REGULAR COUNCIL MEETING

The Regular Council Meeting was held on January 22, 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, Fire Chief Carey, Deputy City Solicitor Pepper, and Mrs. McDowell. Mayor Christiansen was also present.

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.

Mr. Thomas Smith, 126 Hampton Drive, advised that he manages the Delaware Store and has been in business downtown for 25 years. He also noted that he was currently the chair of the Downtown Merchants Committee of the Downtown Dover Partnership. Mr. Smith thanked Mayor Christiansen for his unwavering and resolute support of downtown Dover, and positive attitude toward solving problems all over the city. He also thanked Council President Slavin for his leadership of the City Council and, in particular, for his efforts to reopen the City's cultural gem, the Schwartz Center for the Arts.

Mr. Smith expressed concern regarding the lack of communication between the City and its partners, such as the Downtown Dover Partnership. He advised that the lack of communication was causing economic pain, misunderstanding, and mistrust between the City of Dover and the merchants, residents, and customers downtown. Mr. Smith referenced several incidents pointing to such lack of communication, as follows: the proposal by the Assistant City Manager to bring ten food trucks to compete with the downtown restaurants and make money for the City of Dover through fees, which they heard about through a newspaper article; and the recent closure of Bradford Street for water and sewer which was announced to downtown merchants via an email December 28th from the DDP, four days before the scheduled start of construction.

The invocation was given by Bishop Thomas L. Holsey, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

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

SPECIAL COUNCIL MEETING - VIOLATIONS OF THE DANGEROUS BUILDING ORDINANCE OF JANUARY 2, 2018

The Minutes of the Special Council Meeting - Violations of the Dangerous Building Ordinance of January 2, 2018 were unanimously approved by motion of Mr. Neil, seconded by Mr. Hare and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JANUARY 8, 2018

The Minutes of the Regular Council Meeting of January 8, 2018 were unanimously approved by motion of Mr. Neil, seconded by Mr. Hare and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF JANUARY 9, 2018

The Minutes of the Special Council Meeting of January 9, 2018 were unanimously approved by motion of Mr. Neil, seconded by Mr. Hare and bore the written approval of Mayor Christiansen.

PRESENTATION - SNOW REMOVAL PLAN

Mrs. Sharon Duca, Director of Public Works, reviewed the City of Dover Department of Public Works Snow Removal Plan.

Responding to Mr. Sudler, Mrs. Duca advised that one (1) front-end loader has been down for some time, and they do not project that it will be available this storm season due to the repairs required. She noted that they are currently evaluating the front-end loaders and funds have been included in the FY 2019 budget for vehicles, which they will be reviewing with the City Manager.

Mr. Sudler asked what time the work day starts and ends for Public Works employees during a worst-case scenario for snow removal. Responding, Mrs. Duca advised that, because of storm variations and their unpredictability, they try as much as possible to schedule 7:00 a.m. to 7:00 p.m. shifts so that the crews are maintaining schedules that are relatively close to their existing work schedules, however, there are times when they may have to adjust the time based upon when the storm starts. Mrs. Duca stated that they try to have shifts activated by the time the storm is projected to start so that they can begin addressing emergency routes and then move through the 12-hour shifts.

Mr. Anderson asked what the City's role was in the maintenance of State-maintained emergency and critical routes and how the City integrates with the State.

Mrs. Duca advised that, based on past discussions, the City maintains certain emergency and critical routes that are not City streets and the State maintains the major roads throughout the City. She noted that they were working with the City Manager to properly document and formalize maintenance responsibilities to ensure that all of the emergency needs of the City are addressed in a timely fashion.

Responding to Mr. Anderson, Mrs. Duca advised that the City's maintenance responsibilities for various State roads are attributed to other agreements that were put in place over the past 70-80 years and there is no specific reimbursement for any of them, other than State Municipal Street Aid.

Mr. Anderson asked what role contractors played in assisting with snow removal. In response, Mrs. Duca advised that two (2) contractors assist them and they are considering incorporating them with City crews to best address these situations. She noted that they are also looking at other available contractors to see how their equipment could assist the City.

Responding to Mr. Anderson, Mrs. Duca stated that communication is one of the key aspects of the entire response efforts. During storms, they rely upon input from the Police and Fire Departments for any areas that they have identified as having issues so that they can try to address them. She noted that they have constant oversight throughout the entire storm, as well as continued communication with the Emergency Management Coordinator and the City Manager. Mrs. Duca noted that coordination with the other agencies throughout the entire state is done through the City Manager's Office. She also advised that bridge calls occur throughout the entire storm and any needs can be conveyed at that time.

Mr. Hare advised that staff did an excellent job addressing the concerns that were relayed to him by his constituents.

Mr. Slavin requested Mrs. Duca to extend their thanks to all of the men and women of the Public Works Department for their work, noting that it is a very dangerous job to clear snow in the middle of the storm, or even after the storm, and this was a particularly difficult storm with all the wind. Mrs. Duca noted her own appreciation for the staff of the Department of Public Works, advising that throughout the entire year there are a lot of times that they need to work together to meet service delivery goals, and there is never a time where they come together better as a team than during storm response.

PROCLAMATION - BLACK HISTORY MONTH

The City Clerk read the following Proclamation into the record:

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.

On behalf of the Mayor and Council, Mayor Christiansen presented the proclamation to former Councilman Reuben Salters and others from the Inner City Cultural League.

COUNCIL COMMITTEE OF THE WHOLE REPORT - JANUARY 9, 2018

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.

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.

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.

The Committee postponed this item until Mr. Salkin receives notification.

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.

UTILITY COMMITTEE

The Utility Committee met with Chairman Cole presiding.

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.

The Committee recommended approval Staff's recommendation.

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

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.

The Committee recommended 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.

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

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.

The 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.

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

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 Committee recommended approval of the draft Policy for Council Community Enhancement Fund Expenditures, as amended to reflect the tenor of the Committee's conversation.

During the Council meeting, Mr. Lindell reviewed the amendments made as a result of the recommendations made during the January 9, 2018 Council Committee of the Whole meeting.

Mr. Sudler thanked Mr. Lindell for doing his due diligence and being receptive to his fellow Councilpersons' concerns and ideas.

Responding to Mr. Hare, Mr. Lindell clarified that it was okay to donate money to an organization in another district if it would benefit everybody in the City, as well as the people in his own district.

Mr. Polce moved for approval of the Policy for Council Community Enhancement Fund Expenditures, as amended (Exhibit #1). The motion was seconded by Mr. Hare and unanimously carried.

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

QUARTERLY REVENUE REPORT

Members were provided the Quarterly Revenue Report as of December 31, 2017.

By consent agenda, Mr. Neil moved for acceptance of the Quarterly Revenue Report as of December 31, 2017. The motion was seconded by Mr. Hare and carried by a unanimous roll call vote.

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

The term of office of Retired Captain Larry Gray on the Police Pension Board expires on January 31, 2017. Pursuant to Chapter 62 - Law Enforcement, Article III - Pension Plan, Division 2 - Retirement Committee, Section 62-102(c)(2), notice of an election was given to all plan members. Only one nomination was received, therefore, no election was held. Chief Mailey nominated Retired Captain Larry Gray to serve a three-year term, to expire on January 31, 2021.

By consent agenda, Mr. Neil moved for approval of the nomination of Retired Captain Larry Gray to serve on the Police Pension Board, for a three-year term to expire on January 31, 2021. The motion was seconded by Mr. Hare and carried by unanimous roll call vote.

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)

Council President Slavin recommended the appointment of Margaret Scarborough to serve on the Utility Subcommittee for a term to expire May 14, 2018 (to fill the expired term of Lester L. Blakeman, Sr.).

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

CITY MANAGER'S ANNOUNCEMENTS

Mrs. Donna Mitchell, City Manager, announced that leaf collection would continue until January 26th. She also advised that the necessary road repair on Lotus Street was worse than they thought and it will be an emergency repair, which is a major undertaking. Mrs. Mitchell noted that the road will be closed and more details will be sent out.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Slavin announced that earlier in the evening City Council voted to name Ms. Lori Peddicord as the Controller/Treasurer for the City. He congratulated Ms. Peddicord and thanked her for her service as the Acting Controller/Treasurer.

Mr. Sudler thanked the Woodcrest Community for coming out so that they could address their concerns. He advised that they would be receiving feedback very soon. Mr. Anderson added that if someone was not able to attend, they could still get that feedback by contacting them at david.anderson@dover.de.us and roysudlerjr@comcast.net. He also advised that they could call the City to be placed on a list to be kept informed.

Mr. Neil thanked Mrs. Donna Mitchell, City Manager, for doing a tremendous job in notifying members of Council when emergencies or matters like Lotus Street come up. He stated that he thought it was important to have that information as quickly as possible so that those who have constituents who are going to be affected can let them know.

Mr. Hare thanked Mrs. Kay Sass, Emergency Management Coordinator, for sending the weather updates and emails, noting that it is very helpful to let constituents know, and that she does a really good job getting that information out to everyone. He noted that the weather meetings are not just held at 9:00 a.m. and 3:00 p.m.

Mr. Slavin wished Councilman Lindell a happy birthday on January 29th.

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

Meeting adjourned at 8:05 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of January 22, 2018, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Council-Minutes\2018\01-22-2018 Council Minutes.wpd

Exhibits
Exhibit #1 - Policy for Council Community Enhancement Fund Expenditures

City of Dover

POLICY FOR COUNCIL COMMUNITY ENHANCEMENT FUND EXPENDITURES

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 for community purposes.

a. Each council member will be allotted funds for their districts.
b. Council members should make a good faith effort to use their allotted funding to enhance their respective 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.

Section 2-Process for Distribution of Funds; and Transparency (Continued)

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.

Section 4-Conflicts of Interest (Continued)

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.

S:\CLERK'S OFFICE POLICIES AND PROCEDURES\CLERK'S OFFICE MANUAL\City of Dover City Council Discretionary Funding Policy ADOPTED 01-22-2018.wpd

Actions History
01/22/2018 - Adopted - City Council