REGULAR COUNCIL MEETING

The Regular Council Meeting was held on May 23, 2016 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. Hosfelt, Mr. Hare, and Mr. Hutchison.

Council staff members present were Deputy Police Chief Mailey, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend (departed at 7:34 p.m., and returned at 7:36 p.m.), Fire Chief Carey, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen (departed at 7:56 p.m.) was also present.

OPEN FORUM

The Open Forum was held at 7:15 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. Ronald Harmon, 1427 New Burton Road, stated that he and his wife own a self-storage business on New Burton Road. He explained that approximately five (5) years ago, he purchased two (2) pieces of property on Webbs Lane. The smaller of the two (2) properties had remained on the market for the past five (5) years and last year a potential buyer contacted him. Mr. Harmon explained that the potential buyer wanted to extend the property line, so he began that process in November 2015. He stated that he became frustrated because it is a long process, noting that he received final approval from the City in March 2016. Mr. Harmon thanked Mrs. Ann Marie Townshend, Director of Planning and Community Development, for returning his call on Friday, May 20, 2016 and offering to work directly with the potential buyer regarding the property. He also thanked Mr. Scott Koenig, City Manager, for returning his call in regard to his concerns pertaining to sewer impact fees. Mr. Harmon stated that he did not realize that the property had a septic system and was not connected to City sewer. He explained that there was a small building on the property with one (1) toilet and one (1) sink and expressed concern regarding his impact fee of $8,400. Mr. Harmon stated that Mr. Koenig explained the impact fee to him and he did not have any questions regarding it but questioned whether Council could reduce the taxes for his mini storage for a few years in order for him to recover the cost.

The invocation was given by Chaplain Wallace Dixon, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

Mayor Christiansen requested that item #10-A-1 - Reappointments/Appointments - Recommended by Mayor Christiansen - Planning Commission - Three (3) Year Terms to Expire June 1, 2019 - Kathleen Welsh - First District (Reappointment) be deferred.

Mr. Anderson requested that item #4-B-7 - Progress Report on the Youth Advisory Committee's Reporting of Their Minutes, be removed from the Consent Agenda.

Mr. Lewis requested that item #4-B-4 - Proposed Ordinance #2016-10 Amending Chapter 2 - Administration, Article IV - Officers and Employees, Division 8 - Deferred Compensation Plan, be removed from the Consent Agenda.

Mr. Anderson requested that item #4-B-5 - Evaluation of Trial Period for Council Committee of the Whole Meetings (Council Resolution No. 2015-16), be removed from the Consent Agenda.

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

ADOPTION OF MINUTES - ANNUAL COUNCIL MEETING OF MAY 9, 2016

The Minutes of the Annual Council Meeting of May 9, 2016 were unanimously approved by motion of Mr. Lewis, seconded by Mr. Neil and bore the written approval of Mayor Christiansen.

CERTIFICATE OF APPRECIATION - SOLID ROCK BAPTIST CHURCH

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

CERTIFICATE OF APPRECIATION

presented to

Solid Rock Baptist Church

for opening your facility
to provide space for community meetings

Your generous hospitality has enhanced community engagement in the City of Dover.

May 23, 2016

On behalf of the Mayor and Council, Mayor Christiansen and Councilmen Anderson and Sudler presented the Certificate to Reverend William Grimes and Reverend Ricky Hardy.

Mr. Anderson expressed his thanks to these churches for opening their facilities free of charge to the community.

Reverend Grimes thanked members of Council for the wonderful award and being able to partner with the City, noting that it's team work that makes the dream work.

Reverend Hardy stated that it was an honor to have the neighborhood watch help celebrate the new community center, noting that they are diligent in their Wednesday and Thursday meetings. He stated the church was glad to have the neighborhood watch, which is doing good work in collaboration with the Police and Public Works Departments. Reverend Hardy expressed his thanks and noted that everyone working together as one City is a good thing.

CERTIFICATE OF APPRECIATION - MT. ZION A.M.E. CHURCH
The City Clerk read the following Certificate of Appreciation into the record:

CERTIFICATE OF APPRECIATION

presented to

Mt. Zion A.M.E. Church

for opening your facility
to provide space for community meetings

Your generous hospitality has enhanced community engagement in the City of Dover.

May 23, 2016

On behalf of the Mayor and Council, Mayor Christiansen and Councilman Anderson presented the Certificate to Councilman Sudler on behalf of Mt. Zion A.M.E. Church.

On behalf of Pastor Ellis B. Louden, Councilman Sudler expressed appreciation to the City of Dover for the certificate.

CERTIFICATE OF APPRECIATION - UNION MISSIONARY BAPTIST CHURCH
The City Clerk read the following Certificate of Appreciation into the record:

CERTIFICATE OF APPRECIATION

presented to

Union Missionary Baptist Church

for opening your facility
to provide space for community meetings

Your generous hospitality has enhanced community engagement in the City of Dover.

May 23, 2016

On behalf of the Mayor and Council, Mayor Christiansen and Councilmen Anderson and Sudler presented the Certificate to Reverend R. G. Moore's representative, who thanked Mr. Anderson and Mr. Sudler for being active members of the community.

Mr. Cole moved to suspend the rules. The motion was seconded by Mr. Neil and unanimously carried.

CERTIFICATE OF RECOGNITION - TRACI A. MCDOWELL

Mayor Christiansen read the following Certificate of Recognition into the record:

CERTIFICATE OF RECOGNITION

presented to

Traci A. McDowell

in honor of her 10th Anniversary as
City Clerk for the City of Dover

Traci A. McDowell has served as an exemplary City Clerk since May 17, 2006, and her dedication to public service, selflessness, and talents continue to increase the quality of life for our citizens. By keeping abreast of laws, regulations, and pertinent professional knowledge she upholds the integrity of the City of Dover and we are proud of her accomplishment in earning her Master Municipal Clerk designation through the International Institute of Municipal Clerks.

May 23, 2016

On behalf of the Mayor and Council, Mayor Christiansen and Council President Slavin presented the Certificate to Mrs. McDowell.

PRESENTATION BY THE URBAN LEAGUE (DR. SHEKELIA HINES)

Dr. Shekelia Hines reviewed a presentation entitled "Metropolitan Wilmington Urban League (MWUL) Dover Committee" ***(Exhibit #1)***, explaining that the Dover Committee of the Urban League was brand new and she was present to spread the word and create awareness, in order to work together with the local government to fill the needs of the community.

Referring to Page 10 of the presentation, Dr. Hines reviewed the Dover Committee Young Professional's (YP's) accomplishments. She explained that the Dover Committee began in March 2015 and in April, the Committee held a campaign bootcamp training, which covered the ins and outs of how to run a campaign, including research, background, marketing, fund-raising, promotion, and mail media. Dr. Hines stated that in May, the Committee held an education event and invited high school juniors and seniors to speak with individuals regarding the transition into college.

Dr. Hines noted that in the upcoming year, the Committee would be looking at working with local businesses to find out what the needs are, so that they can work with city government to improve their conditions. She stated that the Committee was also looking at doing a community organizing training in September.

Dr. Hines informed members that the Urban League is a resource which is known for its research. She explained that, in the past, the League had done many reports and worked together with local government. Dr. Hines stated that, for example, Lisa Blunt Rochester had worked for Governor Ruth Ann Minner and, when she became the Urban League President, she used her skills

and knowledge from her previous position to form a report for the city in social change and awareness in education. Similarly, when Mr. James Gilliam, Sr., founder of the Urban League, was Director of Housing and Urban Development, he developed a report and presented it to government to use to better the housing situation in Wilmington.

Mr. Hosfelt moved to suspend the rules to allow members of the public in attendance to ask questions regarding this matter. The motion was seconded by Mr. Neil and unanimously carried.

Mr. Chevis Anderson noted that he had the opportunity to attend some of the Urban League's events and they are a great organization. He commended Dr. Hines for bringing the group to Dover.

Mr. Hutchison welcomed Dr. Hines and the Urban League to Dover, noting that the age group that the League is reaching out to is in need.

Dr. Hines stated that the Urban League Dover Committee meetings would be held the first Wednesday at 6:00 p.m. at Delaware State University.

Mr. Slavin noted that if Dr. Hines was bringing the work of Mr. James Gilliam, Sr. to the Dover community, she was doing a great job.

COUNCIL COMMITTEE OF THE WHOLE REPORT - MAY 10, 2016

The Council Committee of the Whole Meeting was held on May 10, 2016 at 6:00 p.m. with Council President Slavin presiding (departed at 6:34 p.m., returned at 6:35 p.m., departed at 8:02 and returned at 8:04 p.m.). Members of Council present were Mr. Anderson, Mr. Sudler (departed at 6:34 p.m., returned at 6:39 p.m., and departed at 8:02 p.m.), Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison (departed at 8:23 p.m. and returned at 8:25 p.m.). Mayor Christiansen was also present (departed at 6:37, returned at 7:18 p.m., and departed at 8:30 p.m.). Civilian members present for their Committee meetings were Mr. Keller and Mr. Shelton (*Safety Advisory and Transportation*), Mr. Caldwell and Mrs. Horsey (*Parks, Recreation, and Community Enhancement*), and Mr. Shevock and Ms. Maucher (*Legislative, Finance, and Administration*).

SPECIAL SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee met with Councilman Hosfelt presiding.

Review of Position Description/Requirements - City Fire Marshal (Inspector III)

Mr. Hosfelt reminded members that this item was deferred during the Council Committee of the Whole/Safety Advisory and Transportation Committee meeting of April 26, 2016 due to time constraints.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the main issue under deliberation was whether or not the person hired for

the City Fire Marshal (Inspector III) position needed to have certification from the Council on Police Training (COPT). She explained that in the past 25 years, only two (2) people in the Fire Marshal's Office (FMO) had COPT training, one (1) of whom was Mr. Timothy Mullaney, the previous Fire Marshal who had transferred to the Dover Police Department. Mrs. Townshend indicated that Mr. Mullaney was sent to the Police Academy to take some of the stress off the Police Department. She noted that the FMO is first and foremost an inspections office with three (3) staff members. Mrs. Townshend estimated that 90% of the workload is related to inspections, plan review, and following up on complaints, and approximately 10% is related to fire investigation. She expressed her concern that if COPT certification is required, this would likely come at the cost of not having National Fire Protection Association (NFPA) Inspector I certification. Since the nature of the position is primarily fire inspections, fire plan review, and the prevention of fire, Mrs. Townshend felt that the City would end up with candidates that do not meet both of these qualifications; therefore, too much emphasis would be placed on the police side of the position, which involves the smallest amount of the workload.

Mrs. Townshend informed members that staff had met with the Police Department, who had agreed to work with the FMO on investigations. She indicated that staff was also working with the State to see if constable authority could be designated to the Fire Marshal, which would allow for detaining people when conducting investigations. Even without police training and certification, Mrs. Townshend assured members that fire marshals are trained in fire investigation, including arson. She felt it important to ensure that the City recruits and hires in the best interest of the City and the office as a whole, rather than for a narrow portion of the job at the expense of a large portion.

Mr. Jason Osika, Inspector II, explained that the FMO is a small office with two (2) deputies, himself and Mr. Matthew Brown, Inspector I, who are not COPT certified, and one (1) vacant position. Mr. Osika reiterated that there had been only two (2) fire marshals who were COPT certified in the past 25 years. He noted that Mr. James Melvin attended the Police Academy run by the Dover Police Department in 1992 and he left the office in 1993. Mr. Osika advised that Mr. Timothy Mullaney attended the Academy in November 2011 and left the office in April 2016. He stated that the three (3) FMO staff members share all duties, including plan review, inspections, and origin and cause investigations, whereas employees in other offices, such as the State FMO, perform only one (1) of these functions. Mr. Osika stated that although fire investigations take approximately 10% of their workload, this variable could change at any time. He informed members that having one (1) COPT officer would not guarantee this individual's presence in the office 100% of the time due to vacations. Mr. Osika noted that he previously handled an arson fire through the Dover Police Department Criminal Investigation Unit when Mr. Mullaney was away from the office. He explained that the FMO staff uses the Law Enforcement Information Sharing System (LEISS) used by the Dover Police Department, entering and approving their own reports. Mr. Osika indicated that, since Mr. Mullaney's transfer, there is a temporary agreement with the Police Department to use the

Criminal Investigation Unit whenever the FMO has a criminal fire. He advised that 101 fires were investigated in 2015, 13 of which were classified as incendiary and resulted in four (4) arrests. There were also four (4) incidents involving juveniles and one (1) involving mental capacity which was declined for prosecution by the Attorney General's Office. Mr. Osika advised members that in 2016 there had been 38 fires, seven (7) of which were incendiary with one (1) arrest, and arrest came under Mr. Osika with the use of the Dover Police Department. He indicated that the Fire Marshal would use COPT certification a very small percentage of the time.

Mr. Osika explained that losing one (1) individual in the FMO has a huge impact, noting that staff was now on call 24 hours and off 24 hours coming into the summer. Mr. Osika felt that if COPT were required, there would be a large chance of constant turnover due to the salary and benefits, expressing his belief that this was one (1) reason why Mr. Mullaney was no longer with the FMO. He indicated that the Fire Marshal position has Authority Having Jurisdiction (AHJ) powers. Mr. Osika informed members that the Fire Marshal signs off on everything relating to codes, such as NFPA codes, and this is one (1) of the main responsibilities of the position. He stated that he had provided staff information on other classes that could be required for this position. Mr. Osika advised that Mr. David Truax, former City of Dover Fire Marshal, had served as Fire Marshal for 18 years without COPT and Mr. Osika believed that the City had one of its largest arson periods under Mr. Truax in the late 1990's.

Mr. Osika requested that the Committee and Council not require COPT but indicate that it would be preferred, since COPT use is related to arrests and crimes and the remaining work involves investigations, NFPA, and plan review. Mr. Osika felt that the best candidate would be an individual with NFPA, COPT, Fire Inspector I, and Origin and Cause training from the National Fire Academy; however, he felt there was a very small chancing of finding such an individual and if COPT was required, there would be a good chance of losing out on the 90% of other things needed for day-to-day operations.

Mayor Christiansen stated that the office of Fire Marshal was established in 1959 and there had been only two (2) COPT certified Fire Marshals over the course of time, noting that some of the other Fire Marshals had also been past chiefs of Robbins Hose Company. Mayor Christiansen advised members that he sits on the Council on Police Training (COPT) and believed that the qualifications for COPT did not necessarily coincide with the City of Dover Fire Marshal. He felt it would be wonderful to have a COPT certified individual but that it exceeded the qualifications needed.

Mrs. Kimberly Hawkins, Human Resources Director, informed members that the City's Inspector III position description applied to two (2) positions within the City, the Fire Marshal and the Code Enforcement Supervisor.

In response to Mr. Sudler, Mrs. Hawkins expressed her belief, based on what Mr. Osika had explained about the position, that knowledge of the NFPA code would be a requirement for the Fire Marshal, noting that she had not studied this.

Mrs. Townshend explained that the Code Enforcement Supervisor Inspector III has certification through the International Property Maintenance Code and Mr. Timothy Taraila serves in this position.

Mrs. Hawkins noted that the Fire Marshal would have NFPA certification.

Mr. Anderson pointed out that the position description required national certification in one (1) of the major areas of responsibility, including basic building code, plumbing code, mechanical systems, fire protection systems, and property maintenance, and that the Fire Marshal could qualify with plumbing code certification and not be certified in fire protection systems. He asked if it would make sense to require a separate description for the Fire Marshal position that includes at least two (2) certifications, with one (1) being fire protection systems. Responding, Mrs. Hawkins stated that City job descriptions were created in the past by the Management Advisory Group, Inc. who reviewed Positional Analysis Factors (PAF) for City positions and they are very generic. She explained that they are reviewed and updated to meet the needs of the position by the Human Resources Department and department heads when recruiting and creating job postings. Mrs. Hawkins advised that once Council makes a decision regarding the Fire Marshal position, staff will review and adjust the job descriptions for the Code Enforcement Supervisor and the Fire Marshal accordingly or create a new job description if it is desired to change the title to Fire Marshal rather than Inspector III. She stated that if the Inspector III title is retained, the current job description would be used as a shell, noting that staff had been inserting language that specifies the requirements for the position in the FMO.

Mr. Neil reminded members that the Operational and Administrative Analysis - Dover Fire Department, Dover, Del. - Final Report - March 2016 (Operational and Administration Analysis) had referenced the Fire Marshal position, and he felt this report must be taken into consideration in deciding what to do. He questioned if the citizens of the City would be endangered in any way if this position were left open and, if so, his inclination was to approve recruiting but to review the position when the report was considered and make changes for the successor at that time.

Mr. Anderson stated that Council had appointed an Interim Fire Marshal during their meeting of May 9, 2016; therefore, the position was covered in the interim. Responding, Mr. Slavin stated that the position was covered but the FMO was still down a position. Mr. Hosfelt noted that the deputies were on call more often and there was a lot more stress on the Fire Marshal's Office.

Mr. Hutchison stated the importance of listening to the City Planner, who works with the fire marshals and the inspectors and knows the office, noting that she had given

clear direction on the type of person and guidelines that should be followed. He felt that members should do what was recommended by staff. Mr. Hutchison indicated that someone with both fire investigation and fire service background was needed.

Mr. David Truax, 35 Upland Avenue, advised that he served as City of Dover Fire Marshal from 1996 until May of 2014.

Mr. Sudler questioned if Mr. Truax believed that creating a new job description specific to the Fire Marshal would be more effective than continuing to use the Inspector III job description for this office. Responding, Mr. Truax indicated his preference for a new job description for the Fire Marshal, explaining that this had been discussed for a long time. Mr. Truax felt that the job description for the Fire Marshal differs from what the building inspector does, noting that it may be possible to modify the Inspector III position description.

In response to Mr. Hare, Mr. Truax expressed his opinion that some certifications should be required for the Fire Marshal.

Mr. Hare suggested that COPT could be a preferred certification, but he felt that there must be some knowledge and certifications required to be the Fire Marshal. Mr. Truax concurred with Mr. Hare, explaining that he felt that the City was past the point where they should require the Fire Marshal to be certified to carry a gun. Mr. Truax expressed his opinion that if the FMO were to go back to doing things with the Police Department, the individual who oversees criminal investigations must make sure that the police detectives work with the Fire Marshal and take the Fire Marshal's input seriously. Mr. Truax suggested making COPT training preferred and stressed the importance of getting someone at the helm of the FMO within a reasonable amount of time.

Mrs. Townshend stated that she did not believe there should be a delay in posting this position. She acknowledged that this position was part of the public safety study; however, she felt recruitment could be done in such a way that implementation of the study would not be precluded. Mrs. Townshend reiterated that there were two (2) employees on an on-call rotation of 24 hours on and 24 hours off, and this was affecting the workload in the office and their personal lives. In regard to the job description, Mrs. Townshend stated that she, Mrs. Hawkins, and Mr. Scott Koenig, City Manager, were prepared to create a Fire Marshal position separate from the Inspector III position. She emphasized that certifications had always been required when this position had been posted in the past. When Mr. Mullaney took the position, it was posted as NFPA Inspector I required, COPT certification preferred, and staff was prepared to post it in this way for the current vacancy. Although the position description had some flexibility to include information relevant to both the code enforcement and fire marshal positions, staff had always ensured that the postings included the specific skill sets needed for each position.

In response to Mr. Hosfelt, Mrs. Townshend stated that staff's recommendation was to use the same posting they used when Mr. Mullaney was hired as Fire Marshal, with COPT preferred but not required.

Mr. Koenig requested that the issue be referred to administrative staff to refine the job description and post accordingly. He stated that the Fire Marshal's position was envisioned in the public safety study and he felt that staff could recruit knowing that those things were under consideration. Mr. Koenig felt it important to get the posting out and begin the process of recruitment to reduce the impact on the current staff.

Referencing Mr. Hare's concerns regarding certifications related to this position, Mr. Sudler questioned what additions Mr. Truax would recommend for the job description. Responding, Mr. Truax stated that he had not seen the job description and felt that Human Resources staff, Mrs. Townshend, and the current FMO staff should be able to determine the requirements. He noted that code enforcement and fire investigation should be included, or that time be allowed for this training.

The Committee recommended referring this matter to staff to develop an appropriate job description and post the position accordingly.

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

Transfer of Real Property from Delaware Civic Center Corporation to Delaware State University

During their meeting of May 9, 2016, City Council approved the Council Committee of the Whole/Legislative, Finance, and Administration Committee's recommendation that Delaware State University (DSU) present the Committee with a proposal for City Council to transfer the property to DSU.

Mr. Slavin moved to recommend referring this item directly to City Council without a recommendation and continuing the deliberation on the Council floor 13 days hence. The motion was seconded by Mr. Sudler.

Mr. Anderson questioned if members would hear from the people present at the meeting in regard to this matter. Responding, Mr. Slavin stated that there would be a full vetting of the issue at the City Council meeting.

Mr. Sudler called for the question. The motion was seconded by Mr. Hutchison and carried with Mr. Anderson voting no.

The Committee recommended referring this item directly to City Council without a recommendation and continuing the deliberation on the Council floor 13 days hence.

During the Council meeting, Mr. Slavin reminded members that this issue had been before Council a couple of times and was recently discussed by the Council Committee of the Whole. He stated that the City Clerk had researched this issue thoroughly, members had debated it for hours, and it was thoroughly vetted at the Committee level. Mr. Slavin stated that this land is not owned by the City of Dover, explaining that a vote of a previous Council ceded the land to the Civic Center Corporation. He informed members that the request now before Council was to simply waive the City's right of first refusal back to the land and allow DSU to use the land, for what he thinks is a very good purpose.

Mr. Slavin explained that this Council is not bound by a previous Council's decision; however, he believed that the previous decision was sound at the time. He felt that DSU could now do something with the land far better than the City could ever have imagined. Mr. Slavin expressed his opinion that Council should support this request, given the contributions that DSU and their alumni have made and continue to make in the community.

Mr. Sudler moved that the City of Dover hereby waives, terminates, and renounces any rights it may have in the property conveyed to the Dover Civic Center Corporation, a Delaware Corporation by deed, dated December 11, 2001, pending the signing of a memorandum of understanding between the City of Dover and Delaware State University pertaining to utility easements. The motion was seconded by Mr. Hare.

Mr. Hosfelt questioned why the City is in this position if the City has no right to the land. Responding, Mr. Slavin stated his understanding that the land is still owned by the Civic Center Corporation, which is still a legal corporate entity in the State of Delaware.

Mr. David Sheppard, General Counsel for DSU, stated that in response to some of the questions raised during the Council Committee of the Whole/Legislative, Finance, and Administration Committee Meeting of April 26, 2016, he prepared a letter dated May 20, 2016, regarding the prospective relinquishment of the City of Dover's transfer right in the Delaware Civic Center Corporation land, which was submitted to Council President Slavin ***(Exhibit #2)***.

Mr. Hosfelt, referring to the Delaware State University Convocation Center Final Report that was presented during the August 24, 2015 Legislative, Finance, and Administration Committee meeting, requested confirmation that DSU planned to hold approximately 170 events per year. Responding, Mr. Sheppard stated that the range provided was between 144 and 173.

Mr. Hosfelt asked if DSU felt that it should not pay any taxes, noting his assumption that this would be a money making venture. In response, Mr. Sheppard explained that the intent of developing a convocation center had various purposes, including a place for DSU to hold sporting events and graduations. He stated that there certainly should be revenue generated as a consequence of holding University affiliated events or other events at the facility. Mr. Sheppard expressed his opinion that the City, as well as DSU, would benefit from these events, whether in terms of jobs, the taxes paid

by people who are employed full-time, or businesses located in the City that get traffic as a consequence of the events.

Mr. Hosfelt noted that there was no guarantee that the people who would be employed would live within the City. Responding, Mr. Sheppard stated that there was no guarantee of anything, as was the case with the civic center when it was proposed and approved by City Council in 2001.

Mr. Hosfelt stated that his concern was that DSU was going to enter into a venture and hold up to 170 events per year with the hopes of making money and they will have to offset the costs somehow. He explained that, across the street from DSU, there is a business that pays in excess of $250,000 per year in taxes to hold events and do things that are similar to what DSU wants to do. Mr. Hosfelt did not believe that it would be fair to do for one (1) entity but not the other. He stated that if DSU was strictly going to hold DSU events like basketball games and graduations, he might be able to understand; however, DSU is planning to hold many other events and will make a profit at some point. Mr. Hosfelt asked how, from DSU's point of view, this would be fair to the other businesses in the City who are in the same line of work.

In response to Mr. Hosfelt, Mr. Sheppard stated that he did not think it was fair or reasonable to compare a non-profit higher education institution, whose fundamental focus is on educating the students that come to the University and does not provide shares of stock to shareholders, to a for-profit entity who regularly has people come through its doors to gamble. Referring to Dover Downs Hotel and Casino, Mr. Sheppard noted that they are a for-profit venture, which has events inside their facility as well as races, concerts, etc. It was his opinion that Dover Downs has a greater material impact on resources, community members, etc. than DSU. Mr. Sheppard stated that DSU has the benefit of having educated many people over many years, including some of the people present, and he did not see DSU in the same vein as a for-profit enterprise.

Mr. Hosfelt noted that the Delaware State University Convocation Center Final Report estimates that 40% of the events will be for the college. He asked if the other 60% of the events would be for profit. Mr. Sheppard confirmed that they would be. Mr. Hosfelt asked if it would be fair for DSU to pay taxes on that 60%. Responding, Mr. Sheppard thought that the business that would be drawn in from the events would be a benefit to the City, noting that the businesses who generate revenue from those activities will pay taxes.

Mr. Hosfelt explained that the City was still utilizing its resources to support DSU and he was unsure what the benefit would be for the City. He stated that there may be a benefit to the hotel or restaurant industry, but to the Fire and Police Departments and the other public safety services within the City, it would not be a benefit and would continue to tax the City's resources. Mr. Hosfelt indicated that DSU had $250M in property that they were not paying taxes on and Council would be giving away even more property that would be untaxed.

Mr. Cole questioned if underground and above ground easements had been obtained. Responding, Mr. Koenig explained that he had not read the letter that was referenced but had a conversation in this regard with Mr. Sheppard.

Mr. Slavin stated that there would likely be a second motion to authorize the City Manager to negotiate this matter.

Mr. Cole questioned who would assume the environmental liabilities on the land moving forward. Responding, Mr. Koenig stated his understanding that when the land was originally transferred to the Delaware Civic Center Corporation, they assumed all of the liability related to environmental conditions on the property. This is why there was concern at the administrative level that any reversionary clause that would transfer a deed back into the City's name would potentially transfer that liability back to the City. Mr. Koenig understood that the City did not have liability associated with the environmental conditions from the original transfer. He assumed that all of the closure documents would be maintained and the City would not have liability going forward.

In response to Mr. Cole regarding a plan for the future of solar fields on seven (7) acres of the property, Mr. Koenig stated that Mr. Harry Maloney, Electric Director, had provided Mr. Sheppard a copy of the plan with a basic layout of a potential solar field. This would impact approximately five (5) to seven (7) acres above the area where potential parking was planned. Mr. Koenig indicated that it would be the City's intent to pursue an easement and potentially construct a solar field there to meet Renewable Portfolio Standards (RPS).

Mr. Cole questioned if there was any type of Payment in Lieu of Taxes (PILOT) program to help offset any public safety costs. Responding, Mr. Koenig indicated that there had been general discussion on this when he and Mr. Kirby Hudson, Assistant City Manager, had met with Mr. Sheppard in February; however, there had been no additional discussion since.

Mr. Sheppard advised that DSU was not prepared to entertain a PILOT program at this time. He indicated that it was inaccurate to state that there would be no benefit to the City if the transfer were approved. Mr. Sheppard stated his understanding, from speaking with Mr. Koenig and from Mr. Koenig's presentation at the Council Committee of the Whole/Legislative Finance, and Administration Committee meeting on April 26, 2016, that the City incurs about $5,000 a year, on average, in maintaining the grounds, doing environmental assessments, and the like, which would not be borne anymore if the land were transferred. In addition, Mr. Sheppard pointed out that the environmental liability associated with the land would transfer to DSU and not be the City's responsibility.

Mr. Cole suggested that obtaining the easements and realizing the benefits of getting out of the environmental liabilities might help the proposal move forward.

Mr. Koenig indicated that he had been on the record on several occasions stating, from an administrative standpoint, that the City was not interested in taking back the environmental liability associated with this property. For four (4) or five (5) years, staff had been authorizing the inspection of the landfill cap by Compliance Environmental, asking them to prepare a report that is submitted to the Department of Environmental Resources and Environmental Control (DNREC), and committing to doing grass cutting, mowing, rut filling, and disposal of any type of debris that had been dumped there to maintain a good standing in the closure documents. He estimated that the out-of-pocket expenses to pay the consultant and for staff time needed to inspect or assist with inspection were approximately $3,000 - $5,000 per year.

Mr. Hare stated that there had been discussion in the 1990's on transferring the property; however, he recalled that the property was not transferred to the Civic Center until 2000 or 2001. At that time, there was related discussion on charging a 25 cent ticket fee for non-DSU events which the City would receive. Mr. Hare felt that something like this could be revisited in the future, noting that he saw no benefit to the City keeping the property. He reminded members that the City had planned to give the property away back then, and he did not believe anything had changed. Mr. Hare stated that there was now a different party who was willing to take the property over, assume the liability, and give the City easements. He questioned why the City would want a property that it had not had for 15 years when it may be able to obtain something that would be a benefit. Mr. Hare felt the transfer should move forward.

Mr. Anderson felt the convocation center was a very positive idea which would benefit the City. He agreed with Mr. Hosfelt that there should not be a blanket assumption of a tax exemption. Mr. Anderson questioned if the existing tax exemption to DSU included property owned in the future or if members would have to vote separately in the future on whether to make the property tax exempt. Responding, Mayor Christiansen believed that a decision on tax exemption would be made once the property use is known.

Mr. Anderson asked if it would be appropriate to make an amendment in that regard at this time. Mr. Slavin stated his preference to vote the motion up or down and have an additional vote after that if necessary.

Mr. Anderson clarified that his question was whether an amendment ensuring that a tax exemption is brought before Council on the property would be in order. In response, Mayor Christiansen indicated that this would be in order; however, this would be a separate action that would have to be taken in the future, depending on the use of the property.

Mr. Sudler questioned if Mr. Koenig's estimate of $3,000 - $5,000 for staff and consultant time for the property included the costs of the environmental liability, property tax, and insurance. Responding, Mr. Koenig advised that, to his knowledge, the property was not listed in the City's property inventory, so it is not insured by the City and there was no insurance cost. He explained that the environmental cost is to engage the consultant to go out with DNREC to do the inspection and for the inspection report of the landfill, in accordance with the closure documents that the City agreed to years ago. Mr. Koenig advised that if this property ultimately reverts to DSU, the University will have to conduct the annual inspection with DNREC staff and make any adjustments required by the report.

Mr. Sudler asked how much it would cost to insure the property in case someone were to be hurt on it. In response, Mr. Koenig stated that he did not come prepared to answer that question. He noted that the property would become part of the City's overall property inventory.

Mr. Hare felt that Mr. Anderson had made a good point regarding tax exemption for the property; however, he still felt the property should be transferred to DSU. Once the convocation center is built, if there were many events held that were not related to the University, this matter could be considered again. Mr. Hare noted that DSU had a lot of work ahead of them and questioned if they

were ready to break ground. Responding, Mr. Sheppard indicated that there are a number of steps involved before the property is shovel ready.

For clarification, Mr. Sheppard reiterated that the City would be waiving its right to the reversionary interest in the land and could choose never to exercise it. Assuming the corporation is resuscitated, the City would pay $10 to the corporation, and the land then would be transferred back to the City. Mr. Sheppard explained that the corporation was operated by the Delaware Economic Development Office (DEDO), who would have to resuscitate the corporation, and that entity would then have to decide what to do with the land.

Mr. Hare stated that the land would go to DSU, not back to the City. If DSU decides not to build something there, they would retain the land, have to maintain it, and do everything the City had been doing with the property for many years. He indicated that he was not looking for the land to come back to the City and felt that the City should move forward.

Mr. Neil noted that the City does not technically own the land since it had been turned over to another corporation and questioned if the motion would bring the property back to the City and allow the City to give it to DSU. Responding, Mayor Christiansen stated that if the City gives up its right, this would be the end of the City's involvement. He indicated that if it became a profit situation, the City could decide in the future if it qualifies as a charitable purpose. Mayor Christiansen advised that the City could consider taxation based on the profit made. He felt that the decision did not have to be made tonight because the property use was not stated at the present time.

Mr. Neil indicated that he was a very vocal supporter of Dover Downs, which had been a great neighbor and had brought people to the area. He stated that this organization makes a profit but cannot keep it because it is taken away, noting that Dover Downs would now be competing with DSU. Mr. Neil indicated that Senators Bushweller and Colin Bonini had shown him the value of the convocation center project and he would be voting to turn the property over to DSU.

Mr. Lewis asked if there were any outstanding funds owed to the City. In response, Mr. Koenig indicated that the land was still in the name of the Delaware Civic Center Corporation, and he believed that there was a small amount on the delinquent tax list. He was unsure if it was related to this property or the two (2) other properties. Mr. Koenig advised that there were no maintenance fees. He stated that a tally of annualized costs had not been kept; however, they were estimated at $3,000 - $5,000, which he considered a sum cost. Mr. Koenig noted that maintaining the report was a proactive measure so that there was no failure in the closure actions that could be linked back to the City. He stated the desire not to have to reenact the closure of the landfill if at all possible.

Mr. Hutchison stated his strong support of moving forward with this partnership between the City and DSU.

Mr. Hutchison called for the question, seconded by Mr. Sudler. The motion to call for the question carried by a roll call vote of seven (7) yes (Sudler, Neil, Lewis, Cole, Hare, Hutchison, and Slavin) and two (2) no (Anderson and Hosfelt).

The motion that the City of Dover hereby waives, terminates, and renounces any rights it may have in the property conveyed to the Dover Civic Center Corporation, a Delaware Corporation by deed, dated December 11, 2001, pending the signing of a memorandum of understanding between the City of Dover and Delaware State University pertaining to utility easements carried by a roll call vote of eight (8) yes (Anderson, Sudler, Neil, Lewis, Cole, Hare, Hutchison, and Slavin) and one (1) no (Hosfelt).

Mr. Neil moved to authorize the City Manager to negotiate and execute a memorandum of understanding relating to the utility easements on the land previously conveyed to the Dover Civic Center Corporation with counsel from the Delaware State University. The motion was seconded by Mr. Sudler.

Mr. Hosfelt noted that when DSU first came to the City around the same time last year, Mr. Koenig was in favor of a PILOT for this property and asked where he stood on this now. Responding, Mr. Koenig stated that he favored a discussion of PILOT; however, he does not have a vote. He discussed this with Mr. Sheppard and advised him, from an administrative standpoint, that Council had conveyed to him that there was interest in a PILOT. Mr. Koenig advised that when initial discussions were held about the transfer in January 2015, the City, administratively, was in favor of it. Mr. Koenig advised that events had occurred since then that had given staff pause, including transfers from State government to local government, realty transfer taxes, municipal street aid, and PILOT and law enforcement payments from the State. He indicated that, from an administrative standpoint, the City is very concerned about revenue streams and being able to maintain them. Mr. Koenig advised that, over the last year, there had been a number of discussions related to PILOT, and this sentiment was conveyed to Mr. Sheppard when they last met around the first week of May. He indicated that he would like to see a PILOT agreement related to either this property or the DSU property; however, he stated that he did not have an administrative path to bring that forward.

The motion to authorize the City Manager to negotiate and execute a memorandum of understanding relating to the utility easements on the land previously conveyed to the Dover Civic Center Corporation with counsel from the Delaware State University was unanimously carried.

Update - Overgrowth of Bamboo - Rodney Road

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that code enforcement staff met with the Department of Agriculture's invasive species staff on Rodney Road and they provided very clear guidance on how to eradicate the bamboo, which is a very labor intensive process. Staff determined that it was important to address this correctly and it would be extremely costly to contract for this service. Mrs. Townshend stated that staff from the Public Works Department would be working both internally and with the City's contractor for vegetation management to develop a time line for cutting and painting the bamboo with a chemical that will eradicate it over the course of two (2) years, as estimated by the Department of Agriculture. She stated that this was expected to start within the next month or so.

In response to Mr. Hare regarding payment for the eradication, Mrs. Townshend stated that the City would initially pay; however, staff would track all charges and bill them to the property owner and place them as a lien against the property, as is done with demolition or grass cutting charges.

Ms. Maucher asked if the City would recoup any of the carrying cost of the expense. Responding, Mrs. Townshend stated that the carrying cost would not be recouped, only the out-of-pocket amount.

Downtown Dover Business Improvement District (BID) Budget and Assessment (Tax) Rates for Fiscal Year 2016-2017

Mr. Scott Koenig, City Manager, reviewed the Business District Improvement (BID) Assessment (Tax) Rates for Fiscal Year 2016-2017. He indicated that Appendix D - Downtown Dover Business Improvement District, Article III - Establishment of the Downtown Dover Business Improvement District, Section 9(f) of the Code requires that the BID budget be submitted to City Council for approval on or before the first Council meeting in May each year. Mr. Koenig advised members that the proposed revenue for the BID for FY 2017 is $48,800, with equal expenses for administration. Mr. Koenig reviewed the BID Tax Calculation Worksheet, noting that the proposed % Revenue Raised numbers were prescriptive and were developed based on discussions with Deputy City Solicitor William Pepper. Mr. Koenig indicated that the rate change for Zones 1 and 2 was -1%. He explained that, in order for all numbers to equalize correctly, the Zone 3 rate would increase by 7.8%; however, 41 parcels were associated with this zone. Mr. Koenig stated that this would put the City in compliance with the Code and allow Staff to develop the draft budget for presentation to Council.

Mr. Koenig reviewed the Business Improvement Boundary Zones map.

Mr. Hosfelt asked if businesses located in the BID are assessed an additional tax. Responding, Mr. Koenig confirmed that the businesses are taxed in excess of the normal property tax, noting that the business owners had attended public hearings in the past and endorsed the BID.

Mr. Slavin asked whether action taken on this matter would preclude members from bringing this item up for discussion and making amendments during the budget hearings. Responding, Mr. Koenig stated his belief that Council had complete authorization to amend going forward; however, it had been important to introduce this matter ahead of time so that there would be support to include these numbers in the budget.

Mr. Slavin noted his longstanding criticism of this concept and advised that he planned to bring this matter up for a thorough discussion during the budget hearings. He expressed his opinion that it had been a good start-up issue; however, 25 years later it was a disincentive.

The Committee recommended approval of the Business Improvement District (BID) Budget and Assessment (Tax) Rates for Fiscal Year 2016-2017, as recommended by Staff.

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

Proposed Ordinance #2016-10 Amending Chapter 2 - Administration, Article IV - Officers and Employees, Division 8 - Deferred Compensation Plan (Sponsors: Cole and Koenig)

During the Council Committee of the Whole/Legislative, Finance, and Administration Committee meeting of April 26, 2016, this item was deferred due to time constraints.

Mr. Koenig reminded members that changes were made to the deferred compensation plan under the Dover Organization of Employees (DOE) contract, noting that this contract is the governing document with respect to DOE employees. As previously discussed, he reiterated that there is language in the Employee Handbook that extends improvements to the deferred compensation plan to non-bargaining employees. Mr. Koenig stated that the generic changes to Proposed Ordinance #2016-10 address this discussion. He advised that the City Manager's Office was also requesting that the changes in the Proposed Ordinance and modifications to the deferred compensation plan be extended to non-bargaining employees. Mr. Koenig reminded members that there are approximately 41 positions that would be affected by the proposed changes and the implementation costs would be in the $20,000 to $60,000 range.

Mr. Koenig stated that the most recent consideration by the Committee included a discussion about capping the percentage of the City's contribution for employees who earn more than $100,000. He noted that the impact of a cap was illustrated in the salary spreadsheet provided. Mr. Koenig advised that, if the cap were set at $100,000, five (5) employees would be affected. He requested that there not be a cap for any employees, that the non-bargaining group be treated equally to the DOE group going forward, and that Council not cap the matching percentage, which would escalate from 6% to 9% over the next couple of years. Mr. Koenig stated that the reason for his recommendation was that, at some point, the City would be recruiting for the positions that were capped and competitiveness could become an issue. In addition, if these positions were capped, the percentage of payroll required from the City for employees in the General Employee Pension Plan, as well as police officers in the State pension plan, would well exceed the amount for the benefits extended to the capped employees in the deferred compensation plan.

Mr. Koenig reminded members that the General Employee Pension Plan is now closed; therefore, all new hires, excluding police officers, will be in the deferred compensation plan, which is a matching plan. The current match is a minimum contribution of 3% and a maximum of 6%, and this would increase over time to a 6%

minimum and 9% maximum. Mr. Koenig recommended adoption of Proposed Ordinance #2016-10 and that no changes be made to the Employee Handbook so that this benefit is extended to non-bargaining employees covered under the deferred compensation plan.

Mr. Sudler moved to recommend approval of staff's recommendation, seconded by Mr. Cole.

Mr. Anderson expressed his belief that there should be a dollar limit based not on how much an employee is earning but on how much the City is contributing. He stated that the amount discussed was reasonable and he could not support the recommendation without this amendment.

Mr. Sudler called for the question, seconded by Mr. Cole. The motion failed by a roll call vote of six (6) no (Lewis, Neil, Shevock, Cole, Anderson, and Hare) and five (5) yes (Sudler, Maucher, Hutchison, Slavin, and Hosfelt).

Mr. Hare expressed concern about young employees who start working for the City of Dover and are told that they must put 6% of their pay into a 401(k). He felt this could be a lot of money to those who have young families. Mr. Hare suggested that 6% not be mandatory and that this amount be left at perhaps 3% and increased to 6% possibly after 10 years of employment. He believed that this should be the employee's choice. Mr. Hare agreed with Mr. Anderson that there should be a cap, such as $10,000; however, he was more concerned about the mandatory contribution.

Having been formerly both a city and state employee, Mr. Neil expressed sympathy for the employees; however, he commented that current interest rates were only 1% or 1.5% and that many of his constituents were senior citizens. Mr. Neil felt that a 9% match would be a penalty on the City for years to come. He stated that the match could be changed if there was a sudden glut of money coming into the City; however, there was not a need to fight with the budget to make things work for the people of the City. It was Mr. Neil's opinion that if the City was going to get good people, they would be attracted by the work conditions. He believed that the additional money would not make a difference; it would be the character of the people hired. Mr. Neil felt that those who were wise would take the 9% maximum, and he thought this was too much because the financial environment was still terrible at this time.

Mr. Cole stated his understanding that the DOE contract had already been signed. Mr. Koenig confirmed that the contract had been signed and noted that the contract was prescriptive and the minimums would escalate from 4% to 5% on July 1, 2016 and to 6% one (1) year later.

Responding to Mr. Cole, Mr. Koenig clarified that the issues under discussion were Proposed Ordinance #2016-10 and whether to extend the same escalation table to non-bargaining employees.

Mr. Cole stated his understanding that only five (5) positions were being considered for a cap because the other positions with salaries of $100,000 were police positions. In response, Mr. Koenig explained that when this matter was last considered there was a proposed cap, which he opposed because it would be limited to only five (5) people, himself included. These employees would be able to earn up to a certain income, and the City would match up to 9% and then cap its contribution at that point.

Mr. Koenig stated that he had not heard previous discussions about employees who are lower in the pay scale being unable to meet the 6% minimum. He advised that the 6% minimum would go into effect on July 1, 2017, so there would be time to adjust. Mr. Koenig advised that when new employees are hired, staff advises them of their commitments in their offer letters so they can make informed decisions.

Mr. Koenig advised that there was also an issue of fairness. In his estimation, the percentage of payroll for police lieutenants and captains would likely exceed the 9% discussed because the City pays into a State fund. Mr. Koenig stated that, according to Mrs. Mitchell, the pension fund for police officers is fully funded and has just the normal cost associated with the benefit.

Mr. Koenig indicated that the deferred plan is the retirement vehicle that the City had selected going forward for all new hires in the City. He did not feel it fair to exclude the higher earners from the same percentage being extended to all others because it would create a different proportional benefit when moving up the scale, and he requested that it not go forward that way.

Mr. Hare reiterated his concern about younger employees, noting that this would be a large contribution for a young family. He stated the desire to start with a minimum contribution of 3% and escalate over time, perhaps by 0.5% per year to reach 6% within possibly six (6) years. Mr. Hare noted that contributing 6% might be offered to employees as an option.

In response to Mr. Hosfelt, Mr. Koenig stated that what Mr. Hare proposed would not apply to the DOE union agreement, which had been set, but would instead apply to the 42 non-bargaining positions that are unrepresented. Mr. Koenig reiterated that he had not heard discussion about Mr. Hare's concerns until this meeting.

The Committee recommended adoption of Proposed Ordinance #2016-10 and that no changes be made to the Employee Handbook so that this benefit is extended to non-bargaining employees covered under the deferred compensation plan.

During the Council meeting, Mr. Lewis stated that he disagreed with the Committee's recommendation.

Mr. Lewis moved to amend Proposed Ordinance #2016-10 to make the contributions optional up to 9%, seconded by Mr. Neil.

Mr. Lewis explained that the amendment would make the contributions optional not mandatory, so that people are not forced to contribute 9%.

Mr. Koenig stated that the current minimum contribution for non-bargaining employees is 3% and Staff has outlined a phase-in for the minimum to increase from 3% to 6%. He explained that the current maximum is 6%, which is proposed to phase in to 9%. Mr. Koenig reminded members that during the Council Committee of the Whole meeting, Mr. Hare had expressed concern for the lower income, non-bargaining employees, and Mr. Lewis' proposal would be to allow the minimum to remain at 3% and the maximum to escalate over time to 9%. Mr. Koenig explained that this proposal is slightly different than what was afforded for during the contract negotiations for the Dover Organization of Employees (DOE) bargaining unit. He stated that Staff had not asked for any deviation from the DOE Collective Bargaining Agreement; however, if Council wants to leave the minimum at 3% for non-bargaining and adjust the maximum to 9%, he believed that would be allowable under the plan document change, although that was not the proposal submitted by Staff.

For clarification, Mr. Slavin explained that Mr. Lewis would need to correct his motion to say that the minimum would be 3% and the maximum up to 9%.

Mr. Lewis withdrew his motion to amend Proposed Ordinance #2016-10 to make the contributions optional up to 9%.

Mr. Lewis moved to amend Proposed Ordinance #2016-10 where the contributions are made optional, from 3% to 9%, not mandatory.

Responding to Mr. Slavin, Mr. Lewis confirmed that this motion would make two (2) changes: 1) change it from a mandatory program to an optional program; and 2) move the floor from 6% to 3%.

The motion was seconded by Mr. Neil.

Mr. Slavin clarified that the motion was to move this deferred compensation program for non-bargaining employees from a mandatory program to an optional program, and to set the floor at 3% rather than 6%.

Mr. Hutchison asked if this motion caused concern for the City Manager, Mr. Koenig.

Mr. Koenig clarified that all new employees, except police officers, are being hired in the deferred compensation plan, so plan participation is required, not optional. He explained that Mr. Lewis' motion gives additional latitude for non-bargaining employees, so if they do not wish to adjust their contribution more than the current minimum of 3%, they do not have to, and, as the maximum increases over time, per the schedule, they have the ability to contribute as much as 9%. Mr. Koenig stated that the employee could contribute more than 9%, but the City would only match up to 9%.

Mr. Anderson moved for a division of the question between the mandatory minimum part and the optional part, noting that they are two (2) distinct issues.

Mr. Anderson explained that, as worded, Mr. Lewis' motion would make participation optional.

Responding to Mr. Anderson, Mr. Hare clarified that participation is not optional, contribution of 3% to 9% is optional.

Mr. Slavin stated that the request to divide the motion is not debatable.

The motion to divide the question failed by a roll call vote of eight (8) no (Sudler, Neil, Lewis, Cole, Hosfelt, Hare, Hutchison, and Slavin), and one (1) yes (Anderson).

Mr. Hare stated that his primary concern was that he does not like being told where he has to put his money, and a young employee coming to work for the City might have someone else in the family who makes three (3) times more than they do and may want to do something different with their money. He stated that he was okay with the 3% to 9%, with a 3% minimum and an option for the employee to increase the contribution when they want to.

Mr. Slavin advised that the motion before members means that one (1) portion of it could go anywhere from 3% to 9%, but also makes the entire program optional.

The motion to amend Proposed Ordinance #2016-10 where the contributions are made optional, from 3% to 9%, not mandatory, failed by a roll call vote of seven (7) no (Anderson, Sudler, Cole, Hosfelt, Hare, Hutchison Slavin), and two (2) yes (Neil, and Lewis).

Mr. Anderson moved to amend the proposal such that 3% is maintained as the minimum, with the maximum allowable being 9%, and that the increases are at the employee's option. The motion was seconded by Mr. Hare.

Mr. Koenig requested clarification that the motion only relates to non-bargaining employees and the collective bargaining agreements would govern the others. Responding, Mr. Anderson confirmed that the motion only relates to non-bargaining employees because Proposed Ordinance #2016-10 only refers to non-bargaining employees and does not affect collective bargaining.

The motion to amend Proposed Ordinance #2016-10, the proposal for non-bargaining employees, such that 3% is maintained as the minimum, with the maximum allowable being 9%, and that the increases are at the employee's option was carried by a unanimous roll call vote.

Evaluation of Trial Period for Council Committee of the Whole Meetings (Council Resolution No. 2015-16)

During the Regular City Council meeting of November 23, 2015, members approved the recommendation of the Legislative, Finance, and Administration Committee to commence the Committee of the Whole meeting format during the first meetings in January and try it for a few months, and if members decide to adopt the format as one (1) of the protocols for the next Council year, that this be done during the annual meeting.

Mr. Hutchison stated that having all nine (9) members of Council serve as members of the Committee of the Whole in an open meeting over the last several weeks had allowed for open discussion and dialogue shared by members of Council and civilian representatives. He noted that, under this format, Council members serve not only as members of the Committee but also have a vote, which was unlike the previous system where only three (3) members of Council were voting members of a committee. Mr. Hutchison felt that Council was finally moving in the right direction and urged all members to support this change.

Mr. Lewis stated that, although this change was good for some, it was not good for all, noting that not everyone is retired or has a nine-to-five job. He advised that he works for the State of Delaware as an essential employee and working different shifts prevents him from attending all of the committee meetings. Mr. Lewis advised members that when Mr. Hutchison brought this idea to his attention, he explained the position he was in. He stated that as this matter goes forth, he would have to hold a press conference or write a letter to the editor informing his constituents that he would be unable to attend all of these committee meetings. Mr. Lewis reminded members that this change was imposed after the election and was coming into play now. He stated his belief that it seemed that the majority of people were in support of it; however, he stated that Mr. Cole had also indicated that he had some job related conflicts.

Mr. Slavin informed members that when Mr. Hutchison first brought the idea forward, he did not think it was a good idea but agreed to try it. He now apologized to Mr. Hutchison, stating that he thought the trial format had resulted in a much deeper understanding of issues across Council, which had been lacking. Mr. Slavin thanked Mr. Hutchison for bringing this matter forward, stating that he would move to extend it when the time came to make a motion.

Mr. Hosfelt stated that there had been deep, thoughtful discussion at the Committee level, but expressed concern that this discussion does not occur at the Council meetings since items are placed on the consent agenda. He noted that television cameras are present at the Council meeting, which is often the only way the public can hear what Council is doing. Mr. Hosfelt indicated that he would rather have the cameras present during committee hearings so that the public can hear the thoughtful discussions rather than moving through the consent agenda and issues very quickly. He felt that people want to hear what their elected representatives have to say and their thoughts on the issues. Mr. Hosfelt was unsure if this could be worked out with Comcast, noting that it may be a matter of having Council Committee of the Whole meetings on Monday evenings and Council meetings on Tuesdays. Mr. Hosfelt noted that it might be better to hold the Committee meetings before the Council meets.

Mr. Anderson stated that he liked the trial format, which engages everyone, and that the idea should continue. He expressed concern about meeting on Tuesday nights and on two (2) evenings in a particular work week, which causes schedule conflicts with his job. Mr. Anderson stated that he sets his schedule for Mondays and would

like to discuss the particular evening in the future. He indicated that he was not opposed to continuing the concept, noting that it had been a net benefit that he was willing to keep regardless.

Mr. Sudler stated that he could relate to both sides of the discussion, acknowledging that the trial format does cut into the job time frames for those who are not retired, such as himself. He noted that the format gives a more in-depth understanding and dialogue, which he liked. Mr. Sudler stated that members were aware when they agreed to serve on Council that it would be a sacrifice, and he felt they were either willing to make the sacrifice or not. Mr. Sudler noted that there would be inconveniences, as when executive sessions are held, and he is unable to attend some meetings due to job responsibilities. He felt that it all boiled down to what was important to members, stating that perhaps those who cannot handle the time commitment should not be councilmen. Mr. Sudler stated that dedication, sacrifice, and determination are what it takes to run the City. He advised that he would support continuing this format, stating the need to be well informed and engaged to make the best decisions for his constituents.

Mr. Neil stated that he was sympathetic to Mr. Lewis and Mr. Cole with respect to their regular jobs; however, Mr. Neil felt the trial format gave him a better view of everything that is happening within the City. He indicated that he would bring up at the Council meeting any matter that he disagrees with at the committee level. Mr. Neil stated that he appreciated being able to get a total feel for what is happening within the City and to be a part of that process. Mr. Cole stated that he had discussed this matter with his supervisor, who was very understanding, and that this was something that he could be on board with going forward.

Mr. Anderson pointed out that when members signed on to serve they signed on to certain understandings and time commitments and not necessarily these changes. Council had decided to experiment with these changes, and he did not believe that was an issue of anyone's dedication. He believed that there must be discussion about whether the change is needed. Mr. Anderson noted that Council would be changing to the same format used by a body that receives four (4) times the pay that Council receives, and this change was costing some people on Council money without any changes in compensation. Mr. Anderson stated this was an issue of whether Council would change the rules after everybody had signed on. He indicated that this could be done; however, it was something that should be done carefully. Mr. Anderson stated that the timing should be discussed, whether or not it would be on a separate evening and, if so, which evening. He indicated that he was not asked if this day of the week would work when it was picked. Mr. Anderson questioned whether or not there should be discussion about the best way to execute it. He stated that he was for the new format but wanted to talk about how and when it would be done and expressed his hope that this would be done in the near future, although he was unsure if it needed to be settled at that meeting. Mr. Anderson felt each Council person should be consulted.

Mr. Sudler recalled that Mr. Hutchison had presented to the Legislative, Finance, and Administration Committee what may or may not take place, it was voted on, and the majority agreed. Mr. Sudler disagreed that there had not been discussion on that matter and felt Mr. Anderson's comment was unfair.

Mr. Neil expressed interest in hearing from the civilian members of the standing committees as to whether they had gained value from the change, noting that they are the unelected people who sacrifice their time to offer their wisdom.

Ms. Maucher stated that she found it very informative to understand how the City works. She noted that she had been serving a one (1) year term on a committee and did not have the experience of hearing perspectives from sitting through other committees, although she typically comes at 6:00 p.m. and observes the committee before hers. The only issue that Ms. Maucher had was the switch of the nights from Mondays to Tuesdays. She indicated that the mid-term shift was a little awkward; however, it worked out well and she was able to commit to Tuesdays for the rest of the term.

Mr. Shevock fully agreed with the change, noting that the full Council had not previously been present at committee meetings. He indicated that, previously, when the committee made a decision on something and it went forward, it seemed to be completely re-discussed at the next Council meeting. Mr. Shevock agreed with Mr. Sudler that when members sign on to help an organization, as the civilian members had done, they must put in their full time and interest.

In reference to Mr. Anderson's comment that no one had asked him about Tuesday nights, Mr. Slavin noted that the action form reviewed at the Council meeting of November 9, 2015 stated that meetings of the Council Committee of the Whole would be held on Tuesday evenings, which was approved unanimously by Council.

In regard to the attendance issue, Mr. Slavin stated his impression that attendance by Council, civilian committee members, and the public had been better than the attendance at separate committee meetings held at different times across the calendar. He commented that the public now did not need to know where various committee meetings were held. Referring to Mr. Hosfelt's concern about consent items on the Council agenda that were not receiving a full vetting, Mr. Slavin stated that items are placed on the consent agenda at the discretion of the committee chair during agenda meetings, and if chairs want to have particular items on the floor, they can simply ask not to have these items on consent. Mr. Slavin noted that every member of Council also has the right to pull items off the consent agenda at every meeting before the consent agenda is approved, which would allow for more complete vetting of issues while the television cameras are on, and that right had not been taken away from anyone by this format.

Mr. Lewis did not disagree that members knew what they were getting into when they signed on; however, he reiterated that the rules had changed, which affects some

people. When members filed for election, the meetings were on the calendar for the second and fourth Mondays of each month, and committee meetings were generally held on Mondays, generally before the Council meetings.

Mr. Hutchison reminded members that under the old system, only three (3) members of Council served on each of the committees. He attended all of those meetings and, for the most part, the only members of Council who attended were those who were members of the committee. Mr. Hutchison understood the issues related to Council members' jobs; however, he pointed out that every member of Council was present for the current committee meeting, allowing for open discussion with representation for the whole City, and he felt the benefit of this approach far outweighed the other system. When looking at the issues being faced every day with the City, he felt it was absolutely critical to receive input from everyone.

Mr. Hare agreed that the trial format was good; however, he indicated that there had been suggestions about when meetings would be held, noting that meetings could be held every Monday. He personally liked the current Monday-Tuesday night format, which allowed for the following week to be free.

Mr. Slavin moved to recommend extending the Council Committee of the Whole format on Tuesday evenings through May 31, 2017, seconded by Mr. Hutchison.

Mr. Anderson asked that Council and committee members be surveyed for the best night for Council Committee of the Whole meetings and indicated that he would concur with the motion if it did not specify a night. Mr. Slavin stated that the motion specified Tuesday night. Mr. Anderson expressed his hope that a survey regarding the night would be done in the future.

The Committee recommended extending the Council Committee of the Whole format on Tuesday evenings through May 31, 2017.

Mr. Anderson moved to extend the Council Committee of the Whole format through May 31, 2017, with the meetings to be held on Monday evenings preceding the Council meetings. The motion was seconded by Mr. Hosfelt.

Mr. Anderson explained that this would be the same time that committee meetings were previously held and the meeting times would be at the discretion of the Council President.

Mr. Hutchison questioned what time the meetings would be held on Mondays, noting that one (1) of the reasons why the change was necessary was because so many members of Council are currently employed, which created a serious problem for their participation in the Committee meetings. He stated that one (1) of the advantages of having the meetings on Tuesdays is that almost every member of Council has the opportunity to attend and participate in all of the meetings, which he believes is absolutely critical.

Responding to Mr. Hutchison, Mr. Anderson stated his belief, based on the discussions he has had, that holding the meetings between 5:00 p.m. and 7:00 p.m. on Monday evenings would be more advantageous to different members of Council who have expressed concerns.

Mr. Hare noted that since switching to the Council Committee of the Whole meeting format, he could not recall one (1) time when a meeting was less than two (2) hours.

Mr. Hosfelt felt that it made sense to have the Committee meeting before the Council meetings, noting that members could then communicate to those members of the public that cannot attend, since the television crew is present on Monday nights. He stated that the public would be able to witness the discussion that occurs during the Committee meetings, since members of Council do not always have a full discussion of items at the Council level.

Mr. Sudler asked if it would be a violation of the Freedom of Information Act (FOIA) for members to discuss a matter at the Council Committee of the Whole meeting and then consider the item at the Council meeting on the same evening. Responding, Mr. Slavin stated that items would not be considered by Council on the same evening that they are considered by the Council Committee of the Whole, explaining that there would still be a one (1) meeting delay.

Mr. Slavin advised that having the Council Committee of the Whole meeting on Tuesday nights has cleared Mondays prior to the Council meetings for any executive sessions, noting that it is far easier to schedule executive sessions on an evening when a meeting is already scheduled. He stated that he is not opposed to moving the Council Committee of the Whole meetings to Monday nights; however, it would require Council to start scheduling executive sessions on other evenings. Mr. Slavin noted that the Council Committee of the Whole meetings have been lasting longer, which has led to some very healthy discussions. He reminded members that Council always has the option of recessing a Council Committee of the Whole meeting and reconvening after the Regular Council meeting is complete; however, he expressed concern that members are not at their freshest in the second hour of a Council meeting, which would become the fourth hour if the Council Committee of the Whole meeting is held prior to the Council meeting.

The motion to extend the Council Committee of the Whole format through May 31, 2017, with the meetings to be held on Monday evenings preceding the Council meetings failed by a roll call vote of six (6) no (Sudler, Neil, Cole, Hare, Hutchison, and Slavin), and three (3) yes (Anderson, Lewis, and Hosfelt).

Mr. Anderson moved for approval of the Committee's recommendation to extend the Council Committee of the Whole format on Tuesday evenings through May 31, 2017. The motion was seconded by Mr. Neil and carried with Mr. Lewis voting no, and Resolution No. 2016-05 amending Resolution No. 2015-06 was adopted, as follows:

A RESOLUTION AMENDING RESOLUTION NO. 2015-16 WHICH TEMPORARILY SET ASIDE THE STANDING COMMITTEES AS PROVIDED FOR IN THE DOVER CODE AND ENACTED A COMMITTEE OF THE WHOLE ON A TRIAL BASIS

WHEREAS, Resolution No. 2015-16, adopted by City Council on December 14, 2015, temporarily set aside the Standing Committees as provided for in the Dover Code and enacted a Committee of the Whole on a temporary basis; and

WHEREAS, City Council wishes for members of City Council and the civilian members of the Parks, Recreation, and Community Enhancement; Safety Advisory and Transportation; Utility; and Legislative, Finance, and Administration committees to continue meeting as a Council Committee of the Whole on the second and fourth Tuesdays of the month through May 31, 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

THAT the last paragraph of Resolution No. 2015-16 be amended to read as follows:

> **NOW, THEREFORE, BE IT RESOLVED** that the City Council and civilian members of the Standing Committees will act as a Council Committee of the Whole, meeting on the second and fourth Tuesdays of the month through May 31, 2017. If Council chooses to adopt this meeting format, an Ordinance amendment regarding the Standing Committees will be presented for adoption prior to the Annual Meeting in May.

ADOPTED: MAY 23, 2016

Request of Fire Department - Engine #7 Replacement

Members were advised that, in accordance with the Capital Improvement Program (CIP) for Fiscal Year 2016/2016, the Robbins Hose Company was requesting the replacement of Engine #7, a 1997 Pierce Dash Engine. This engine will be 20 years old in 2017 and was originally on a 15-year replacement program; however, the City of Dover and previous Fire Chiefs agreed to push back the replacement to assist the City with funding other projects during the economic fall out. Engine #7 had served the Robbins Hose Company and the citizens of Dover well; however, due to its age, there had been extended down times for maintenance due to parts availability, which reduces fire protection for the Citizens of Dover. Specifications for a new engine were created based on the current apparatus with a few fire suppression and safety upgrades. The proposal for the specifications came in at $609,584, which is $7,084 over the City's projected budget (CIP) of $602,500. The financing of this apparatus over ten years (2017-2026) would translate into a loan payment of approximately $73,400. The difference of $7,084 would have to be added, increasing the total amount to $609,584. The replacement of Engine #7 is needed to provide uninterrupted and continual guarantee of five (5) engines in service to maintain and meet the Robbins Hose Company's Insurance Services Office (ISO) requirements, which sets the insurance ratings for property owners throughout the City of Dover and allows the Fire Department to respond to multiple emergencies throughout the City simultaneously. This will also allow the Department to maintain the highest level of readiness and safety for firefighters and residents of the City of Dover. The Fire Department has a working relationship with Pierce manufacturing and planned to deal with them on the purchase.

Fire Chief Carleton Carey, Jr., Dover Fire Department, offered to answer any questions regarding the request.

In response to Mr. Neil regarding how many miles were on the 18-year-old Pierce Dash Engine #7, Chief Carey indicated that it had 36,000 miles. Mr. Neil, referencing the Operational and Administration Analysis, noted that Table 5-5: Proposed Fire Apparatus Replacement Schedule on page 37 recommended that the unit remain in service for as long as 23 years if it has less than 120,000 miles on it. He stated this was one (1) of his principal concerns. Mr. Neil commented that the report was extremely favorable to the Fire Department and gave them a tremendous pat on the back. He noted that the report had additional recommendations in terms of the first response unit being three (3) engines, one (1) ladder truck, and two (2) command vehicles and in terms of two (2) station houses, and the Fire Department had enough equipment to cover that. Mr. Neil advised that the report had indicated that there should be a method of financing the trucks going forward and a formula on Page 37 describes what has to happen. He stated that members had not looked at this report as a Council, and budget hearings were coming up. Mr. Neil felt it would be necessary to look at whether the engine needs to be replaced at this time based on this report. Referring to a memorandum from Mr. Scott Koenig, City Manager, dated May 4, 2016, regarding the replacement of Engine # 7 - Robbins Hose Company, Mr. Neil stated that the City Manager had requested that this matter be delayed. Mr. Neil also wished to delay because Mr. Hare had been working on a proposal to attempt to obtain help from some of the many 501(c)(3) organizations in the City that the City supports with fire and police protection, which would be a consideration as far as financing. Mr. Neil felt that this matter should be delayed until Council looks at the report, which contains a lot of serious recommendations, including moving dispatchers to Kent County. He stated that his recommendation was not a slap on the department that does a marvelous job. Mr. Neil felt that the City would not be at risk if no action was taken on this matter tonight.

Mr. Sudler questioned if Chief Carey had reviewed the section of the report referenced by Mr. Neil. Responding, Chief Carey stated that he had read the report twice. Mr. Sudler questioned what he could tell his constituents regarding why Council should approve the truck replacement three (3) years ahead of the schedule in the report. Responding, Chief Carey stated that the Fire Department would receive less money for the truck if it was sold three (3) years later and all of the money received from the sale of the truck will go toward equipment for the new truck. He explained that the City buys only the truck and equipping an engine can easily cost from $75,000 to $100,000. Chief Carey indicated that Robbins Hose Company would have to put approximately $75,000 toward the new engine, noting that this purchase would be a little cheaper than the purchase in two (2) years because air bottles had recently been purchased, which would save $25,000.

In response to Mr. Sudler regarding whether Chief Carey still strongly urged Council to support the Department's recommendation after hearing Mr. Neil's concerns, Chief Carey stated that he did. He indicated that only the Mayor and one (1) member

of Council had talked to him about the report. Chief Carey stated that Robbins Hose Company did not recommend this report but would do whatever needed to be done and would have their recommendations when the time comes.

Based on research that he had done, Mayor Christiansen advised that NFPA standards state that the life expectancy of Class A fire apparatus is 15 years. He noted that it is not based only on mileage but on the engine hours.

Responding to Mayor Christiansen, Chief Carey stated that he did not know the number of engine hours on Engine #7, noting that there was no monitor on this engine.

Mayor Christiansen stated that the standards of a 15-year life span for an engine and 17 years for a ladder truck were the norm across the country. He stated that he served on the committee that put together Engine #7 and Rescue #1 when they were purchased in 1997, and he was a member of Council and a junior officer in the Dover Fire Department. Mayor Christiansen advised that the exterior of the truck looks good; however, after a certain amount of time they become worn and less reliable. He advised that the report stated that the Fire Department could operate with a certain number of pieces of equipment, which Mayor Christiansen took to task because he knew the operation and the responsibility that the Department has for its own fire district and for others.

Mayor Christiansen questioned if this engine could be put in service for any great length of time if one (1) of the front line engines were to go down. Responding, Chief Carey stated that he must do what must be done to run the Department when help is needed. He explained, for example, that a month ago there was a truck that would not start at Station No. 2. There was an engine with a flat tire on its rim and the two (2) pumpers were out of service. Chief Carey advised that, fortunately, there were no fire calls at that time and an engine from Station No. 1 was taken to Station No. 2 to support that side of town.

Mayor Christiansen questioned if it was reasonable to say that the need had been identified above and beyond what the report stated. Chief Carey stated that there had not been much maintenance on the truck during the last three (3) years. When they replace this truck, Engine #3 would be sitting in Engine #7's spot. He indicated that this was almost like a spare, so that when an engine goes down, which happens frequently, another engine is moved over. For example, they had spent nearly $38,000 in maintenance on Engine #3 alone in almost two (2) years. Chief Carey noted that Engine #7 had not been that expensive because it had been sidelined and they had been fortunate with it. When they do have to run it, it is the first piece.

Responding to Mayor Christiansen regarding six (6) month or annual maintenance of apparatus, Chief Carey stated that regular maintenance is performed on all apparatus and is up to date for this year.

Mayor Christiansen questioned if this was in addition to preventive maintenance performed by the dispatchers and if they document all service on the trucks. In response, Chief Carey explained that the certified maintenance is not done in-house; however, the dispatchers check the air bottles, lights, and tire pressure on a daily basis and make sure that the trucks start and the air pressure is holding so they are ready to roll out the door. He stated that the dispatchers are the backbone, helping out so that members of the Department can go home and live their lives.

Mr. Hutchison questioned if the Department had a replacement plan in place for fire apparatus and a corresponding financial plan. Responding, Chief Carey stated that there is a plan in place and there was also a plan 20 years ago when he was serving as Fire Chief. He indicated that he had met with Mr. Koenig and Mrs. Donna Mitchell, Controller/Treasurer, so that a future plan could be developed.

Mr. Hutchison questioned when the next apparatus would need to be replaced. Responding, Chief Carey indicated that they should start another replacement next year after this truck was purchased. He advised that two (2) engines were purchased in 2003. Chief Carey explained that there had been a set five (5) year plan for engine replacement so that when one (1) was paid off, the other was ordered and the payment plan rolled over to the next truck. He stated that this was how it used to work with the City and the Fire Department. Chief Carey stated that this plan was no longer in place and he was unsure why, noting that this had changed during the 20 year span since he was last Chief. He had explained to Mr. Koenig and Mrs. Mitchell that the specialized pieces, the two (2) ladder trucks and rescue truck, would cost more than $1M.

In response to Mr. Hutchison as to whether the City had a finance plan for the Robbins Hose Company, Mrs. Mitchell stated that the Fire Department supplied her with a schedule for when they want to replace trucks and the estimated cost of each apparatus. Because the City uses loans, Mrs. Mitchell set up an amortization schedule for each apparatus and laid it out in a spreadsheet. She indicated that there is a plan in the Capital Improvement Plan (CIP) for five (5) years; however, the truck payment actually goes out 10 years. Mrs. Mitchell stated that all the trucks that were coming up were included, noting that there was one (1) next year and another two (2) years after that. Mrs. Mitchell indicated that she would provide Mr. Hutchison with a copy of the payment plan.

Mr. Sudler expressed his appreciation for the Fire Department, stating his belief that if they say they need apparatus, regardless of the report, the City should give it to them. He commented that the Fire Department's time frame of one (1) year was very close to the three (3) years indicated in the report and noted that members of the Department were waking up in the early morning hours to put out fires for loved ones and businesses in the City.

Mr. Sudler moved to support the Dover Fire Department's request. The motion failed for lack of a second.

Mr. Neil stated that the comprehensive Operational and Administration Analysis was to act as a guideline, and the Proposed Apparatus Replacement Schedule indicated first line service for 18 years or 100,000 miles and five (5) years or 120,000 miles for reserve status. He stated that Engine #7 was in reserve status and was being looked at for trade-in value. With the budget coming up and the request from the City Manager for delay, Mr. Neil felt this matter should be delayed until members consider what this report is, what they would do, and how it fits in with the fiscal year coming up. He reiterated that the City was also looking at possibly getting help from another source.

Mr. Hosfelt recalled that there had been discussion relating to Chief Carey returning to give a briefing on the public safety study and questioned if this had been arranged. Responding, Mr. Koenig stated that it had not yet been arranged; however, it could be discussed at the agenda meeting.

Mr. Slavin stated that the City was still waiting for the draft of the report pertaining to the police. Mr. Koenig explained that the text of the draft companion police report had been received, was being reviewed, and comments must be sent back to the consultant before it can be finalized by the consultant.

In response to Mr. Hosfelt, Mr. Koenig stated that the draft police side of the report had been received by himself and Chief Bernat, who were reviewing it for text issues or factual mistakes. Their comments will soon be sent back to the consultant to finalize this portion of the report and submit the final report to Council. Mr. Koenig advised that the same process was implemented with the fire and EMS study. The consultant had submitted the final report, which had been posted to the website; however, no discussion had convened with Council at this point.

Responding to Mr. Hosfelt regarding the timetable for receiving the final report, Mr. Koenig projected that the police side would be finalized within the next 30 days; however, members would not be able to hear from the consultant before the budget discussion. He indicated that, at one point, the discussion had been to potentially review the reports in early to late June.

Mr. Anderson stated that if the discussion was to replace the engine in year 15 or 16 years of 23 years, he would be in favor of stretching the engine out longer; however, with the time frame being so close, he tended to agree with Mr. Sudler. He stated that, traditionally, discussions of this type of capital project are rolled into the budget discussion and he questioned the proper format to refer this matter to the budget discussion. In response, Mr. Koenig indicated that this would be part of the FY 17 budget discussion because the purchase of this vehicle was not budgeted in FY 16. He explained that this equipment takes approximately a year to be fabricated; however, the FY 17 budget originally had more than $74,000 in debt service associated with this vehicle. In March or April, staff advised Council that there was a $1M gap in the General Fund. That proposed purchase had been cut from the draft budget to close that $1M gap. Mr. Koenig stated his understanding of the Fire

Department's request; however, he disagreed from the managerial side because the Fire Department's 15-year schedule is not supported by manufacturer documentation or in the Operational and Administration Analysis that will be discussed in the future. He indicated that he was not ready to approve a $600,000 purchase since there was a gap in the budget that needs to be closed.

Mr. Anderson questioned if Mr. Koenig was looking at a delay of another year or so. Responding, Mr. Koenig felt that this was part of what Council needed to deliberate as they get into the budget discussions.

In response to Mayor Christiansen regarding the payment and amortization schedule arrangement with the fire apparatus dealer, Mrs. Mitchell indicated that she had laid out an amortization schedule for approximately $603,000 with a 10-year payback, which would be approximately $74,000 per year.

The Committee tabled the discussion of replacing Engine #7 until the budget discussions.

Mr. Hutchison commented that the Mayor and Council had always been there to support the volunteer fire service, which is a first-class operation. In fairness, due to the timing, Mr. Hutchison felt it was critical on the part of the Mayor, Council, City Manager, and staff to take the time to look at the budget and go through the process. He thanked Chief Carey for what they do and asked that they bear with the City.

Progress Report on the Youth Advisory Committee's Reporting of Their Minutes

Mr. Anderson stated that the Youth Advisory Committee's (YAC's) progress was positive and that it had been a priority of the new chair to make sure that the records are well kept. The secretary left the Committee and they now have a rotating secretary. Referring to the memorandum from Chairwoman Rebecca Anderson dated April 6, 2016, RE: Minutes Action Plan, Mr. Anderson stated that there is a recommendation for a contract person and a budget request of approximately $1,000 in the next fiscal year's budget so that there would not be a burden on the City Clerk's Office. He felt that the Committee should be treated as every other City committee, noting that no City committees takes their own minutes. Mr. Anderson stated that this was a very important legal responsibility and thought it would be a good idea to have this done by someone who is experienced in that regard.

Mr. Hare questioned if the City Clerk had been receiving the minutes. Responding, Mrs. Traci McDowell, City Clerk, stated that the Clerk's Office had received minutes for the last two (2) meetings but not the outstanding minutes for the previous meetings.

Noting that Mr. Anderson had requested staffing funds for the YAC, Mayor Christiansen questioned if the City Clerk's Office would be capable of handling this responsibility. Responding, Mrs. McDowell stated that the Clerk's

Office currently had a backlog of minutes and a new person had just come on staff. She advised members that the Clerk's Office had never done minutes for the YAC, noting that when former Councilwoman Sophia Russell restarted the YAC in 2008, the Clerk's Office had done two (2) sets of minutes until officers were installed. Mrs. McDowell explained that the YAC selected a member who attended the meetings, kept records, did the minutes, and submitted them to the adult advisor at that time. It was Mrs. McDowell's belief that minutes were supposed to be a learning experience, noting that there are high school students who are pursuing this kind of field, and she felt that was the intention to have the youth do their own minutes, since they function as a youth advisory group for the government.

In response to Mr. Lewis, Mr. Hare stated that the YAC minutes were subject to Freedom of Information Act (FOIA) laws.

Mr. Lewis stated his recollection that when he served on the Dover Human Relations Commission (DHRC), an outside contractor was hired to complete minutes and he asked if this still applied. Responding, Mrs. McDowell stated that when the DHRC was recently reconstituted she and then Council President Bonar discussed the Clerk's Office staffing the commission. She stated that the Clerk's Office would complete the minutes, attend the meetings, and provide guidance so that they would stay on track. At that time, a proposed ordinance stated that the DHRC would meet quarterly. Mrs. McDowell advised that before the ordinance was adopted, it was amended to allow the DHRC to meet whenever they wished. She advised that the DHRC had met monthly since being reconstituted and had met more often than monthly. Mrs. McDowell stated that DHRC minutes are extremely long, as are the minutes for the Council Committee of the Whole. She explained that one (1) hour of meeting time takes four (4) hours to transcribe; therefore, a three (3) hour meeting is more than one (1) day's work.

Mr. Anderson advised that part of the YAC's proposal would take care of some of the minutes backlog and explained that the tapes do exist. He stated that the YAC had also requested training, which would be an essential element if they were to take their minutes. Mr. Anderson felt that this would be a positive, one (1) time investment. Mr. Lewis concurred that the youth members should be trained, specifically if they are bound by FOIA regulations.

Mr. Slavin stated that the YAC is bound by FOIA and right now the City is knowingly in violation of FOIA repeatedly for this issue. He expressed his opinion that government grows slowly and $1,000 dollars here and there adds up to real money. Mr. Slavin advised that youth had been asked to come forward and give their ideas about how to make the City better and the structure used was one based on how adults do business, not how youth comes up with ideas. His experience dealing with youth is that they are a lot brighter and more nimble, and coming to a place like City Hall on a weeknight evening and having to meet in this format had proven to be a barrier in getting those ideas. Mr. Slavin felt that the City was tripping over issues like composition, noting that YAC members cannot meet out their terms or get to the

meetings, and there are not quorums or minutes, and, in the interim, the City is not getting the ideas that are wanted. Mr. Slavin stated that he planned during budget considerations to propose that the City look at a different initiative that would involve going to key departments where the public interacts with City government, such as Police, Fire, Parks and Recreation, and the Dover Public Library and require those departments to have focus groups with youth through the year and report back to Council with the ideas they have gathered. Mr. Slavin did not see it as the role of City government to train youth on how to be in government, stating that this is what the YMCA Youth in Government program, Boys and Girls State, and civics classes are for. He felt that the City was duplicating these efforts. In regard to the minutes training, Mr. Slavin stated his concern that this would not be a one (1) time cost because there would be new members on the Committee and continuous training would be involved. He expressed his belief that these are the things that add cost to government, although this was not a great cost. Mr. Slavin suggested widening the lens and thinking about the outcome wanted from involving youth with the government. He felt there was a better way to get to that outcome than to ask them to behave like adult members.

Mr. Hare advised that he had been to one (1) of the YAC meetings and they had no one to take notes and no quorum and they still held their meeting. Responding, Mr. Anderson indicated that this was not true. Mr. Hare stated that members may not have held the meeting, but they remained in the room for a while.

Mr. Anderson stated that, compared to most City committees, he was quite pleased with the youth and their commitment. He advised that, of all the regular meetings they held, there was only one (1) where there was not a quorum. Mr. Anderson noted that one (1) member kept saying that they were coming and they did not. They eventually left the YAC.

Mr. Slavin stated that this was not known because there were no minutes of any meetings. In response, Mr. Anderson advised that there were several sets of minutes from older meetings, although there was a period where they were missing. Mr. Anderson indicated that the Chair's memorandum requested help in transcribing one (1) particular meeting and the recommendation in the memo was very positive and should be adopted. He indicated that there had been enormous community engagement with Restoring Central Dover, Bayhealth Medical Center, the Downtown Dover Partnership, the Parks and Recreation Department, and Kent County Tourism during the last several months under the current leadership. Mr. Anderson felt that going backwards all of a sudden would be a complete waste of time and totally ridiculous.

Mr. Hare questioned if the YAC had taken on these initiatives and gone to these entities. Responding, Mr. Anderson indicated that there was partnership with each of those entities. With Bayhealth there would be a summer program for cardio-pulmonary resuscitation (CPR), babysitting, and the like for the youth. In response

to Mr. Hare regarding funding, Mr. Anderson stated that Bayhealth and Restoring Central Dover's committee would be picking up the cost.

Mr. Hare stated that this was the first he had heard of this, noting that the YAC was supposed to make recommendations to Council before they do it. Responding, Mr. Anderson stated that the YAC were enabled to plan and execute events, noting that there would be no cost for the taxpayer. Mr. Anderson stated that broader things that engage the City are brought forward and the YAC was supposed to recommend advocacy items for the youth.

Mr. Hare stated that he did not want to have 14-to-16-year-old children planning and making executions on behalf of the City without advising Council.

Mr. Neil stated that he would like to see the minutes, stating his presumption that they existed and could be produced. Responding, Mr. Anderson stated they were on the City website.

Mr. Neil stated the desire for minutes so that members could study what the YAC had done, noting that this would have been helpful for this particular discussion. Responding, Mr. Anderson stated that these items were mentioned in the annual report, which passed on consent agenda unanimously.

Mr. Cole questioned why members were trying to put a square peg in a round hole. He stated that there were youth who wanted to be involved and suggested looking at how to make this work moving forward. Based on his 18 years of education, Mr. Cole stated that kids want to do things and it was a matter of how to guide this.

Mr. Lewis concurred with Mr. Cole and stated that the City was being proactive for the kids and this was a positive thing for today's society. He stated that he would hate to see the YAC dissolve; however, he believed that it needed some structure and guidance.

Mayor Christiansen asked that Mr. Anderson and the YAC memorialize the partnerships that were mentioned in writing, as well as their meetings and conversations, so that Council could review them and help the YAC move forward in the direction needed. Mayor Christiansen stated that he did not want to see another situation such as the New Year's Eve celebration issue. He noted that there is great advantage for the YAC and its potential energy, but stated the need to provide Council some sense of direction on where they are going so that things would be in hand if Council needs to approve their decisions.

Mr. Slavin expressed concerns regarding another round of obligations made by the YAC for the City to be involved in activities with very little knowledge of what the activities are and their scope. He indicated that he was more concerned that it appeared that the youth were being taught that the Freedom of Information Act is optional, noting that it is not and never had been.

> The Committee recommended that the Youth Advisory Committee be suspended until all minutes of the missing meetings are approved by Council and until Council can discuss the matter thoroughly.

During the Council meeting, Mr. Anderson expressed his opinion that the recommendation of the Youth Advisory Committee should be accepted, noting that it was a reasonable and amenable recommendation. He stated that he would like to request that members of the community, many of whom have been in contact to support the Youth Advisory Committee, volunteer to help with the back minutes. Mr. Anderson stated that he was very pleased with the current leadership of the Committee, which has met, basically, every demand that Council has put forward. He requested that Council support the Youth Advisory Committee in the coming year, to be able to do the things that it has laid out. Mr. Anderson stated that there has been cooperation set with City staff, which is very positive, and with the community interests. It was his belief that the Committee had exceeded the expectations that had been laid out for it. He stated that the Committee is doing a great job and should be supported.

Mr. Hare, referring to Mr. Anderson's request that Council support the Youth Advisory Committee in the coming year, to be able to do the things that it has laid out, stated that nothing had been presented to Council regarding the Committee's recommendations and no minutes had been provided in this regard, so he did not know what the Committee was planning to do or commit the City to. Mr. Hare stated that he was not ready to let a group of fifteen and sixteen year-old kids make commitments on the City's behalf, noting that Resolution No. 2010-03 states that the Committee shall present their recommendations to City Council. He stated that he could not support this. Mr. Hare indicated that if there were people willing to help with the minutes, the Committee could get all of the minutes caught up, submit them to Council for consideration, and Council could then discuss the matter.

Mr. Anderson stated that the Youth Advisory Committee's recommendations were provided in the Committee's 2016 Annual Plan of Work, which was approved by City Council on April 25, 2016.

Mr. Lewis stated that he did not have a problem assisting this group; however, he thought that Council needs to give them some direction going forward on where to go and how to take the minutes. He suggested that maybe the members need to be trained on how to take their minutes and asked if the City Clerk's Office was willing to train them. Responding, Mrs. McDowell stated that the City Clerk's Office would be able to help them and explained that the Clerk's Office had sent them several emails with information regarding the requirements of the Freedom of Information Act (FOIA) and Robert's Rules of Order. She stated that she did not object to helping them; however, she reminded members that as turnover happens, the training would be required again, noting that, currently, the turnover for this group is very high.

Mr. Slavin reminded members that the Council Committee of the Whole/Legislative, Finance, and Administration Committee had recommended that the Youth Advisory Committee be suspended until all minutes of the missing meetings are approved by Council and until Council can discuss the matter thoroughly. He advised that two (2) weeks had passed and no further meeting minutes had been provided; therefore, he did not think that Council should vacate the recommendation, since that condition had not been met. Mr. Slavin stated that the Special Council

Meeting - Budget Review was scheduled to begin the next evening and he believed that this would be a matter of discussion then.

Mr. Sudler moved for approval of the Committee's recommendation that the Youth Advisory Committee be suspended until all minutes of the missing meetings are approved by Council and until Council can discuss the matter thoroughly. The motion was seconded by Mr. Cole and carried with Mr. Anderson voting no.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee met with Councilman Anderson presiding.

Presentation - Tiny Home Village Concept (Sue Harris)

Ms. Sue Harris, 241 Pine Street, reviewed a presentation entitled "Promoting Independence, Cooperation, and Respect for Each Other and the Environment - Port Hope Delaware Inc." Ms. Harris thanked members for welcoming herself and her co-coordinator, Ms. Cathi Kopera, to present their plans for their vision of a new affordable housing concept, a tiny house village for the homeless. Ms. Harris advised members that their desire was to make members aware of the tiny village concept, noting that the biggest piece of the project would be related to the land. She advised that there was nothing written that would allow for this type of project; therefore, it would have to be made to work wherever possible. Ms. Harris advised members that if such developments are well managed, maintained, and self-governed by a board of directors, they are an asset rather than a detriment to neighborhoods and she expressed her hope that this would happen somewhere around Delaware soon.

Mr. Neil questioned if there would be lavatories and food facilities. Responding, Ms. Harris stated that the plans for their village would include bathrooms and kitchens in the units. She stated that a lot of villages have a community house instead.

Mr. Neil stated that, from his experience in vocational rehabilitation, there is a mental aspect and some of the people can be very resistant to doing anything that they do not want to do; therefore, there should be a screening process. He stated that there should also be a neighborhood process since there would be those who would not want such a project in their neighborhood. Mr. Neil felt that this concept would be difficult to sell.

Ms. Harris agreed; however, she stated her opinion that it made more sense to do something rather than nothing, noting the need and the ability to save the towns money.

Mr. Neil advised that the State had passed a common interest community law which applies to communities such as condos and co-ops, and that there is an ombudsman.

He indicated that the tiny village would also be a common interest community and suggested they consider an ombudsman because there are problems that groups cannot agree upon.

Ms. Harris stated that they would start by talking with all those who would be involved to learn what they need to do and work through each difficulty one (1) step at a time. She felt that if this could be done elsewhere, it could be done here.

Mr. Lewis advised that he personally supported this initiative 100%, stating this issue was close to his heart and he had been volunteering to help the homeless since the age of 15. He expressed his admiration for Ms. Harris and Ms. Kopera in trying to help clean up homelessness in the City, noting that the City has a homeless problem.

Ms. Harris commented that some had suggested buying tickets for the homeless and sending them back to where they came from; however, most of the homeless were born, grew up, and went to school here, noting that one (1) specific homeless individual had been a chemist for Dupont.

Mrs. Harris advised members that she serves on a committee that is working on legislation relating to land banking. She stated that New Castle County benefitted from land bank legislation recently passed in Delaware and it was her hope that Kent County and the City of Dover would take a look at this concept. Ms. Harris provided members with a press release dated April 27, 2015 related to Land Bank legislation, Senate Bill No. 66, and House Bill 287 and Kent County property information.

Mr. Caldwell stated that he had the opportunity to see a tiny home village in Madison, Wisconsin, and was highly impressed with that community. He explained that area residents were somewhat reluctant about the concept, not knowing what was going to take place. Mr. Caldwell indicated that there was no police presence and they did not have a single problem. He stated that there was no drinking or loud music, the area was kept clean, and some of the homeless were able to find jobs, remarking that the Dover community probably needs a lot of help in that area. Mr. Caldwell indicated that, based on his observations, a tiny community of homes can be very impressive. He noted that there would be resistance to the homeless but expressed a desire to help them, stating that when he sees people with bags walking the streets of Dover, he knows they have a problem. Mr. Caldwell felt that it would be very valuable to have an example of a tiny community in Delaware, like the village in Wisconsin.

In response to Mr. Caldwell, Ms. Harris advised members that they had already been asked by Sussex County to build a village there.

Mr. Anderson stated that affordable housing is one (1) of the goals of the City's Comprehensive Plan as well as Housing and Urban Development (HUD) grants. He expressed his hope that Ms. Harris would work with staff and in the future the City would be able to adapt a Planned Neighborhood Design to accommodate a tiny home

village. It was Mr. Anderson's opinion that this needed to happen because people had been regulated into homelessness in an effort to manipulate the market. He stated that the current average wage required for the average rent, using income guidelines, is approximately $16 per hour; however, the average renter is earning less than $12 per hour; therefore, the average wage does not meet the average rent. Mr. Anderson indicated that a serious problem is being created, market-based solutions must be allowed for, and this concept was one (1) possibility. He expressed his hope that there would be further discussion of this issue.

Community Development Block Grant (CDBG) Program Quarterly Update (January, February, and March)
The Committee recommended acceptance of the report.

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

Mr. Anderson suggested that members refer any questions to Mrs. Ann Marie Townshend, Director of Planning and Community Development, or Mrs. Tracey Harvey, Planner I.

Mr. Sudler moved for acceptance of the Council Committee of the Whole Report, seconded by Mr. Neil and carried by a roll call vote of seven (7) yes (Sudler, Neil, Cole, Hosfelt, Hare, Hutchison, and Slavin) and two (2) no (Anderson and Lewis).

SETTING OF PUBLIC HEARING - ELECTRIC FUND BUDGET
A public hearing on the Electric Revenue Fund Budget is required for compliance with the City of Dover Electric Revenue Bonds Resolution prior to adoption of the budget. Staff recommended that the public hearing be set for June 13, 2016 at 7:30 p.m.

Mr. Hare moved to set a public hearing for June 13, 2016 at 7:30 p.m. for the 2016/2017 City of Dover Electric Fund Budget, seconded by Mr. Neil and unanimously carried.

2016/17 STAFF APPOINTMENTS - CITY COUNCIL (Deferred During the Annual Meeting of May 9, 2016)
By consent agenda, Mr. Lewis moved for approval of the Staff Appointments for 2016/2017, seconded by Mr. Neil and, by a unanimous roll call vote, the following appointments were made:

City Assessor	-	Cheryl A. Bundek
Building Inspector	-	Ann Marie Townshend
City Clerk	-	Traci A. McDowell
Assistant City Clerk	-	Denise L. Devine
Controller/Treasurer	-	Donna S. Mitchell
Assistant Controller/Treasurer	-	Lori Peddicord
Assistant Treasurers	-	Traci A. McDowell
	-	Denise L. Devine
Fire Marshal	-	Deferred
City Solicitor	-	Nicholas H. Rodriguez
Deputy City Solicitor	-	William W. Pepper, Sr.

2016/17 COMMITTEE APPOINTMENTS - COUNCIL PRESIDENT (Deferred During the Annual Meeting of May 9, 2016)

Council President Slavin requested that the 2016/2017 Council President Committee Appointments be deferred.

By consent agenda, Mr. Lewis moved to defer the 2016/17 Council President Committee Appointments, seconded by Mr. Neil and carried by a unanimous roll call vote.

2016/17 MISCELLANEOUS APPOINTMENTS - COUNCIL PRESIDENT (Deferred During the Annual Meeting of May 9, 2016)

Council President Slavin requested that the 2016/2017 Council President Miscellaneous Appointments be deferred.

By consent agenda, Mr. Lewis moved to defer the 2016/2017 Council President Miscellaneous Appointments, seconded by Mr. Neil and carried by a unanimous roll call vote.

2016/17 COMMITTEE APPOINTMENTS - MAYOR (Deferred During the Annual Meeting of May 9, 2016)

Mayor Christiansen submitted the following appointments for approval:

Compensation Commission

Mayor Christiansen requested that this appointment be deferred.

Dover Fourth of July Celebration Committee

Robin R. Christiansen, Chairman (ex-officio)
Greg Patterson, President/Vice Chairman
Andrea Maucher, Vice President
Jennifer Helms, Treasurer/Secretary
Ann Marie Townshend (Staff Liaison)
Susan Betts
Gail Nemcic
Karen Nickerson
Sarah Zimmerman

Dover Public Library Advisory Commission

Scott W. Cole (Council Liaison Member)

Downtown Dover Partnership Board of Directors

City of Dover Government - Appointed by the Mayor and Confirmed by Council

Robin R. Christiansen, Mayor (Ex-Officio Member)
David L. Anderson - Council Representative
William F. Hare - Council Representative
Council Representative - Mayor Christiansen requests that this appointment be deferred.
Scott D. Koenig - City of Dover Representative
Ann Marie Townshend - City of Dover Representative

Downtown Dover Partnership Board of Directors (Continued)

State Government - Appointed by the Mayor and Confirmed by Council

State of Delaware Representative - Mayor Christiansen requests that this appointment be deferred.

Private Sector - Appointed by the Mayor and Confirmed by Council

Maxine Lewis - Downtown Retailer/Commercial Property Owner Designee

Todd Stonesifer - Resident of Downtown Area

Real Estate Professional Whose Practice Includes Downtown Area/Commercial Property Owner - Mayor Christiansen requests that this appointment be deferred.

Election Board

Curtis E. Raymond - Third District

Fourth District - Mayor Christiansen requests that this appointment be deferred.

Property Maintenance Code Board of Appeals

Charles Martin, Representative Local Real Estate

Adam M. Perza, Representative of Homeowners

Scott D. Koenig, City Manager

Silver Lake Commission

Nicholas Adams

Tricia Arndt

James Burcham

Zachary Carter

Dean Holden

Lyle Allen Jones

Ann Marie Townshend

By consent agenda, Mr. Lewis moved for approval of the Committee Appointments for 2016/2017, as recommended by Mayor Christiansen. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

REAPPOINTMENTS/APPOINTMENTS - RECOMMENDED BY MAYOR CHRISTIANSEN

Mayor Christiansen requested the following reappointments/appointments to the Planning Commission for a three (3) year term to expire June 1, 2019:

John H. Baldwin, Sr. - Fourth District (Reappointment)

Kenneth Roach - Fourth District

Mayor Christiansen requested the appointment Ms. Andrea Maucher to serve on the Planning Commission, representing the Second District, for a term to expire June 1, 2018 (to fill the unexpired term of Michael J. Ambruso, Sr.).

By consent agenda, Mr. Lewis moved for approval of the reappointments/appointments to the Planning Commission, as recommended by Mayor Christiansen. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

RESOLUTION NO. 2016-06 AUTHORIZING SIGNATURES FOR BANKING SERVICES ON BEHALF OF THE CITY OF DOVER, DELAWARE - CONTROLLER/TREASURER, ASSISTANT CONTROLLER/TREASURER, AND ASSISTANT TREASURERS

By consent agenda, Mr. Lewis moved for adoption of the proposed resolution, seconded by Mr. Neil and, by a unanimous roll call vote, Council adopted Resolution No. 2016-06, as follows:

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

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

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

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

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

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

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

ADOPTED: MAY 23, 2016

FIRST READING - PROPOSED ORDINANCE #2016-10

Council President Slavin reminded the public that copies of the proposed ordinance are available at the entrance of the Council Chambers, on the City's website at www.cityofdover.com under "Government," or by contacting the City Clerk's Office. Final action by Council on the proposed ordinance will take place during the Council Meeting of June 13, 2016.

Mr. Scott Koenig, City Manager, advised members that Proposed Ordinance #2016-10 was prepared by several members of City Staff from the City Clerk's Office, Finance Department, Human Resources Department, and City Manager's Office. He explained that the Proposed Ordinance would create the generic template for the deferred compensation plan, so that the City can have various plan documents for the deferred compensation plan. Mr. Koenig noted that all new

employees, except police officers, hired after September 28, 2009 are required to join the deferred compensation plan as defined in subsection 2-324 of the Dover Code.

Mr. Koenig thanked Councilmen Lewis and Hare for granting the additional latitude during the discussion of the Proposed Ordinance earlier in the meeting. He explained that, as amended earlier in the evening, the proposal would allow the non-bargaining component of the workforce to contribute a minimum of 3% and a maximum of 9% on the expansion schedule that was previously discussed. Mr. Koenig stated that the remaining employees under this plan would be defined under the various collective bargaining agreements and/or their plan document. He expressed his appreciation for the time and effort that Staff and Council had put into this revision, noting that, going forward, this is the retirement plan for new employees, except police officers.

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

- PROPOSED ORDINANCE #2016-10 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE IV - OFFICERS AND EMPLOYEES, DIVISION 8 - DEFERRED COMPENSATION PLAN

CITY MANAGER'S ANNOUNCEMENTS

Mr. Scott Koenig, City Manager, thanked the staff who had worked over the past few months to help draft the FY17 budget that is scheduled for presentation at the Special Council Meeting - Budget Review beginning tomorrow evening at 6:00 p.m. He stated that there were a number of people that provided input, calculations, and advice in preparing the fiscal spending plan for FY17 and he would like to thank them personally for their efforts, prior to beginning the presentation tomorrow.

COUNCIL MEMBERS' ANNOUNCEMENTS

Council President Slavin reiterated that the Special Council Meeting - Budget Review would begin tomorrow evening, Tuesday, May 24, 2016 at 6:00 p.m. in the City Hall Council Chambers, noting that the draft budget for FY 2016/2017 was available on the City's website.

Mr. Hutchison thanked Staff for the new television screens in the Council Chambers, as well as the new Council nameplates. He stated that the new television screens were a nice addition.

Mr. Slavin wished Ms. Denise Devine, Assistant City Clerk, a happy birthday.

Mr. Hare announced that a Second Council District community meeting was scheduled for Tuesday, June 21, 2016, at 7:00 p.m. at Capital Baptist Church. He asked Deputy Police Chief Marvin Mailey to see if someone would be available to attend from the Police Department, and expressed his hope that someone would also attend from the Planning Department, noting that there would be discussion regarding property in that area.

Mr. Anderson announced that Nicholas Dadgostar, a Wounded Warrior from Kent County Delaware, was a Silver Medalist in the recent Invictus Games. He stated that Mr. Dadgostar represented the Air Force and was one (1) of the United States service members who participated, noting that it is

good to see a local individual who overcame adversity doing well. Mr. Anderson extended best wishes to Mr. Dadgostar and his family.

Mr. Anderson announced that First State Community Action Agency has an office in Dover and is currently looking for participants who need lead removal, home renovation, or assistance with their electric bills. He urged people to contact First State Community Action Agency, indicating that there is more than a million dollars that needs to be spent by November.

Mr. Sudler thanked the entire City of Dover, including members of Council, for attending his meeting regarding shootings and illegal gang activity in the City of Dover, on Wednesday, May 18, 2016. He also thanked Ms. Ashton Brown from the Delaware State News, and Mr. Jeff Brown from the Dover Post for covering the meeting. Mr. Sudler indicated that resources were being put together on the State and local level to combat criminal activity, especially illegal gang formation, in the City of Dover.

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

Meeting adjourned at 9:00 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of May 23, 2016, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
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Exhibits
Exhibit #1 - "Metropolitan Wilmington Urban League (MWUL) Dover Committee" Presentation, provided by Dr. Shekelia Hines
Exhibit #2 - Correspondence dated May 20, 2016 from Mr. David Sheppard, General Counsel for DSU, regarding the prospective relinquishment of City of Dover's transfer right in the Delaware Civic Center Corporation land

Metropolitan Wilmington Urban League (MWUL)

Dover Committee

Introduction

Shekelia Hines, PT , DPT

Physical Therapist

Chair of MWUL Dover Committee

ShekeliaHines@gmail.com

(302) 300 - 0856

Our Movement

Founded in 1910 in New York City, NY

Nonprofit, nonpartisan, community based movement

Professional Staffed

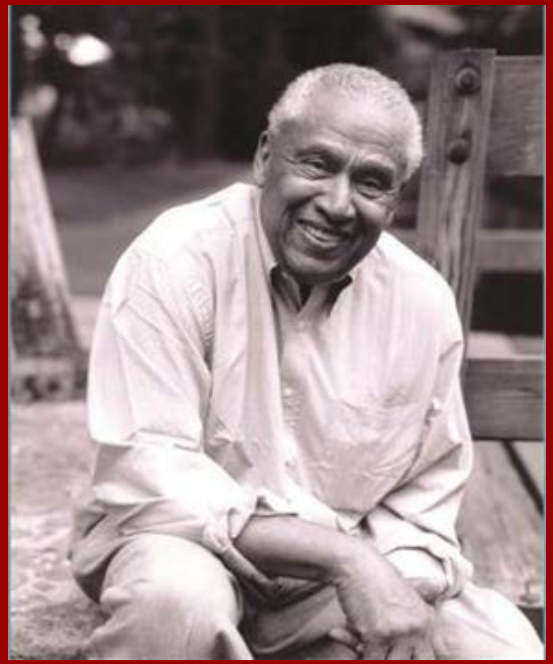
MWUL 115th Affiliate

Pursues the National Urban League 5 point Agenda

Five point Empowerment Agenda

1. Education and Youth Empowerment
2. Economic Empowerment
3. Health and Quality of Life Empowerment
4. Civic Engagement and Leadership Empowerment
5. Civil Rights and Racial Justice Empowerment

Founder of MWUL



James H. Gilliam, Sr.

Mr. James H. Gilliam, Sr.

- In 1998, Civil Rights Veteran James H. Gilliam, Sr., a former member of the National Urban League's (NUL) Board of Trustees, was prompted by Mayor James H. Sills to start an Urban League affiliate in Wilmington Delaware.

- In six months, Mr. Gilliam worked with a small group of colleagues and a minority-owned consulting firm, [ARISE International], to marshal funding and partnership commitments that totaled $1 million. He also assembled a diverse sponsoring committee that included more than 70 community leaders from public, private, and nonprofit sectors.

- In June 1999, Mr. Gilliam made a formal presentation for affiliation to the NUL. One month later, MWUL became the 115th affiliate in the history of the national organization.

- It remains the fastest start of any Urban League affiliate in the later half of the 20th century.



Mission statement:

To empower people of color to achieve economic self-reliance, parity, and civil rights.

Young Professionals

(www.mwulyp.org)

Auxiliary Organization

Fastest growing segment

Made up of members who support the mission

Defined as “Anyone proficient in what they do.”

Various occupations are welcomed

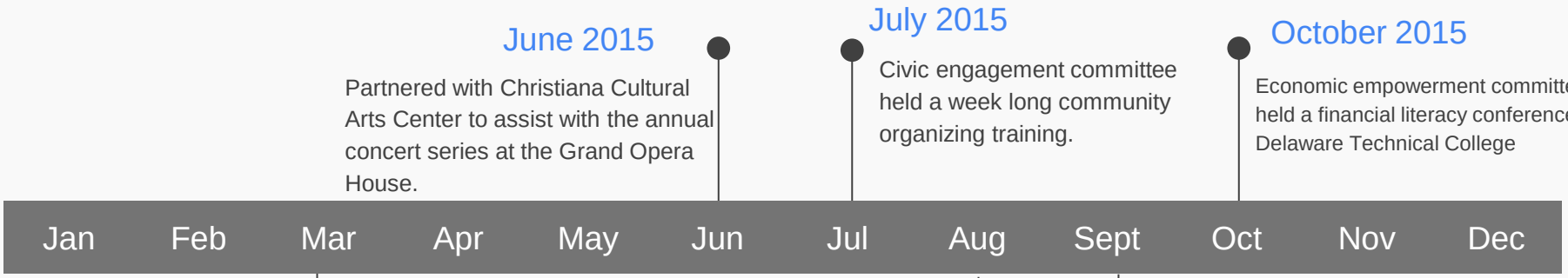
Ages 21 - 45



MWUL Young Professional Video Introduction

Mini Recapture of 2015

(See Annual Report for 2015)



June 2015

Partnered with Christiana Cultural Arts Center to assist with the annual concert series at the Grand Opera House.

July 2015

Civic engagement committee held a week long community organizing training.

October 2015

Economic empowerment committee held a financial literacy conference at Delaware Technical College

March 2015

MWUL YP's Held a Launch week to celebrate the revitalization of the young professionals.

Worked with Habitat for Humanity in Claymont, DE.

August 2015

Organized the Sunday Breakfast Mission to distribute 3,000 book bags filled with school and worked with complexities of color to distribute an additional 1,500 book bags.

September 2015

Hosted a weekend with Nascar at Delaware State University for potential career and internship opportunities with Bubba Wallace.

This is a small sample of all events by the YP's.

Dover Committee YP’s

April

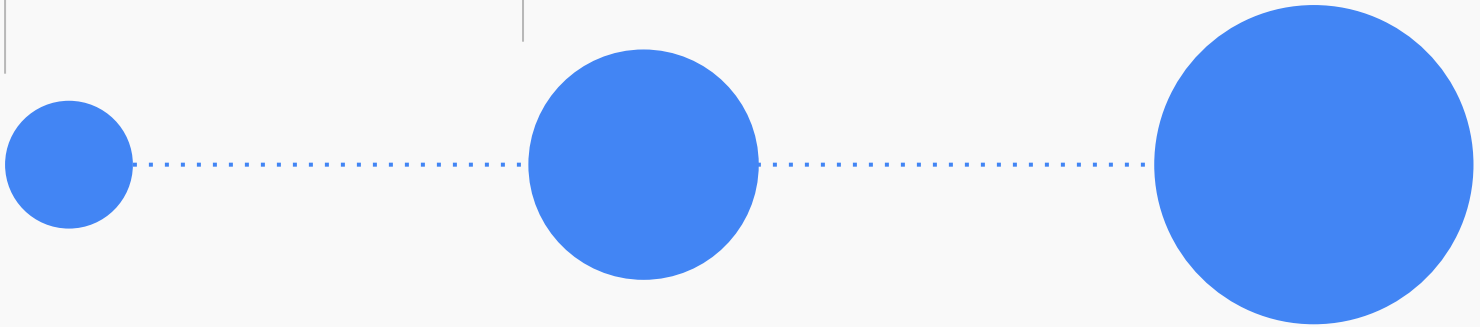
Held Campaign
Bootcamp Training.

May

“What’s In Your Future”
Education workshop

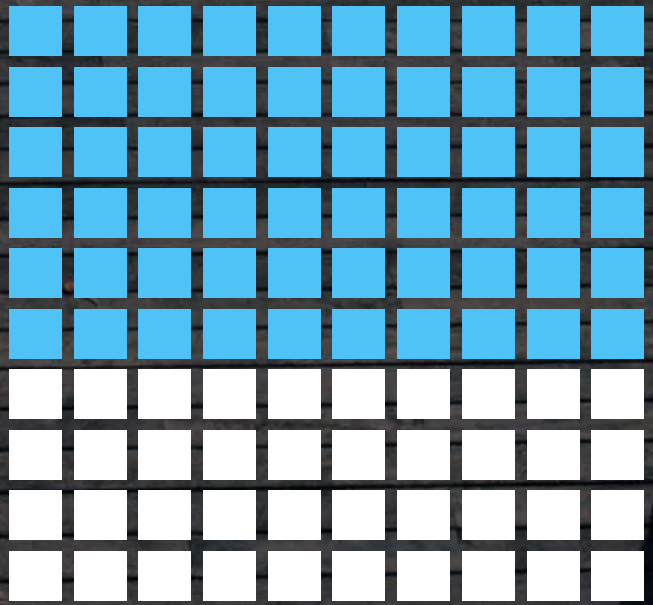
June

Business and
Entrepreneur Training



Why now in the Dover area?

- Young professionals in the Dover area expressed interest and a need to serve their community.



DELAWARE STATE UNIVERSITY
OFFICE OF THE GENERAL COUNSEL

May 20, 2016

VIA HAND DELIVERY
Tim Slavin
Council President
Dover City Council
P.O. Box 475
Dover, DE 19903-0475

RE: Prospective Relinquishment of City of Dover's Transfer Right in the Delaware Civic Center Corporation Land

Dear Council President Slavin:

I write in response to the feedback received by Delaware State University ("DSU") from the members of the Legislative, Finance and Administration Committee ("Committee") at the Committee's meeting on April 26, 2016 (as part of the meeting of the Council Committee of the Whole).

In light of the issues raised during the Committee hearing, I thought it advisable to give the Council Members some factual background regarding the Delaware Civic Center Corporation ("DCCC")[1] and the land under its control, as well as specifics on the potential economic benefit to DSU and the City of Dover ("City"), if DSU is successful in its efforts to acquire and build a Convocation Center on the land in question.

Background

Pursuant to a deed entered into between the City and the DCCC on December 11, 2001, the City transferred 41.5 acres of land ("Land") to the DCCC for consideration in the amount of one dollar ($1) ("Deed"). The Land had formerly operated as a landfill, more commonly known as the "Frazier Pit" Landfill. Contemporaneously, the DCCC also obtained, from third parties, ownership of two other parcels adjacent to the Land consisting of 6.34 acres and 1.86 acres, respectively. Collectively, these approximately 50 acres were intended to be used to facilitate the construction and operation of a civic center in Dover and, by so doing, achieve the express purpose for which the DCCC was created.

Language within the Deed provided, in pertinent part, that "[i]n the event construction of a civic center project is not commenced...within ten (10) years of the recording of this deed" the City could compel the DCCC to transfer the Land back to the City by the payment of ten dollars ($10) ("Transfer Right"). However, in 2009, the DCCC was voided by the Secretary of State for failing to file annual

[1] The Delaware Civic Center Corporation was created through legislative action by the General Assembly in the FY 1991 Bond Bill.

Delaware State University is an equal opportunity employer and does not discriminate because of race, creed, national or ethnic origin, sex or disability.

reports. Because the DCCC was voided before the ten (10) year period had elapsed and the City could exercise its Transfer Right, ownership of the Land has remained with the DCCC.

Consequently, in order for the City to regain ownership of the Land, the DCCC would first have to be resuscitated and the City, thereafter, would have to exercise its Transfer Right through the mechanism provided for in the Deed. However, were the City to waive its Transfer Right, the DCCC, upon resuscitation, would be free to transfer the Land to another entity, such as DSU.

Potential Economic Benefits

The following is a high-level assessment of the potential economic benefits to DSU and, ostensibly, to the City, if DSU is successful in its efforts to build a Convocation Center on the Land:

- The Delaware Convocation Center ("DCC") is estimated to temporarily generate a total of 760 full-time equivalent ("FTE") jobs during its construction. Total permanent jobs would range between 130 -180 FTE's depending on the level of operations at the venue.
- The DCC is estimated to host between 144 - 176 events annually (60% of which would be non-DSU events catering to the community-at-large and out-of-town visitors).
- Estimates reflect that the DCC would generate local spending between $5.4 - $7.2MM annually.
- The initial direct spending and subsequent rounds of re-spending would impact the local economy through a multiplier effect, prospectively bringing the total economic activity (output) generated by DCC operations to range from $7.0 to $9.4MM annually.
- Over a 30-year period, the net present value of total output generated by the DCC is estimated to range from $135 to $183MM.

Proposal

Ultimately, DSU seeks to have the City relinquish its Transfer Right to the Land so as to permit the DCCC, once resuscitated, to transfer the Land to DSU, so that DSU can attempt to accomplish the very laudable goal that motivated the City to transfer the Land 15 years ago. In an effort to facilitate this request, DSU is willing to agree to any necessary utility easements on the Land sought by the City.

As always, DSU appreciates your, the Council's and the City's attention to and consideration of this request, and is happy to discuss this matter further at the Council's convenience.

Sincerely,

David K. Sheppard
General Counsel