COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole Meeting was held on June 14, 2016 at 6:13 p.m., with Council President Slavin presiding (departed at 6:15 p.m. and returned at 6:17 p.m.). Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Neil (arrived at 6:15 p.m., departed at 6:42 p.m., returned at 6:45 p.m., departed at 7:07 p.m., returned at 7:10 p.m., departed at 7:36 p.m., and returned at 7:40 p.m.), Mr. Lewis (departed at 6:53 p.m.), Mr. Cole, Mr. Hare, and Mr. Hutchison. Mr. Hosfelt and Mayor Christiansen were absent. Civilian members present for their Committee meetings were Mr. Caldwell and Mrs. Horsey (*Parks, Recreation, and Community Enhancement*), Ms. Arndt and Mr. Blakeman (*Utility*), and Mr. Shevock and Ms. Stewart (*Legislative, Finance, and Administration*).

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

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

AGENDA ADDITIONS/DELETIONS

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

Program Presentation - First State Community Action Agency

Mr. Charles Kistler, Program Manager, First State Community Action Agency (FSCAA), advised members that FSCAA is a non-profit organization and is the only Community Action Partnership (CAP) agency in the State of Delaware. He reviewed a presentation entitled "City of Dover Council Briefing - June 13, 2016," stating that FSCAA has more than 20 programs. Referring to Page 2 of the presentation, Mr. Kistler reviewed the components of the organization's Healthy Home, Energy Efficiency, Lead Safe, and People Centric (H.E.L.P.) Program, as follows:

1) Department of Public Health (DPH) Lead Based Paint Hazard Reduction (DeLead) Program - Mr. Kistler explained that FSCAA's DeLead program was started in seven (7) targeted zip codes, noting that the two (2) largest zip codes were in the City of Dover, which has some of the oldest housing stock in the State. Mr. Kistler stated that 250 homes were identified as positive for lead, and remediation and abatement was completed, although this was a nominal scratch of the surface. He indicated that City management had been very supportive of this process and had provided documentation on nearly 5,000 homes in the City that were built before 1978. Mr. Kistler explained that 160 Healthy Home Repairs were completed for issues such as pest infestation and mold.

2) Low-Income Home Energy Assistance Program (LIHEAP) Summer Cooling Assistance Program (SCAP) - Mr. Kistler advised that FSCAA was in the first year of a five (5) year, Statewide program for SCAP, and City management had been very supportive in getting the exposure needed. He

noted that, due to extreme temperatures, many more people need air conditioners. Mr. Kistler explained that Energy Conservation Kits (EcoKits) include LED light bulbs, aerators, low-flow shower heads, night lights, door sweeps, and first aid kits.

3) Low-Income Home Energy Assistance Program (LIHEAP) Replace Repair Heaters and Conserve Energy (RRHACE) Program - Mr. Kistler stated that the RRHACE Statewide program started last year and is a five (5) year program that provides for repair and replacement of heaters. He noted that before September 30, 2016, 450 heaters would be repaired or replaced. Mr. Kistler indicated that FSCAA would be working with the City's code enforcement and property development staff to identify people with no heat.

4) Today's Reinvestment Around Industry Needs (TRAIN) Program - Mr. Kistler stated that FSCAA had submitted a training plan to the Department of Labor for approval. This program would allow FSCAA to go into communities, identify those who would be eligible for training through community leaders, bring those individuals through a vocational technology program, and put them into jobs in their own neighborhoods, which FSCAA has termed "Communities of Promise." Mr. Kistler stated that they had asked the City of Dover to write a letter of support for this program, and if FSCAA reaches the implementation phase of this large initiative, they will start to recruit individuals to help their own communities.

Mr. Kistler, referring to page 2 of the FSCAA presentation, reviewed the H.E.L.P. - Hub and Spoke Service Delivery Model, explaining that Communities of Promise had been identified as concentrated areas of poverty where community leaders could identify people to be brought in through the Delaware Technical Community College (DTCC) system through a workforce development training plan. Mr. Kistler stated that FSCAA DeLead program has a contractual obligation to identify and train up to 40 people in the Renovation, Repair, and Painting (RRP) formal certification program. He expressed the desire to certify as many people as possible in these communities and put them to work with contractors who perform lead work, creating a path forward for participants. Mr. Kistler indicated that FSCAA is working with DPH in regard to the DeLead Program and with the Delaware Department of Health and Social Services (DHSS) regarding the RRHACE and SCAP programs, and these entities were funding the activity that the agency has planned for the next five (5) years.

Mr. Kistler explained that FSCAA had partnerships in place related to the Department of Natural Resources and Environmental Control (DNREC) weatherization program, Senate Bill 150, the Clean Power Plan (CPP), and the Sustainable Energy Utility (SEU) to identify available funding and craft programs for low-income families. He noted that FSCAA was trusted to be able to identify programs that will bring self-sufficiency to their clients in the communities. Mr. Kistler explained that DHSS and utility providers are gateways that clients are moving through to be identified, have their needs assessed, and effectively apply to programs.

Mr. Kistler stated that FSCAA is working with an analytical firm from Princeton, New Jersey to develop analytical data to back up that the investment being made in these programs has a legitimate outcome. He informed members that the City was helping FSCAA to share and collaborate on data and was playing a major part in identifying needs in concentrated areas of poverty in the City. He indicated that the Delaware Housing Authority, Wilmington Housing Authority, and Dover Housing Authority needed to identify the properties in the cities that are deficient so that financial resources can be pooled and existing talent can be used to implement programs with good outcomes. Mr. Kistler stated that houses of worship would also be key because of the trust factor. He noted that the City of Dover is the hub of the model.

Mr. Kistler, referring to page 4 of the presentation, reviewed the H.E.L.P. Program. He indicated that the FSCAA was not necessarily asking for money, but that his request was more about being able to work collaboratively toward data collection and demographics in the City to leverage combined resources. Mr. Kistler reviewed the ways that the City of Dover could support the Program, as follows:

1) DeLead Collaboration Plan - Mr. Kistler reiterated that there were 5,000 pre-1978 properties that are candidates for this program, noting that children under six (6) years old living in those houses could potentially be poisoned. It was unknown whether or not they were poisoned as there was no requirement to have the children tested. Mr. Kistler indicated that the City Manager had put FSCAA in touch with the superintendent of the school systems, and they were starting to craft a relationship to identify kids that could be tested and match this up against the properties. This would provide a focused idea of where properties are with children who could potentially be poisoned by lead paint and allow them to act.

2) SCAP Collaboration Plan - Mr. Kistler indicated that FSCAA has offices in all three (3) counties, including one (1) in the Blue Hen Mall; however, they do not have a brick and mortar appearance as a community action agency in the forefront and need this. He advised that mass intake is performed every week for the summer cooling program in different counties. Mr. Kistler stated that they were disappointed that more people were not signing up for the program, noting that they sometimes have only 13 people per day at the Blue Hen Mall, and they should have hundreds. He indicated that the FSCAA is asking for help to raise awareness. Mr. Kistler noted that there are eligibility requirements, including being over the age of 60, having medically proven breathing issues such as COPD or asthma, having children, being medically challenged, etc. He stated that FSCAA would have 650 air conditioners by September 30, 2016.

3) RRHACE Collaboration Plan - Mr. Kistler stated that they have 450 heating units to be completed by September 30, 2016 and have completed 238. He asked for help identifying clients with no heat now to avoid panic in the fall.

4) TRAIN Collaboration Plan - Mr. Kistler stated that if the agency is blessed with a training grant, they would like to return to the City of Dover. He believed that there would be an 18-month implementation period to identify people in the community that could be trained through DTCC as energy educators and quick-help assessors. Mr. Kistler noted that if these individuals can be certified and put to work in an apprenticeship program, they could do some good and create role models for their communities. He advised that a merger had just taken place that affected Delmarva Power, and they were discussing some type of assistance for people who were in the dunning process and bordering on disconnection of their electricity. Mr. Kistler stated that these individuals would be put into a formal training program. He noted that there was only one (1) energy educator in the State and expressed the desire to create more. Mr. Kistler stated the desire to have the utility companies and electric cooperatives bring individuals into these programs and help FSCAA help clients understand how to become more energy efficient, decrease consumption of energy, and apply these savings toward a better quality of life and less dependence on social programs.

Mr. Kistler stated the desire to stay in touch with the City. He expressed FSCAA's belief that the capital of the State is where their master plan should be laid out, reiterating that the City had a big need. He felt the master plan could then be applied to any city in the State.

Mr. Hutchison questioned how long the training and certification program would take. Responding, Mr. Kistler stated that if they receive the grant award in July, participants would be brought in to DTCC in September. Certification would be a one (1) to three (3) week process, depending on the type of certification. He explained that resources would be shared, noting that DTCC has some funding for apprenticeships, FSCAA would have funding from the grant, and the employer would be expected to contribute funds. Mr. Kistler stated that they were looking at a 90-day apprenticeship.

Mr. Anderson asked Mr. Kistler to elaborate on the FSCAA's summer jobs program. In response, Mr. Kistler stated that FSCAA will find out in early July if the Department of Labor will approve their training plan, and FSCAA could then provide all relevant information. He noted that all three (3) campuses of DTCC are partnering in regard to workforce development to help train people and get them employed, as is Delmarva Power. Mr. Anderson requested that Mr. Kistler advise him when FSCAA receives information about their grant, noting that he would like to share with Mr. Kistler the names of 400 people who need jobs.

Mr. Anderson asked if Mr. Kistler needed anything from the City, or if staff needed something from Council in this regard. Responding, Mr. Kirby Hudson, Assistant City Manager, advised that he had been responding to Mr. Kistler's requests and staff was trying to do what they could to support FSCAA.

Mr. Scott Koenig, City Manager, stated that staff wanted FSCAA to come before Council to promote their program, and requested that Council members who prepare newsletters or electronic communications help in this regard. He stated that this was a rare instance where someone was coming to the City with human and financial resources behind them and asking for the City to help

establish community contacts. Mr. Koenig explained that FSCAA staff had experienced difficulty in getting people to answer their doors when they are out knocking and advised that contacts provided by members could help. He felt this was a wonderful opportunity for the community.

Mr. Slavin stated that FSCAA could be placed on the agenda for a Regular City Council meeting, which would be televised and might be an opportunity to get the word out in another venue. Mr. Kistler responded favorably, stating the desire to create as much awareness as possible. Mr. Slavin indicated that the City Clerk's Office would get in touch with Mr. Kistler.

Update - Residential Appeal Process and Non-Compliant/Non-Conforming Uses

During their meeting of January 11, 2016, Council approved the Parks, Recreation, and Community Enhancement Committee's recommendation that staff be requested to prepare a residential appeal process and to also look at those properties within City limits that are clearly non-compliant with the uses to be reviewed by the Committee during their March meeting. During the Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee meeting of March 15, 2016, Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that the first step in this process would be to determine the degree of the problem with non-conforming uses by finding out how many such uses exist. She advised that her staff had been working with the Geographic Information Systems (GIS) staff in the Public Works Department, and they were in the process of developing an application that would allow the City's planners to go into the field and document non-conforming uses. Mrs. Townshend stated that staff could then determine which of the non-conforming uses would be permitted as a conditional use, noting that multi-family residential uses would not be permitted any longer in certain residential zones. From that point, a strategy could be developed on how to attrition non-conforming uses.

During the Committee meeting of June 14, 2016, Mrs. Townshend stated that two (2) members of the Planning Department staff were going out to identify each non-conforming use in residential zones. In her last discussion with these staff members, the process was moving slower than expected. She advised that one (1) quarter of the geographic area of the City was complete, and they estimated completion in two (2) months. Mrs. Townshend advised that once staff has a picture of non-conforming uses, they would bring forward the language and proposed process to sunset those uses.

Mr. Slavin stated appreciation for the effort to complete a 100% census; however, he questioned whether a representative sample could be relied on, noting that this could be approached in broad categories of uses. Responding, Mrs. Townshend stated her understanding that all non-conforming uses in residential zones would be sunsetted and, if this was so, all such uses must be identified.

Mr. Slavin questioned if such uses could be sunsetted in a blanket ordinance adopted by Council. He expressed frustration because it was taking a long time to get to a solution, and in the interim non-conforming uses were continuing to cause problems. Mr. Slavin noted that there had been a recent problem, with the root cause being a bar operating in the heart of a neighborhood in the middle of the Fourth District. He indicated that everything the City does, including police enforcement, cameras, street cleaning, and picking up garbage, would not correct the problem until there is no longer a bar in the middle of a residential area.

Mrs. Townshend stated that this could be approached in several ways. She explained that if all non-conforming properties are not sunsetted, there would be a need for fair system to handle them. Mrs. Townshend advised that a section in the Code could be developed under non-conforming uses to deal with those uses that have been determined to be a nuisance and criteria could be set to bring them forward more expeditiously. She indicated that when this matter was considered by the Committee in December, she shared her belief regarding the proper methodology and had stated that it would be very time consuming and labor intensive, and no Council members had told her to do this differently.

Mr. Slavin stated his concern regarding the statement that 25% of the properties had been completed in six (6) months and that the other 75% would be completed in two (2) months. In response, Mrs. Townshend explained that staff had to develop a tablet application to be used for this process. She indicated that she had been very up front that this project would take a lot of time and labor. Mrs. Townshend offered to move forward in a different way if that was what Council wanted; however, she explained that she was proceeding in the way that she previously outlined.

Mr. Slavin stated that he is sensitive to not micro-managing staff; however, this was taking a little longer than he was comfortable with. Although he did not wish to speak for others, he expressed his opinion of the need to get to a solutions-based approach rather than data gathering.

In response to Mr. Hare regarding a retail business that is set up across from K-Mart, Mrs. Townshend explained that this was not a case of non-conforming use, explaining that a business license was issued for this enterprise under policies that existed in the past. She indicated that the business license would expire in the current month, would not be reissued, and the business owner was aware of this.

Mrs. Townshend explained that a non-conforming use is a use that was legal when it was established but the zoning had changed so that it is no longer a permitted use. She noted that the most numerous non-conforming uses seen in the City were houses that had been carved into apartments. Mrs. Townshend advised that the Elks' Club on Kirkwood Street and a liquor store on Forest Street were non-conforming uses. When the issue of non-conforming uses first came up, she spoke with Mr. William Pepper, Deputy City Solicitor, who was very clear that the City needed to be fair and consistent in how non-conforming uses are dealt with, and Mrs. Townshend had used this approach in developing a process. She indicated that if another process were developed, it must be fair and consistent.

Mr. Sudler asked if it would be fair to use a process that is complaint driven, since this type of process is used for code enforcement. Responding, Mrs. Townshend stated her belief that if this approach is used, there would need to be some type of due process and non-conforming uses could not be administratively expired. She explained that properties could go to the Board of Adjustment or another body to determine if a non-conforming use should expire, and this would require a Code amendment. Mrs. Townshend indicated that if Council wanted a Code amendment in advance of the other part of the process, she could bring one forward; however, this had not been discussed in the past.

Mr. Anderson expressed appreciation to Mrs. Townshend and her staff for the work being done, noting that this was a lot of work added to what they are already doing. He concurred with Mr. Slavin that it was a bit frustrating, which he stated was why he and Mr. Sudler brought up the idea of a complaint-driven approach several months ago. Mr. Anderson hoped that this would be looked into, noting that all non-conforming uses are not equal. He loved the idea of looking at nuisance non-conforming uses because there are many non-conforming uses that no one knows are there. Mr. Anderson expressed the need to distinguish those uses that are a problem. Now that staff had invested much time and effort into the process, he did not want them to stop, and start a new process; however, he asked if staff could start working on something for nuisances in the community, in the meantime.

Responding to Mr. Anderson, Mrs. Townshend stated that this could happen concurrently. She stated that if nuisances are being dealt with separately and language is added to the Code that specifically sets up a list of criteria and a process, this could be brought forward ahead of the full survey. Mrs. Townshend advised that the approach had started with expiring all non-conforming uses. She reminded members that the language in the Code regarding non-conforming uses in residential zones indicates that these uses would expire 20 years after the adoption of the ordinance or 40 years from initiation of the use. Mrs. Townshend noted that staff was unable to determine when the ordinance was adopted and, without having the full picture, that section of Code cannot be used to say that the 20 years had passed and the uses must expire. She stated that other language could be added to the Code in the meantime that would accomplish this.

Mr. Anderson asked if the current research would only identify non-conforming uses or indicate when those uses were granted. Responding, Mrs. Townshend explained that staff's current fieldwork was identifying the uses, which would be entered in a table. She indicated that other data could be pulled in, but she was unsure if there would be a good data source for exactly when uses started.

Mr. Anderson stated the need to be very careful about property rights of those who had invested their life savings; however, he noted that the rights of other people to live in reasonable peace also needed to be protected. He asked if staff was proceeding based on geography or by categories, and questioned which 25% portion of the City had been done and what was outstanding. In response, Mrs. Townshend advised that staff started working on the east side of the City and had gotten to the area east of the highway, and the northern part of the downtown area, north of Mary Street. She stated that when working further west in some of the newer developments, the number of non-conforming uses would decrease and less time would be required. Mrs. Townshend noted that some of the newer developments had been crossed off the list because staff knew there were no such uses. She informed members that staff had started the Fairview area and was moving south. Mrs. Townshend indicated that the next step would be the downtown area, which would be very labor intensive.

Mr. Slavin advised that his comments were not reflective of poor work on data gathering; however, he felt that perhaps the results of the work could be used more quickly. He referred to Mrs. Townshend's comment that the existing section of Code states that non-conforming uses would be expired 20 years after the adoption of that ordinance or 40 years from their initiation. Mr. Slavin stated that this section of Code could be repealed if it no longer serves a purpose and another section could be put in its place to state that as of a certain date, all non-conforming uses in the City are

repealed and the City will take action against them upon discovery. Mr. Slavin indicated that this approach would be similar to other things done in the City, noting that not everyone is 100% in compliance with the rules, and rules are enforced when non-compliance is found. Referring to houses that had been carved into apartments, he indicated this is the example that he would use to say that they will be corrected when discovered on a case-by-case basis. Mr. Slavin believed that if all properties were addressed at once, the Planning Department would be choked with appeals. He agreed with Mr. Anderson that the City would want to honor legitimate uses, such as a church located in a certain area. Mr. Slavin stated that if staff paused with 25% of the properties complete and asked Council to take the action needed to clean up the Code, which he felt all members would be glad to do, staff could begin the enforcement process with the identified properties.

In response to Mr. Sudler, Mr. Slavin did not feel that his suggested approach needed to take the form of a motion. He thought that Mrs. Townshend had heard the concerns and suggested that she return in one (1) month with an update.

Citizen Suggestions

Mr. Anderson stated that a citizen had advised him that a building had been purchased and was immediately set up for rehabilitation in order to be occupied; however, previous vacant building fines did not reset and the individual had to pay these fines on top of the money for rehabilitation. This citizen suggested that a six (6) month window be allowed for marketing and rehabilitation when there is a transfer like this.

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

Meeting adjourned at 6:52 p.m.

UTILITY COMMITTEE

The Utility Committee meeting was held with Chairman Cole presiding.

AGENDA ADDITIONS/DELETIONS

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

Chairman Cole recognized Ms. Tricia Arndt as a new member of the Utility Committee and thanked her for accepting the appointment.

Differential Disposal Fee Agreement - Delaware Solid Waste Authority

Mr. Scott Koenig, City Manager, advised members that the Delaware Solid Waste Authority (DSWA) was created more than 30 years ago to handle municipal waste through the State of Delaware, and the City had a good relationship with the DSWA. He explained that the City is not in the landfill business and has a contractual relationship with the DSWA. Mr. Koenig indicated that the proposed differential disposal fee agreement would memorialize that relationship from July 1, 2016 through June 30, 2021. He stated that the gate charge would be reduced for the next

five (5) years, with the result that spending in FY 2021 would be approximately the same amount that was currently being paid to the DSWA. Mr. Koenig stated that the agreement would offer a rebate and set the gate charge at $85 per ton. The prescriptive rebate would be included on the City's bill that would be issued twice per year, on February 15th and August 15th for that year of tonnage. Mr. Koenig stated that in recent history, all of these agreements had come before Council for approval; however, he noted that the City does not have another place to take its waste in the State of Delaware, and it would not be desired to cross state lines with waste. He advised that the contract being presented was the same contract being offered to all municipalities in the State.

Staff recommended authorizing the City Manager to execute the proposed Differential Disposal Fee Agreement with the Delaware Solid Waste Authority (DSWA) to provide municipal solid waste disposal service for the City of Dover from July 1, 2016 through June 30, 2021 at the rates set forth in the agreement.

Mr. Blakeman moved to recommend approval of staff's recommendation, seconded by Mr. Neil and unanimously carried.

Quarterly Review of Utility Related Capital Investment Plan (CIP) (Electric and Water/Wastewater) (January, February, and March)

Mr. Scott Koenig, City Manager, reviewed the Quarterly Report for the Capital Investment Plan (CIP) as of March 31, 2016. He advised that this report was prepared by the Finance Department and summarizes the finances for each project identified in the CIP. In regard to Water/Wastewater Improvement & Extension Fund - Major CIP Projects, Mr. Koenig noted that a number of projects were listed as being in process, explaining that staff had been diligently working through the capital plan. He stated that construction timelines do not match budget timelines, and some project carry-forwards must be rebudgeted. Mr. Koenig advised that when project budget difficulties have occurred, staff came before Council to amend project budgets; however, projects were generally moving forward. He stated that staff had gravitated toward doing design features for water/sewer projects during the first year, with construction typically occurring the next year. Mr. Koenig indicated that this routine had been used, for example, for pump station upgrades. He noted that staff had been working for some time on the 1M gallon elevated storage tank location. Mr. Koenig reminded members that staff had proposed a location several years ago that met with public resistance. Since that time, staff had been negotiating a second site and had passed a Memorandum of Understanding (MOU) back and forth with a property owner for the better part of a year. Mr. Koenig stated that the attorneys had finished their reviews and it was believed that final closure of that location was close. He informed members that once a final MOU is signed, staff would come back before Council to discuss how that project would move forward. Mr. Koenig stated that this was the longest running project.

Mr. Koenig stated that the Garrison improvements had been constructed and were in place. Staff was working on project closeout documentation and final release of payments. A number of current projects were progressing with construction.

In regard to electric components of the CIP, Mr. Koenig advised that Mr. Harry Maloney, Electric Director, had completed the General Scott Switchgear project. The station was in operation and the project would be closed out this fiscal year. The Garrison Oak Transmission Line Relocation was

complete, as was construction of the Van Sant Capacity Increase, and project documentation would be closed out. Mr. Koenig stated that the Electric Department had done a very good job of working through the capital plan. He advised members that Mr. Maloney had staff in place so that design features could be completed in-house or externally, projects could move through the capital system to completion, and the assets could be put in operation.

Mr. Koenig stated that he was very happy with the work that had been done both on the Public Works side under the water/sewer utility and the electric side and believed that the City's customers could see the benefits of these systems being improved over time.

Updates

Green Energy Funding and Programming

Members reviewed details regarding Green Energy Funding and Programming, as of April 21, 2016.

National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit

Mr. Scott Koenig, City Manager, advised members that staff had been exchanging a document related to the Municipal Separate Storm Sewer Systems (MS4) Permit back and forth with the Department of Natural Resources and Control (DNREC) and it was expected to be finalized in the next 30-60 days. He noted that staff had been working on compliance issues over the last year to year-and-a-half. Mr. Koenig indicated that the City's Environmental Scientist, who was heading up this program, had left the City to work in the private sector and this position would be advertised shortly so that permit compliance can be resolved. Mr. Koenig stated that staff was starting to get all of the permit activities embedded into the operations of the Public Works Department and other departments that have influence on the permit. He felt that the City was moving toward compliance, noting that the FY 17 budget has many items that are cost drivers for the Public Works Department that are related to compliance, including monitoring and operational issues. Mr. Koenig informed members that the City was working through the system to achieve compliance at the DNREC level.

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

Meeting adjourned at 7:03 p.m.

LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

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

AGENDA ADDITIONS/DELETIONS

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

Mr. Hare welcomed Dr. Courtney Stewart, who previously served on the Utility Committee, as a new member of the Legislative, Finance, and Administration Committee.

Kent County Secondary Intensive Learning Center School Resource Officer (SRO) Memorandum of Agreement (MOA)

Police Chief Paul Bernat advised members that the City of Dover Police Department currently has a partnership with the Capital School District and has three (3) School Resource Officers (SROs), one (1) at Dover High School, one (1) at Central Middle School, and one (1) at Parkway Academy Central. The District pays $100,000 for the officers at Dover High School and Central Middle School and $60,000 for the SRO at Parkway Academy Central. He indicated that there is also a Gang Resistance Education and Awareness Training (GREAT) officer. Chief Bernat requested permission to enter into another agreement with the Kent County Secondary Intensive Learning Center (ILC) School for another SRO. He explained that he had met with Dr. Dan Shelton, Superintendent, Capital School District, and his staff and developed an agreement similar to the Parkway Academy Central agreement. Chief Bernat informed members that the Police Department is authorized 101 police officers and there would be a resignation effective June 30, 2016. He stated that he would like to remain at a strength of 101 officers, send a police officer to the Academy in September, and enter into this agreement with the Capital School District for FY 17, FY 18, and FY 19.

Staff recommended authorizing the Chief of Police to negotiate and sign the final Memorandum of Agreement (MOA) for the placement of a School Resource Officer (SRO) at the Kent County Secondary Intensive Learning Center site for the next three (3) years (FY 2017, FY 2018 and FY 2019).

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

Disposition of Excess Property - 29 South Governors Avenue and 749 West North Street

Mr. Scott Koenig, City Manager, informed members that the City had acquired several properties over the years through demolition of structures, subsequent levying of the demolition liens, and acquiring these properties through sheriff's sales. He indicated that 29 South Governors Avenue and 749 West North Street had been declared excess property by Council; however, in the declaration, Mr. Koenig was required to dispose of them using the standard method of disposition, which is typically the public bidding process. These properties were advertised for public bid last year and no offers were received. Mr. Koenig advised that staff was preparing to put these properties out for bid again; however, Mr. Michael Maupin, Managing Director, MauTiste Investment Group, submitted an unsolicited bid for these properties. Mr. Koenig stated that, Mr. William Pepper, Deputy City Solicitor, had indicated that it would not be a good idea for Mr. Koenig to act on this administratively and that he should bring this matter before Council for their recommendation on accepting the proposals. Mr. Koenig noted that the offered price for 29 South Governors Avenue was $8,000 and for 749 West North Street was $18,000, for a total of $26,000. Mr. Koenig stated that demolition and other related expenses had been identified, and if these offers were accepted the City would have to write off approximately $17,718.35 in loss; however, the properties would be put back into private sector hands. He advised that Mr. Maupin intended to develop the properties and, once developed, they would go back on the tax rolls. Mr. Koenig believed one (1) of the properties was located in the Downtown Development District (DDD), and depending on how they are redeveloped, the property that is not in the DDD would go back on the tax rolls immediately. The tax rebate guidelines for the DDD would apply to the other property in the DDD. Mr. Koenig

stated that, in general, these redevelopments would be positive for the City since there would be new structures, hopefully owner-occupied homes, and there would no longer be vacant pieces of land. He noted that currently the City was incurring cost to mow the grass and dispose of any debris.

Staff recommended authorizing the City Manager to accept the offers from MauTiste Investment Group in the amount of $8,000 for 29 South Governors Avenue and $18,000 for 749 West North Street and write-off the remaining expenses and charges in the combined amount of $17,718.35 for these properties.

Mr. Koenig advised that Mr. Maupin was present and had provided an updated letter, dated June 9, 2026, stating that the Mautiste Investment Group is prepared to extend the expiration date of their offer to purchase the properties ***(Attachment #1)***. Mr. Koenig noted that the previously provided letter had expired.

Mr. Shevock asked if the properties would remain exempt from taxes until a house is actually built. Responding, Mr. Koenig explained that the property at 749 West North Street is not in the DDD; therefore, the purchaser would have to pay FY 17 property taxes on the raw land and may be subject to additional taxes on improvements made in FY 17. He indicated that the property at 29 South Governors Avenue would potentially be in the DDD, and improvements made to the property would not necessarily go onto the tax rolls immediately since there is a roll-in period for new improvements. Mr. Koenig stated that the purchaser would most likely have to pay the land tax associated with this property, but if improvements are made in the near future, the roll-in for full property tax value of the land and structure would be in accordance with the district guidelines.

Mr. Shevock moved to recommend authorizing the City Manager to accept the offers from MauTiste Investment Group in the amount of $8,000 for 29 South Governors Avenue and $18,000 for 749 West North Street and write-off the remaining expenses and charges in the combined amount of $17,718.35 for these properties, as recommended by staff. The motion was seconded by Mr. Hutchison and unanimously carried.

Discussion - Tax Account Delinquency Listing

Mr. Scott Koenig, City Manager, reminded members that he had previously sent the Tax Account Delinquency Listing as of May 31, 2016 to members of Council and indicated that he would be willing to discuss placing the list on the City's website during a Committee meeting. He informed members that staff had previously posted this listing on the City of Dover website going back to 2011-2012; however, it had stopped being updated on the website. He stated that he would like to start posting the list on the website to encourage people to review it and become non-delinquent. Mr. Koenig noted that delinquencies on the list range from a few dollars because of late charges, etc., to thousands of dollars because people do not want to, or have not paid their taxes. He advised that staff was looking for the lowest cost way to get delinquent taxes collected and staff had done a good job in addressing this over the last couple of years. Mr. Koenig informed members that as of June 1, 2016, approximately $111,0000 in tax delinquency was due from all years. Mr. Koenig noted that the list included locations that are familiar to everyone, where payment has not been made for one (1) reason or another. He expressed the desire to minimize the amount of time needed for staff to reach out to these people to encourage them to make their accounts current.

Mr. Anderson expressed his opinion that there should be a $10 or $25 level in the list that screens delinquencies, stating that someone may think they are paid up and be suddenly put on a public list because they owe a small amount. He believed this is excessive and ridiculous. Mr. Anderson stated that something may be listed in error and did not wish to unnecessarily embarrass people for a small delinquency, such as $5.83. Responding, Mr. Koenig stated that he understood Mr. Anderson's point and Council could create a bar if they desired; however, he felt that any bar above zero (0) would have some outstanding balances on it. While in some cases these delinquencies were relatively minor, Mr. Koenig indicated that there are accounting issues that must be cleaned up whether the amount owed is $5.83, $50.83, or $500.83, and the City still has an obligation to collect it. He explained that Mr. William Pepper, Deputy City Solicitor, had advised that staff did not have the right to write-off penalties. Mr. Koenig stated that these parties had been notified that monies were due and still had not paid outstanding bills, so the City was incurring dollars to send notifications. He did not believe the City should be incurring those costs but should post the list to encourage people to look at it and pay all amounts owed.

Mr. Anderson stated that posting the list would not alleviate staff from having to do the other items. He felt that just because the list is posted did not mean that the party would see it. Mr. Anderson believed, at the very least, that the party would pay the penalty when they see it on their next property tax bill. In response, Mr. Koenig stated that this is potentially correct; however, the charge may carry forward and not be paid the next time. He indicated that he was looking for people to call their neighbors and friends to say that an amount is owed, which would mean more than the City asking them to pay the fee. Mr. Koenig noted that it is a time-consuming process for staff to call or send letters to people on a list, such as the current 14-page list, to inform them that they will not be bothered if they are below a $25 threshold and the fee will carry over to the next year. He felt that this would be time consuming and put staff at a greater disadvantage regarding why one (1) party is called versus another. Mr. Koenig reiterated that he wanted people to pay the fees because they are owed to the City.

Mr. Anderson questioned why the list would not just be flagged in the computer so that customers who come in to pay their electric, water, and sewer bill would be asked by Customer Service if they would like to pay any delinquent taxes owed. He felt this would be more effective in collecting the money. Responding, Mr. Koenig stated that this may be easier to do as the City upgrades to the Enterprise Resource Program (ERP). He had not examined the screen at Customer Service to see if there is a flag that pops up regarding taxes when someone pays their electric bill, so he was unsure if this was possible; however, he pointed out that this would be another step incurred at the administrative level and there would be a cost for this. Although he could not detail the cost at this time, he noted that it would equate to some dollar amount.

Mr. Slavin expressed confusion about why the City would want to coddle those who do not pay their bills on time. He stated that the City is compassionate when people face issues in paying for their utilities. This takes only one (1) conversation with the customer, and they are then accommodated by setting up any kind of payment plan that they need. Mr. Slavin felt that there were some people on the list that fall into this category; however, he did not believe that everyone did. He advised that there were names on the list that he and others in the room recognized as people of means in the community who had chosen not to pay their bills on time and have the City incur additional costs to have them paid. Mr. Slavin felt that 98% of the property owners pay their bills on time and 2%

require staff time to chase down. He felt it would be prudent to put the word out, noting that the list is a matter of public record that had already been included in a City Council meeting packet. Mr. Slavin stated that he supported what Mr. Koenig and Mr. Kirby Hudson, Assistant City Manager, had been trying to do on this matter and in regard to utility payments. He also supported the compassion customers had been shown by Customer Service agents in dealing with those who cannot pay on time.

Mr. Cole agreed with Mr. Slavin. Referring to Mr. Koenig's comment that the delinquency list had been posted in the past, Mr. Cole questioned why this was discontinued. Responding, Mr. Koenig stated that he was unsure. He advised that at one time there was a link to the list on the home page of the website. Mr. Koenig noted that if a list is posted on July 1st, when the tax bills go out, the list has hundreds of pages, so it would not be appropriate to post it at that time. He thought perhaps that staff stopped posting it at the end of a fiscal year and, for some reason, it did not get posted as it became a truly delinquent list.

Mr. Hare asked if the City is able to issue business licenses for those with delinquent taxes. Responding, Mr. Koenig advised that controls have been put in place for business licenses, building permits, and development applications to invoke clean hands. He stated that all departments are aware of the Clean Hands Ordinance. Mr. Koenig indicated that he could not say that staff takes advantage of every opportunity with respect to the Ordinance; however, this issue is sometimes caught by the Planning Department, Customer Service, and City Manager's Office. He stated that as the City potentially replaces its financial systems, it will probably become easier to catch these issues, noting that currently it is sometimes necessary to go into multiple screens to find out what is owed.

Mr. Hare stated that some of the delinquencies are quite large and are known businesses, and they should be made note of when it is time to renew licenses.

Mr. Koenig stated that staff had worked on whittling down the delinquency listing and the backlog at Customer Service. He advised members that when August 31st arrives and FY 17 is delinquent, he would ideally like to send out a very direct Clean Hands letter saying that if a party does not pay soon, the City reserves the right to cut their power. Mr. Koenig noted that this would not be customer friendly and he was trying to balance reality with getting the bills paid. He indicated that it would be difficult to send this letter out because it could affect business operations. Mr. Koenig explained that, in some cases, people have triple net leases where the property owner may have had to pay the property tax, is waiting for a business to pay him, and everyone is pointing their finger at someone else. He felt that as this message gets stronger to the residential and business communities, people will pay on time and staff will not have to send additional letters because people will know that if they do not pay on time and keep current, they will be subject to disconnection. Mr. Koenig stated that some businesses do not mind accruing a late penalty and do not provide an explanation as to why they are not offended by the late penalty accruing. He advised that they hold the money and pay the tax when it is convenient for them or when the City threatens a sheriff's sale or gets into the issue of Clean Hands.

Whatcoat Village Revitalization Payment-in-Lieu of Taxes (PILOT)

Mr. Scott Koenig, City Manager, advised members that Whatcoat Community Development, Inc. had proposed the revitalization of Whatcoat Village, 992 Whatcoat Village Drive. Mr. Koenig referred to the draft Payment in Lieu of Taxes (PILOT) agreement between the City of Dover and Whatcoat Community Development, Inc., explaining that this was very similar to a previous discussion regarding the revitalization of the Walker Woods development by the Milford Housing Development Corporation. Mr. Koenig explained that the owner of Whatcoat Village Apartments had applied for tax exemption through the City of Dover Board of Assessment Appeals, which was approved because of the 501(c)(3) designation and their history of qualifying for this designation. He advised that Whatcoat Community Development, Inc. wanted to be a good neighbor and had offered a PILOT agreement. This agreement was similar to the Milford Housing Development Corporation agreement that was executed for the redevelopment of Walker Woods and was prepared by the same attorney. Mr. Koenig indicated that the City Manager's Office was supportive of the proposed agreement, noting that he would like to discuss minor adjustments to the agreement with the attorney in order to finalize it. He noted that the Walker Woods agreement had a small escalator that was not included in this draft agreement. Mr. Koenig advised that in the case of Walker Woods, Council reviewed the draft agreement and turned it over to Mr. Koenig to finalize, and it was placed on file with the City Clerk's and Tax Assessor's Offices. He noted that the proposed agreement is different from Walker Woods where the City released a road right-of-way. In this instance there would not be the same release of property.

Staff recommended authorizing the City Manager to negotiate and execute a final agreement with Whatcoat Community Development, Inc. regarding a proposed PILOT agreement for Whatcoat Village located at 992 Whatcoat Village Drive.

Mr. Hutchison asked if a strong management program would be in place to oversee operations on a day-to-day basis. Responding, Ms. Vandana Sareen, Vice President of Development, Michaels Development Company, stated that Mr. William Hill was serving as Chairman of the Whatcoat Community Development, Inc. board. Ms. Sareen indicated that they were working together as partners to redevelop the 78-unit project. She explained that Interstate Realty Management would be the management agent and management was available onsite. In response to Mr. Hutchison as to whether they had experience, Ms. Sareen stated that the community was developed approximately 35 years ago and there had been no capital improvements at the property since. Ten years ago, Interstate Realty Management, which is an arm of the Michaels Development Company, was hired by Whatcoat Community Development, Inc. to perform management. They had now received some funding to help bring the units to current market standards and improve the physical assets of the property. Ms. Sareen stated that a lot of upgrades would be done; however, affordable housing tenants would still be targeted and the population served would be similar to the current population.

Mr. Sudler moved to recommend authorizing the City Manager to negotiate and execute a final agreement with Whatcoat Community Development, Inc. regarding a proposed PILOT agreement for Whatcoat Village located at 992 Whatcoat Village Drive, as recommended by staff. The motion was seconded by Mr. Anderson and unanimously carried.

Mr. Anderson thanked Whatcoat Community Development, Inc. for entering into this agreement and hoped that others would do the same.

Evaluation of Requests for Proposals

Collection Agency Services

Mr. Kirby Hudson, Assistant City Manager, informed members that on May 22, 2003, the City entered into a contract with Capital Credit Services, which was subsequently acquired by First Collect, which came to fruition on September 1, 2014. He stated that a number of City customers had accounts that were at or above $90,000, and First Collect was having a difficult time collecting because many parties were moving out of the general area where the collections agency was licensed to pursue them. Mr. Hudson stated that it became paramount to engage an agency that could collect in all 50 states, noting that Dover is a transient area with many military and college students. Mr. Hudson indicated that the contract with First Collect does not have an expiration date; however, there is a stipulation that either party can submit a 30-day letter to be released from the contract. Mr. Hudson advised members that staff was recommending removing the current collection agency and moving on to a new agency based on a Request for Proposals (RFP) that was issued several months ago.

Members were provided a document entitled "City of Dover Collection Agency Services Contract, RFP Number 16-0033CM" ***(Attachment #2)*** and Mr. Hudson reviewed the Decision Scale regarding RFP submissions. Members were advised that candidates chosen were licensed and authorized to collect in all fifty (50) states; provide skip tracing, scrubs, and credit bureau reporting. The three (3) major credit reporting agencies are Experian, Trans Union, and Equifax. The importance of these factors are directly related to the City of Dover's ability to collect military accounts as well as other transient accounts. All companies listed offer services similar in nature and are comparable in terms of auto dialer and times calls, paper correspondence, and consumer dispute resolution. Each company has provided a Collectors Code of Ethics and regulatory requirements for Federal, State, and Local Guidelines; to include Fair Debt Collection Practices Act (FDCPA) and Fair Credit Reporting Act (FCRA).

Mr. Hudson indicated that of the eight (8) proposals received, three (3) companies were considered to be the top candidates: SIMM Associates, Inc., Penn Credit Corporation, and Progressive Financial. Based on the criteria (10-point scale), SIMM Associates, Inc., provided positive scoring in all areas except minority business. If positive negotiations were to fail, it was recommended that Penn Credit be considered.

Mr. Hudson pointed out that there was an error in the Recommended Action section of the Committee Action Form previously provided. He explained that, although it had been indicated that "Fees are based on a percentage of revenue collected," this was incorrect and the City would pay nothing for collection services. He explained that currently anyone who goes to collections with First Credit must pay a 35% contingency fee; therefore, 35% is tacked on to whatever they owe the City. Mr. Hudson advised that SIMM Associates, Inc., would have a 20% fee. For example, if a customer owed the City $100, the total fee would be $120, with the City receiving $100 and SIMM Associates keeping $20. SIMM Associates would not be paid unless they collect, and if they collect they would add their 20% and the service would be free to the City.

Mr. Hudson stated that staff recommended authorization to negotiate and sign a final, three (3) year agreement with SIMM Associates, Inc. He noted that this would remove First Credit.

Mr. Shevock recused himself from voting on this matter for personal reasons.

Members were provided a Trial Balance Report prepared May 31, 2016 ***(Attachment #3)***. Mr. Hudson noted that Line 21 reflected balances over 30, 60 and 90 days for residential energy. He advised that this was highlighted to indicate the amount of funds owed for electric bills; however, a new collection agency would pursue all amounts listed in the report.

In response to Mr. Hare, Mr. Hudson indicated that SIMM Associates, Inc. would also be collecting delinquent tax bills.

Mr. Sudler moved to recommend authorizing staff to negotiate and sign a final three (3) year agreement with SIMM Associates, Inc. The motion was seconded by Mr. Hutchison and unanimously carried, with Mr. Shevock abstaining.

Heating, Ventilation, and Air Conditioning (HVAC) Maintenance and Repair

Mr. Scott Koenig, City Manager, advised members that proposals were solicited and advertised according to City policy by the City's Contract and Procurement Manager under RFP #16-0040PW for Heating, Ventilation, and Air Conditioning (HVAC) Maintenance and Repair. Submissions were received from four (4) contractors. One (1) was deemed non-responsive and the other three (3) were evaluated by cost and performance. Based on that evaluation, staff recommended awarding a contract to A. A. Duckett, Inc., which would include four (4) quarterly preventative maintenance services, as well annual preventative maintenance services for each of the units. Mr. Koenig stated that standby and emergency rates were also incorporated into the proposal.

Staff recommended awarding a three (3) year contract with the option for two (2) one (1) year extensions to A.A. Duckett, Inc. as per the proposal submitted in response to RFP #16-0040PW.

Mr. Hare noted that the rates between John Hiott Refrigeration and Air Conditioning, Inc., and A. A. Duckett, Inc. were very close. Responding, Mr. Koenig stated that there was a slight difference in the tech rate; however, the after hours and general labor rates were very similar. Mr. Hare questioned why a company from New Jersey was selected rather than a company from Wyoming, Delaware. Responding, Mr. Koenig explained that staff was interested in overall performance and liked the discussion about safety records that A. A. Duckett provided, noting that HVAC services had been a challenge for staff. He stated that staff preferred this company because they have a good performance record in the documentation submitted.

Mr. Hare asked if A. A. Duckett had a facility in Delaware, and Mr. Koenig responded that they did not and were being dispatched out of New Jersey; however, he was unsure where their staff actually lives and if they take their trucks home at night. He advised that they had stated they could meet the City's standards to be here in the time frames identified in the RFP, and if they do not they would be called out on non-performance, as stated in the contract.

Mr. Neil moved to recommend awarding a three (3) year contract with the option for two (2) one (1) year extensions to A.A. Duckett, Inc. as per the proposal submitted in response to RFP #16-0040PW, as recommended by staff. The motion was seconded by Mr. Sudler and carried with Mr. Anderson voting no.

Recommendation of General Employee Pension Board - Consideration of a Retiree Cost of Living Allowance (COLA)

Mr. Lester Blakeman, 209 Falmouth Way, advised members that he is a member of the Civilian Pension Board and a pensioner. Members were provided handouts by Mr. Blakeman, as follows: 1) Exhibit A - COLA History, and 2) Exhibit B1 - Breakdown of Monthly Pension Payments and B2 - Pension List 2008 ***(Attachment #4)***. Mr. Blakeman stated that the COLA History listed the cost of living increases that had been granted to retirees in the General Employee Pension Plan. He informed members that it had been 10 years since a COLA had been addressed, which he felt was a long time. Mr. Blakeman understood that there was nothing in the pension plan that guarantees a cost of living increase for these pensioners, and these employees knew this when they retired; however, he noted that in the past the City had acknowledged from time to time that retirees may need a little help surviving. He explained that Exhibit B1 listed pension checks written through January 15, 2008, when this matter was last reviewed. He noted that the individuals in the first column were making less than $1,000 per month. Mr. Blakeman stated that more than half the individuals in the second column were making less than $2,000 per month and the primary amount in the third column was approximately $2,000. He felt that the last three (3) individuals were doing okay. Mr. Blakeman indicated that he had previously suggested granting raises to sections of the pensioners and was told that this would not be allowed and an increase of any kind must be applied to all pensioners. He explained that he would be glad not to receive an increase if some of those on the lower end of the scale could be helped. Reiterating that a COLA had not been discussed for 10 years, Mr. Blakeman stated that this used to be an annual discussion. He requested that reviewing the need for or the ability to provide a COLA for pensioners in the General Employee Pension Plan be included on a future agenda. Mr. Blakeman advised that these were the people who built the City and gave hundreds or thousands of years of combined service to the City, and he felt it might be appropriate to give them some help from time to time. He stated that if this goes unnoticed year after year, nothing would happen and suggested it could be agreed to at least review this every year as part of the budget process. Mr. Blakeman indicated that he did not expect anything to happen this year, stating his understanding that the budget was set. He stated that if pension payments were $3,863,000, a 1% increase would cost $38,000, a 2% increase would cost $77,000, a 3% increase would cost $115,000, a 4% increase would cost $154,000, and a 5% increase would cost $193,000.

Mr. Slavin questioned if Mr. Blakeman's figures were calculated on a one (1) time annual basis. Responding, Mr. Blakeman stated that the figures that he provided were the cost for the year of the increase and would be the carry-forward amount until additional action was taken. He noted that the history provided showed that a variety of approaches had been taken in regard to increases.

Mr. Blakeman thanked Mr. Anderson and others for getting him to the point to talk to members today, stating that this had been a long, uphill battle.

In response to Mr. Neil, Mr. Blakeman stated that pensioners were also collecting Social Security. Mr. Blakeman stated that employees were told when they signed up for the plan that they should not count on the City's contribution as their sole source of retirement income and the plan would be in conjunction with Social Security. He estimated Social Security payment at approximately one-third of the amount that employees receive from their City pension, noting that COLAs from Social Security had been scarce.

Mr. Neil stated that he would favor considering this in the future. Mr. Blakeman indicated that this was all he was asking, noting that pensioners feel like lost sheep because they are not being talked about but are set aside and ignored. He reiterated the desire to at least be considered.

Mr. Shevock questioned the amounts that employees were making per month, for example, the individual who was receiving $200 per month and $2,400 per year. Responding, Mr. Blakeman indicated that $200 was probably a minimum pension amount. He stated that this employee could have been making $4,000 per year or less. Mr. Blakeman advised that the City's defined benefit plan allowed employees to set their own pensions. He indicated that employees received 2% for every year they worked and the amount was based on their average salary during their last three (3) years. An employee who worked 10 years would receive 20% of their salary, an employee who worked 20 years would receive 40%, and an employee who worked 50 years would receive 100% of their salary.

Proposed Ordinance #2016-16 Amending Chapter 22 - Building and Building Regulations; Chapter 26 - Businesses; Chapter 50 - Floods; Chapter 66 - Manufactured Homes and Trailers; Chapter 102 - Taxation; Chapter 106 - Traffic and Vehicles; Chapter 110 - Utilities; Appendix B - Zoning, Articles 2, 3, 4, 5, 6, 7, and 12; and Appendix F- Fees and Fines (Sponsors: Neil, Slavin, and Cole)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, informed members that Proposed Ordinance #2016-16 had required a very comprehensive review and update to the Dover Code including any section referencing manufactured homes or mobile homes. She explained that the Mobile Home Park Zone would by changed to the Manufactured Home Zone, and it was made clear that manufactured homes that meet that Department of Housing and Urban Development (HUD) standard are the type of homes that are allowed. Mrs. Townshend stated that this would ensure that nothing that does not meet those standards would be permitted in the City; however, language would be left to ensure that homes that already exist could still obtain licenses. In addition, where the current Code references mobile home parks, the terminology had been changed to land lease communities, and basic standards for maintenance and licensing of land lease communities had been developed. Mrs. Townshend explained that much of the language involved the zoning section of the Code, as well as the licensing section for manufactured homes. She noted that staff did a sweep of the entire Code and reviewed any section that referenced the terms manufactured home, mobile home, or trailer to make sure the text was consistent with current terminology.

Councilman Neil read a prepared statement, as follows:

> Monday night, we heard Chief Carey mention the fire at the Grandview mobile home community that damaged or destroyed 3 houses. Several years ago before I was elected to this august body, Councilman Hare, then Councilman Perza and I toured several leased land communities, one of those was Grandview... which isn't grand at all.
>
> The potholes, contrary to State Law and the City code, were deep enough to serve as swimming pools for kids.
>
> I have sent each of you copies of the arbitrators decision in the Wild Meadows case in which the arbitrator said . . . "In all, I am left asking myself: If the City of Dover

had not issued the Violation Letter, would the Landlord have ever fixed the community's problems? The record before me indicates No . . . ."

Wild Meadows is located on wetlands, the community owner was required to sign a topography map. Deep fissures or sinkholes were clustered around failing drains. Streets the City would build to last for 20 to 30 years, are going bad after 12.

Today, I sent to you the Saga of the Gas Cut-off. The problem is, for the same services we provide, the values of homes drop, and we collect less tax money.

The State of Delaware has laws that it can't or does not enforce. The low income and limited income home owners are held at the mercy of the landlord because Leased Land communities are not "Free Enterprise" businesses. In the past, the Wild Meadows Home Owners Association had to request the City to make management cut down a tree branch that blocked a stop sign.

While this ordinance can't cure all of the ills in the leased land arena, this will mark the first in the State to hold community owners accountable for health and safety violations of the law, or face the loss of their license to operate.

Mr. Neil moved to recommend adoption of Proposed Ordinance #2016-16, seconded by Mr. Hutchison and unanimously carried.

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

Meeting adjourned at 7:55 p.m.

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

Meeting adjourned at 7:56 p.m.

Timothy A. Slavin
Council President

TAS/TM/js/dd
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Attachments

Attachment #1 - Correspondence from Mr. Michael Maupin, MauTiste Investment Group, dated June 9, 2016 - Extension of offer to Purchase 29 South Governors Avenue and 749 West North Street

Attachment #2 - Information provided by Mr. Kirby Hudson, Assistant City Manager, regarding "City of Dover Collection Agency Services Contract, RFP Number 16-0033CM"

Attachment #3 - Trial Balance Report prepared May 31, 2016

Attachment #4 - Documents provided by Mr. Lester Blakeman - Exhibit A - COLA History, Exhibit B1 - Breakdown of Monthly Pension Payments, and Exhibit B2 - Pension List 2008

MAUTISTE INVESTMENT GROUP
IMPROVING YOUR PIECE OF THE WORLD

June 9, 2016

City of Dover
Division of Purchasing
710 William Street
Dover, DE 19904

Attention Procurement Manager:

MauTiste Investment Group (MIG) is prepared to extend the expiration date of our offer to purchase the parcels listed in the enclosed letter to the City of Dover dated April 12, 2016. After a better understanding of the approval process, we are pleased to allow the City of Dover the necessary time to fully consider the benefits of MIG developing 3 additional homes for sale in the city this year.

The expiration date of our offer is extended to July 15, 2016.

Sincerely,

Michael Maupin

Michael Maupin
Managing Director
MauTiste Investment Group

MAUTISTE INVESTMENT GROUP
IMPROVING YOUR PIECE OF THE WORLD

April 12, 2016

City of Dover
Division of Purchasing
710 William Street
Dover, DE 19904

Attention Procurement Manager:

MauTiste Investment Group, a Delaware Limited Liability Company and NCALL Loan Fund, Inc., a Delaware Non-Profit Community Development Financial Institution, are working together to development home ownership opportunities in Dover. MauTiste is offering to purchase and develop two parcels **(Listed Below)** owned by the City of Dover. NCALL Loan Fund Inc. will be our funding partner. It is our plan to acquire and immediately develop these parcels for sale. The terms and conditions for the sale of these parcels are specified in the City of Dover's RFP dated August 1, 2015. MauTiste is prepared to enter into an agreement of sale within two weeks after our offer is accepted.

Offer Sheet

No. 16-0008CM; 29 South Governors Avenue $8,000

No. 16-0004CM; 749 West North Street $18,000

Total Offer- $26,000

This offer will expire in 15 days or on April 29, 2016.

Sincerely,

Michael Maupin
Managing Director
MauTiste Investment Group

City of Dover

Collection Agency Services Contract

RFP Number 16-0033CM

Collection Agency Services Contract
RFP Number 16-0033CM
Decision Scale

	Location	Number of Years in Business	Delaware location preference as specified in RFP.	Minority business preference as specified in the RFP.	Are they licensed to collect in all 50 states?	Do they currently have clients in Delaware?	Can accept CSV and excel files and offers client portals.	Willing to offer Training?	Fee is negotiable	What is the contingency rate?	Eliminated ?	Rank
SIMM Associates, Inc.	Delaware	24	x		x	x	x	x	x	20%		1
NRA Group, LLC	Pennsylvania	30		x		x	x	x	x	24%	x	
Penn Credit Corporation	Pennsylvania	27			x	x	x	x	x	20.5%		2
Progressive Financial	Pennsylvania	30			x	x	x	x		23%		3
Creditech, Inc.	Pennsylvania	80			x		x			18%	x	
The Affiliated Group, Inc.	Minnesota	90			x	x	x			19%	x	
Contract Callers, Inc.	Pennsylvania	89					x			24%	x	
Municipal Services Bureau	Texas	24					x			25%	x	

- All companies listed offer services similar in nature and are comparable in terms of auto dialer and timed calls, paper correspondence, consumer dispute resolution, credit bureau reporting, office hours, and client location services. Each company has provided a Collectors Code of Ethics and regulatory requirements for Federal, State, and Local Guidelines; to include FDCPA and FCRA.

PREPARED 5/31/16, 22:10:32 TRIAL BALANCE PAGE 11649
PROGRAM UT425L
CITY OF DOVER

	RCV CODE	DESCRIPTION	CURRENT	OVER 30	OVER 60	OVER 90	TOTAL
* FINAL TOTALS *	IM	CTY SEWER IMPACT FEE	.00	.00	.00	13,672.50	13,672.50
	WO	TR EL W/O TO ACT ACC	.00	.00	.00	34.20	34.20
	01	WATER SERVICE	230,558.95	23,415.98	3,821.24	34,547.14	292,343.31
	02	WASTEWATER SERVICE	133,722.32	13,080.66	3,557.53	28,848.45	179,208.96
	03	KENT CTY SEWER ADJ	102,883.06	10,331.78	2,908.35	24,037.69	140,160.88
	04	GROUNDWATER ADJ	65,872.79	6,835.40	1,931.71	10,169.10	84,809.00
	13	MISC WATER/SEWER	100.00	100.00	.00	235.00	435.00
	14	SEWER PENALTY	280.28	249.82	115.92	989.35	1,635.37
	15	KCSA PENALTY	212.78	204.34	108.39	976.57	1,502.08
	17	BULK TRASH	275.00	.00	.00	25.00	300.00
	18	RESIDENTIAL TRASH	78,053.99	6,244.23	699.62	16,682.29	101,680.13
	19	COMMERCIAL TRASH	13,930.46	1,149.09	34.00	579.17	15,692.72
	21	RESIDENTIAL ENERGY	899,103.15	103,241.56	14,762.50	539,554.92	1,556,662.13
	22	COMM UTIL TAX 2.00%	141.02	.00	.00	9.38	150.40
	24	COMM UTIL TAX 4.25%	24,080.04	1,299.17	74.47	3,113.46	28,567.14
	26	COMM OUTDOOR LGHTNG	27,847.70	845.28	.00	782.02	29,475.00
	28	RES OUTDOOR LGHTNG	3,055.14	242.31	62.70	919.97	4,280.12
	31	COMMERCIAL ENERGY	824,755.99	46,016.73	3,075.20	86,452.59	960,300.51
	32	PRIMARY ENERGY	1,061,659.72	28,821.15	2,007.42	46,920.91	1,139,409.20
	36	PRIMARY ENERGY ADJ	.00	.00	.00	7,293.11	7,293.11
	39	MISC ELECTRIC REV	15,549.72	116.17	4.16	4,126.96	19,797.01
	40	DOVER AFB	325,527.93	97,072.27	.00	.00	422,600.20
	42	KRAFT	261,221.30	.00	.00	.00	261,221.30
	44	PROCTER & GAMBLE	81,562.50	.00	.00	.00	81,562.50
	46	PRIMARY UT TAX 2.00%	6,031.02	176.50	217.62	1,832.89	8,258.03
	47	PRIMARY UT TAX 4.25%	19,193.32	.00	.00	.00	19,193.32
	48	TRANS UT TAX 2.00%	7,624.10	4,484.33	.00	.00	12,108.43
	50	ELECTRIC PENALTY	3,324.51	2,151.48	323.16	18,961.66	24,760.81
	51	WATER PENALTY	313.88	287.60	109.83	1,211.93	1,923.24
	52	ELECT RET CHECK FEE	1,237.40	576.63	80.00	4,061.55	5,955.58
	53	ELECTRIC SERVICE CHG	7,307.57	4,198.14	604.52	22,474.23	34,584.46
	60	BILLED DEPOSIT	9,661.14	1,642.77	6.52	.00	11,310.43
	70	FIRST STATE POWER	31,660.95	.00	.00	.00	31,660.95
	72	WHITE OAK SOLAR	6,862.89	.00	.00	.00	6,862.89
	80	INTERNET SERVICE	.00	.00	.00	79.50	79.50
	81	GRASS CUTTING	.00	.00	.00	90.00	90.00
	85	POLICE FINES	2,800.00	.00	.00	.00	2,800.00
	91	CURBSIDE RECYCLE	30.00	.00	.00	.00	30.00
	96	GREEN ENERGY ADJ	6,047.78	1,741.29	56.70	1,048.90	8,894.67
		* TOTAL	4,252,488.40	354,524.68	34,561.56	869,730.44	5,511,305.08
					LESS CREDIT BALANCES		393,237.13-
					NET TOTAL		5,118,067.95

* FINAL STATUS TOTALS * STATUS	DEBIT BALANCES	/ ACCOUNTS	CREDIT BALANCES	/ ACCOUNTS	NET BALANCES	/ ACCOUNTS	TOTAL ACCOUNTS WITH 0 BALANCES
A ACTIVE	4,599,133.81	12,890	228,328.22-	1,449	4,370,805.59	24,336	9,997

RCV CODE	DESCRIPTION	CURRENT	OVER 30	OVER 60	OVER 90	TOTAL

* FINAL STATUS TOTALS * STATUS	DEBIT BALANCES	DEBIT ACCOUNTS	CREDIT BALANCES	CREDIT ACCOUNTS	NET BALANCES	NET ACCOUNTS	TOTAL ACCOUNTS WITH 0 BALANCES
C COLLECTION	822,996.96	2,676	13,104.18-	31	809,892.78	3,589	882
F FINALLED	74,533.74	521	151,232.70-	625	76,698.96-	99,943	98,797
I INACTIVE	.00	0	.00	0	.00	8	8
N TERMINATED, NONPAY	.00	0	.00	0	.00	17	17
T TERMINATED	14,630.77	104	572.03-	11	14,058.74	213	98
W WRITE OFF	9.80	1	.00	0	9.80	3,582	3,581
TOTALS	5,511,305.08	16,192	393,237.13-	2,116	5,118,067.95	131,688	113,380

A

COLA History

January 1, 1983	less than 3 years 3 to 15 years more than 15 years	0% 5.7% 10.5%
July1, 1986	all retirees	2%
July 1, 1988	all retirees prior to 6/30/88	5%
July 1, 1989	all retirees prior to 6/30/89	2%
1993	$60/year - max $600 based on years of service	0%
July 1, 1996	years of service & pension amount - minimum $100	
July 1, 2000	all retirees $20 per month - increase minimum monthly amount to $200	
July 1, 2002	all retirees prior to December 31, 2000	2%
July 1, 2003	all retirees	1.5%
July 1, 2005	all retirees prior to December 31, 2004	2%
June 26, 2006	all retirees prior to January 1, 2006	1%
July 2007	None - $75,00 set aside for July 2008	

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BREAKDOWN OF MONTHLY PENSION PAYMENTS (Retiree Payment as of January 15, 2008)

Civilian Pension Plan

	$999		$1,000 $1,999		$2,000 $2,999		$3,000 $3,999		$4,000 $4,999	
	Month	Year	Month	Year	Month	Year	Month	Year	Month	Year
1	$200.00	$2,400.00	$1,002.06	$12,024.72	$2,181.21	$26,174.52	$3,090.78	$37,089.36	$4,212.04	$50,544.52
2	$217.59	$2,611.08	$1,005.20	$12,062.40	$2,182.21	$26,186.52			$4,551.87	$54,622.44
3	$217.59	$2,611.08	$1,026.48	$12,317.76	$2,183.21	$26,198.52				
4	$217.59	$2,611.08	$1,051.56	$12,618.96	$2,184.21	$26,210.52				
5	$217.59	$2,611.08	$1,055.58	$12,666.96	$2,185.21	$26,222.52				
6	$217.59	$2,611.08	$1,066.61	$12,799.32	$2,186.21	$26,234.52				
7	$217.59	$2,611.08	$1,073.00	$12,876.00	$2,187.21	$26,246.52				
8	$223.84	$2,686.08	$1,111.05	$13,332.60	$2,188.21	$26,258.52				
9	$225.91	$2,710.92	$1,121.94	$13,463.28	$2,189.21	$26,270.52				
10	$226.37	$2,716.44	$1,130.60	$13,567.20	$2,190.21	$26,282.52				
11	$270.11	$3,241.32	$1,132.09	$13,585.08	$2,191.21	$26,294.52				
12	$272.45	$3,269.40	$1,142.54	$13,710.48	$2,192.21	$26,306.52				
13	$276.21	$3,314.52	$1,149.11	$13,789.32	$2,193.21	$26,318.52				
14	$293.06	$3,516.72	$1,153.62	$13,843.44	$2,194.21	$26,330.52				
15	$314.79	$3,777.48	$1,162.32	$13,947.84	$2,195.21	$26,342.52				
16	$321.01	$3,852.12	$1,166.43	$13,997.16	$2,196.21	$26,354.52				
17	$328.71	$3,944.52	$1,172.18	$14,066.16	$2,197.21	$26,366.52				
18	$332.04	$3,984.48	$1,198.80	$14,385.60	$2,198.21	$26,378.52				
19	$347.81	$4,173.72	$1,221.72	$14,660.64	$2,199.21	$26,390.52				
20	$368.14	$4,417.68	$1,266.52	$15,201.84	$2,200.21	$26,402.52				
21	$368.99	$4,427.88	$1,272.39	$15,268.68	$2,201.21	$26,414.52				
22	$396.50	$4,758.00	$1,297.40	$15,568.80	$2,202.21	$26,426.52				
23	$416.76	$5,001.12	$1,299.32	$15,591.84	$2,203.21	$26,438.52				
24	$426.75	$5,121.00	$1,331.62	$15,979.44	$2,204.21	$26,450.52				
25	$428.00	$5,136.00	$1,349.75	$16,197.00	$2,205.21	$26,462.52				
26	$428.13	$5,137.56	$1,365.80	$16,389.60	$2,206.21	$26,474.52				
27	$428.48	$5,141.76	$1,368.88	$16,426.56	$2,207.21	$26,486.52				
28	$448.02	$5,376.24	$1,378.78	$16,545.36	$2,208.21	$26,498.52				
29	$459.44	$5,513.28	$1,379.04	$16,548.48	$2,209.21	$26,510.52				
30	$481.35	$5,776.20	$1,386.25	$16,635.00	$2,210.21	$26,522.52				
31	$506.45	$6,077.40	$1,443.68	$17,324.16	$2,211.21	$26,534.52				
32	$508.01	$6,096.12	$1,463.89	$17,566.68	$2,212.21	$26,546.52				
33	$510.16	$6,121.92	$1,475.60	$17,707.20	$2,213.21	$26,558.52				
34	$513.48	$6,161.76	$1,476.79	$17,721.48						
35	$518.80	$6,225.60	$1,497.18	$17,966.16						
36	$549.85	$6,596.20	$1,514.28	$18,171.36						
37	$574.39	$6,892.68	$1,553.00	$18,636.00						
38	$586.79	$7,041.48	$1,560.00	$18,720.00						
39	$589.59	$7,075.08	$1,562.24	$18,746.88						
40	$590.65	$7,087.80	$1,576.10	$18,913.20						
41	$594.79	$7,137.48	$1,579.57	$18,954.84						
42	$600.64	$7,207.68	$1,603.91	$19,246.92						
43	$608.99	$7,307.88	$1,645.64	$19,747.68						
44	$618.73	$7,424.76	$1,656.74	$19,880.88						
45	$643.25	$7,719.00	$1,657.93	$19,895.16						
46	$685.08	$8,220.96	$1,675.09	$20,101.08						
47	$708.19	$8,498.28	$1,700.89	$20,410.68						
48	$715.09	$8,581.08	$1,731.62	$20,779.44						
49	$718.66	$8,623.92	$1,736.19	$20,834.28						
50	$727.08	$8,724.96	$1,752.17	$21,026.04						
51	$739.01	$8,868.12	$1,786.69	$21,440.28						
52	$739.48	$8,873.76	$1,816.03	$21,792.36						
53	$743.81	$8,925.72	$1,829.05	$21,948.60						
54	$751.64	$9,019.68	$1,849.02	$22,188.24						
55	$753.26	$9,039.12	$1,860.54	$22,326.48						
56	$771.09	$9,253.08	$1,865.02	$22,380.24						
57	$777.70	$9,332.40	$1,873.23	$22,478.76						
58	$779.58	$9,354.96	$1,877.84	$22,534.08						
59	$785.98	$9,431.76	$1,881.24	$22,574.88						
60	$797.59	$9,571.08	$1,894.79	$22,737.48						
61	$800.70	$9,608.40	$1,903.91	$22,846.92						
62	$824.51	$9,894.12	$1,957.26	$23,487.12						
63	$840.68	$10,088.16								
64	$846.63	$10,159.56								
65	$865.40	$10,384.80								
66	$869.30	$10,431.60								
67	$885.37	$10,624.44								
68	$887.54	$10,650.48								
69	$892.48	$10,709.76								
70	$911.86	$10,942.32								
71	$917.25	$11,007.00								
72	$979.19	$11,750.28								
73	$979.58	$11,754.96								
74	$999.80	$11,997.60								

172 total

43% 36% 18% 1% 1%

79%

136

$31,200 = $15.00 hour

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Sheet2

Pension list 2008 –				
Retired on		Monthly Payment		Annual Payment
07/14/15		$425.13		$5,101.56
11/11/12		$669.29		$8,031.48
06/20/14		$683.46		$8,201.52
08/31/11		$742.61		$8,911.32
04/01/13		$822.00		$9,864.00
02/18/12		$823.37		$9,880.44
06/30/12		$897.16		$10,765.92
05/11/13		$901.52		$10,818.24
9 01/03/08		$979.19		$11,750.28
09/19/09		$1,188.40		$14,260.80
11/01/09		$1,198.10		$14,377.20
05/28/10		$1,282.48		$15,389.76
05/11/13		$1,337.07		$16,044.84
07/08/09		$1,383.40		$16,600.80
05/18/13		$1,462.71		$17,552.52
09/29/12		$1,508.12		$18,097.44
11/21/09		$1,608.06		$19,296.72
05/25/13		$1,616.89		$19,402.68
10/06/14		$1,714.28		$20,571.36
01/03/12		$1,755.85		$21,070.20
06/30/12		$1,778.09		$21,337.08
01/28/10		$1,781.69		$21,380.28
06/24/11		$1,837.87		$22,054.44
05/22/12		$1,846.84		$22,162.08
06/25/10		$1,854.47		$22,253.64
05/30/12		$1,866.15		$22,393.80
11/17/12		$1,886.44		$22,637.28
01/28/12		$1,917.31		$23,007.72
08/01/09		$1,937.52		$23,250.24
10/11/09		$1,974.60		$23,695.20
02/01/08		$1,978.44		$23,741.28
23 05/31/13		$1,998.78		$23,985.36
03/29/08		$2,018.84		$24,226.08
01/19/13		$2,032.43		$24,389.16
08/06/09		$2,046.68		$24,560.16
05/25/13		$2,095.60		$25,147.20
01/02/10		$2,107.25		$25,287.00
08/29/09		$2,205.80		$26,469.60
09/26/09		$2,209.90		$26,518.80
05/02/10		$2,237.47		$26,849.64
06/27/15		$2,244.68		$26,936.16
04/01/10		$2,244.75		$26,937.00
03/27/10		$2,287.29		$27,447.48
07/04/14		$2,348.55		$28,182.60
11/18/10		$2,417.42		$29,009.04
05/17/15		$2,468.14		$29,617.68
02/23/13		$2,534.94		$30,419.28
04/06/12		$2,626.91		$31,522.92
17 01/07/12		$2,840.34		$34,084.08
06/16/12		$3,192.05		$38,304.60
11/16/15		$3,277.12		$39,325.44
11/06/14		$3,388.56		$40,662.72
01/09/11		$3,578.61		$42,943.32
5 02/14/13		$3,962.46		$47,549.52
01/04/14		$4,297.92		$51,575.04
2 06/10/11		$5,393.20		$64,718.40

32 418 168 30% 9% 4% 172

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$31,200