is typically the case as development occurs, things happen that are not necessarily contemplated at the time an ordinance is drafted. Mr. Paradee noted that this was such a case. He explained that the ordinance allows convenience retail stores as a use in the Neighborhood Commercial District and does not specifically prohibit gas pumps for convenience retail, but it does appear to prohibit gasoline filling stations for service establishments. Mr. Paradee stated that as his client has proceeded to develop this property, both with residential and commercial uses, they have been approached by a number of potential tenants who have questions about whether or not uses would be possible. Noting that one of the potential tenants was Wawa, he indicated that if the Proposed Ordinance is

successful, the developer would be coming to the City with a site plan for a proposed Wawa.

Mr. Paradee explained that Wawa approached them because they believed, and the developer agrees, that this would be an ideal location for a Wawa. He stated that the problem is, as members may know, that most of the convenience stores in the country simply will not build a new location without gas pumps because their business model is gasoline, coffee, milk, bread, and cigarettes. Mr. Paradee noted that those are the things that people are looking for when they pull into a convenience store and without the gas pumps, it simply does not work. He reminded members that there is already a Royal Farms directly across the street from the site where they would propose to place the Wawa in this district. Mr. Paradee stated that they believe that the use would not be in conflict with the spirit of the TND but that it would be consistent and very much supported and appreciated by the other occupants in the District, both commercial and residential. He stated that they thought it would be very successful.

Mr. Paradee advised members that when he had initially approached Mr. Hugg about this idea, Mr. Hugg had suggested that if the Code was amended to allow fuel pumps in the TND, it be made a conditional use. He explained that this would allow the Planning Commission and the Council to impose conditions designed to tailor the use for the particular circumstances of the property around it and ensure that, in fact, the spirit of the TND is observed. Mr. Paradee stated that he thought that this suggestion made a great deal of sense in this context because obviously, he and his clients want to make sure that the TND is something that everyone can be proud of and that nothing is placed in the district that would be inappropriate for any reason. He explained that the Proposed Ordinance would allow fuel pumps as a conditional use in the Neighborhood Commercial District.

Mr. Polce stated that he was in support of the Proposed Ordinance since it is a straightforward matter of fact and something that is good. He noted that this would be an economic and job developer. Mr. Polce noted that although these would be jobs earning minimum wage, they would still be jobs. He advised that there was a safeguard with the conditional use language within the Ordinance and asked his colleagues to support it as written.

The Committee recommended adoption of Proposed Ordinance #2017-16.

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

Recommended Procedure for Requesting a Legal Opinion

During their Regular Meeting of November 13, 2017, members of City Council approved the Council Committee of the Whole/Legislative, Finance, and

Administration Committee's recommendation that the City Clerk's Office develop a recommended procedure for requesting legal opinions.

Mrs. Traci McDowell, City Clerk, informed members that the recommended Procedure for Requesting a Legal Opinion sets out how appointees would go about obtaining a legal opinion or legal advice and is, for the most part, what is currently followed. She noted that she had reviewed the policy with Mrs. Donna Mitchell, City Manager. Mrs. McDowell explained that requests from the department heads who report to Mrs. Mitchell would go through Mrs. Mitchell and then through Mrs. McDowell to make sure that there is not an existing opinion, and the legal information that Mrs. Mitchell receives back would come to the City Clerk's Office for their permanent records.

Mrs. McDowell advised that Mr. Lindell had suggested that Council members obtain the concurrence of three (3) members to request a legal opinion or the item would be placed on an agenda. She noted that this is similar to the current procedure used for agenda items that will take a lot of staff time. Mrs. McDowell advised that Mr. William Pepper, Deputy City Solicitor, had advised that he had not worked with any municipalities that have a good policy in place.

Staff recommended adoption of the Procedure for Requesting a Legal Opinion.

The Committee recommended adoption of the Procedure for Requesting a Legal Opinion, as recommended by staff.

By consent agenda, Mr. Lewis moved for adoption of the Procedure for Requesting a Legal Opinion (Exhibit #1), as recommended by the Committee. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

Recommended Procedure for Requesting an Excused Absence

During their Regular Meeting of November 13, 2017, members of City Council approved the Council Committee of the Whole/Legislative, Finance, and Administration Committee's recommendation that the City Clerk's Office develop a procedure for Council members to request being excused for absences, with the level of specificity to be determined by the person requesting it, and that members' requests be placed on the consent agenda for the next meeting so that an action of Council grants the excuse.

Mr. Slavin explained that, although the Charter has provisions for unexcused absences, there is no procedure for notification of an excused absence.

Mrs. Traci McDowell, City Clerk, stated that she had researched codes across the country and found that many places have provisions for prior notification of excused absences. She indicated that there had previously been discussion regarding placing every absence on a consent agenda to be voted on; however, she thought that the recommended procedure would be a good time saver and cover the absences that

typically occur. Mrs. McDowell explained that absences that do not fall within the seven (7) excused absences listed in the recommended procedure would be placed on a Council agenda. She advised that the procedure references the section of the Charter that states that a member's seat is declared forfeited if they fail to attend three (3) meetings and are unexcused.

Staff recommended adoption of the Procedure for Requesting an Excused Absence.

Mr. Neil moved to recommend adoption of the Procedure for Requesting an Excused Absence, seconded by Mr. Shevock.

Responding to Mr. Anderson, Mrs. McDowell stated that the proposed procedure related to excused absences for those meetings that are recognized in the Charter as Regular Council Meetings. Mr. Slavin noted that those are the only meetings that members have to be concerned about.

In response to Mr. Lewis, Mr. Slavin stated that absences for military personnel were spelled out in the procedure under item #6.

The Committee recommended adoption of the Procedure for Requesting an Excused Absence.

By consent agenda, Mr. Lewis moved for adoption of the Procedure for Requesting an Excused Absence (Exhibit #2), as recommended by the Committee. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

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

Community Development Block Grant (CDBG) Program Administration Funding for Assessment of Fair Housing (AFH) Plan

Mrs. Tracey Harvey, Planner I, informed members that, in accordance with the applicable statutes and the regulations governing the Consolidated Plan regulations, the City is required to affirmatively further fair housing and required to submit an Assessment of Fair Housing (AFH) under the requirements of 24 CFR §5.150 through 5.180. She stated that the Department of Housing and Urban Development (HUD) has adopted an assessment tool that encourages jurisdictions and public housing authorities to collaborate regionally and enables collaborators to select a lead entity and submit the AFH according to the entity's schedule.

Mrs. Harvey advised that an AFH is due to be submitted to HUD on or before October 5, 2019 and Delaware State Housing Authority (DSHA) has agreed to be the lead entity of the Consortium. She noted that, once the Memorandum of

Understanding (MOU) has been executed by all parties, a Request for Proposals (RFP) to obtain a consultant to develop a regional AFH and develop a coordinated regional response to affirmatively further fair housing in each individual jurisdiction and across the region will be implemented.

Mrs. Harvey advised that the estimated cost of the AFH is approximately $150,000 and DSHA has requested the City to provide financial support in the amount of $5,000 since the City is a small entitlement community. She noted that the funds for this project will come from CDBG program income received in October 2017 for $4,000 from the sales proceeds of a property that received settlement assistance from the First-time Homebuyers Program, and $1,000 will come from the remaining balance of the FY 16 Program Administration line item of $13,861. Mrs. Harvey stated that no funds will be needed from the FY 17 Program Administration line item.

Staff recommended approval of the funding set-aside for Assessment of Fair Housing (AFH).

Responding to Mr. Sudler, Mrs. Harvey stated that the DSHA was requesting the City to provide financial support in the amount of $5,000 for an AFH plan. She explained that in 2011 the City was required to do an analysis of impediments, and HUD had now mandated that the City do an AFH as part of the City's requirement to affirmatively further fair housing. Mrs. Harvey advised that part of the AFH would be for the City of Dover but there would be a State-wide assessment as well.

Mr. Sudler asked if DSHA, as a federal and State program, had funding to cover the $5,000 cost. In response, Mrs. Harvey stated that the total cost of the plan would be $150,000 and DSHA would be picking up the bulk of the cost. Mr. Sudler asked if they had justified why they needed the City to pay $5,000. Responding, Mrs. Harvey explained that the City is required to implement this plan and if the City did so itself, it would have to pay $150,000. She noted that $5,000 would be cheap compared to $150,000.

The Committee recommended approval of the funding set-aside for Assessment of Fair Housing (AFH), as recommended by staff.

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

Community Development Block Grant (CDBG) Program Semi-Annual Report

Mrs. Tracey Harvey, Planner I, reviewed the Community Development Block Grant (CDBG) Program Semi-Annual Report.

Mr. Anderson indicated that approximately $30,000 was allocated for CDBG last year and that $5,000 had just been allowed. He asked if the rest of the unspent funds were obligated or would be rolled over into the new year. Responding, Mrs. Harvey

explained that these funds would roll over into the new year. Mr. Anderson asked if there were issues that prevented the funds from being spent as originally allocated. Responding, Mrs. Harvey stated that the Homeowner Rehabilitation Program was the only thing that rolled over from the previous year due to a lack of people in the City of Dover trying to find eligible properties to rehabilitate. She noted that these properties must be owner occupied and insurance requirements must also be met.

Mr. Anderson asked if staff, in planning the new items, was taking into account the Mayor's Blue Ribbon Panel on Homelessness and how the Panel may affect how CDBG funds are allocated. In response, Mrs. Harvey explained that the City had used 15% of its funding to satisfy the needs of the homeless for the past 10 years. She noted that shelters are a public service activity, and only 15% of the City's allocation can be provided to public service activities. Mr. Anderson stated that some of the Panel's recommendations fall into other categories and asked if Mrs. Harvey had reviewed their recommendations. In response, Mrs. Harvey stated that, at this point, all CDBG funds had been obligated into 2019 because the grants are multi-year. She indicated that she would not be able to reallocate funding to any activities in addition to what the City currently has.

Mr. Polce asked if Mrs. Harvey, as the administrator of the grants, provides technical assistance to any of the organizations with seeking out further grant opportunities. Responding, Mrs. Harvey explained that most of the grantees receive other grant funds and federal assistance from other entities. She stated that she does not provide technical assistance in providing other grants but just monitors sub-recipients.

Mr. Polce asked if, looking forward into 2019, Mrs. Harvey, as the administrator, was working in conjunction with the Housing Alliance of Delaware or other State-wide integrated systems to look at some of the strategic points that the City was hoping to move the needle on. Responding, Mrs. Harvey stated that she is a member of the Homeless Planning Council and other activities are being sought for future funding.

Mr. Polce asked if there is public comment regarding Mrs. Harvey's engagement efforts regarding where dollars are being allocated. In response, Mrs. Harvey explained that there is a public hearing every five (5) years when the application process is opened up. She noted that the public is engaged and welcomed to comment and decide on the activities that they want to be funded. Mr. Anderson advised that the funds are vetted through the Parks, Recreation, and Community Engagement Committee, which sets the priorities in conjunction with Mrs. Harvey. He indicated that there is an entire process that is voted upon and approved by City Council.

Mr. Anderson stated that the City has a new opportunity in regard to a grant finder program through its National League of Cities (NLC) membership. He explained that this relatively new complete software database of around 8,000 grants is free for current members. Mr. Anderson advised that he wanted Mrs. Harvey to be aware that this database exists and is available to the City.

Mr. Sudler thanked Mrs. Harvey for her rigorous overview.

Review of Active Recreation Area Plan (Request for Cash-in-Lieu) - Multiplex at 299 College Road (Planning Reference: S-17-28)

Mr. David Hugg, Director of Planning and Community Development, advised that Article V, Section 10 of the Zoning Ordinance sets forth a number of requirements for the dedication of open space recreation area and other public facilities for new developments. He noted that it also recognizes that there are situations where either the configuration of the land, some other restriction, or just the size of the property makes it difficult or impossible for actual land area to be set aside. Mr. Hugg indicated that this typically relates to properties of less than five (5) acres or less than 10 dwelling units, although there are some cases where that number may be slightly higher.

Mr. Hugg stated that the property at 299 College Road, which is approximately 0.4 acres, is being developed as a multiplex with three (3) dwelling units, and there is no room available to provide any usable or active recreation. He noted that Article V, Section 10 allows for a payment in lieu of park land in that context and sets forth the procedure. Mr. Hugg stated that the applicant has to have a certified appraiser do an appraisal of the property and the fee is assessed at 10% of the appraised amount. He indicated that the property had been appraised by Masten Realty LLC for $40,000.

Staff recommended acceptance of the $4,000 cash-in-lieu of recreation area construction donation, as the amount complies with the requirements of the Zoning Ordinance.

Mr. Hugg stated that the Planning Commission concurred with staff's recommendation.

Responding to Mr. Anderson, Mr. Hugg stated that the money would go into the Parkland Reserve Fund and would be available for park development, park maintenance, or other park-related activities throughout the City.

In response to Mr. Neil, Mr. Hugg stated that there were nearby recreational activities for the occupants of the homes which would be convenient for them to access.

Mr. Neil moved to recommend acceptance of the $4,000 cash-in-lieu of recreation area construction donation, as the amount complies with the requirements of the Zoning Ordinance, as recommended by staff. The motion was seconded by Mr. Lindell.

Mr. Slavin asked Mr. Hugg to keep an eye on this issue. He stated the desire to be flexible and use cash-in-lieu as a tool but not for people to be able to buy their way out of commitments that the City had worked very hard to plan for the community. Mr. Hugg stated that he agreed and reiterated that the provisions of Section 10

require an open space commitment above five (5) acres or a certain number of housing units. He noted that anything beyond that would be a significant deviance from the requirements and there would have to be an unusual hardship. Mr. Slavin noted that this could be a slippery slope and Mr. Sudler echoed this concern.

The Committee recommended acceptance of the $4,000 cash-in-lieu of recreation area construction donation, as the amount complies with the requirements of the Zoning Ordinance, as recommended by staff.

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

Proposed Land Swap - City of Dover and Capitol Baptist Church/Mayfair Park - Application for Approval from National Parks Service

During their Regular Meeting of January 9, 2017, members of City Council approved the Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee's recommendation to move ahead with the process using Option 1, that staff come back to the Committee with details at a later meeting, and that any expenses shall be incurred by the church.

Mr. David Hugg, Director of Planning and Community Development, advised members that, because federal funds were used to acquire the property, approval from the National Park Service (NPS) is required, and the Department of Natural Resources and Environmental Control (DNREC)/Division of Parks and Recreation will file the application on behalf of the City. Federal regulations require that the City of Dover, as the applicant, provide an opportunity for public comment prior to submission of the application to the NPS. No action is required other than providing for public comment. The actual land swap and an associated matter relating to reconstruction of the playground will be brought back to Council for final approval once the NPS approval is received.

Mr. Hugg, referring to the Action Form dated December 1, 2017, noted that the reference to the Parks, Recreation, and Community Enhancement Committee meeting of December 13, 2017 was incorrect and that the correct date was December 13, 2016.

Mr. Hugg stated that the land swap process had been outlined through a number of discussions with the Capitol Baptist Church and DNREC. He reminded members that the land was acquired in approximately 1988 with the Federal Land and Water Conservation Fund but the playground was subsequently developed with State open space funds. Mr. Hugg advised that, before the City can complete the land swap, the federal government must be satisfied that the land being exchanged is of equal value and that the recreation needs will be equally met, if not enhanced.

Mr. Hugg indicated that there had been a meeting with DNREC two (2) weeks ago and staff had gone through the NPS application process to get them to agree to the

land swap. He stated that he believed that the City's actions in December 2016 and January 2017 had probably satisfied the requirement for public comment; however, it was suggested that the Parks, Recreation, and Community Enhancement Committee be asked to open this matter to the public, not in the form of a hearing but just for public comment, to go along with the application. Mr. Hugg asked that public comment be invited on this matter and stated that staff would then move the application forward.

Reverend Terry Moore, 637 Carol Street, Pastor, Capitol Baptist Church, explained that they had gone through the surrounding community and gotten a petition of many names of those who were okay with the land swap and the petition would be submitted with the application. He stated that, in talking to the people in the surrounding area, they were aware of no resistance to the land swap, other than perhaps one (1) person who had been at a previous meeting at City Hall.

Responding to Mr. Sudler, Reverend Moore stated that they had not counted the number of petitioners; however, there were several pages of signatures from Dover residents and many in outlying areas.

Mr. Anderson stated that he was glad the process was moving forward and thought the swap would be beneficial. He requested a copy of the petition for the record, stating that it would help the public comment process, and Reverend Moore indicated that he would provide it. *(City Clerk's Office Note: Subsequent to the meeting, Reverend Moore provided the City Clerk's Office with a copy of the petition in support of the proposed Mayfair Park land swap between the City of Dover and Capitol Baptist Church*).

Mr. Neil stated his belief that there had been an open hearing at the time this matter was proposed and that some people had objected; however, the majority approved of the land swap. He indicated that he was very comfortable with approval of the swap.

Mr. Lewis attested to Mr. Neil's comment and noted that he and Mr. Hare had been present at a community meeting where many of the concerns of the Mayfair community were addressed. He indicated that this issue was nothing new and he supported the swap.

Mr. Hugg advised that the next step would be to submit the application to the NPS through DNREC before the end of the month. He explained that the current discussion was out of abundance of caution to avoid someone coming back and saying that there had not been a public meeting. Mr. Hugg indicated that the City had provided more than adequate opportunity and this would initiate the review, and hopefully the approval, of the land swap. He stated that in January there would be a need to approach Senator Bushweller, Representative Lynn, or someone else to introduce this matter into the General Assembly on behalf of the City to allow the exchange of the playgrounds, because they were funded by State funds. He advised

that when that is complete, the matter can be brought to a close. Mr. Hugg noted that the process was complicated because of the federal funds involved.

Responding to Mr. Anderson, Mr. Hugg indicated that the park is in Representative Bennett's district and that this may be the right way to go. He reiterated that, on behalf of the City, there must be legislative action that states, "We concur with the exchange of property and the swapping of playgrounds." He advised that this is a fairly simple legislative action that is required under State law.

Status Report - Request for Dog Park and Passive Playground - Acorn Farms

During their Regular Meeting of September 25, 2017, members of City Council approved the Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee's recommendation to accept the petition and letter submitted by Ms. Mahala Duffy requesting a dog park and passive playground in Acorn Farms, and referred the matter to Mr. David Hugg.

Mr. David Hugg, Director of Planning and Community Development, advised that when this item was previously considered, he was also serving as the Parks and Recreation Director. Referring to his memorandum dated November 16, 2017, he provided an analysis of the proposal relating to a dog park at Acorn Farms. Mr. Hugg noted that dog parks had become of some interest in a variety of communities and there are only a couple that have fully developed dog parks, which typically have fencing to separate large and small dogs, facilities for water, benches, shade, etc., and are not just open grass areas where dogs can run. He advised that a little over an acre was set aside when Acorn Farms was developed in 1992 and noted that this property is a wedge-shaped parcel. Mr. Hugg stated that, after talking to a number of people in places like Milford and Newark and doing web research, the concern that became readily apparent was that parcels that are immediately surrounded by residential homes in close proximity tend not to be favorable to the long-term operation of a dog park. He indicated that the Acorn Farms property is on Acadia Street, has only one (1) access, and there are 14 homes that have immediate contact with the park.

Mr. Hugg stated that he was not saying that dog parks are not a desirable activity to be looked at as part of recreation planning in the City, but the staff recommendation was that this is probably not the appropriate place to develop this kind of facility. He advised that there was a recent article in the *Delaware State News* about a dog park on city-owned land in Little Creek that is bigger than the Acorn Farms property and has a separate fenced area. Mr. Hugg informed members that it cost about $35,000 and a lot of free labor to develop the facility in Little Creek. He explained that the key difference is that it is not immediately adjacent to residential districts where the activities could constitute a nuisance.

Staff recommended not proceeding with the dog park at Acorn Farms.

Ms. Mahala Duffy, 104 Teak Court, stated that she is one of the residents that would be affected. She reminded members that people from at least 12 of the 14 properties around this area signed a petition that they agreed with having the dog park. Ms. Duffy advised that the idea for the dog park came from the community and the whole point was to bring the community together. She stated that Acorn Farms is a small community, Lexington Glen had just been built behind them, and there are other communities adjacent to them.

Ms. Duffy explained that the dog park was not to be like Tidbury Park but something for the people in surrounding communities to establish morale. She advised that this is an established community, they had swapped out the land in 1992, and she had been living there for 15 plus years. Ms. Duffy indicated that there are other opportunities to recoup some of the costs even if they utilize people in the surrounding areas as members to help create it. She stated that this would be a members-only type park where people would have to register and a fee would be assessed for having a dog registered to this area.

Ms. Duffy advised that there had been mention of going to other places as far as Schutte Park and Dover Park, but those are large areas and this is a smaller, intimate area. She stated that she agreed with having a fenced-in area so that both smaller and larger dogs in the area would be able to play. Ms. Duffy explained that this community has a bunch of dogs and everybody was stating that they were tired of going to Tidbury or just walking around the neighborhood. She indicated that the community came together and agreed on the dog park, noting that there were 84 houses in the area, if she was not mistaken, and she had over 50 signatures from those in the community who agreed to have this park. Ms. Duffy noted that all dog parks are man-made, so of course everything is not already set and adjustments would have to be made in order to make this dog park successful. She advised that, in their community alone, they have medical personnel, City and State employees, retirees, veterans, teachers, and other respected members of the community. Ms. Duffy indicated that everybody who comes to the dog park and owners would be responsible for their dogs, just like anywhere else. She stated that this matter should be readdressed because she thought it was being looked at as if it were the Dover City Dog Park and noted that it is more or less a branching of the communities in the area. Ms. Duffy advised that Mapleton Square has a dog park that is only about 50 square feet. She explained that they were not looking to fill up the entire space with a dog park and it would be good for the community.

Responding to Mr. Lewis, Ms. Duffy indicated that the community has a homeowners' association. Mr. Lewis asked if the association would be looking to fund this dog park. In response, Ms. Duffy stated that she would have to discuss this with them, noting that she did not see that they could not work together to make something happen.

Mr. Lewis stated that he thought dog parks are good ideas in communities. He noted that there are sanitation issues and asked what kind of liabilities would come with a dog park. Responding, Mr. Hugg advised that all dogs under the control of their

owners are currently allowed in almost all City park areas. He noted that he could walk his dog at Schutte Park, except on the softball fields and a couple of other restricted areas, as long as the dog is either under his control or on a leash. Mr. Hugg indicated that whatever liability extends beyond that is the same as what exists in a dog park. He explained that someone currently could and may walk their dog on this particular property as long as it is properly controlled or leashed. Mr. Hugg stated that the liability from the City's standpoint is really no different from what the City already permits. He advised that there would potentially be personal liability if his dog bit another dog, but this does not involve the City directly.

Mr. Anderson stated that he liked the idea and that the County currently has some money in their park funds. Responding to Mr. Anderson, Ms. Duffy stated that she had not approached Kent County Levy Court Commissioner Allen Angel, who is in that area, or any other commissioners; however, she could look into this or get her HOA to do so.

In response to Mr. Anderson, Ms. Duffy stated that she would be open to members tabling this matter until she can do background checks and bring back more information.

Mr. Lindell stated that he applauded the effort of the community in trying to create a park and some positivity and to unify the general area. Referring to Mr. Sudler's review of all the parks and their condition, Mr. Lindell expressed concern that members would be adding an additional responsibility when they had not addressed the core issues in the City's current parks.

Mr. Neil stated that he would like to see what Ms. Duffy is bringing to the table. He noted that there had been discussion about fencing, care within the park, and opening up the park for the use of other areas. Mr. Neil indicated that the community should be taking responsibility in this and relieving the pressure from the City. He noted that, as Mr. Lindell had stated, members are looking at everything that is going on and he was unsure if the City was ready for the dog park yet. Mr. Neil advised that he was not saying no but was saying not now.

Mr. Slavin expressed his understanding that this piece of land is owned by the City primarily for open space and it would not be programmed into active recreation, noting that it has egress issues related to parking and other things. He advised that if a City dog park is created on the parcel, anyone from the City could park in this neighborhood, which would create problems. Mr. Slavin asked if the City could lease the land to the HOA for the purposes of their establishing a dog park and help them with the one-time fit-out costs. He suggested that they could operate it as an HOA function, and if they cease to do that it would just become open space again for the City.

Mr. Hugg stated that he did not know of any limitation or restriction to Mr. Slavin's suggestion. He advised that from time to time parcels or parts of parcels, at Schutte Park for example, had been leased to recreation organizations to run programs and

did not think there was any reason that this could not happen. Mr. Hugg noted that he had not been able to find any restrictions in the subdivision or site plan accompanying this property, explaining that the documents only stated that this piece of property would be set aside for City park and recreation, and the other small wedges of property in the community would be the responsibility of the homeowners' association.

Mr. Slavin noted that the City would not be vacating its obligation regarding the property but would simply be partnering with the HOA. Mr. Hugg advised that appropriate safeguards regarding hours of operation and other potential concerns could be added if the City chose to do this. Mr. Slavin stated that if the property was leased as an HOA function, the HOA could limit who uses it without snagging City issues, and Mr. Hugg concurred.

Mr. Anderson stated that he thought there had been some great suggestions and wanted everyone to have a chance to consider them.

Mr. Anderson moved to lay this issue on the table, seconded by Mr. Neil.

Mr. Sudler stated that he thought that membership and seeing if the HOA would be willing to proceed as Mr. Slavin suggested were good ideas. He indicated that he thought membership would address issues of parking and people coming from other areas and make the area more private.

The Committee tabled this issue.

Discussion of the Definition and Permissibility of Rooming Houses/Boarding Houses in the Zoning Ordinance

Mr. David Hugg, Director of Planning and Community Development, advised members that Mr. Sudler had requested a discussion on the issues of rooming houses and storage of personal items related to the homeless. He noted that he chairs one of the working committees of the Mayor's Blue Ribbon Panel on Homelessness and was looking at these issues from the standpoint of how to provide things that could be done quickly and would make the lives of the homeless much more pleasant.

Mr. Hugg indicated that, a number of years ago, the Zoning Ordinance in the City Code had provisions for rooming houses within the definition of all of the residential zoning districts. He stated that he was informed that most of those provisions were deleted or extracted from the Zoning Ordinance as a result of issues that the City was having with student housing. Mr. Hugg explained that the current language allows rooming houses in the RM-1 and RM-2 zoning districts. He advised that there is not a specific definition of a rooming house and the language suggests that it is a place where up to five (5) people have a room. Mr. Hugg stated that this is interesting because the definition of family in the Zoning Ordinance is five (5) unrelated people living together in a single-family dwelling and he was unsure of the distinction between this and the definition of rooming house. He indicated that if they did not

want to call a situation a rooming house, a group of people living in an RM-1 or RM-2 district could call themselves a family of five (5) and essentially operate as if they were a rooming house. Mr. Hugg stated that the Zoning Ordinance states that in the RM-1 zone "no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purposes, except the following: (a) Any use permitted in one-family residence zones; (b) One-family lot-line dwellings, not to exceed one such dwelling per lot; (c) Duplex dwellings; (d) Multiplex dwellings; (e) Townhouses; (f) Roominghouses accommodating not more than five roomers." He indicated that the uses for the RM-2 zone are the same but include garden apartments.

Mr. Hugg stated that he had looked at a couple of other zoning ordinances in other communities and did not find anything that was on point. He indicated that Newark is very complicated because of all of the student and fraternity housing, etc., that make it much more cumbersome. Mr. Hugg advised that the National Fire Prevention Code states that a rooming house "is a building or portion thereof that does not qualify as a one- or two-family dwelling but that provides sleeping accommodations for a total of 16 or fewer people on a transient or permanent basis without personal care services, with or without meals, but without separate cooking facilities for individual occupants." He noted that the term "rooming house" is often used interchangeably with the term "boarding house" and with the term "SRO" or "single room occupancy." Mr. Hugg advised that SRO's are very common in larger urban areas and are typically old hotels, apartment buildings, or things of that nature where a large number of people rent a room often on a weekly basis. He explained that they share common bathrooms and typically do not have any kind of cooking facilities available to them. Mr. Hugg indicated that the only distinction that he was able to find is that, where the term boarding house appears in zoning ordinances as compared to rooming house, a boarding house typically provides some kind of meals or communal kitchen. He stated that rent for rooming houses is paid either daily or weekly and they are very much transient housing. Mr. Hugg noted that the only distinction he found for boarding houses is that they typically have some kind of management, such as a resident manager, or one of the residents serving as the "house mother" or "house father," which was not typically the case in the rooming houses he had looked at.

Mr. Hugg stated that 100 years ago the rooming house was where young singles, people with limited incomes, and immigrants lived. He advised that a century ago a housing type called a rooming house or boarding house was a sustainable, ordinary part of most communities, particularly larger communities. Mr. Hugg noted that his grandmother lived in a rooming house when she went to what became Goldey-Beacom College 100 years ago, and this was not an unusual kind of housing but is just not prevalent today. He stated that he suspected that the question had arisen in regard to whether the rooming house or boarding house notion is an option for addressing the current homeless situation.

Mr. Hugg explained that the current ordinance does not help a lot because it has the same "five (5) or less" provision in it, and he had not found a good example anywhere. He stated that he read one (1) ordinance where rooming houses were required to have a resident manager and they had to have a fairly specific set of rules; however, he did not get into the logistics of how to accomplish this.

Mr. Sudler stated that, as a co-sponsor of placing this discussion on the agenda, he thought that rooming or boarding houses would be a good way to offset the cost of at least $750 to $850 for a one-bedroom unit, which the homeless cannot afford. He noted that most individuals who are homeless, or disabled and homeless, receive checks for $750 if they are partially disabled or $900 if they are fully disabled. Mr. Sudler explained that he is a rental sales professional for seniors, the handicapped, and veterans, and had been in this position for over 16 years. He indicated that he thought this would be a good component to try to offset the cost and provide immediate housing relief for the homeless as it could be doable and would not cost the taxpayers an excessive amount of financial hardship. Mr. Sudler stated that members had recently been discussing land banks; however, rooming or boarding houses could provide immediate relief rather than relying on implementing a program that may cost money and this was a good opportunity to explore.

Mr. Slavin advised that he had some concerns, some of which dated back to two (2) other times during his tenure when this subject was brought before Council, as long as 13 years ago. He explained that the first time there was an effort to open up the Code to allow for boarding houses around Wesley College's campus. Mr. Slavin advised that this met with widespread opposition because people were worried that it was something that could not be contained to a certain area of the City and that the numbers could not be contained well enough. He stated that the second time related to the longstanding issues that took 10 years to resolve on New Street with the House of Pride. Mr. Slavin informed members that the House of Pride ran rooming houses and rented them out on a room-by-room basis to individuals, which led to a series of problems there, and noted that he would not want the City to go back down that path. He asked that any discussion of this matter be aligned with the thinking in the community about the rapid rehousing of homeless. Mr. Slavin advised that he did not believe that warehousing the homeless is solving the problem of homelessness. He noted that giving them a place to sleep is a noble effort, but a room without one's own bathroom or kitchen is not the kind of home the City is trying to get people into.

Mr. Hugg stated that a discussion had come up in the Mayor's Blue Ribbon Panel on Homelessness which was not aimed so much at those who are thought of as homeless but at the relatively large population of people who cannot afford housing. He noted that Mr. Sudler had mentioned that many of the people who find themselves in limiting circumstances could afford $200 or $300 a month as part of a collective housing solution but cannot afford an apartment or housing of their own.

Mr. Hugg stated that he agreed with Mr. Slavin that this was probably a slippery slope. He noted that the Oxford House is the epitome of how a group home is run for up to 10 people; however, this was not really the model. He indicated that, unless

there is strong management, even in rooming houses with five (5) and fewer people, there are problems. Mr. Hugg stated that if he owned a single-family house in Mayfair, he could put five (5) people in it, call it a family, and it would in essence be a rooming house. He noted that these residents would potentially have individual rooms, a shared bathroom, and some kitchen facilities. Mr. Hugg advised that this concern is there, even if the rooming house issue is not addressed. He stated that, fortunately, there had not been many problems; however, there are Code violations on a regular basis in rooming houses where four (4) or five (5) people are living together. Mr. Hugg indicated that he did not have a recommendation, explaining that staff had just started discussing this matter and trying to find an answer, and he was unsure whether there is one.

Mr. Anderson stated that he shared the concerns of Mr. Slavin, but also those of Mr. Sudler because the City had essentially interfered with the free market. He stated that this interference was costing people their lives, noting that people were dying on the streets, and it was not a theoretical issue. Mr. Anderson advised that he knows of people who are disabled and on three- or four-year waiting lists for subsidized housing. He indicated that it is essential to explore housing and, whether by reclaiming certain brownfield areas and looking at a planned neighborhood development of tiny houses or something like rooming or boarding houses, members must use a market-based solution because there are not enough taxpayer funds to solve the problem. Mr. Anderson stated the need for solutions where people can use their own money to take care of themselves.

Mr. Anderson stated that this topic should be explored; however, he wanted to see insistence on safety and fire codes, etc. He noted that if there are too many people and it is not managed, a problem could be created which could be damaging and affect the quality of neighborhood life, which he had seen up close where he lives and all around. Mr. Anderson indicated that he thought a balance could be reached and members must explore this because they cannot afford not to. He advised that there are many people who should not be struggling the way they are, many of whom are the hidden homeless who are currently overcrowded because they do not have this opportunity, and are living in tents in the City's woods and elsewhere. Mr. Anderson stated that he thought this issue should be pursued in depth, taking into account safety, some of the other issues, and quality of life. He indicated that he thought that, with the public, members could reach a consensus.

Mr. Neil advised that members were discussing the total picture of housing in the state of Delaware, not just in Dover. He stated that the Housing Alliance produces figures each year about how much it costs to live in an apartment, etc. Mr. Neil indicated that people who own their own homes and live on leased land are now being purchased out by out-of-state companies because they are commodities and have low income, seniors in particular because they are a source of money and self-filling ATM machines. He stated that the headlines in the *News-Journal* the other day stated that the leased land community in Sussex is $100 per month. Mr. Neil explained that Wild Meadows was purchased for $16M, they want $45 per month to live, and the seniors there own their own homes but are going to lose them

and will not be able to pay. He advised that the same company that bought Wild Meadows purchased 786 homes in New Castle County in Murray Manor, which are old fashioned, trailer park type homes, yet they want $35 per month. Mr. Neil noted that the total amount of money going out of the local economy from just these three (3) communities is nearly $3M per year. He asked where these people would be put and noted that this is affecting everybody in the State, including those who have nice homes along State Street and are concerned about what is going to happen in their community when the City has rooming houses. Mr. Neil advised that the City has problems with people in apartment houses who are not controlled or taken out. He stated that he would like individual ownership which is why he supports Habitat for Humanity. Mr. Neil indicated that this affects the affordability of housing. He noted that when someone has to pay $100 more just to keep their house and will be paying close to $1,000 a month, this is a problem, because even people who are not being subsidized by the taxpayers are being affected by the cost of housing, which is going up.

Mr. Neil stated the need to be careful not to destroy neighborhoods, the value of homes, and the quality of life of the people by having rooming houses. He asked how the City was going to have fair housing, noting that members had discussed the $5,000 funding for the Assessment of Fair Housing Plan earlier in the meeting. Mr. Neil advised that this is not an easy thing and would not be solved this evening, explaining that it would take serious thought and members would need to ensure that they do what they believe has to be done socially if they are going to put out places where rooming houses will be allowed. Mr. Neil noted that humanity says that this has to be done; however, there is a need to be careful regarding what is done and how it is done.

Mr. Sudler stated that he thought that the main concern was providing affordable housing for those who can only afford a certain amount rather than housing all the homeless. He noted that some residents own homes that have acres of woods behind them and his family, for example, had dealt with people walking in their woods the previous day looking to set up tents, gather metal, or go "junking" to get income. Mr. Sudler advised that this was becoming a very alarming concern, noting that there are tents and homeless people in the woods on State College Road past the bridge. He advised that if it is said "not here" and "not there," eventually the homeless will be everywhere, noting that they are already in his backyard and will be in the backyards of others. Mr. Sudler indicated that, as local officials, members should do what is in their power and have the advantage of being able to set guidelines and put forth restrictions to help monitor and maintain order. He stated that this is the power that members had been given through the people that he thought they sometimes fail to exercise, noting that he was not pointing the finger at anyone or saying they are right or wrong. Mr. Sudler asked that members take some time, as Mr. Neil suggested, to think about this, stating that it would not be resolved tonight but would eventually have to be resolved by current or future members who are elected. He noted that today helps to plan for tomorrow.

Mr. Sudler stated that he would like to place further discussion on the agenda in the near future. He advised that he and Mr. Hugg would be working together on this matter and invited Council members to join them. Mr. Sudler noted that Mr. Polce, Mr. Lewis, and Dr. Warfield had indicated that they would like to work with them as well.

Mr. Hugg stated that his subcommittee of the Mayor's Blue Ribbon Panel on Homelessness had been meeting approximately every two (2) weeks and planned to meet on Thursday, December 14, 2017 at 3:00 p.m. in the library and he would send out a notice. Mr. Hugg indicated that so far the subcommittee's discussion had been very much like the current discussion. He advised that there is a problem with no real, obvious solution; however, they are trying to get some understanding, and the more people that participate, the better.

Discussion of the Availability of Storage Lockers for Homeless Individuals

Mr. David Hugg, Director of Planning and Community Development, advised that some homeless individuals had come to a meeting and, following the meeting, a homeless gentleman came up to him stating that he had a job and was making some money but not a lot, can get back and forth, is comfortable in his tent, and knows where he can sleep most nights. Mr. Hugg advised that this gentleman indicated that his problem is that everything he owns is on his back, so he goes to work with a backpack, a tent, a sleeping bag, etc., strapped to himself because he cannot leave them anywhere. He indicated that if he goes to the drugstore to get a prescription, he is fearful of being mugged because he has no safe place for his items.

Mr. Hugg advised that he had never thought about this issue and that the common perception of a homeless person is someone pushing a cart or walking down the street with everything strapped on them. He noted that this is a serious issue, and the gentleman had made the point that if there was a way to solve this problem, he would not be looking to anybody else to take care of his needs.

Mr. Hugg informed members that the YMCA is remodeling their locker rooms and offered the old lockers to Dover Interfaith Mission for Housing (DIMH). He stated that the question was where to put the lockers and that perhaps something could be done to address the problem of storage for the homeless. Mr. Hugg advised that he had reached out to the Police Chief, who stated that it was a great idea; however, he questioned where the lockers would be put and who would make sure that they are secure. Mr. Hugg stated that, as he had gotten involved in the issues of homelessness, some of the solutions to addressing the problems were as simple as giving somebody a place to store their goods, rather than things like building rooming houses.

Mr. Slavin stated that it was his understanding that this matter related to the need to provide storage lockers for people who want to remain homeless, noting that there is a certain population of homeless who do not want to come in. He indicated that he was struggling with why this would be a government function. Mr. Slavin

advised that the issue would not be just whether the lockers are secure but also whether the contents are legal or subject to search. He noted that the phrase "slippery slope" had been used and expressed his hope that the availability of free, old lockers would not have the City government backing into an issue that is rife with civil liberty and public safety issues. Mr. Slavin stated that certain people who may not be homeless would have the ability to use the lockers and asked how someone would prove that they are homeless since there is no identification that they would carry. He indicated that someone could use a locker if they saw it as a hole in the security system that could provide a safe place to hide stolen merchandise, drugs, guns, and perhaps explosive things. Mr. Slavin advised that he did not understand why members would want to go down the path of creating a solution that does not help to reduce homelessness. He expressed the desire not to increase homelessness or make it easier to be homeless. Mr. Slavin indicated that he did not want to make things harder on people who are homeless but did not think that some of the services provided are an incentive to getting out of homelessness. He cautioned against creating more infrastructure for people to stay homeless.

Mr. Polce thanked Mr. Hugg for bringing up this issue and stated that he thought there was a lot of merit to the conversation. He indicated that he planned to attend Mr. Hugg's subcommittee of the Mayor's Blue Ribbon Panel on Homelessness meeting on December 14, 2017. Mr. Polce advised that he thought these conversations are very important and that Dover could look at what other cities around the nation are doing. He noted that Denver has a comprehensive locker exchange program and there are critical components, such as being geographically located in a central hub. Mr. Polce explained that they look at the Centers for Disease Control and Prevention (CDC) track level data, identify a hot spot where the homeless typically gather, and implement lockers there. He noted that this is a data set and information that the City does not have right now and would have to collect. Mr. Polce explained that it would be important for Dover to capture the process, noting that in Denver, before an individual receives a lock to secure their belongings, they must sit down with what they have established as a community resource center and go through an inventory of the belongings during a one-hour consultation. He noted that DIMH currently has a resource center. Mr. Polce explained that the individuals secure a locker and, more importantly, are getting many resources, such as the Department of Labor, local business owners who have partnered with the local resource center to employ homeless individuals, literacy on financial management, and tangible things that would hopefully guide them on a path from homelessness to home ownership or some form in between. Mr. Polce indicated that in Delaware about 83% of the homeless population are comorbid, meaning that they have both a mental health and a behavioral health issue. He stated that the inventory of the belongings ultimately ensures that no bad things are going in. Mr. Polce noted that this would still open up massive legal implications, as Mr. Slavin had alluded to, from sources like the ACLU. He explained that technically what is in their locker is the property of the homeless, but the locker is not their property.

Mr. Polce stated that this was a great conversation that was just getting started and is something that needs to be discussed further. He noted that he has contacts in

Denver and Seattle with people who have led initiatives from the grassroots level to this conversation, and it would be easy to contact them and ask what worked, what did not, and what the strengths, weaknesses, and legal ramifications are. Mr. Polce noted that there are significant legal ramifications to the initiative but he thought it was great to have the conversation and see if it is the right fit for Dover.

Mr. Anderson stated that the government had created part of the problem because if it did not treat the property of the homeless with less respect than it treats the property of anyone else, there would not be as much stress in this area. He asked how many times the government had come across areas and just thrown away the property of homeless people, including their paperwork and identification, when these things would normally be placed in a lost and found so they could be reclaimed. Mr. Anderson indicated that if the government is one of the biggest offenders, then the government should create a solution to the problem that it helped to cause. He noted that he was referring to the State of Delaware, the Delaware Department of Transportation (DelDOT), and others. Mr. Anderson indicated that he knows of people who have been set back greatly because when they came back from work the government had thrown all their things away. Mr. Anderson suggested that members could look at implementing something that would state that the property of the homeless should be held the same way that anyone else's is held, if it is known whose property it is, and this would help relieve some of the stress.

Mr. Slavin cautioned members, in regard to subcommittees and meetings, to make sure that they are not violating any provisions of the Freedom of Information Act (FOIA) by having too many members of any one (1) committee in place at one time.

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

MONTHLY REPORTS - NOVEMBER 2017

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

City Assessor's Report
City Council's Community Enhancement Fund Report
City Manager's Report
City Planner's Report
Controller/Treasurer's Budget Report
Fire Chief's Report
Police Chief's Report

EVALUATION OF PROPOSAL - US 13 EAST PUMP STATION #7 UPGRADES - EXCEPTION TO PURCHASING POLICY

In recent months, complaints from nearby businesses have increased regarding the extreme odor that is released from US 13 East Pump Station #7 (PS #7), which is located east of Route 13 northbound and northwest of Home Depot. City Management is requesting an exception to the purchasing

policy for emergency and continuity of services to address the odor. Mrs. Donna Mitchell, City Manager, reviewed the background and analysis for this item. She noted that Staff had met with Kent County and they have agreed to pay for half of the cost.

Staff recommended authorization to purchase the air scrubber unit, to be co-funded with Kent County. Materials and installations by Doer Products and Services, Inc. This approval shall be contingent on Kent County Levy Court approving their financial obligation.

Mr. Sudler moved for approval of Staff's recommendation, seconded by Mr. Anderson and carried by a unanimous roll call vote.

APPOINTMENT OF DELAWARE MUNICIPAL ELECTRIC CORPORATION (DEMEC) DIRECTOR AND ALTERNATE DIRECTOR

By consent agenda, Mr. Lewis moved to appoint Donna S. Mitchell, City Manager, and Lori Peddicord, Acting Controller/Treasurer, to serve as Delaware Municipal Electric Corporation (DEMEC) Director and Alternate Director, respectively. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

2017/18 ANNUAL APPOINTMENT RECOMMENDED BY COMMITTEE CHAIR (DEFERRED DURING THE ANNUAL MEETING OF MAY 8, 2017) - UTILITY SUBCOMMITTEE - KATHLEEN DOYLE - ONE-YEAR TERM TO EXPIRE MAY 2018

Councilman Cole, Chair of the Utility Subcommittee, recommended the appointment of Kathleen Doyle to serve on the Utility Subcommittee for a term to expire May 2018 (to fill the unexpired term of Tricia K. Arndt).

By consent agenda, Mr. Lewis moved for approval of the appointment of Kathleen Doyle, as recommended by Chairman Cole. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

FIRST READING - PROPOSED ORDINANCE #2017-16 AMENDING APPENDIX B - ZONING

Council President Slavin reminded the public that copies of the proposed ordinance were available at the entrance of the Council Chambers, on the City's website at www.cityofdover.com under "Government," or by contacting the City Clerk's Office at 736-7008 or cityclerk@dover.de.us. Since the ordinance amends the Zoning Code, a public hearing is required. Staff recommended referral of the amendments to the Planning Commission on February 20, 2018 and that a public hearing be set for the Council Meeting of March 12, 2018 at 7:30 p.m., at which time final action by Council will take place.

Mr. Dave Hugg, Director of Planning and Community Development, briefed members on the proposed ordinance.

Responding to Mr. Sudler, Mr. Hugg stated that the ordinance had no elements that would negatively affect the City. He advised that the Planning Commission would ensure that adequate standards would be put in place.

Mr. Neil moved to refer the amendments and set a public hearing before City Council for March 12, 2018 at 7:30 p.m., as recommended by staff. The motion was seconded by Mr. Hare and unanimously carried.

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

> PROPOSED ORDINANCE #2017-16 AMENDING APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 28 - TRADITIONAL NEIGHBORHOOD DESIGN ZONE (TND), SUBSECTION 28.52 - NEIGHBORHOOD COMMERCIAL DISTRICT
> *(Legislative, Finance, and Administration Committee)*

CITY MANAGER'S ANNOUNCEMENTS

Mrs. Donna Mitchell, City Manager, announced that projects were progressing as planned with a slight delay due to weather. She advised that leaf collection was scheduled to end on January 12th, however, it has been extended for two weeks to January 26th. Mrs. Mitchell noted that the extension would be posted on the City's website and Facebook page.

Mrs. Mitchell read the following statement, which she had sent to department heads earlier in the day:

> Please extend my personal thank you to all City Employee's for accommodating the City's needs throughout this past week's snow storm. This applies to the employees that stayed home in order to assist those essential employee's with the responsibility to keep the roads cleared and provide public safety. While many of you may not have the opportunity to thank our public works, public utilities, public safety, administration staff, and public relations employees, I'm sure you will all agree they deserve a hearty hand shake for their valiant efforts.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Hare reiterated Mrs. Mitchell's appreciation for Staff's assistance during the snow storm.

Mr. Sudler, on behalf of his constituents, thanked the Public Works Department for the great job they did during the snow storm. He also announced that the Fourth District representatives would be conducting a special emergency community meeting on January 17, 2018 at 6:00 p.m. in the Council Chambers. Mr. Sudler advised that they would analyze the recent criminal activity, overgrowth complaints in the Woodcrest community, lighting complaints, and any other complaints that their constituents may have. He noted that their goal was to decrease any of the activity that is deemed to be undesirable.

Mr. Anderson announced that the Inner City Cultural League and Delaware State University would be having a free event at noon on January 15, 2018 in the Humanities Theater for Dr. King day. He noted that it would be a great tribute with very positive, inspirational remarks, music, dance, and spoken word. Mr. Anderson advised that it would be a great event to remember what the holiday was about, noting that it is not just a day off but a day of respecting the legacy that must be carried on by each of them to better their community.

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

Meeting adjourned at 7:56 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of January 8, 2018, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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Exhibits
Exhibit #1 - Procedure for Requesting a Legal Opinion
Exhibit #2 - Procedure for Requesting an Excused Absence

City of Dover

PROCEDURE FOR REQUESTING A LEGAL OPINION

PURPOSE

1. To establish a uniform procedure for requests for legal opinions.
2. To ensure mandatory permanent retention of all legal opinions.
3. To manage legal expenses.
4. To avoid duplication of requests for legal opinions.
5. To maintain an accurate tracking system for legal opinions.

DEFINITIONS

Council Appointees - Shall mean those employees that directly report to the Mayor and City Council, as follows: City Manager, Chief of Police, City Assessor, Controller/Treasurer, City Planner, and City Clerk. It is noted that any request for a legal opinion by an employee of the City Manager would be submitted to the City Manager for processing.

Legal Advice - Shall mean the guidance given by lawyers to their clients. The term "guidance" is important to this definition. It points to the key difference between a legal opinion and legal advice—i.e., that a legal opinion is an attorney's analysis based on past or present facts, while legal advice is an attorney's counsel and guidance as to what future actions the client should take (Black's Law Dictionary).

Legal Opinion - Shall mean a written document (formal or informal) in which an attorney provides his or her understanding of the law as applied to assumed facts (Black's Law Dictionary).

City Solicitor - Shall mean either the City Solicitor or the Deputy City Solicitor.

CONFIDENTIALITY OF LEGAL ADVICE AND OPINIONS

Any communication between the City Solicitor and representatives of the City is considered confidential, as it is protected under attorney-client privilege.

STATEMENT OF PROCEDURE

Members of City Council

Should a member of Council wish to obtain either legal advice or a legal opinion, and that member has the support of two (2) other members of Council (Rule of 3), the written request will be forwarded to the Council President. The Council President will refer the question to the City Clerk to determine if there is a legal opinion or correspondence on file that may address the concern being brought forward. If there are records on file pertaining to the question, they will be distributed to the Mayor and all members of Council. If there are no records on file pertaining to the question, the City Clerk will refer the question to the City Solicitor. The City Solicitor will provide the legal advice or legal opinion to the City Clerk and it will be distributed to the Mayor and all members of Council.

STATEMENT OF PROCEDURE (CONTINUED)

Council Appointees

Legal Advice
Should a Council appointee require legal advice on a pending issue or project, they will refer the question to the City Clerk to determine if there is a legal opinion or correspondence on file that may address their concerns. If there are no records on file pertaining to the question, the Council appointee will work directly with the City Solicitor to address their concerns. The Council appointee will provide any resulting written legal advice or opinion to the City Clerk for reference and permanent retention.

Legal Opinions
Should a Council appointee wish to obtain a legal opinion, they will refer the question to the City Clerk to determine if there is a legal opinion on file that may address their concerns. If there are no records on file pertaining to the question, the Council appointee will refer the question to the City Solicitor. The City Solicitor will provide the legal opinion to the Council appointee and copy the City Clerk for permanent retention.

Department Heads Reporting to the City Manager

Legal Advice
Should a City Manager Department Head require legal advice on a pending issue or project, they will refer the question to the City Manager. If it is determined that legal advice is necessary, the City Manager will forward the question to the City Clerk to determine if there is an opinion or correspondence on file that may address their concerns. If there are no records on file pertaining to the question, the City Manager will either work directly with the City Solicitor to address their concerns or authorize the Department Head to work with the City Solicitor directly. The City Manager will provide any resulting written legal advice or opinion to the City Clerk for reference and permanent retention.

Legal Opinions
Should a City Manager Department Head wish to obtain a legal opinion, they will refer the question to the City Manager. The City Manager will forward the question to the City Clerk to determine if there is a legal opinion on file that may address their concerns. If there are no records on file pertaining to the question, the City Manager will either work directly with the City Solicitor to address their concerns or authorize the Department Head to work with the City Solicitor directly. The City Solicitor will provide the legal opinion to the City Manager and copy the City Clerk for permanent retention.

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Actions History
01/08/2018 - Adopted - City Council
12/12/2017 - Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee

City of Dover

PROCEDURE FOR REQUESTING AN EXCUSED ABSENCE

PURPOSE

To establish a uniform procedure for excusing Council members' absences.

STATEMENT OF PROCEDURE

Requesting an Excused Absence Prior to the Meeting

The Council member shall e-mail the Council President and the City Clerk prior to the meeting indicating the reason for his or her inability to attend the meeting. If the Council member is unable to access their e-mail, a text message to the Council President and the City Clerk will be considered acceptable notification. Absent the ability to e-mail and text message, the member shall call the Council President to advise them of the absence. The Council President will notify the City Clerk's Office for purposes of securing a quorum.

Requesting an Excused Absence Subsequent to the Missed Meeting

A council member requesting an excused absence subsequent to the missed meeting must submit the request and reason for the absence in writing to the Council President and the City Clerk within seven (7) days after the meeting from which the Council member desires an excused absence.

Excused Absences

For purposes of this procedure, an absence will be considered excused without further action by City Council if due to the following causes:

1. The illness or injury of the council member or their family member;
2. A family emergency;
3. The death of a family member;
4. An employment-related commitment;
5. A commitment for city business;
6. Service related deployment; and
7. Vacation.

Absences Requiring Council Action

If a member has failed to request an excused absence, either prior to or within seven (7) days after the missed meeting, or if the reason for the absence is not listed above, the absence shall be placed on the consent agenda for the next regular Council meeting and Council members shall vote to determine whether the absence is excused or unexcused. In the event a Council member fails to attend three (3) consecutive regular meetings without being excused by the Council, the Council, in accordance with Section 13 of the Charter, shall declare the seat forfeited and vacant at the next regular meeting.

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S:\CLERK'S OFFICE POLICIES AND PROCEDURES\CLERK'S OFFICE MANUAL\Procedure for Requesting an Excused Absence Adopted 01-08-2018.wpd

Actions History
01/08/2018 - Adopted - City Council
12/12/2017 - Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on January 9, 2018 at 5:48 p.m. with Council President Slavin presiding. Members present were Mr. Anderson, Mr. Neil, Mr. Cole, Mr. Polce, and Mr. Lindell. Mr. Sudler, Mr. Lewis, and Mr. Hare were absent. Mayor Christiansen was also absent.

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

ADOPTION OF AGENDA

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

Mr. Anderson moved to recess into Executive Session pursuant to 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. The motion was seconded by Mr. Neil and unanimously carried.

The Special Council Meeting recessed into Executive Session at 5:49 p.m.

The Executive Session adjourned at 6:01 p.m.

ACTION RESULTING FROM THE EXECUTIVE SESSION

Tentative Agreement - IBEW (International Brotherhood of Electrical Workers) Contract

During the executive session, members of Council reviewed the terms of the IBEW (International Brotherhood of Electrical Workers) Contract.

Mr. Neil moved to approve the contract for the International Brotherhood of Electrical Workers (IBEW), as presented by Mrs. Mitchell at 2%, 3%, 3% with incremental wage increases and the diversity clause included. The motion was seconded by Mr. Anderson and unanimously carried (Sudler, Lewis, and Hare absent).

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

The Special Council Meeting adjourned at 6:02 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Special Meeting of January 9, 2018 are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM

CITY OF DOVER
DEPARTMENT OF PUBLIC WORKS
SNOW REMOVAL PLAN

PRESENTATION TO CITY COUNCIL

JANUARY 22, 2018

RESPONSIBILITY

- THE CITY OF DOVER DEPARTMENT OF PUBLIC WORKS (DPW) IS RESPONSIBLE FOR ICE CONTROL AND SNOW REMOVAL WITHIN THE CITY OF DOVER.
- AREAS TO BE ADDRESSED INCLUDE CITY PROPERTIES / FACILITIES, PARKING LOTS AND ROADWAYS.
- RESPONSE EFFORTS ARE PROVIDED THROUGH THE GROUNDS, FACILITIES, FLEET, SANITATION, STREETS AND WATER / WASTEWATER DIVISIONS.

SERVICE AREAS – CITY PROPERTY

- ICE CONTROL AND SNOW REMOVAL IS PROVIDED TO THE FOLLOWING CITY OF DOVER FACILITIES WHICH INCLUDE SIDEWALKS AND PARKING AREAS:
  - POLICE STATION
  - FIRE STATIONS
  - WILLIAM STREET YARD / CITY WAREHOUSE
  - CITY HALL
  - WEYANDT HALL
  - LIBRARY
  - PITTS CENTER
  - ELECTRIC ADMINISTRATION
  - WATER TREATMENT PLANT

SERVICE AREAS – CITY PROPERTY

- FACILITIES AND PARKING AREAS ASSOCIATED WITH EMERGENCY SERVICES, PUBLIC WORKS OPERATIONS AND UTILITIES ARE ADDRESSED FIRST. (UTILITY INFRASTRUCTURE IS ADDRESSED BY UTILITY STAFF.)
- IN ADDITION TO CITY FACILITIES, ICE CONTROL AND SNOW REMOVAL IS ALSO PROVIDED TO VARIOUS AREAS ASSOCIATED WITH CITY OWNED PROPERTY.
  - EXAMPLES: CITY PARKS, GARRISON OAK TECHNICAL PARK, THE GREEN AND EDEN HILL ROUNDABOUTS
  - TOTAL SIDEWALKS ADDRESSED: 7.52 MILES

SERVICE AREAS - ROADWAYS

- ICE CONTROL AND SNOW REMOVAL IS PROVIDED TO DEDICATED CITY STREETS AND ASSIGNED STATE ROADS
  - EMERGENCY ROUTES: 8.6 MILES (8.1 MILES STATE ROADS)
    - EXAMPLES: STATE STREET, GOVERNORS AVENUE, WATER STREET, NORTH STREET, WALKER ROAD
  - CRITICAL ROUTES: 14.8 MILES (3.3 MILES STATE ROAD)
    - EXAMPLES: LOOCKERMAN STREET, WYOMINING AVENUE, BANK LANE, LONG POINT ROAD, BUTTNER PLACE, GARRISON OAK DRIVE
  - OTHER CITY STREETS: 97.6 MILES
  - NUMBER OF INTERSECTIONS: 1,051
  - NUMBER OF CUL-DE-SACS: 122
- EMERGENCY AND CRITICAL ROUTES ARE ADDRESSED FIRST.

RESOURCES – STAFFING BY DIVISION

DIVISION	PRIMARY DUTIES	STAFF
ADMINISTRATION	OVERSIGHT / ROAD CREW	2
GROUNDS	FACILITIES / SIDEWALKS	13
FACILITIES	FACILITIES / SIDEWALKS	4
FLEET	ROAD CREW SUPPORT	6
SANITATION	ROAD CREW	10
STREETS	ROAD CREW	8
WATER / WASTEWATER	ROAD CREW	11
TOTAL STORM RESPONSE TEAM		54

RESOURCES – STAFFING BY SHIFT

CREW	DESCRIPTION	STAFF
OVERSIGHT	AS NEEDED	1
FACILITIES / SIDEWALKS	DAY SHIFT, MAX. 12 HR	17
ROAD CREW A	DAY/NIGHT SHIFT, MAX. 12 HR	18
ROAD CREW B	DAY/NIGHT SHIFT, MAX. 12 HR	18
TOTAL STORM RESPONSE TEAM		54

RESOURCES – EQUIPMENT

EQUIPMENT	UTILIZATION	QUANTITY
DUMP TRUCK W/ SANDER	ROAD CREW	5
DUMP TRUCK W/ PLOW	ROAD CREW	5
FRONT END LOADERS	ROAD CREW – cul-de-sacs, intersections	3
BACKHOES	ROAD CREW – intersections, alleys	3
1-TON DUMP TRUCK W/ PLOW	ROAD CREW	4
PICKUP TRUCK W/ PLOW	CITY PROPERTY	3
SKID STEERS	CITY PROPERTY	2
TRACTORS	CITY PROPERY	2

PROCEDURES – STORM ASSESSMENT

- IMPENDING STORMS ARE MONITORED BY THE DPW AND IN CONJUCTION WITH THE PUBLIC AFFAIRS AND EMERGENCY MANAGEMENT COORDINATOR AND THE CITY MANAGER.
- THE TIMING, INTENSITY, ACCUMULATIONS AND WINDS ARE ALL FACTORS THAT DETERMINE THE PROJECTED RESOURCES AND LEVEL OF SERVICE REQUIRED. EACH STORM EVENT MUST BE ASSESSED INDIVIDUALLY.
- RESPONSE PLANS FOR EACH STORM ARE REVIEWED WITH THE PUBLIC AFFAIRS AND EMERGENCY MANAGEMENT COORDINATOR AND THE CITY MANAGER.
- DPW STAFF ARE NOTIFIED OF PLAN ACTIVATION WITH AS MUCH NOTICE AS PRACTICABLE. AT TIMES, SOME STAFF MAY BE SENT HOME EARLY TO ALLOW FOR THE IMPLEMENTATION OF 12-HOUR SHIFTS (STAFF IS MADE WHOLE FOR 8-HOUR SHIFT).

PROCEDURES – STORM RESPONSE

- IN ALL CASES EMERGENCY / CRITICAL ROUTES AND AREAS ARE ADDRESSED FIRST.
- THE APPLICATION OF SALT FOR ICE CONTROL WILL BE UTILIZED ON EMERGENCY / CRITICAL ROUTES AND AREAS WHEN DETERMINED TO BE EFFECTIVE.
- PLOWING EFFORTS ARE DISPATCHED AND TRACKED IN ACCORDANCE WITH ESTABLISHED TRASH ZONES.
- PLOWING EFFORTS ARE TO BE PERFORMED FROM CURB TO CURB. PARKED CARS AND OTHER OBSTACLES WILL EFFECT THE EFFICIENCY OF THESE OPERATIONS. DPW STAFF DOES NOT REPLOW SUCH AREAS.
- DUE TO THE TIME INVOLVED WITH PLOWING, EFFECTS ON CLEARED DRIVEWAYS AND SIDEWALKS ARE UNAVOIDABLE AND SHOULD BE ANTICIPATED BY PROPERTY OWNERS.

PROCEDURES – AFFECTS ON SERVICE

- DEPENDING ON THE LEVEL OF THE STORM EVENT RECEIVED, SANITATION SERVICES MAY NEED TO BE SUSPENDED IN CONSIDERATION FOR THE SAFETY OF STAFF AND TO PROVIDE ADEQUATE STORM RESPONSE (THE SANITATION DIVISION IS PART OF THE STORM RESPONSE ROAD CREW). THIS DECISION REQUIRES THE APPROVAL OF THE CITY MANAGER. EVERY ATTEMPT IS MADE TO MAKE THIS DECISION AS EARLY AS POSSIBLE.
- WHEN SNOW REMOVAL OPERATIONS ARE ACTIVATED, THESE EFFORTS ARE THE PRIMARY FOCUS OF ALL DPW OPERATIONAL STAFF REGARDLESS OF THE DIVISION.
- IN THE EVENT OF A WATER MAIN BREAK, WATER / WASTEWATER DIVISION STAFF AND EQUIPMENT MUST BE PULLED FROM SNOW REMOVAL EFFORTS TO ADDRESS THE EMERGENCY.

MOVING FORWARD

- THE DPW, IN CONJUNCTION WITH THE CITY MANAGER, CONTINUE TO EVALUATE ICE CONTROL AND SNOW REMOVAL OPERATIONS. THIS INCLUDES LOOKING FOR IMPROVEMENTS AND EFFICIENCIES IN ALL AREAS SUCH AS STORM PREPARATION, PRE-TREATMENT OPERATIONS, COMMUNICATIONS, EQUIPMENT AND CONTRACTOR UTILIZATION.
- SNOW PLANS AND LEVEL OF SERVICE EXPECTATIONS FOR OTHER MUNICIPALITIES ARE ALSO BEING EVALUATED.



THE STORM ISN'T OVER UNTIL THE TRASH IS PICKED UP.

PROCLAMATION

WHEREAS, *during Black History Month we celebrate the many achievements and contributions made by African Americans to our nation's economic, cultural, spiritual, and political development. The Association for the Study of African American Life and History has selected "African Americans in Times of War" as the 2018 National Black History Month theme in commemoration of the centennial of the end of the First World War in 1918. It has been documented that 700,000 African Americans, including 1,400 soldiers from Delaware, registered for military service during World War I, eager to show their patriotism and in hopes of being recognized as full citizens; and*

WHEREAS, *the 2018 National Black History Month theme provides an opportunity to reflect on the vital role that African Americans have played in every American war, from the Revolutionary War Era to the present "War on Terrorism," where they have confronted both racial intolerance and the perils of war; and*

WHEREAS, *black men and women have made extraordinary sacrifices, both on and off the battlefield, to serve our country and to advance the goals of equal opportunity and civil rights for all Americans.*

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE *do hereby proclaim February 2018 as*

BLACK HISTORY MONTH

in the City of Dover and urge all citizens to recognize the essential role of African Americans in shaping our nation's history, and commit to working together to build a society that lives up to its democratic ideals.

Robin R. Christiansen
Mayor

COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole met on January 9, 2018 at 6:04 p.m., with Council President Slavin presiding. Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Polce, and Mr. Lindell. Mr. Hare and Mayor Christiansen were absent. Civilian members present for their Committee meetings were Mr. Caldwell and Dr. Warfield (*Parks, Recreation, and Community Enhancement*), and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*). Mrs. Doyle (*Utility*) was absent.

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. Anderson and unanimously carried.

Potential Land Acquisition - 104 Washington Street and 149 Hazel Road (233 Walker Road was determined to be the incorrect address)

Members were provided correspondence from the Kent County Conservancy dated May 23, 2017 addressed to Mayor Christiansen and Council President Slavin, and October 25, 2017 addressed to Mr. Neil, as well as a map depicting the properties of Thomas C. Jackson and Charles Terry Jackson, located at 104 Washington Street and 149 Hazel Road **(Attachment #1)**.

Mrs. Donna Mitchell, City Manager, advised members that this item was brought forward based on the correspondence received by Mr. Neil. She noted that the correspondence did not include the property address and, since the property owner owns more than one property, she thought that the request was for 233 Walker Road; however, this was the incorrect address. Mrs. Mitchell explained that there are two (2) parcels and the correct addresses are 104 Washington Street and 149 Hazel Road. She stated that it was her understanding that the owner wants to make sure that the City does not have any interest in purchasing the property before for sale signs are put up.

Mr. Slavin asked if the constituent who brought this matter forward, Mr. Charles Salkin, had been notified that this was being considered this evening. Responding, Mrs. Mitchell stated that she had not notified him.

Mr. Slavin moved to postpone this item until Mr. Salkin receives notification. The motion was seconded by Mr. Neil and unanimously carried.

Appendix B - Zoning, Article 10 - Planning Commission, Section 1 - Approval of Conditional Uses, Subsection 1.43 - Revocation of Conditional Use Permit

Mr. Sudler informed members that he had requested this item to be placed on the agenda and asked Mr. David Hugg, Director of Planning and Community Development, to discuss the language

regarding Revocation of Conditional Use Permit, in an effort to add additional language to address a timeframe for revoked conditional use premises that were not in compliance.

Mr. Hugg provided members with an overview on conditional uses, explaining that the Planning Commission has the authority to approve certain uses in their designated zone that, by nature of the use of the activity, may have some conditions, activities, or associated features that require an additional look. He stated that a good example might be a use that requires an unusual amount of parking or that has some element of noise or other kind of operation, and the Planning Commission can issue a conditional use. Mr. Hugg explained that the process starts with an application to the Planning Department, which goes through a review, and gets scheduled before Planning Commission, etc. He noted that the statute specifically states that, "In approving any such use, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the results of its action may, to the maximum extent possible, further the expressed intent of this ordinance...." Mr. Hugg advised that among the things that the Planning Commission must consider are location, size, character of the activity, and its appropriateness or harmony with the development zone that it is located in and whether or not it will create any detrimental activity. He stated that the Planning Commission hears the conditional use application, and sometimes it is simply approved and the conditional use is allowed to go forward. Mr. Hugg explained, however, that sometimes the Planning Commission approves an application with a temporary time period, allowing the use to be established and creating a track record and, typically within a year, they come back and reconsider it.

Mr. Hugg stated that he believed that Mr. Sudler's concerns were with the provisions in the ordinance that allow the Planning Commission, at the request of the City Planner, to revoke or limit a conditional use once it is granted. Mr. Hugg stated that, as it is currently written, the ordinance is not particularly clear in terms of the grounds upon which the Planning Commission will revoke or limit the application of the conditional use approval. He stated that it is kind of implied that the conditions that they originally looked at to grant a conditional use would be the same conditions that they would look at again: harmony, safety, etc.

Mr. Hugg stated that the specific use that Mr. Sudler was concerned about was interesting. He advised that it never had a conditional use approval because it predated the zoning ordinance, so it was always considered a non-conforming use. Mr. Hugg explained that, now that the use has ceased, anybody wishing to undertake a conditional use activity on that property or any other would have to reapply, start the process over and come to the Planning Commission.

Mr. Sudler stated that he was concerned about non-conforming use premises being revoked and there not being language in the ordinance that states whether or not they can reapply or if there will be any type of robust penalty where they can reapply or not reapply within a certain time period. In response, Mr. Hugg explained that, technically, if a conditional use ceases, whether it is by revocation or if the use simply goes out of business, it begins a clean slate process. He stated that the original applicant or any other applicant can come forward, submit a new application to do that conditional use or another conditional use, and go through the process.

Chapter 70 - Offenses and Miscellaneous Provisions, Section 70-8 - Disorderly Premises, (a) Disturbing Activity

Mr. Sudler informed members that he had requested this item to be placed on the agenda because he was concerned about the penalties and some of the ordinance language in regard to premises and having them deemed as having disturbing activity.

Responding to Mr. Sudler, Mr. David Hugg, Director of Planning and Community Development, stated that he was not really familiar with this ordinance, explaining that it specifically relates more to matters that fall under the Police Department; however, it is among the considerations that the Planning Commission could look at because of the language that deals with harmony with the neighborhood, etc. He advised that a record of a property being a disorderly, nuisance, blighted, or dangerous property under other ordinances would provide a basis for the Planning Commission to say they have a concern about the continued conditional use.

Mr. Neil asked Mr. Sudler whether he was suggesting that there should it be a greater penalty or something more specific and what his views were. In response, Mr. Sudler stated that he thought that if there were revoked conditional use premises that were deemed to be disorderly, Article 10, - Planning Commission, Section 1 - Approval of Conditional Uses, Subsection 1.43 - Revocation of Conditional Use Permit and Chapter 70 - Offenses and Miscellaneous Provisions, Section 70-8 - Disorderly Premises, (a) Disturbing Activity would coexist together to form a penalty or some kind of additional language that is not currently present in the ordinance. He stated that this would also affect the current permit or the future permit that they may be seeking for reopening, and it would be a twofold type of existence. Mr. Sudler stated that this was his idea initially; however, he wanted the Committee to hear the language and to also get a better understanding of what disorderly premises are. He noted that this is one of the City's newer ordinances that was implemented, and indicated that he was interested in seeing how the City could beef up what currently exists and consolidate the ordinances into one (1) tough ordinance on disorderly premises and premises that have their permits revoked due to undesirable activity that jeopardizes the welfare of a community.

Mr. Hugg noted that his staff was doing a full review of a lot of the ordinance provisions, and if this was a topic that the Committee or Council feels needs some refinement, he would not have a problem reviewing the language discussed by the Committee at the staff level. He suggested that, as a minimum change, they could include language to say that the same standards that are applied when a conditional use is initially applied for would be used by the Planning Commission in considering revocation, which would provide a little bit of guidance to the Planning Commission.

Mr. Anderson stated that he was glad that they were reviewing this relatively new ordinance, explaining that he thought that this was something that should be done more often, to determine if anything needs tweaking. He advised that, from what he had observed, he thought that this ordinance seemed to be working. Mr. Anderson stated that he would like to know whether there had been much enforcement of this ordinance and suggested that the Police Chief be asked to provide some information in this regard. He indicated that, after the ordinance was adopted, he noticed that a couple of problem areas seemed to have cleaned up a bit just under the threat of it, so he thought that it had done some good in that respect.

Mr. Neil stated that he did not have a problem with strengthening the ordinance and the City's ability to keep their neighborhoods safe; however, he thought that members needed to be cautious in terms of the legalities.

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

Meeting adjourned at 6:21 p.m.

UTILITY COMMITTEE

The Utility Committee met with Chairman Cole presiding.

AGENDA ADDITIONS/DELETIONS

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

Americans with Disabilities Act (ADA) Transition Plan: Pedestrian Facilities in the Public Right-of-Way

Mrs. Donna Mitchell, City Manager, advised members that staff was under the impression that this item needed a resolution; however, had since found that it only needs approval of the plan. She reminded members that on October 10, 2017, City staff presented an introduction to the proposed Americans with Disabilities Act (ADA) Transition Plan: Pedestrian Facilities in the Public Right-of-Way. The presentation stated that the City would solicit public comment for at least thirty (30) days on the proposed Transition Plan. Mrs. Mitchell advised that, in order to solicit public feedback on the plan, staff placed an article in the Dover Post on October 25, 2017, and advertised the plan and requested feedback on the City's website.

Mrs. Mitchell advised that staff only received one (1) inquiry about the plan. The question was from a WBOC reporter and was submitted over the phone, not through the public feedback form provided by staff. The reporter wanted to know what will be the biggest challenge of addressing ADA requirements. City staff returned the call, but was unable to leave a voicemail, as the mailbox was full. The biggest challenge is meeting ADA requirements when the sidewalk is brick material.

Members were advised that the proposed transition plan meets the regulations outlined by the Federal Government. Mrs. Mitchell stated that since staff did not receive any comments that would require alterations to the plan, it remained consistent with the version submitted for review on October 10, 2017.

Staff recommended approval of the plan.

Mr. Sudler moved to recommend acceptance of staff's recommendation. The motion was seconded by Mr. Neil and unanimously carried.

Mr. Neil moved for adjournment of the Utility Committee meeting. The motion was seconded by Mr. Lindell and unanimously carried.

Meeting adjourned at 6:24 p.m.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee met with Council President Slavin presiding in the absence of Chairman Hare.

AGENDA ADDITIONS/DELETIONS

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

Dissolution of Bonus Committee, Policy and Programs

Mrs. Donna Mitchell, City Manager, advised members that staff had decided to refresh the current employee awards and bonus program. She noted that during their meeting of February 2, 2004, members of the Legislative, Finance, and Administration Committee reviewed recommendations for the Bonus Policy. As a result, staff implemented changes to the policy and presented them to members for their review and recommendation. On February 23, 2004, the Legislative, Finance, and Administration Committee recommended approval of the Bonus Policy as presented, and the bonus programs were approved by City Council on March 8, 2004. Mrs. Mitchell explained that since the first program was approved by Council, staff was asking for the dissolution of that program. She noted that there are a couple of people who are still outstanding in some areas of the prior program; therefore, staff is recommending discontinuing the program as of July 1, 2018. Mrs. Mitchell advised that staff would be implementing the STAR Award program and was not asking for approval of that program.

Members were advised that the bonus programs include Doing Useful Community Service, BREATHE Program, Caught Doing it Right, and STOP Program. Since inception, the BREATHE program and STOP program have been the most popular. One (1) employee is currently in the BREATHE program and four (4) in the STOP Program.

The Human Resources Department has begun to refresh the employee recognition activities, the first being a STAR Award. This is similar to an employee of the month award. This will be implemented in January 2018. Additional programs/activities will be rolled out throughout the year.

Staff recommended the dissolution of the Bonus Committee and termination of the bonus policy and programs, in favor of the STAR Employee Award, Employee of the Month Program. The BREATHE program and STOP program will be closed to new participants effective immediately and discontinued on July 1, 2018.

Responding to Mr. Anderson, Mrs. Mitchell stated that this was separate from the health insurance program.

In response to Mr. Lewis, Mrs. Mitchell advised that staff anticipated that the new program would cost approximately $100 per month, which would come out of the Human Resources Department budget.

Mr. Neil moved to recommend dissolution of the Bonus Committee and termination of the bonus policy and programs, in favor of the STAR Employee Award, Employee of the Month Program. The BREATHE program and STOP program will be closed to new participants effective immediately and discontinued on July 1, 2018. The motion was seconded by Mr. Anderson and unanimously carried.

Disposition of Excess Property - 311 North Governors Avenue

Members were advised that the City of Dover acquired 311 North Governors Avenue at a monitions sale due to liens and demolition expenses. The City has no use for this excess property and is better served by having it redeveloped and restored as a taxable property. The City and the National Council on Agricultural Life and Labor Research, Inc. (NCALL) negotiated a sales price of $20,000. The City has outstanding taxes and fees of $22,962.64, the balance of which will be written off after applying the sales proceeds.

Section 2-422 of the Dover Code provides procedures for the sale and disposition of real property. The procedure includes a "Standard Method of Disposition" which begins at the Legislative, Finance, and Administration Committee. In support of the City Council's goal to increase home ownership, and our partnerships with NCALL and Habitat for Humanity, the City Management concurs that this sale is in the best interest of the City. There will also one less vacant property for our public works crews to maintain. After a favorable recommendation by Committee, City Council can declare the property as excess or surplus property and, subsequently authorize the sale of said property.

Staff recommended the following: 1) declare that the property is excess property; and 2) authorize the City Manager to sell the excess property to NCALL Research, Inc. for $20,000 (before closing cost) in conjunction with the Restore Central Dover home ownership program.

Mrs. Donna Mitchell, City Manager, advised members that 311 North Governors Avenue was one of the excess properties that the City acquired through monitions, and staff listed the excess properties with R & R Realty based on an action form that was taken to Council on March 13, 2017, at which time they approved R & R Realty and Cushman & Wakefield for the Garrison Tract. She explained that, because the action form said various City properties, she was under the impression that it included all properties; however, after reviewing the Council minutes, Council President Slavin had clarified that it did not include residential properties. Mrs. Mitchell advised members that, due to her misunderstanding, staff had listed all of the residential properties with R & R. She stated that the contract expires in February of 2018.

Mrs. Mitchell stated that NCALL had asked for this property and gone through the real estate broker. She advised that she was already in the process of selling this property and had signed a contract with NCALL. Mrs. Mitchell explained that she wanted to bring this property forward as an exception, and then wait for the contract with R & R to expire and post the other residential properties according to the ordinance for disposal of excess property. Mrs. Mitchell advised that

Council needs to declare this property as excess and will have to do the same thing with all those other properties as well, explaining that staff will need to bring them back to Council after they advertise them.

Mr. Anderson stated that he was definitely in favor of this particular action; however, he thought that it illustrated why the City should look at a land bank possibility as well.

Mr. Anderson moved to recommend acceptance of staff's recommendation to: 1) declare that the property located at 311 North Governors Avenue is excess property; and 2) authorize the City Manager to sell the excess property to NCALL Research, Inc. for $20,000 (before closing cost) in conjunction with the Restore Central Dover home ownership program. The motion was seconded by Mr. Lindell and unanimously carried.

Procedure/Policy for Council Community Enhancement Fund Expenditures

During their Regular Meeting of November 27, 2017, members of Council approved the Committee's recommendation to authorize Mr. Lindell to prepare a first draft of the Committee's ideas for approval during a future meeting of the Committee.

Mr. Lindell reviewed the City of Dover City Council Discretionary Funding Policy, noting that it was based on the Committee's November discussion. He thanked Mrs. Traci McDowell, City Clerk, for providing research and information, as well as Mr. Polce for his peer review of the Policy presented to the Committee. Mr. Lindell stated that he used various sources. He noted that the City of New York has an excellent policy; however, it is very detailed and members would have been buried in paperwork if they used that method. Mr. Lindell explained that he tried to incorporate the best parts of different sources into the Policy. He stated that he included Mr. Neil's sentiments regarding taxpayer dollars responsibility in the Preface.

Mr. Slavin reminded members that this fund was created to answer some of the frustrations that many of the constituents had voiced that the City budget process had very little flexibility to address in-district needs inside the fiscal years. Mr. Slavin stated that, for example, members had speed enforcement issues that needed a speed detection sign; however, they had no way to reprogram the money to get a speed detection sign, park benches, or things like that. He explained that they made it a zero net sum, where the amount that is appropriated into this fund was taken out of other areas, not in addition to. Mr. Slavin advised that this allowed each of the districts to have some money to address some of the smaller issues, noting that small issues are big and important issues.

Mr. Slavin suggested amending Section 1A, stating that rather than citing the specific amount of $25,000, which is appropriated in the current fiscal year, they should strike any reference to the number and say "the amount appropriated for that fiscal year." He explained that this would mean that the number would be determined during the appropriation process and the Policy would not have to be changed if the number changed. Mr. Lindell stated that he did not have a problem with this amendment.

Mr. Sudler asked if he was correct in his understanding that, in regard to organizations and boards, as long as it does not benefit the individual or a relative of the individual, it would be permissible. Responding, Mr. Lindell stated yes, noting, for example, that sometimes Council members have put

money into schools, and if you have someone that may teach in that building, or something like that, as long as it is not going directly into their pocket and it is helping the school, it is a way to prevent punishing an organization. He explained that it would be, for example, like if any members of Council had relatives that were on the YMCA board or any type of other board. Mr. Lindell stated that it is just a protection, it is not necessarily going right to that person, but it is helping, it is a loose affiliation. Mr. Sudler stated that he wanted some clarity, explaining his concern that his church has a soup kitchen in his district that benefits the homeless, and he does not want this to be perceived as a conflict of interest just because he attends that church.

Mr. Sudler suggested that members get the Solicitor to do a legal statement, not just a legal opinion, indicating how the City views conflict of interest or perceived conflict of interest, just for the record.

Mr. Anderson stated that he had two (2) concerns, and his technical concern regarding the appropriation had already been addressed. He advised that his second concern had to do with Section 1A, Subsection b, which states that "With the exception of the At-Large council member, each council person shall spend at least 50% of their allocation within their council districts." Mr. Anderson stated that he would like to see if they could amend that wording to say "benefitting their council district." He explained that he is afraid that they could end up making something that was intended to be simple, quick, low dollar amount become a bureaucratic nightmare, by requiring organizations to determine exactly who's benefitting and do extra paperwork for just a few hundred dollars. He stated that is when it would be manifestly so that people in the district are benefitting. Mr. Anderson noted, for example, that the Sankofa lost a lot of funding because of the State grant-in-aid budget situation, and several children were actually without money to continue in the program. He stated that, in this case, the organization's headquarters happens to be in the district, and most of the students who benefitted were also in the district. However, Mr. Anderson explained that, with this provision, it could require them to then go back through and present documentation over who it is, where the addresses are, etc., which is his concern.

Mr. Anderson also noted that sometimes things are not quite neat in district lines. He stated that Dog Pound Boxing, for instance, is based on Senate Drive and was something that was put together with the Dover Housing Authority to benefit the youth there. Mr. Anderson indicated that when they wanted to bring a fairly important amateur sporting event to Dover, they needed some additional funding, so they partnered with the YMCA, and that money went to the YMCA. He noted that this benefitted Dover in many ways, specifically economically. Mr. Anderson explained that, technically, the YMCA is about 700 feet from the district line; however, almost all of the people benefitting from it were in the district, because the organization that was co-sponsoring was in the district. He stated that the YMCA approached him because they wanted to find ways to help diversify and bring more minorities in, and that partnership was one that worked.

Mr. Anderson explained that if they put "benefits", it would make it a very easy determination; however; if they put "within" the district, that particular expenditure could be debatable because technically the YMCA is not in the district; however, there is not such a facility within the district that could accommodate the activity which benefitted the kids in the district. He stated that he would like to see a change in the wording that would keep the intent but would not make it a potential bureaucratic nightmare.

Mr. Cole suggested that each councilperson shall make a good faith effort to spend at least, or benefit at least 50% of their allocation within their council district. He noted that the City Clerk's Office would have oversight.

Mr. Slavin stated that Mr. Lindell had a sense of what Mr. Anderson was saying and could incorporate it into any amendments that would go forward to Council regarding this matter. Responding, Mr. Lindell noted that he had wanted to include something regarding what he heard from the happy medium with the 50%, and he had no issue with looking at that and seeing what the consensus is of the Council going forward.

Mr. Lewis asked if the funds are reallocated into next year's budget if a Council member does not use them. Responding, Mrs. Donna Mitchell, City Manager, stated that they are annual appropriations and they expire at the end of the year.

Colonel Thomas Dix, 664 Independence Boulevard, stated that last April former Councilman Hosfelt had told him that he gave $2,500 toward park benches in Continental Park. Colonel Dix asked if he was ever going to get the benches and where that money went. In response, Mrs. Mitchell advised that the money that Mr. Hosfelt earmarked for the park benches went to the Parkland Reserve until staff got the benches. She stated that the benches had come in; however, the Grounds Division wants to lay cement to set the benches on, to prevent ruts, and they have to wait for the weather to dry up in order to lay the cement. Colonel Dix noted that Mrs. Mitchell had told him that; however, he was more concerned about where the funding was.

Colonel Dix stated that he had also heard that former Councilman Hutchison had designated $1,000 for Continental Park and Colonel Dix was wondering where that money went, because he is trying to work another project in Continental Park regarding trees. Responding, Mrs. Mitchell stated that both allotments were specifically for benches in Continental Park and went to the Parkland Reserve. She explained that there would be two (2) benches going in at Continental Park.

Responding to Mr. Sudler, Mrs. Mitchell confirmed that any money left over from the purchase of the two (2) benches would remain in the Parkland Reserve.

Mr. Lindell noted that he believed that the Policy would alleviate some of Colonel Dix' concerns with any future projects, indicating that the monthly report would be included in the Council packets on a regular basis, so everyone could see where the funds are specifically being allocated and what is going on with the funding.

Mr. Sudler moved to recommend approval of the draft Procedure/Policy for Council Community Enhancement Fund Expenditures, as amended to reflect the tenor of the Committee's conversation, seconded by Mr. Polce.

Mr. Lindell asked if Mr. Anderson would talk to him after the meeting to work on some of the wording.

The motion to recommend approval of the draft Policy for Council Community Enhancement Fund Expenditures, as amended to reflect the tenor of the Committee's conversation (Attachment #2) was unanimously carried.

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

Meeting adjourned at 6:50 p.m.

By unanimous consent, the Council Committee of the Whole meeting adjourned at 6:50 p.m.

Timothy A. Slavin
Council President

TAS/TM/dd
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Committee-Minutes\2018\01-09-2018 CCW Minutes.wpd

Attachments

Attachment #1 - Correspondence from the Kent County Conservancy dated May 23, 2017 addressed to Mayor Christiansen and Council President Slavin, and October 25, 2017 addressed to Mr. Neil, as well as a map depicting the properties of Thomas C. Jackson and Charles Terry Jackson, located at 104 Washington Street and 149 Hazel Road

Attachment #2 - Draft Policy for Council Community Enhancement Fund Expenditures, as amended to reflect the tenor of the Committee's conversation

NOTICE

January 9, 2018
Council Committee of the Whole/
Parks, Recreation, and Community Enhancement
Committee Meeting

Attached please find a map and correspondence related to PR&CE agenda item 1 - Potential Land Acquisition.

- City Clerk's Office

KENT COUNTY CONSERVANCY

"Preserving our past, protecting our future."

426 S. State St.
Dover, Delaware 19901
302-678-1175

May 23, 2017

Mr. Robin R. Christiansen, Mayor
Mr. Timothy A. Slavin, President of Council
City of Dover
15 Loockerman Plaza
Dover, Delaware 19901

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Vice-President

Rachael Phillos
Secretary

Tony DePrima
Treasurer

Jack Foley

Lyle Jones

Michael Mercer

Timothy O'Connor

Charles A. Salkin

David Vaughan

Dear Mayor Christiansen and President Slavin:

The Board of Directors of the Kent County Conservancy encourages the City of Dover to acquire two small parcels of land adjacent to Silver Lake Park. Both are owned by the Jackson family: 0.77 acres at the east end of Washington Street and the adjacent wetland portion of 149 Hazel Road. These lots will soon be advertised for sale.

These small parcels are very important to the integrity of the park. The Washington Street parcel is heavily wooded and buffers that recreation area from nearby residential development. While the wetland parcel is nominally protected by regulation, its continued responsible management is not guaranteed by a future owner.

The Jacksons have been excellent stewards of these land for decades and would like to see them come under public ownership and protection. The Conservancy and the Jacksons have had an introductory meeting with David Hugg to talk about how this might be accomplished.

The assessed valuation of the Washington Street lot is $66,000; the wetlands, of course, would have a much lower value. Neither parcel has had a formal appraisal. Regardless of a final appraised value, it is very likely that one-half of the cost could be reimbursed by DNREC's Land and Water Conservation Trust Fund.

We suggest that you continue discussions with the Jacksons as soon as possible before the two parcels are publicly listed.

It is also imperative that the City submit a Pre-Application to DNREC by the May 26, 2017, deadline. It is a simple submission and does not commit the City to follow up with a formal application. However, if this deadline is not met, the City would not be able to formally apply for funds when applications are accepted in the fall.

Please let us know what we can do to advance the preservation of these two small but very ecologically-significant and strategic parcels.

Sincerely,

Gerald I. Street
President

Charles A. Salkin
Chair, Land Protection Committee

Cc: David S. Hugg, III
Jackson Family
Dean Holden, Silver Lake Commission

KENT COUNTY CONSERVANCY

"Preserving our past, protecting our future."

RECEIVED
OCT 26 2017
OFFICE OF THE CITY CLERK

426 S. State St.
Dover, Delaware 19901
302-678-1175

October 25, 2017

Mr. Fred A Neil
Councilman – 3rd District
Dover City Council
P. O. Box 475
Dover, Delaware 19903

OFFICERS AND BOARD OF DIRECTORS

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Timothy O'Connor

Charles A. Salkin

David Vaughan

Dear Councilman Neil:

Thanks so much for meeting with Chazz last week at Silver Lake Park. The Kent County Conservancy encourages the City of Dover to reconsider the acquisition of two small parcels at the west side of the Park owned by the Jackson family.

Since this potential acquisition was reviewed by Council in executive session, the Jacksons have offered a revised "deal" that is, we believe, a game-changer. They are willing to consider selling the two parcels at one-half of their fair-market value. With matching funds from DNREC's Land and Water Conservation Trust Fund, the land could be secured and protected. The City's only cost would be relatively small expenditures for appraisal, survey and settlement.

Regardless of cost, this valuable habitat and landscape needs to be protected. Most visitors to the Park assume that the woods and wetlands on the Jackson parcels are already public land. It is hard to imagine how the character of this recreation area would change if these tracts were developed or otherwise altered.

We encourage the City to work with our Conservancy and the Jacksons to make their very generous offer a reality. We are pleased to have your support for moving this important opportunity forward.

Sincerely,

Gerald I Street
President

Charles A. Salkin
Chair, Land Protection Committee

Cc: Councilman Scott W. Cole
Mayor Robin Christiansen
Michael Petit de Mange, KCC Vice-President

ED05-068.17-03-15.00 104 Washington Dr
ED05-068.17-03-28.00 149 Hazel Rd
Jackson,Thomas C & Jackson,Charles Terry



N

City of Dover City Council Discretionary Funding Policy

Preface

In order to better serve the needs of their constituents, the Dover City Council established a line-item in the annual budget entitled "Discretionary Funding." These funds are to be used by each councilperson to enhance and provide support to community needs within each council district. As with all taxpayer funds, the public expects and deserves to know that discretionary funding is being used prudently to support organizations with the capacity and integrity to provide quality services free from conflict of interest for the citizens of Dover.

Section 1- Expenditures for community project purposes authorized; limitation on amount; defined

1A. Provided members of council approve the Discretionary line-item in the annual budget, the City Council is authorized to expend city funds ~~in an amount not to exceed $25,000~~ for community purposes.

a. ~~The $25,000 shall be divided among councilpersons in the following manner:~~
   ~~i.~~ Each council member will be allotted ~~$2,500~~ **funds** for their districts~~ and the At-Large council member will be allotted $5,000~~.
b. **Council members should make a good faith effort to use their allotted funding to enhance their respective council districts.**~~With the exception of the At-Large council member, each council person shall spend at least 50% of their allocation within their council districts.~~

1B. Community project purposes, as used in this section, shall be construed to mean and include the promoting of Dover or any advantage, facility, product, resource or attraction thereof or therein or the contributing to any State, County, municipal, civic or community project or the support and maintenance of any institution or organization having for its or their intent and purpose the creation or enhancement of good will for or toward the City of Dover and the citizens thereof, and all moneys expended or contributed, as aforesaid, are hereby declared to be expended or contributed for community project purposes and for a proper City purpose.

Section 2-Process for Distribution of Funds; and Transparency

2A. The Councilperson making the request, will provide documentation (i.e. vendor invoice) to reimburse the individual/organization making the purchase for which they are providing assistance; or the City purchaser will purchase the item(s) on the City's credit card if the organization is a City sponsored organization.

i. In the event that the individual/organization requesting funding from a councilperson lacks the funding to make the initial purchase in order to seek reimbursement under this process, the requesting organization/individual shall submit a formal letter to the councilperson outlining the specific uses of the funding being requested. This documentation shall be forwarded to the City Clerk's Office for review of any potential conflicts with current policy.

2B. The City Clerk's Office will track account activity. It will be Council Members responsibility to adhere to their allotment or work among themselves for the distribution of funds.

i. A monthly City Council's Community Enhancement Fund Report shall be included in the council packet to maintain transparency in the use of taxpayer funds.

Section 3-Restrictions on the Use of Discretionary Funding

3A. All public funds, however awarded, must be used for a city purpose. In general, a City purpose is defined as an activity or service that is open to all members of the public regardless of race, creed, gender, religious affiliation, etc. without restriction, and which does not promote a particular religion.

3B. Programs and services provided by religious or religiously affiliated organizations must be able to demonstrate that the program is open to non-members, is not a religious program, and it does not promote religion.

3C. Closed membership groups-those to which membership is restricted or subject to membership based on prohibited factors may generally not receive funding.

i. Groups that serve a particular population; for example, youth aged 12 to 16 in a particular community are not considered a closed membership group, as long as the program is open and accessible to all youth in the community.

3D. For profit entities may not receive discretionary funds except when the primary non-profit contractor subcontracts with a for profit entity as part of the delivery of services. Such subcontracts; however, must only be an ancillary part of the program to be funded, not the primary basis for the discretionary award, and must be approved by the contracting agency.

3E. Funds may only be allocated to a public purpose and may not support political activities and private interests.

Section 4-Conflicts of Interest

4A. To prevent the abuse or misuse of the Council's discretionary funding authority, the following guidelines shall govern conflicts of interest between councilpersons, family, associates, and organizations receiving discretionary funding:

i. Council members are prohibited from sponsoring discretionary funding for an organization at which the Member serves as an employee, officer, or board member.

ii. Councilpersons may sponsor funding for an organization where an "associated" person, (a family member or other person with whom the councilperson has a financial or business relationship) is an officer or employee so long as the associated person will not benefit, or appear to benefit, from the funding.

iii. Councilpersons are required to disclose on the record any potential or perceived conflicts of interests in regard to awarding discretionary funds. The City Solicitor shall review to determine if such a conflict exists prior to funds being expended.

iv. Failure to report conflicts of interest or any misuse of a councilpersons discretionary funding are subject to the provisions of the City's Code of Ethics established by Council.

CITY OF DOVER
FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018
QUARTERLY REVENUE REPORT
As of December 31, 2017

				50.0%			
	GENERAL FUND	**FY18 BUDGET**	**YTD REVENUES**	**% BUDGET RECEIVED**	**COMMENTS**	**FY16 REVENUES**	**FY17 REVENUES**
1	Property Taxes	$ 12,615,600	$ 12,637,900	100.2%		$ 12,434,600	$ 12,524,200
2	Payment In Lieu of Taxes	410,000	288,900	70.5%		412,200	371,400
3	Transfer from Electric Fund	10,000,000	5,004,000	50.0%		10,000,000	10,000,000
4	Intrafund Service Receipts Electric	3,660,100	1,487,300	40.6%		3,628,000	3,425,000
5	Transfer from Transfer Tax Fund	1,209,300	906,400	75.0%		2,188,600	1,633,600
6	Business Licenses	1,467,000	1,444,800	98.5%		1,475,800	1,462,400
7	Intrafund Service Receipts Water/Wastewater	1,716,100	697,100	40.6%		1,422,000	1,583,000
8	Sanitation Fees	3,080,400	1,564,200	50.8%		2,527,500	2,514,600
9	Permits & Other Licenses	1,956,000	838,400	42.9%		1,735,800	2,069,700
10	Transfer from Municipal Street Aid Fund	673,100	333,000	49.5%		673,300	673,400
11	Fines & Police Revenue	746,600	312,100	41.8%	SRO's-6 months paid; Fines are down	652,000	679,100
12	Police Extra Duty Fees	500,000	161,900	32.4%		541,600	497,200
13	Transfer from Police Grant Funds	60,000	50,000	83.3%		159,600	239,800
14	Court of Chancery Fees	1,350,000	561,100	41.6%	December fees not yet received	1,123,700	1,343,000
15	Transfer from Water/Wastewater Fund	900,000	456,000	50.7%		850,000	875,000
16	Transfer from Civil Traffic Penalties Fund	511,800	247,000	48.3%	Dec ERLSP not yet received	442,800	463,600
17	Library Revenues & County Reciprocal Pymt	400,000	185,800	46.5%		419,700	380,600
18	Franchise Fees	688,100	173,600	25.2%	Q2 franchise fees not yet received	510,600	690,800
19	General Fund Grant Receipts	545,000	234,600	43.0%		572,500	554,200
20	Recreation Revenue	150,000	73,400	48.9%		183,200	169,000
21	Other Miscellaneous Receipts	153,900	109,300	71.0%		173,600	230,000
22	Interest Income	138,000	40,900	29.6%		172,100	154,500
	TOTALS	$ 42,931,000	$ 27,807,700	64.8%		$ 42,299,200	$ 42,534,100
	Final Budget					**$ 41,936,100**	**$ 42,223,500**

CITY OF DOVER
FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018
QUARTERLY REVENUE REPORT
As of December 31, 2017

				50.0%			
	WATER/WASTEWATER FUND	**FY18 BUDGET**	**YTD REVENUES**	**% BUDGET RECEIVED**	**COMMENTS**	**FY16 REVENUES**	**FY17 REVENUES**
1	Water Fees	$ 5,914,600	$ 3,080,600	52.1%		$ 5,457,100	$ 5,776,100
2	Wastewater Fees	3,768,000	1,857,700	49.3%		3,745,500	3,718,700
3	Wastewater Adjustment Fees - County Trtmt	2,952,900	1,453,100	49.2%		2,936,800	2,912,700
4	Groundwater Inflow Adjustment	1,899,700	929,200	48.9%		1,878,100	1,863,200
5	Water Impact Fees	231,000	518,800	224.6%		238,000	672,100
6	Wastewater Impact Fees	209,000	467,400	223.6%		207,500	611,800
7	Water Tank Space Leasing	391,400	168,600	43.1%	Timing of rent payments	338,000	376,200
8	Interest Income	11,400	15,400	135.1%		4,600	15,700
9	Other Miscellaneous Revenues	61,000	21,400	35.1%		70,000	86,100
	TOTALS	$ 15,439,000	$ 8,512,200	55.1%		$ 14,875,600	$ 16,032,600
	Final Budget					**$ 15,037,500**	**$ 15,467,200**

				50.0%			
	ELECTRIC REVENUE FUND	**FY18 BUDGET**	**YTD REVENUES**	**% BUDGET RECEIVED**	**COMMENTS**	**FY16 REVENUES**	**FY17 REVENUES**
1	Sales to Customers	$ 79,656,000	$ 42,349,200	49.3%		$ 77,844,900	$ 80,624,300
2	Distribution of Earnings	(6,176,700)	(3,318,500)	0.0%		-	(1,845,900)
3	Utility Tax	1,236,200	650,300	52.6%		1,309,700	1,322,000
4	Transfer from Rate Stabilization Reserve	-	-	0.0%		750,000	-
5	Miscellaneous Revenue	765,700	362,800	47.4%		1,211,600	921,900
6	Interest Income	216,300	74,700	34.5%		65,700	218,000
	TOTALS	$ 75,697,500	$ 40,118,500	53.0%		$ 81,181,900	$ 81,240,300
	Final Budget					**$ 81,830,400**	**$ 79,428,600**

DEPARTMENT OF POLICE

Marvin C. Mailey
Chief of Police

400 South Queen Street
Dover, Delaware 19904
302-736-7111
Fax: 302-672-1842

January 22, 2018

Ms. Traci McDowell
City Clerk
Dover City Hall
P.O. Box 475
Dover, DE 19903

Dear Ms. McDowell:

The Police Pension Plan Retirement Committee Board term of Retired Captain Larry Gray will expire on January 31, 2018. Pursuant to Section 18-47 of the pension plan, a request for nominations was posted with an announcement of election to fill the vacancy on December 6, 2017. One nomination was received, therefore, no election will be held

I hereby nominate Retired Captain Larry Gray to serve a three-year term on the Pension Board, commencing February 1, 2018 and ending January 31, 2021, subject to confirmation of a voting majority of City Council.

If you need additional information, please call me at (302) 736-7100.

Sincerely,

Marvin C. Mailey
Chief of Police