REGULAR COUNCIL MEETING

The Regular Council Meeting was held on February 22, 2016 at 7:30 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson (arrived at 7:33 p.m.), Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Fire Chief Carey, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 7:38).

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.

Ms. Marla Purvis, 9 Par Haven Drive, Apartment C-34, expressed concern regarding her utility bill due date, noting that she had an opportunity to talk to Councilman Hutchison and Mr. Kirby Hudson, Assistant City Manager, just prior to the meeting this evening. Ms. Purvis stated that she had lived in the City for approximately three (3) months and received a notice that her utility bill was due on a certain due date or she would risk disconnection. She indicated that two (2) weeks ago she tried to contact several officials in City Hall and the Customer Service Department about setting a specific time and date to pay her utility bills, so that her payment would be on time every time. Ms. Purvis stated that, until tonight, she had not received a response. She noted that her concern was not only for herself but others on fixed incomes who fear that their utilities will be cut off. Ms. Purvis asked if there is a way for those who are on fixed income to pay their bills at the time that they receive their finances, noting that this would make it easy and less stressful for these individuals to pay their utility bills on time.

Mr. Stanley Richardson, 126 Reese Street, Lincoln Park, stated that during the community's last neighborhood watch meeting, he asked the code enforcement officer present, Mr. Jared Boesenberg, Inspector I, what would be happening with the homes in the neighborhood that have danger signs on them, noting that they are kind of bad. Mr. Richardson indicated that one of his neighbors on Davis Circle had expressed concern to him about 113 Davis Circle because environmental people were at the home during the previous summer in regard to black mold and questioned what the City is going to do with the property.

Mr. Richardson stated that he recently heard that there was a drug bust at 836 Lincoln Street and weapons and drugs were found on the property. He noted that the neighbor is a 100-year-old woman who does not need to be living beside something like that and expressed his concern about the potential for bullets going through her house. Mr. Richardson stated that this is a rental property and suggested that the homeowner be made aware of what goes on at this property. It was his feeling that anytime something like this happens and weapons are involved, with serial numbers filed off and stolen guns, there should not be a three (3) strike rule, there should only be one (1). Mr. Richardson reminded members of shooting that was going on in his neighborhood over the previous summer, noting that the community does not want that.

Mr. Richardson also stated that people have been staying in a house at the end of the extension of Lincoln Street, noting that they were coming from behind the CVS store.

Mr. Neil thanked Mr. Richardson and the members of his association for their continual work and encouraged him to continue to bring these matters to the City's attention.

Mr. Steven Towers, 400 Harmony Lane, Apartment 4, suggested that members of Council take a day to see what all the women do behind the scenes at City Hall, including Mrs. Yvonne Martine, Administrative Assistant, and Mrs. Kay Sass, Public Affairs and Emergency Management Coordinator.

Mr. Towers referred to Mr. Koenig's overview of the Labor Agreement with the Dover Organization of Employees (DOE) during the Regular City Council Meeting of February 8, 2016, and expressed his opinion that the raise indicated was not sufficient. Mr. Towers questioned whether Council had performed a survey of the State to see what the wage scale is and how the State is giving raises to employees.

Mr. Nate Robinson expressed concern regarding the use and closure of the White Oak Recreation Center. He noted that it had been more than a couple of years since a survey was made and turned in but nothing had been done. Mr. Robinson questioned who made the decision to close the White Oak Recreation Center, why the survey had not been answered, and when it would be answered.

Mr. Bobby Wilson, 1561 Nathaniel Mitchell Road, questioned what the repercussion would be for a City official misplacing, deleting, or ignoring a survey by the citizens of Dover. He asked if his question could not be answered today, if it could be added to the City's agenda for the next meeting.

The invocation was given by Chaplain Wallace Dixon.

Mr. Lewis requested members to join in a moment of silence in memory of Justice Antonin Scalia, United States Supreme Court, who recently passed away. This was followed by the Pledge of Allegiance.

Mr. Slavin recognized Representative Sean Lynn and former Council President William McGlumphy who were in attendance.

AGENDA ADDITIONS/DELETIONS

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

Mr. Cole requested that item #6A-1 - Draft Committee Strategic Plan to Submit for Staff Review, be removed from the Consent Agenda.

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF FEBRUARY 8, 2016

The Minutes of the Regular Council Meeting of February 8, 2016 were unanimously approved by motion of Mr. Neil, seconded by Mr. Anderson and bore the written approval of Mayor Christiansen.

CERTIFICATE OF APPRECIATION - DOVER ELKS LODGE #1903 CODE PURPLE GRANT PROJECT

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

WHEREAS, the members of Dover Elks Lodge #1903 have historically dedicated themselves to supporting charitable causes in the Dover area. They have undertaken a special initiative to serve the homeless in the greater Dover area by partnering with Code Purple, which provides refuge for the homeless when weather conditions become dangerous. Through the diligent efforts of their membership, led by Mrs. Doris J. Solomon, the "Leading Knight" in Dover Elks Lodge #1903, they secured a $10,000 grant from the Elks' Grand Lodge toward this goal, using these funds to purchase the items most needed by those being served; and

WHEREAS, although Mrs. Doris J. Solomon passed away unexpectedly in January 2016, her legacy of selflessly serving the less fortunate lives on through the dedicated service of Dover Elks Lodge #1903 and the Code Purple Committee.

NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DOVER, DELAWARE, do hereby present this Certificate of Appreciation to

Dover Elks Lodge #1903 Code Purple Committee

Deborah Biddle	Yvonne Biddle Heisler	Sheila Niezgoda
Sharon Cook	Kathy King	Patti Stanley
Carolyn Courtney	Debbie Krier	Joanne Zajac
Bette Hammond	Stephanie McGlumphy	

in acknowledgment of their significant contributions to the community and extend best wishes in all future endeavors.

February 22, 2016

Mr. Hare stated that what these ladies and gentlemen have done is very admirable. He noted that Ms. Soloman was a wonderful lady who cared about everyone in the community, especially the homeless, and recognized that without the leadership of Ms. Soloman this effort may not have happened.

Mayor Christiansen echoed Mr. Hare's comments and stated that BPOE 1903 meant Best People on Earth are Elks.

Mr. Sudler expressed his thanks to each member of the Elks Lodge for exemplifying an extraordinary and kind heart, noting that it takes a special kind of person to service the community and show dedication like the Elks have.

Former Council President McGlumphy thanked the Mayor and members of Council for their kind words.

APPOINTMENT OF DELAWARE MUNICIPAL ELECTRIC CORPORATION (DEMEC) ALTERNATE DIRECTOR (HARRY MALONEY)

By consent agenda, Mr. Neil moved to appoint Mr. Harry Maloney to serve as Delaware Municipal Electric Corporation (DEMEC) Alternate Director. The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote.

FINAL READING OF PROPOSED ORDINANCE #2015-24 - REZONING REQUEST FOR PROPERTY LOCATED ADJACENT TO THE WEST PROPERTY LINE OF 1042 SOUTH BRADFORD STREET

A public hearing was duly advertised for February 8, 2016 to consider the rezoning of property located adjacent to the west property line of 1042 South Bradford Street, consisting of a $2{,}373^{+/-}$ s.f. portion of a $10{,}373^{+/-}$ parcel, owned by Halpern Family Property Investment, LP. This property is currently zoned R-8 (One Family Residence) and the proposed zoning is C-1A (Limited Commercial). On February 8, 2016, after the public hearing, City Council deferred action on this request until February 22, 2016 due to the receipt of a petition opposing the rezoning. (Tax Parcel: ED-05-077.17-03-14.00-000; Second Council District; Planning Reference Z-16-01)

Council President Slavin advised members that a letter was received from the property owner requesting to withdraw the rezoning application ***(Exhibit #1)***.

Mr. Hare moved for approval of the request to withdraw the rezoning application for property located adjacent to the west property line of 1042 South Bradford Street, owned by Halpern Family Property Investment, LP. The motion was seconded by Mr. Sudler and carried by a unanimous roll call vote.

DOVER HUMAN RELATIONS COMMISSION REPORT - FEBRUARY 2, 2016

The Dover Human Relations Commission met on February 2, 2016 with Vice Chairman McGiffin presiding.

AGENDA ADDITIONS/DELETIONS

Mr. McGiffin requested that Item #1, Introduction of New Member, be deleted from the agenda since the new member was unable to attend.

The Committee approved the agenda, as amended.

Election of Commission Chair

Mr. McGiffin reminded members that former Chairwoman S. Renee Smith had resigned from the Commission, and he opened the floor for nominations to serve as Chair.

Ms. Griffith moved to nominate Mr. Henderson to serve as the Commission Chair, seconded by Mrs. Sadusky.

Responding to Mrs. Sadusky, Mr. Henderson indicated that he was interested in serving as the Commission Chair.

Ms. Griffith moved to close nominations, seconded by Mrs. Sadusky, and unanimously carried.

The Commission elected Mr. Henderson to serve as the Commission Chair.

Mr. McGiffin congratulated Mr. Henderson on his election as Commission Chair and relinquished the Chair to Mr. Henderson.

DHRC Committee Updates

Government Policy, Programs, and Practices Committee *(McGiffin)*

Mr. McGiffin reminded members that the Government Policy, Programs, and Practices (GPPP) Committee was previously chaired by former Councilman Eugene Ruane, who started a number of projects before he resigned from the Commission and relocated to California, including a research project to determine where the City stands on questions of diversity and cultural competency from its own perspective. Mr. McGiffin stated that this project was still in progress. He informed members that during December 2015 and January 2016, he and Mr. Henderson interviewed approximately eight (8) City staff members using an interview document that the DHRC had approved. Mr. McGiffin stated that the hope was to use the information learned from the interviews, as well as information that would be learned from an online and paper survey that would be made available to all employees of the City, develop a report and make recommendations on where the City is assessed to be on issues of diversity and cultural competency. Mr. McGiffin advised members that he and Mr. Henderson spent approximately one-and-one-half days with City staff, whom they found to be very cooperative, accommodating, and willing to talk with them and obtained a huge amount of information. He indicated that the next step for the GPPP Committee would be to meet with Mr. Andy Siegel, Information Technology (IT) Director, to work on the online survey document. Mr. McGiffin stated that Mr. Siegel hoped to get to this project during the first week in March and Mr. McGiffin projected that it would be brought to the Commission for approval during their April meeting. The survey would then be made available online and in a printed format. He stated that he and Mr. Henderson, along with anyone else who would be interested in helping, would review the data and develop the report.

Mr. Henderson stated that he felt that the interviews were very helpful and informative and opened the door to provide information regarding how many people are aware of diversity and how many are not.

Community Engagement Committee *(Roach)*
No report was provided.

Education Committee *(Henderson)*
Mr. Henderson advised members that he received information regarding a independently organized Technology, Entertainment, and Design (TEDx) talk that had been discussed by the DHRC previously and it appeared that it would cost several thousand dollars that the DHRC did not have to put on a TEDx event. He expressed doubt that the City would be willing to fund this and felt that the project may not go forward. Mr. Henderson stated that he would provide the information that he was emailed to members for their review so that this could be discussed at the next meeting and members could decide whether to forward this matter to City Council.

Mr. Henderson stated his desire to continue to work with the Dover Public Library on their film series initiative regarding diversity. He advised members that the last film shown was "Cracking the Code" which was an excellent presentation, and upcoming films would include topics such as lesbian, bi-sexual, gay, and transgender (LGBT); women's; and Hispanic rights. Mr. Henderson advised members that this film series was organized by the State of Delaware Human Relations Commission (SHRC) and he wanted to tie into it, so he planned to stay in touch with library staff to find out when the next showing would be.

Communications Committee *(Griffith)*
Ms. Griffith advised members that the Communications Committee had nothing to report, stating her recollection that the last thing that had been discussed in regard to the Communications Committee was the film series mentioned by Mr. Henderson.

Mrs. Sadusky questioned if the Communications Committee had worked with the SHRC to advertise the film series. Responding, Ms. Griffith stated that the SHRC had done all of the advertising and had only wanted the City to post the event on the City's website and Facebook account, which was completed by City staff.

In response to Mrs. Sadusky regarding attendance at the event, Mr. Henderson stated that just a handful of people were there, most of whom were from the Wilmington area.

New Business

2015 DHRC Annual Report to City Council
Mr. McGiffin noted that the DHRC had an obligation to present an annual report to City Council.

Ms. Denise Devine, Assistant City Clerk, advised members that the letter of resignation submitted by former Chairwoman S. Renee Smith included highlights and accomplishments of the DHRC from June through November 2015 and a list of the Commission's current initiatives. She noted that the DHRC's annual report is typically considered by City Council during their first meeting in February, which was scheduled for February 8, 2016, and she suggested that the information from Ms. Smith's letter be used for the Annual Report. Ms. Devine explained that this item could be included on Council's consent agenda or, if so desired, Mr. Henderson could give a formal presentation of the Report at the Council meeting. Ms. Devine read the portion of the letter that included the highlights, accomplishments, and current initiatives of the DHRC. She suggested that the Clerk's Office could substitute "Commissioner Smith" for "I" in this letter and include the updated information provided earlier in the evening by Mr. McGiffin regarding the diversity survey.

Mr. Henderson felt that the information provided in Ms. Smith's letter was very thorough and that she brought an extraordinary amount of energy, innovation, and drive to the Commission, noting that she was an extraordinarily good chairperson who would be missed. He requested a copy of Ms. Smith's resignation letter.

Ms. Griffith noted that members had discussed taking a group picture and sending out cards, based on what they read in the paper regarding accomplishments in the community, and questioned if this was currently occurring. Responding, Ms. Devine indicated that this had not happened yet. It was her belief that, during the Regular City Council Meeting of January 11, 2016, Council considered all of the outstanding DHRC meeting minutes from 2015 and this recommendation had been approved by Council as part of that consent agenda. Ms. Griffith noted the need to start working on this.

The Commission approved the 2015 DHRC Annual Report, as discussed.

Mr. Henderson requested that the annual report be placed on the consent agenda for City Council.

<u>African American Festival</u>

Mr. Henderson noted that Councilman Sudler was in attendance and asked if he could share any information regarding the African American Festival. Responding, Councilman Sudler advised members that former Councilman Reuben Salters would be the point of contact regarding the African American Festival.

Ms. Bogle indicated that the Festival is typically held on the last Saturday in June.

Mr. McGiffin suggested that members consider whether they wished to be a presence at the African-American Festival, noting that the City itself has a big presence. He stated that the DHRC could be present as a separate entity or in conjunction with the City and members could be present onsite during the festival. Mr. McGiffin

explained that it would be a long commitment since the Festival begins in the morning and music is performed at night. He stated that the African American Festival traditionally takes place at Legislative Mall and questioned if members would like to set up and staff a table, provide literature or buttons, and answer questions about what the DHRC is all about. He informed members that it is a very high-profile event attended by thousands of people from Dover and outside the area. Mr. McGiffin felt that the DHRC's involvement would raise their profile in the community.

Mr. Henderson stated his belief that this would be something that the Communications Committee could embrace.

Ms. Griffith felt that the Commission should have a table and tell people who the DHRC is and what they do, and she offered to work on this.

Mr. McGiffin suggested that Ms. Griffith contact whomever coordinates the City's presence at the African American Festival. Responding to Mr. McGiffin, Ms. Devine indicated that she did not know who coordinates the City's presence at the Festival but stated that she could find out who this was and forward the information to Ms. Griffith.

In response to Mr. McGiffin, Ms. Devine indicated her belief that Ms. Kay Sass, Public Affairs and Emergency Management Coordinator, had been involved in the past and that the Parks and Recreation Department staff may be involved.

Ms. Bogle suggested that members attend in shifts since it would be a long day. She stated that those members who had not yet received DHRC t-shirts could coordinate with her to obtain them.

Mrs. Sadusky, noting that members would be there to answer questions, inquired about what else members could do, such as passing things out for children, etc.

Responding to Ms. Griffith as to whether the City had items such as Frisbees, etc., Ms. Devine stated that Ms. Sass distributes City-related items at events around the City and could advise them.

Ms. Bogle stated that members may need to decide what to provide based on what they want their focus and message to be, noting that they may want to highlight the DHRC or inform people about its subcommittees. She suggested perhaps providing something for children and having candy.

Ms. Griffith requested that this item be added to a subsequent agenda. Mr. Henderson stated his belief that this would fall under the Communications Committee.

The Commission recommended that the Communications Committee work up a plan to recommend the DHRC's presence at the African American Festival this year.

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

Councilman Sudler advised members that he serves on the State of Delaware Human Relations Commission (SHRC) and could convey to the SHRC that the DHRC might possibly want to partner with them. He indicated that the SHRC may have items that they could share with the DHRC, noting that the SHRC was very eager to work with the DHRC. Mr. Sudler suggested that Mr. Henderson reach out to Mr. Calvin Christopher, Chair of the SHRC, and introduce himself as the new Chair of the DHRC. He indicated that the SHRC meets on the second Thursday of each month at 7:00 p.m. at 861 Silver Lake Boulevard, Suite #205.

Ms. Griffith advised members that she serves on the State Commission for Women and could discuss partnership ideas with Ms. Romona Fullman, Director of the Division of Human Relations.

Mr. McGiffin stated his belief that there was a value to Mr. Henderson reaching out, as chair of the DHRC, to introduce himself to chairs of other organizations.

Scheduling of 2016 Meeting Dates

Ms. Denise Devine, Assistant City Clerk, reminded members that they had previously met on the Tuesday following the fourth Monday of each month. She informed members that City Council had changed their committee structure to a Council Committee of the Whole format, with meetings being held on the Tuesdays following the second and fourth Mondays; therefore, City Clerk's Office staff would not be available on these days. In addition, she noted that the Bicycle and Pedestrian Subcommittee typically holds meetings in the City Hall Conference Room on the first Tuesday of each month.

After a brief discussion, members concurred that Wednesdays at 6:00 p.m. would be an agreeable time to schedule meetings. Ms. Devine recommended that she determine which Wednesday of the month Council Chambers and City staff would be available and email a calendar invitation before the meeting.

Mr. McGiffin moved for approval of staff's recommendation, seconded by Ms. Griffith and unanimously carried.

In response to Mr. Henderson, Ms. Devine informed members that there were vacancies in the First and Fourth Districts. She advised members that if they knew anyone who was interested, applications were available on the City's website our could be obtained by calling the City Clerk's Office.

Ms. Griffith stated that she knew someone who was interested. Ms. Devine explained that applications would be submitted to the Council President, who would make a recommendation to City Council. She stated that a bio or resume could be submitted with the application.

Mr. Henderson advised members that he was soliciting members' prayers as Chair, noting his belief that positions of responsibility are positions of service. He expressed his appreciation for members' confidence, stating that he would do his best.

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

COUNCIL COMMITTEE OF THE WHOLE REPORT - FEBRUARY 9, 2016

The Council Committee of the Whole met on February 9, 2016 with Council President Slavin presiding.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

Draft Committee Strategic Plan to Submit for Staff Review

Mr. Anderson reminded members that the Committee had been working on a strategic plan and had taken a good amount of testimony from citizens, staff, and different groups in the community. He indicated that it was planned to summarize this information and submit it to staff for their input, revision, and review of options. Mr. Anderson stated that Mayor Christiansen had information on possible funding from the State legislature in relation to a community center.

During the Parks, Recreation, and Community Enhancement Committee meeting of January 11, 2016, members considered a proposed recreation center at Dover Park. At that time, members recommended referring the proposal back to the Mayor for more information. Mayor Christiansen advised members that he had submitted a request to Attorney General Matt Denn for $1.5M from bank settlement funds that Mr. Denn planned to use for community development. He indicated that Mr. Denn had previously assisted the City in obtaining $579,000 for police uses, including crime prevention. Mayor Christiansen reminded members that the former facility at Dover Park had been torn down and reiterated his previous recommendation that $380,000 that had been earmarked for a splash park be used for a community center, projecting that a splash park would be available to the community for only two (2) to two-and-a-half months per year.

Mayor Christiansen informed members that, during meetings of the Towne Point Civic Association, members expressed interest in restoring the facility that was taken down at Dover Park, and he felt it was incumbent upon the City to begin planning for this. Mayor Christiansen stated that this would provide a place for the PAL program

that the Police Department was interested in restarting, due to its previous success, and this should be done as part of community outreach. He noted that other programs that could be housed there would be the Hot Shots Basketball Program. Mayor Christiansen advised that the program was run by former Councilwoman Beverly Williams through Aid in Dover and it serves approximately 500 children. Additionally, the Martin Luther King Jr. Educational Community Center mentoring and tutoring program, which would be available through the efforts of Dr. Gus Walker, could be housed there. Mayor Christiansen noted that the City often has contract services with Towne Point Elementary School and stated his belief that there is a necessity for a facility on the east side of town.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, shared her concerns about moving too far too fast on this matter. She advised members that the Recreation Needs Assessment summary included a table that listed needs that were stated by over 25% of the respondents, noting that this project was near the bottom of the list with 25.7% responses. She indicated that there were greater demands from the public for walking and biking trails and restrooms at both Silver Lake and Dover Parks. Mrs. Townshend noted that a master plan must be developed that would incorporate the information gathered through the assessment into a land plan that may include a building before planning to construct a building. She stated the need to look at restrictions on the land, stating her belief that Dover Park had received Delaware Land and Water Conservation Trust Fund and federal Land and Water Conservation Fund monies. Mrs. Townshend indicated that there were strings attached to these funds, noting that an indoor recreation facility cannot be placed within certain boundaries and it may not be possible to have a building larger than the footprint of the previous building. Mrs. Townshend stated that other needs were expressed that may be less costly and could also serve the needs of the public. She felt that much more background work in terms of looking at the park as a whole was needed before funding construction of a building. Mrs. Townshend reminded members that concerns had been stated about safety at Dover Park, whether or not there was a building there, and that it was desired to hire someone to do a vegetation management plan due to visibility issues and overgrown vegetation, as well as a lighting plan.

In addition, Mrs. Townshend stated concern with the idea of entirely depleting the Parkland Reserve Fund by taking $380,000 for the Dover Park. She confirmed that there were funds in the capital budget for a splash pad; however, she stated the capital budget would not include a splash pad or skate park but would be a park-based budget, including the development of plans for the City's major parks and small park projects, that would be tied to the Recreation Needs Assessment. Mrs. Townshend advised members that things like the skate park and splash pad were budgeted in the Capital Improvement Plan (CIP) with the idea that the City would pay half and the State would match these funds with Delaware Land and Water Conservation Trust Fund money. She indicated that this money cannot be used for an indoor facility; therefore, therefore half of the money would not be available and it would not be just a matter of reallocating money that was directed to a splash pad

for an indoor facility. Mrs. Townshend stated that she was not saying that the facility was not needed and should not be constructed, but she had concerns about moving too fast by allocating funding and putting this ahead of other projects.

Mayor Christiansen stated his belief that the City was at a critical point in time and that the needs of the citizens on the east side of the community superceded the desire for a dog park in the City. He felt the City had an obligation, as part of its community outreach, to at least discuss the issue. Mayor Christiansen felt that if he were successful in obtaining bank settlement funds from the Attorney General, a portion of those dollars could be used to construct the facility. He indicated that, as a taxpayer, he was very upset when the Dover Park fell into disrepair, stating his belief that this was planned obsolescence. Mayor Christiansen felt the City had a responsibility to at least begin the effort by exploring the opportunity to fulfill the recreational needs of the citizens and taxpayers on the east side of the community, stating that the need was obvious.

Mr. Hare reminded members that the reason the building was demolished and not replaced was that there were programs that did not receive much participation and indicated he was unsure that building a new facility at this location was warranted. Responding, Mrs. Townshend advised members, that toward the end of the time the facility was in use, most of the programs scheduled were canceled due to lack of participation. The popularity of the building was more for rentals for birthday parties and showers rather than recreational programs.

Mr. Anderson stated that, as discussed during the previous Committee meeting, the building would be used through grant programs, such as the Hot Shots Basketball and PAL programs, and the MLK Center which currently has thousands of participants. He stated that using the facility as a community center would be different from previous use.

Responding to Mr. Hutchison regarding the status of a master recreation plan for the City, Mrs. Townshend stated that the Recreation Needs Assessment was completed and approved by Council on August 24, 2015. A master plan for Schutte Park was now being developed, using in-house engineering and planning staff, that would accommodate fields on the western side, including additional parking and other elements seen in the assessment. Staff had planned that their next project would be a master plan for Dover Park that would identify the constraints, incorporate elements of the needs assessment, reserve an area for an indoor facility in the future, and address issues of landscaping, vegetation management, and lighting. It was staff's desire to bring forward in the capital plan a master plan for the next fiscal year. Mrs. Townshend stated that there may be a building, but expressed the necessity to look at constraints. She felt it would be problematic if a building was planned and it was then found that the footprint violated the grant covenant the City agreed to in the past when the City accepted federal or state money for other park improvements. Mrs. Townshend indicated that staff was in the process of getting this information from the Department of Natural Resources and Environmental Controls (DNREC).

She indicated if a full master plan was not done, at the very least the City should look at the footprint that would be allowed without having to go through the process of a land swap.

Mr. Hutchison stated the need to obtain information regarding what activities Kent County, the YMCA, churches, and schools were providing.

Mrs. Townshend advised members that staff had not done a complete analysis of what other providers have available, noting that the Pitts Center and YMCA were currently the only recreation centers. However, she reminded members that Kent County would open a new recreation center in a couple of months that would house the Boys and Girls Club and would have additional programming. It was not known what effect this would have on the Pitts Center programming, such as indoor field hockey and open gym time, noting that the County and the City had frequently competed over programs.

Mr. Sudler questioned how many constituents had expressed demand for a skate park, splash pad, and an indoor facility for PAL and community programming. Responding, Mrs. Townshend stated that the top needs stated by more than 25% of the 506 respondents did not include the skate park or splash pad. She stated that those priorities were set by Council a number of years ago, and a determination would be made regarding which parks were the proper locations when staff develops the master plans. This did not mean that these projects were to be the next ones funded. Mrs. Townshend stated that the idea was to develop a master plan and prioritize its implementation. In reviewing the Recreation Needs Assessment, Mrs. Townshend explained that there was a higher response rate for those who favored a paved trail system at Dover Park than an indoor recreation facility, and the highest use of that facility was for walking and jogging. She indicated the need to balance all needs, and she felt that staff was not in a position to do this until they are laid out and costs determined. She noted that the cost of a recreation center would be much more than the $1.5M that the City might receive from the Attorney General.

Noting that he serves as the chair of the Mt. Zion A.M.E. Social Action Commission, Mr. Sudler questioned the priority that was given to the Social Action Commission's assessment and survey of the needs of individuals in the Third and Fourth Districts for the Dover Park and how this was incorporated in the plan. Responding, Mrs. Townshend stated that the Recreation Needs Assessment was based on the data that staff gathered and the information provided by the Social Action Commission was not used. Mr. Anderson stated that he would forward this information to the Committee. He indicated that this survey had approximately 300 respondents and 234, or approximately 75%, favored replacing the recreational facility.

Mr. Slavin stated that he empathized with staff on issues like this, noting that Council asked staff not to make rash decisions and to perform assessments to gather data and to make recommendations so that Council could make decisions based on supportive data. Now staff was having to play defense against the idea of a new building

regardless of what the assessment or data had said. Mr. Slavin felt it was unfair to ask staff to do one thing and then shift the goalpost and move them another way. He encouraged everyone to have a much higher standard of analysis than was being exhibited when making decisions about designing, building, and paying for the operation of new buildings. Mr. Slavin expressed his opinion that the $1.5M would not nearly pay the cost of and stated the need to look at the life cycle costs of the entire building, including physical infrastructure and operational costs over a 20-year period. Referring to Mr. Anderson's comment that grants would be used for operational expenses, Mr. Slavin felt that if members began by saying that the operation of a major facility would be supported by external resources, the City would be in trouble, noting that three (3) grants could not be named right now. Mr. Slavin projected that the funding would come from the City and would further inflate the budget. He asked members to exercise caution, perform due diligence, and understand the true costs of putting a building online.

Mr. Anderson pointed out that information regarding the grants, as well as those who would operate them, was included in the minutes of the Parks, Recreation, and Community Enhancement Committee meeting held on January 11, 2016. Mr. Slavin stated that grants are cyclical and year to year.

Mr. Sudler felt that external entities separate from the City of Dover, such as the A.M.E. Social Action Commission, which had taken the initiative to find the needs of individuals in the area, should be counted as a top priority. The Commission had taken its time to field the concerns of those constituents, in addition what the City had done. Mr. Sudler felt this information should not be discarded because those constituents are taxpayers and stakeholders and should be given high priority in regard to the programs and activities to be provided at the Dover Park.

Mr. Koenig stated his understanding that the Mayor and the Police Department had requested $1.5M on behalf of the City for the construction of a facility for which Mr. Koenig had not yet seen an application. He indicated that the project had not been through the staff process to determine, if a building were to be constructed, what the its size and function would be. Mr. Koenig stated that the normal process for a capital project was being overstepped. He questioned if the project would go forward if funding were not available, or if funding was obtained and the City was expected to make something to happen on the project within the next 12 months. Mr. Koenig stated that the City was not prepared at this point, noting that the matter had been discussed verbally, but there were no documents passed out about the PAL. He acknowledged that the PAL is a fantastic organization in concept; however, he questioned what would happen if the program was not fully funded or if funding was not available after a couple of years. Mr. Koenig advised members that he did not have these answers; however, that Council would ask him these questions on the budget floor when they discuss whether the current tax rate can be maintained or if fees must be raised. He expressed anxiety about how the process was going forward when there were even different ideas about the Recreation Needs Assessment.

Mr. Koenig indicated that discussions need to start with Council members talking to staff so that staff can facilitate, develop ideas, and figure out how to prioritize.

Mr. Koenig informed members that the capital plan currently does not mention a building at Dover Park but has earmarks for $80,000 and $100,000. He indicated that $180,000 was identified for potential improvements, which would not cover the operating costs of a heated and air conditioned building. The analysis of this building had not been done by the staff most qualified to say how much it would cost to build and operate. Mr. Koenig expressed his belief that Council would not have agreed to making a grant application for $1.5M without getting the complete approval of Council. He reiterated that there may be an expectation that the money be spent in a timely manner, stating his hope that it would allow at least three (3) years because just the planning process takes over one (1) year if the City follows its own rules.

Responding to Mr. Sudler regarding the number of respondents to the Recreation Needs Assessment survey, Mr. Anderson stated his recollection that there were 506 respondents, 40% of whom were not City residents. *[City Clerk's Office Note: The City of Dover Recreation Needs Assessment report reflected that 28% of responses were from non-residents.]*

In response to Mr. Sudler regarding how many of the respondents were from White Oak Park, Mrs. Townshend indicated that she had the assessment with her but not all the data, stating that this could be discussed at another time. She reminded members that staff was using the process that they developed working with the Committee, and this had been presented to the Committee and adopted by City Council. If there were concerns about the data process or input, that had not been communicated.

Mr. Sudler questioned how many constituents from the White Oak Park/Dover Park area had expressed a need for activities and programs in that area and whether or not the programs and activities planned for the park were the result of input from the constituents in that area. Mr. Anderson requested that this information be provided, noting that the information he reviewed contained a summary.

Mrs. Townshend advised members that respondents were allowed to select the development where they live in the survey, noting that this information could be pulled; however, she questioned what would be considered the area and if this would include all areas east of Route 13. Mr. Sudler questioned if programs and activities would be provided for all districts or specifically the Third District, where the park is located. Mr. Anderson noted that all facilities are open to everyone City-wide. Mrs. Townshend stated that the City does not budget by district, noting that there was a finite amount of money to spend City-wide. She expressed caution in saying that one (1) Council district or development was more important than another, and this was why staff looked at the City as a whole.

Mr. Neil stated his belief that the City was not ready for $1.5M for a recreational center.

Mr. Sudler moved to recommend postponing this matter for further data and information. The motion was seconded by Mr. Neil.

Mr. Hutchison expressed the need to pay close attention to the City Manager's comments. He felt that the City Manager and staff must be brought into the loop to guide members on a recommendation.

Mr. Sudler felt that the constituents' concerns and the A.M.E. Social Action Commission's initiative, which received over 300 responses and amounted to more than half of the 506 responses received from the survey, should be highly considered and not disregarded. He indicated that he was appalled that this survey was disregarded and not taken into consideration, since their time and effort should not be null and void, noting that these were stakeholders and taxpayers.

Mr. Anderson stated that Mr. Lewis had also done a survey that had close to 100 respondents in that area and that these responses would be submitted to Staff with the referral. Mr. Anderson indicated that, at the Committee meeting held on January 11, 2016, members asked Staff and the Mayor to work out some details; however, this had not happened.

The Committee recommended postponing this matter for further data and information.

During the Council Meeting, Mr. Anderson informed members that during the Parks, Recreation, and Community Enhancement Committee meeting of February 9, 2016, members continued to look at a strategic plan to determine where the City spends money for parks and recreation and ensure that there is an opportunity for citizen input. He stated that citizen input should be used to guide the City's activities as opposed to the City's activities guiding what the citizens do. Mr. Anderson indicated that the Committee had taken into account many different items, most of which had been criteria that the Committee set up approximately one (1) year ago, including items from the Recreation Needs Assessment that were 25% and above. He stated that the Committee also took into account citizens' input which was gathered from many sources, including public testimony and a survey of residents by the Mt. Zion A.M.E. Social Action Commission. Mr. Anderson informed members that all of the information was included in a draft for discussion and for staff to review.

Mr. Anderson stated that, during the Committee meeting, Mayor Christiansen provided information about seeking monies that were available and about a community center. Mr. Anderson noted that he had personally checked with some members of the General Assembly, and there were individuals willing to champion this effort if there is a nod from City Council during the Joint Finance Committee recess in March. He stated that the City does not need to commit but only needs to express interest. Mr. Anderson indicated that if the City does not express interest, the City will lose the opportunity to choose because this could be $1.5M that the City may never see again.

Mr. Anderson reminded members that former Council President Beverly Williams had previously attended a Committee meeting and provided information regarding opportunities for leasing a community center to nonprofit agencies, which would alleviate City staffing requirements.

Responding to Mr. Slavin, Mr. Anderson stated that he did not have a commitment for $1.5M from the Joint Finance Committee; however, there were people willing to champion it. Mr. Anderson indicated that a commitment could be made in March. He explained that Representative Sean Lynn was one of the individuals interested in pursuing this, if the City gives a positive nod. Mr. Anderson stated that he could not speak for any lobbying that Mayor Christiansen had done.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, provided members with a memorandum, dated February 22, 2016, regarding a proposal for a new recreation center at Dover Park ***(Exhibit #2)***.

Mr. Cole thanked Mrs. Townshend for providing background information regarding this matter. He expressed his concern that he had heard a lot of proposals but nothing concrete. Mr. Cole stated that he was in favor of moving forward and trying to provide services; however, it was his belief that concrete evidence and answers were needed in order to do so.

Mr. Hosfelt recalled that members first began discussing a proposed recreation center at Dover Park during the Parks, Recreation, and Community Enhancement Committee meeting of January 11, 2016. He stated that at that time, members discussed different options and funding; however, a motion to refer this matter to the Mayor and staff to collaborate to form a more concrete proposal with cost estimates by the Committee's March meeting failed for lack of a second. Mr. Hosfelt was unsure how this item had moved forward since that time, noting that he had recently seen articles in the newspaper, as well as emails, related to this matter. He stated that the City did not have a commitment for $1.5M and that it was not previously discussed. Mr. Hosfelt expressed his opinion that part of the reason that the original motion failed for lack of a second at the Committee meeting was because the City was jumping way ahead of the gun.

Responding to Mr. Hosfelt, Mr. Anderson stated that the discussion regarding the $1.5M came about after the January 11, 2016 Committee meeting, when Mayor Christiansen reached out to two (2) members of the General Assembly. Mr. Anderson reiterated that he had personally confirmed that there is interest from members of the General Assembly if the City expresses interest. He stated that, at this point, it is too early to lock down any specifics, noting that this would be a multi-year process.

Mr. Anderson informed members that, approximately two (2) years ago, Council made a commitment that if the recreation center at Dover Park was demolished, the City would find a way to replace it; however, he explained that the present Council was not bound by the commitment of the previous Council. Mr. Anderson stated that, at that time, this was a fairly controversial issue and it took months to approve the demolition because members were concerned that if the demolition were approved prior to an engineering study being started, the matter would become something that is out of sight, out of mind.

Mr. Anderson stated that the City currently had opportunities to partner with non-profit agencies. He reminded members that during the Parks, Recreation, and Community Enhancement Committee meeting of October 12, 2015, information was provided regarding the value and necessity of a Police Athletic League (PAL) and PAL center. Mr. Anderson also noted that, during the January 11, 2016 Committee meeting, two (2) other community organizations with existing programs expressed an interest in leasing the facility.

Mr. Hosfelt asked what the building at Dover Park was being used for prior to its demolition, noting his belief that the building had fallen into disrepair and was not being utilized. Responding, Mrs. Townshend explained that prior to the demolition, the building at Dover Park was only being utilized as office space. She stated that when all of the staff was moved to the Pitts Center at Schutte Park, the building was no longer utilized.

Mr. Hosfelt asked if the City was still running programs in the building prior to the demolition, or if the programs had stopped. In response, Mrs. Townshend stated that the Pitts Center opened in 2008 and there were attempts to hold programs in the recreation center at Dover Park after that; however, there was never enough attendance to be able to move forward with the programs, so they were cancelled. She informed members that the City rented the recreation center to individuals for parties, baby showers, etc., until the end of 2012.

Responding to Mr. Hosfelt, Mrs. Townshend stated that in 2008 the City had programs such as fitness classes and line dancing at the recreation center at Dover Park, then people stopped registering. She advised that the City tried to provide more youth oriented programs, like after-school dance, but was unable to get any registrations.

Mr. Sudler thanked Mrs. Townshend for doing a comprehensive plan for the recreational needs and assessments for the City; however, he expressed concern that the needs survey cluster did not give an example of the actual programs and activities that were desired in the Mt. Zion A.M.E. Social Action Commission's needs assessment survey for the east side, or overall for the City's comprehensive plan. For example, he stated that it does not specify how many people wanted a splash park or how many people wanted the baseball or tennis courts to be revitalized or restored.

Mr. Sudler agreed with Mr. Cole's concerns that no physical data had been provided to give members a clear picture of what they would be supporting. He stated that the Mt. Zion A.M.E. Social Action Commission had provided physical data; however, he did not see where it had been included. Mr. Sudler expressed his opinion that all of the information provided from other agencies should be included in the City's cluster survey before members start a blueprint and further discussion on what kind of facility the City will have.

Mr. Lewis asked if there were any commitments made with respect to rebuilding a recreation facility on White Oak Road. Responding, Mr. Slavin informed members that former Councilman Sean Lynn led a charge to make sure that the City did not demolish the recreation center without having plans in place for a replacement facility, which Mr. Slavin had supported; however, it was not the desire of a majority of the members of Council at that time.

Mr. Slavin stated that, earlier in his career on City Council, he regretfully voted against the Pitts Center. He explained that he regrets his vote because he has seen the success of the Center, how much it is used, and how much it has meant to the community. Mr. Slavin stated that he voted against it because he felt that the City was building it in the wrong place, explaining that the City was building a recreation center for youth and trying to target at-risk youth and give them a safe place to go; however, the City built the Center in a location that is completely inaccessible to the largest population of at-risk youth. He noted that it is a great facility for individuals who have a car or can get a ride to it, but it is difficult to ride a bicycle or walk to the Center with no public transportation.

Mr. Slavin stated that he lives in the Third District and knows very well the needs of the east side of Dover, noting that it has been neglected for some time. He expressed his concern that, once again, the City is not looking at where the population centers are for at-risk youth and addressing both the Third and Fourth Districts, noting his belief that there are opportunities in both places. Mr. Slavin stated that he is a little concerned and disturbed about the ready, fire, aim approach that is being taken with regard to this matter because he does not believe there has been enough deliberation. He explained that there is good data available, between the City's survey and the Mt. Zion A.M.E. Social Action Commission's survey, and it should be brought together. Mr. Slavin stated that this should be a data driven process and the data should be used to make decisions, not to support decisions that have already been made.

Mr. Slavin noted that during the Committee meeting, it was suggested that grants will pay for a new recreation center and the operation of it. He expressed concern with any project which is proposed to be paid for using grants, explaining that this business model would lead to trouble for the City and the City's finances because someone will have to pay to keep the lights on, the doors open, and the programs going. Mr. Slavin stated that the expectation will be implicit, if not tacit, for the City to fund the building and all members need to admit that. He suggested that the City look at the cost and move forward. Mr. Slavin expressed his desire to prevent the same dilemma and fiasco that occurred with the original Schutte Park proposal, explaining that it was not understood, did not have support and was not approved. He stated that the City is still experiencing some pain from that decision and the way that it was approached.

Mr. Neil echoed Mr. Slavin's concerns. He stated that he understands what members would like to have done and that he was aware that Mayor Christiansen sent a letter to Attorney General Matthew Denn requesting $1.5M; however, he did not hear that the City has a solid commitment regarding the $1.5M or from PAL or any of the groups who will either use the facility, run it, or supply the money for it. Mr. Neil expressed his opinion that this matter should be tabled or delayed until the City has a commitment for funding and a commitment regarding who will actually run the facility. He stated that the City seems to run into problems when it overreaches because of a desire, and noted that members have said that they are not going to be able to raise taxes, so there needs to be a financial commitment.

Mr. Hosfelt asked if the City currently had grant funding committed to any projects related to City parks, noting that there had been discussion regarding changing the use of the grant funding for an indoor facility versus an outdoor facility. Responding, Mrs. Townshend stated that the City has grant funding in place for improvements to Mallard Pond Park that include a playground and a multi-use path. She advised that the grant funding is done on an annual basis, the application deadline is in July of every year, and the funding typically comes through in the winter or early spring. Mrs. Townshend stated that the City has two (2) projects which have assistance from grant funding through the State; however, that same pool of grant funding would not be applicable to indoor facilities because it is outdoor specific.

Mr. Hosfelt asked whether the City had any funding set aside in the CIP for parks. In response, Mrs. Townshend, referring to the section related to the availability of Capital Funds/Parkland Reserve Fund on Page 2 of her memo, explained that there is currently $324,266 in the Parkland Reserve Fund, $33,000 of that amount is allocated to the playground project at Mallard Pond Park,

and prior motions of City Council had allocated $180,000 to Dover Park, which leaves $111,266 available for use elsewhere in the park system. She stated that one of the challenges with the Parkland Reserve is that the only real funding stream is from developers who build residential developments and pay cash in lieu of providing onsite recreation amenities. Mrs. Townshend noted that because the City is not receiving a lot of residential land development applications, the amount of money going into the Parkland Reserve is very small, unpredictable, and rare.

Mr. Hosfelt noted that there had been a lot of work done by the Mt. Zion A.M.E. Social Action Commission and asked if the City would be bringing in their concerns and survey results and, if so, at what point that would happen. Responding, Mrs. Townshend, referring to Page 1 of her memo related to survey instruments, stated that a question had been raised about why that survey was not used in the City's Recreation Needs Assessment. She explained that the survey provided by the Mt. Zion A.M.E. Social Action Commission was very specific about a recreation center at Dover Park and can be utilized as the City enters the phase of developing a park master plan for Dover Park. Mrs. Townshend stated that this master plan is intended to begin at the staff level as a capital project next fiscal year, at which time the Mt. Zion A.M.E. Social Action Commission data source would be brought in and would also be supplemented with additional outreach to the public.

Mr. Sudler moved to instruct Staff to include the Mt. Zion A.M.E. Social Action Commission survey information and all other related data in future deliberations. The motion was seconded by Mr. Anderson and unanimously carried.

Mr. Hutchison stated that it is important that everyone understands that Mrs. Townshend's office and staff are charged with the responsibility of getting a master plan and a clear understanding of what schools, churches, Kent County, the YMCA, and the Boys & Girls Club are doing in the City of Dover in terms of recreation, in order to evaluate and share concerns about the needs for the future. He indicated that he shared all of the concerns that were raised by members. Mr. Hutchison stated that it is critical for Staff, including the City Manager and Controller/Treasurer, to have an opportunity to gather and review all of the information and determine what the City can afford to do before Council does anything with the current information.

Mr. Sudler noted that the Social Action Commission of Mt. Zion A.M.E. Church had provided the City with a survey in January 2014 and had been patient. He stated that they would continue to be patient; however, it had been two (2) years and constituents were counting on Council to put something back in the place of what was taken down.

Mr. Anderson stated that there may be some confusion about what is being proposed, noting his understanding that this was previously discussed and members all shared concerns that this proposal was not ready.

Mr. Slavin clarified that there had not been a proposal. Responding, Mr. Anderson stated that he was referring to Mayor Christiansen's proposal. He indicated that the next step was for everyone, including the Mayor's Office, Police Department, Parks and Recreation, City Manager, etc., to sit down together to discuss and evaluate what the needs are, as well as the information that had been provided by citizens. Mr. Anderson noted that if members do not make this a priority, it will never get evaluated and it will never happen.

Mr. Slavin informed members that he was deeply concerned because last year Council authorized ten additional officers for the Dover Police Department and the Department had struggled to get to the authorized strength due to retirements. He stated that he had attended meetings during which officers have commented that they do not have the manpower yet; however, there is now an officer whose responsibilities have been detailed to PAL activities. Mr. Slavin reminded members that Council raised taxes on every person in the City last year and a big part of that was to put more uniformed officers on the streets to solve and prevent crimes. He requested additional information regarding why this was never mentioned during the authorization process for the additional ten officers but has now become a priority, and a uniformed officer's responsibilities have been dedicated to it. Mr. Slavin asked that Mr. Hosfelt include this item on the Safety, Advisory, and Transportation Committee agenda for follow-up.

Mr. Anderson moved to approve the Committee's original recommendation to defer action, as amended to add that the Mt. Zion A.M.E. Social Action Commission's data would be included in future deliberations. The motion was seconded by Mr. Sudler.

Mr. Hosfelt stated his understanding that the amendment was that the Mt. Zion A.M.E. Social Action Commission's survey results would be included in the development phase for Dover Park. Mr. Anderson confirmed that it was.

Mr. Slavin advised members that this had already been voted on, had passed, and was part of the record, and members would just be voting on the recommendation of the Committee.

Responding to Mr. Neil, Mr. Slavin confirmed that the current motion was to defer further action.

Mr. Anderson stated that, during the Council Committee of the Whole meeting of February 9, 2016, members expressed a desire for the evaluation to continue and to give the Mayor a chance to talk.

The motion to postpone this matter for further data and information, as recommended by the Committee, was unanimously carried.

Community Development Block Grant (CDBG) Program Quarterly Update (October, November, and December)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the CDBG Quarterly Report 2015 for October, November, and December including the Status of FY-15 Program Funds Spent - Fiscal year 7/1/15 - 6/30/16.

Mr. Anderson stated his understanding that Mrs. Donna Mitchell, Controller/Treasurer, had some questions regarding some of the monies not yet spent. Mrs. Mitchell explained that Mrs. Tracy Harvey, Planner I, was working on this matter and Mrs. Townshend was aware of it.

The Committee recommended acceptance of the report.

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

Citizen Suggestion - Economic Empowerment (Clay Hammond)

Mr. Clay Hammond II, 505 Troon Road, President, Delmarva Black Chamber of Commerce, stated that Mr. Anderson had asked him to comment on economic development specifically as it relates to the African American community in the City. Mr. Hammond read a prepared statement as follows:

A widely held definition of economic development from a policy perspective are efforts to seek to improve the economic well-being and quality of life in the community by creating or retaining jobs, supporting and growing incomes of residents, and expanding the tax base. Some important factors with regard to economic development pursuits include having a trained and educated workforce and having communities in locales that are attractive to development and business attraction. One of the things that's important to note is that the African American population of the City is around 40%, with the white community comprising about 43%. However, in looking at economic development activities undertaken by City government and quasi-governmental entities, such as the Downtown Dover Partnership (DDP), very little has been directed at or addresses the economic development needs of the black community.

This is why we initially came, I think last year, and asked for the economic inclusion study to be done. With regard to the economic development needs of the black community, they are reducing high levels of unemployment nationally and also locally. We think that the unemployment levels are basically twice that of the general or the broader community.

Revitalizing distressed parts of the community, reducing poverty, and reducing crime. We say this because economic development is critically important because we think that is the new empowerment in equality and movement in the 21st century, akin to what the civil rights movement was in the '60s and '50s. If you look at economic disparities that exist in our community, whether its is income disparities, the unemployment level, net worth, the net worth of the community, it's really important that we really begin to focus on economic development.

One of the things that we think the City can do through its activities is development of appropriate public policy. Around the country, there are a lot of different initiatives that have been focused on alleviating the economic disparities in minority communities. Allocation of funds to support initiatives to address those disparities in the City's procurement activities can be very beneficial in this area.

Based upon our analysis, and I say this from the standpoint of the Delmarva Black Chamber of Commerce, some recommendations that we think can be very beneficial. Create and fund the work of an economic

inclusion advisory board. The economic inclusion study had a list of recommendations that we thought were very valuable. Creating a board would be helpful. Bill Neaton has been given a list of appropriate persons and organizations that can comprise that.

Make workforce development a priority and partnership with entities such as the Martin Luther King Center, Whatcoat Church Community Development Corporation, and DelTech akin to that of the Kent County Entrepreneurship Consortium. The City can apply for grants in partnership with external partners to support broad-based and specifically community economic development. There is a plethora of funds out there, whether it is through foundations, or the government, through criminal justice funds that the City, I think, would be helpful in pursuing, would take some of the financial burden off of the City. If you want to do initiatives, it shouldn't have to fall onto the taxpayers all the time. So I think that would be helpful.

Fund initiatives to support the growth of City's black business community. I would venture to say, and Ann Marie and some other folks can correct me, but a significant number, if not the majority of new businesses that have been coming downtown, are black-owned businesses. If you look nationally, black businesses are growing three (3) times faster than general businesses. So in economic development it is always important to support the work of a significant growth sector in that area and that is comprised of the black community.

Expand the City's Community Development Block Grant initiative. I know the entitlement is very small, but again, I think with some outside funding and some other resources, it can expand things to talk about community development outside of home ownership and some other things.

And have the City's crime prevention strategies include community economic development. One of the things I constantly say all the time when I speak to people is that you're never going to police your way out of this situation because police show up after the fact. If you look at the young men, I talk to a lot of young men that I know are selling dope on the corner. They're not doing this as a career track. They're doing it because they feel they have few other economic options, whether it's a lack of appropriate job skills or education, or a criminal record. But again, I think a lot of them possess keen entrepreneurial skills that if we could focus on something positive, could transform their lives and also the community. These are just some suggestions and comments I have on this.

Mr. Hammond explained that he first lived in Dover when he was about 12 or 13 in the early ‘70s and came back in the ‘90s to work at Delaware State University, and

again roughly in 2013. He indicated that a lot of the conditions that he sees in the City's African-American community have existed for decades. Noting the tremendous number of African-Americans, Mr. Hammond felt that the community been ignored in a lot of areas. He specifically mentioned Downtown Dover Partnership (DDP) partnerships because part of their service area had always been the Queen Street, Kirkwood Street, New Street corridor. Mr. Hammond expressed his belief that they had never focused on or put any resources into economically revitalizing those communities. He felt it would be helpful to have a comprehensive approach to addressing the economic development needs of the entire community and residents of the City.

During their Regular Meeting of November 25, 2013, City Council considered a request from Mr. Hammond for funding for the Delaware State University Center for Economic Development and Trade to conduct an economic inclusion study for the City of Dover. City Council approved the request to fund the Economic Inclusion Study in the amount of $6,000, as recommended by the Legislative, Finance, and Administration Committee. During the Legislative, Finance, and Administration Committee meeting of August 10, 2015, Dr. Michael Casson, Director, University Center for Economic Development and Trade (UCEDIT) reviewed a presentation of the African American Business and Workforce Inclusion Report for the City of Dover, Delaware, which was accepted by Council at the recommendation of the Committee. During the presentation, Dr. Casson stated that the economic inclusion study was a very important first step in this process, and the next important step would be an inclusion plan. This plan would take some of the points from the inclusion study, bring together the stakeholders, and begin to create strategies around engaging the African-American community.

Mr. Anderson questioned Mr. Hammond on the status of the creation of an economic inclusion advisory board and what request he had made of the City regarding economic development. Responding, Mr. Hammond there had been a request through a conversation with Mr. Bill Neaton, Economic Development Director, to begin put together a body, but he had not heard anything back. Mr. Hammond explained that this body would talk about implementing the recommendations that came from the study. He indicated that he had provided a list of approximately 20 individuals representing the business community, Delaware Technical and Community College, Martin Luther King, and the banking community and recommended reaching out to these parties; however, he had heard anything more.

Mr. Sudler asked if Mr. Hammond was discussing economic development for African-Americans or all races. Responding, Mr. Hammond stated that he was specifically talking about African-Americans. He noted, however, that economic development would benefit everyone in terms of job creation, additional services, and resources. Mr. Hammond indicated that he was looking at this from the African-American perspective because the economic inclusion study focused on this.

Responding to Mr. Sudler regarding statistics relating to African American economic development in downtown Dover, Mr. Hammond stated that he did not know the specific numbers but that a significant number of the new businesses downtown were black-owned.

In response to Mr. Sudler as to whether he felt this reflected progress, Mr. Hammond indicated that it was progress and was revitalizing downtown Dover. He stated the need to invest in the commercial corridor, noting that it did not make sense to have empty storefronts, no matter who owns the businesses. He felt it was helpful for the African-American community because the community contiguous to downtown, especially the lower end, is the African-American community and he felt this was a positive effect.

Mr. Caldwell expressed his belief that the term economic development is very broad and questioned what Mr. Hammond envisioned for the City in going against crime and providing jobs for the community. Responding, Mr. Hammond stated that workforce development was key and, when looking at what was taking place nationally with the growth of the healthcare industry and noting that Bayhealth Medical Center would be building a new hospital in Milford, he stated the need to train people to have a long-term attachment to the workforce.

In response to Mr. Caldwell as to how he would plan to go about this, Mr. Hammond advised members that there was a need to help people understand that their lives would change through work.

Noting that there were young people walking the streets, Mr. Caldwell asked how Mr. Hammond would implement his plan. Responding, Mr. Hammond expressed the need to get the church involved, expressing his belief that the black church was the only enduring institution in their community. He stated that kids who had grown up in the Kirkwood and New Street area had seen a great deal of dysfunction. Mr. Caldwell felt that the problem was not just on Kirkwood Street and was the whole community.

Mr. Hammond stated the need to help people understand that in order to have the life that everyone wants to have, you must have a skill or trade and be educated. He felt that economic development is a 20 to 30 year process, noting that the problems did not crop up overnight and would not be resolved overnight but would take a sustained effort by all parts of the community. Mr. Hammond stated that Dover has a very educated community and is one (1) of the few communities in the country that has a Historically Black College or University (HBCU), which could be a tremendous resource. Mr. Hammond stated the need to bring everyone together and prepare a strategic plan. He stated that what the kids on Kirkwood and New Streets see is not representative of real life, noting that he had observed alcohol consumption in this area similar that would make one think it was Saturday afternoon at the Superbowl.

Responding to Mr. Caldwell, Mr. Hammond stated his belief that change must begin in the home and in the church and all segments of community must sent a unified message of what is really needed to have the type of life that people want to have. He felt that social institutions such as schools and churches play a part.

In response to Mr. Caldwell as to whether this was part of his plan, Mr. Hammond indicated that he did not have a plan; however, there was a coalition of organizations that was coming together now and meets once per month. Mr. Hammond stated that part of the approach would be to propose gathering together churches, fraternities, and sororities to talk and develop a strategic plan. Mr. Hammond stated that a meeting was scheduled for February 29, 2016 and 50 people representing most of the major churches in the City were involved.

Mr. Neil stated that he was impressed by the information that Mr. Hammond had provided and stated his belief that the issues presented by Mr. Hammond applied not only to Dover but to every major city with very few exceptions, and to every state. He concurred that turning this around must start with children. Mr. Neil expressed concern about dealing with the grant money that Mr. Hammond indicated was out there. He stated the need to identify grant sources while bringing together the impressive group of people that he had identified. Mr. Neil indicated that he would love to see this effort started and applauded Mr. Hammond for what he had done.

Mr. Hammond informed members that they had begun to compile a list of federal grant resources and would be happy to share this document with the City. He noted that a lot of grant money requires public/private partnership.

In response to Mr. Anderson's request for a summary of the Ice House Program, Mr. Hammond indicated that the Delmarva Black Chamber of Commerce had been pushing a unique, entrepreneurial development program. He indicated that most small business development programs require development of a business plan, but running a business does not necessitate being a business expert. Mr. Hammond stated that this program helps people create an entrepreneurial mindset, develop a resource network, and evaluate the possibility or probability of a venture succeeding. His organization's goal was to facilitate the first class of this program in Dover in late April or the beginning of May. He stated that the Delmarva Black Chamber of Commerce was the only organization in the State that had been trained through the Kauffman Foundation and had certified facilitators for this program. Mr. Hammond advised members that the program would be offered at Whatcoat Church on a Saturday afternoon from 10:00 a.m. to 2:00 p.m. for seven (7) weeks and invited all to come by. He explained that this was a unique program being rolled out around the country and the Delmarva Black Chamber of Commerce was the only entity in Delaware that would be providing it. Mr. Hammond provided a fact sheet on the Ice House Entrepreneurship Program.

Mr. Sudler stated that he respected what Mr. Hammond and his colleague, Mr. Bobby Wilson, were doing for the community. He suggested that they come up with a five

(5) year plan with detailed objectives and accomplishments and a time track. He felt that this would help the City to support
their initiatives.

Mr. Hammond agreed with Mr. Sudler, stating that without a strategic plan to clarify goals and objectives, it would just be conversation. He stated the desire to have a living, breathing document and look at benchmarks and it would be proposed that the coalition work on a five (5) or 10-year strategic plan.

Mr. Sudler suggested that this plan be provided to the City in the near future if the coalition wanted to see results.

Mr. Hammond indicated that it may not be in the near future since a lot of diverse groups would be brought together; however, they would be engaging in a strategic plan.

The Committee recommended referring the minutes of this meeting to the City's Economic Development Office.

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

UTILITY COMMITTEE

Additional Power Supply Alternatives

Mr. Scott Koenig, City Manager, reviewed a Memorandum regarding Additional Power Supply Alternatives, dated February 1, 2016, noting that it was prepared with input from The Energy Authority (TEA), which provides the City assistance with energy management functions. Mr. Koenig advised members that the Executive Risk Management Committee (ERMC) was requesting approval to explore two (2) exceptions to the Governing Energy Commodity Risk Policy, explaining that this Policy guides the City's power purchases through the hedge program. He stated that, over the past few months, the ERMC had been made aware that there are products in the market that may be of interest to the City; however, the current Risk Policy does not allow the ERMC to pursue those products or bring them forward for consideration.

Mr. Koenig reviewed the descriptions of the two (2) possible products. He stated that one (1) possible product would be the Load Following Product for Fiscal Year 2017 and 2018, explaining that a third party would purchase 100% of existing hedges that the City has purchased to date at the same price the City originally paid for them. Then the third party would give the City a "load following product" that would follow the City's load for a fixed price through Power Years 2017 and 2018. Mr. Koenig stated that this may be attractive to the City because it will fix the City's price for power based on the per megawatt (MW) cost and the only difference would

be based on the volume of power that the City would or would not purchase. He explained that this is a product that is out there for a short term, and one (1) counterparty has shown an interest in it and discussed it with the ERMC. Mr. Koenig stated that this is a product that the City may want to consider and the ERMC was requesting authorization to pursue negotiations on the product.

Mr. Koenig informed members that the second product is the potential purchase of up to 50 MW of energy at a fixed price for up to a 10-year period. He reminded members that currently the City's hedge program only goes out five (5) years, noting that this product would be outside of that window. Mr. Koenig stated that this is a product that is currently in the market and that the ERMC had discussed power on this type of strip for upwards of three (3) to five (5) cents, which Mr. Koenig noted is considerably cheaper than some of the products that the ERMC has looked at over the last few years. He informed members that the ERMC is not sure how long this product may be available with the changing market; however, the ERMC was requesting authorization to pursue this product.

Mr. Koenig explained that the Risk Policy limits the ERMC's ability to consider these two (2) products and the ERMC is requesting authorization from the Utility Committee and City Council to begin pursuing them with the understanding that the ERMC would have to come back to the Utility Committee and City Council for final authorization of any contracts. He noted that these products may help the City reduce its cost of energy moving forward and the ERMC believes that it is financially responsible to consider them.

Mr. Neil noted that Mr. Koenig referred to a change from going out five (5) years to 10 years and questioned how that would affect the City's budget and whether that money would be committed now for the future. Responding, Mr. Koenig stated that the City would pay at the time that the product is actually used. He explained that this would give the City price certainty on that 25 or 50 MW over a 10-year period, noting that currently the City only has price certainty in the first five (5) years of the hedge program because the City is only focused on a five (5) year window. Mr. Koenig stated that this would commit funds in future budgets; however, it would commit them at a known fixed price.

Mr. Blakeman asked if the load following cost was based on an hourly, daily, weekly, or monthly rate. In response, Mr. Koenig stated that the load following cost was based on the whole load for the year and indicated that it is probably done on an hourly basis. He explained that the price would be fixed for the whole year, and if the City entered into a contract that said secured its load for $45 per MW for every hour of the year, the City would pay $45 per MW regardless of how much is used.

Responding to Mr. Blakeman, Mr. Koenig confirmed that the City would pay the same amount in the off peak hours, noting that there was risk in that.

Mr. Blakeman stated that the Committee would expect to see some details and questioned whether the energy manager had experience with these two (2) products, noting that they are new. In response, Mr. Koenig stated his belief that the energy manager had experience negotiating these products; however, he was uncertain how many counterparties had executed them at this point. He reminded members that this is a new product that had come to the ERMC in the last couple of months. Mr. Koenig stated that he did not know how long the product had been in the market or if anyone had executed these types of deals.

Mr. Blakeman asked if the City could find out whether someone had actually executed these types of deals. Responding, Mr. Koenig stated that Staff would probably bring that information when they come back to the Committee.

Mr. Anderson reminded members that the City was stuck for a couple of years with higher electric rates than anyone around because the City bought in at higher costs and asked what the risk would be if the City begins going 10 years out. He noted that the gas and oil prices cannot be predicted two (2) years out, let alone 10 years. Mr. Anderson stated that he wanted to understand the risk.

Responding to Mr. Anderson, Mr. Koenig stated that it would be a risk if the City locks into a contract and the market falls below the locked-in price. He reminded members that the City had experienced this situation in the past when, in a very high cost market, the City locked in a certain amount of its load and prices dropped, so the City was overpaying. Mr. Koenig stated that the 10-year product seems attractive at the moment because the back end of the gas curves are very low, which are driving very low prices in that 10-year strip. Using the example of four (4) cents per MW hour, he explained that if the City can take advantage of a product like this, the chances of the market being substantially lower than four (4) cents over a 10-year horizon are relatively low. He stated that there is a risk that prices will go below that; however, looking at history, if the City can achieve that product, the City would be well within its standard of risk to execute it.

Mr. Koenig stated that the load following product is a little bit different, noting that with the load following there is always the question of off-peak versus on-peak and what is happening in the market and the world. He informed members that there are so many things that affect these prices that the City will never have 100% certainty. Mr. Koenig stated that he did not believe there is a deal available for two (2) cents; however, if the City cut a deal for two (2) cents and the market was tracking at 1.8 cents, he did not think the City should complain. He noted that while it would seem impractical that prices could go that low, it seemed impractical based on the market a number of years ago that the City would currently be talking about three (3) to four (4) cent power. Mr. Koenig stated that the ERMC would not be bringing these products forward unless they thought that the City could lower its projected costs.

Mr. Anderson noted his understanding that the ERMC was looking at the fact that prices were low right now and the odds were against prices being this low in future years.

Mr. Koenig informed members that the risk in not bringing the request to explore these products forward for consideration is that a member of Council could find out about these products from a member of the Delaware Municipal Electric Corporation (DEMEC) or another utility and ask why Council was not informed, and it would place the ERMC in a bad position because they limited the alternatives.

Mr. Anderson asked what percentage of the power the ERMC was considering. Responding, Mr. Koenig stated that on the load following, it is 100% of the two (2) year window, the 2017 and 2018 Power Years. He advised that on the 10-year strip, the product discussed has been 25 MW, although the memorandum allows up to 50 MW because if that product is out there and the ERMC can get a really good deal, the ERMC would be willing to bring as much as 50 MW for a 10-year deal back to Council. Mr. Anderson stated that he liked the idea of exploring it.

Responding to Mr. Hare, Mr. Koenig advised members that the City's composite for the current year is between five (5) and six (6) cents for energy purchase. He recalled that over the last four (4) to five (5) years, the City's composite was approximately seven (7) or eight (8) cents and it had come down fairly steadily over the last few years.

Mr. Hare asked how many MW the City committed in five (5) years. In response, Mr. Koenig stated that in the current year the City was hedging approximately 80% of its estimated load and each year out this declines by 20%, noting that the hedge targets are 80% for the current year and decreases to 60%, 40%, etc.

Responding to Mr. Hare, Mr. Koenig confirmed that if the City went out for 10 years, the price would be guaranteed for those 50 MW for that 10-year window.

Mr. Hare asked how many MW the City would use in 10 years. In response, Mr. Koenig stated that the City's average load was 700,000 MW per year. Mr. Harry Maloney, Electric Director, stated that he would have to do the calculation; however, he estimated that 50 MW would be a little more than half, explaining that was why Staff left it between 25% and 50% looking forward. He noted that gas prices are the lowest they have been in years.

Responding to Mr. Hare, Mr. Maloney stated that the City would use more than the 50 MW. He advised members that the City's evening loads are above 50 MW. Mr. Maloney indicated that the City's load is relatively flat right now - in the 80s.

Mr. Hare asked what the projected savings would be for the City with these products. Responding, Mr. Maloney stated that Staff did not have a firm number yet, noting

that they would compare it to the five (5) year budget, what they have been speculating and what the City's hedges are, and come back with those numbers.

Mr. Hare stated that he would have to see what the projected savings would be before he could commit to it. In response to Mr. Hare, Mr. Maloney reminded members that this was part of the deal. He stated that the City is buying risk to save energy, but then there is the risk of being stuck with a product. Mr. Maloney noted that if gas prices continue to hold steady after this winter, the ERMC will probably get some good prices to be able to see where the numbers fall.

Responding to Mr. Hare, Mr. Koenig stated that the ERMC was only requesting authorization to pursue negotiations on these products. He reiterated that if the ERMC is successful in negotiations, they would come back with recommendations as to whether to sign those products. Mr. Koenig explained that the ERMC would have to execute contracts which are beyond the value of what the ERMC can execute according to policy. He stated that the ERMC would come back to the Committee and Council with a recommendation based on financial impact, reduction of risk, potential risk, projected savings, etc.

The Committee recommended authorizing the Energy Manager to explore two (2) exceptions to the Governing Energy Commodity Risk Policy to pursue negotiations for two (2) separate commodity transactions intended to meet the City's electric load requirements and reduce the City's risk, as recommended by Staff.

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

Quarterly Review of Utility Related Capital Investment Plan (CIP) (Electric and Water/Wastewater)(October, November, and December)

Mr. Scott Koenig, City Manager, reviewed the Quarterly Report for the Capital Investment Plan (CIP) as of December 31, 2015.

Referring to the Water/Wastewater Improvement & Extension Fund - Major CIP Projects, Mr. Koenig advised members that staff was still working on the siting of a 1 MG storage tank on the north end of the City, noting that an alternate site had been identified and staff was working through a memorandum of understanding with the property owner that they intend to bring forward once all of the language is confirmed. He informed members that the Garrison Oak Water Tower had been filled and placed in operation, and that project is getting very near completion. Mr. Koenig stated that the Garrison Oak Water/Wastewater Improvements are all in service and staff is closing out the contract documents associated with that project.

Mr. Koenig informed members that the Brandywine Pump Station has been a problem. He explained that the City has been in a dispute with the general contractor regarding warranties and things of that nature; however, it appeared that the

contractor had remobilized. Mr. Koenig stated that staff hoped to get the pump station in operation and the project closed out soon.

Mr. Koenig stated that the contractor had mobilized on the Westover Pump Station and force main project and work would begin shortly. He advised members that the West Dover Connector projects were coming to an end.

Mr. Koenig, referring to projects in the current year budget, stated that the fencing around the Bayard Avenue Water Tower was in. He noted that the City is working on the water treatment plant process improvements, the large meter replacement project, as well as the potential construction of a new deep well in the system.

Mr. Koenig stated that a number of wastewater projects would be moving forward, noting that some of them would be going to Council for authorization of the bids.

Referring to the Electric Improvement & Extension Fund - Major CIP Projects, Mr. Koenig stated that there were a number of projects underway related to the Power Plant, noting that the VanSant Capacity Increase Project is very near completion. He stated that all the testing was done and it was his understanding that the City had confirmed that the expected capacity expansion had been realized, explaining that the project has put the City in a better position to deliver power to the system.

Mr. Koenig advised members that the General Scott Switchgear project was probably the largest electric project for this year. He stated that the switchgear has been placed in service and is online. Mr. Koenig indicated that Mr. Harry Maloney, Electric Director, and his staff are working on the completion and closeout documents associated with the project as well as a number of subdivision and site additions that are identified in the Capital Plan. He stated that the Electric Department is also working on the potential replacement of a group of large electric meters that will eventually lead to some of the City's smart grid improvements.

Mr. Koenig stated that the VanSant Component Replacement project has begun and will get underway with the taking apart of the various components in the spring. He advised that there are a number of other small projects that are underway that Staff or the Plant are working on.

Mr. Koenig informed members that capital project construction and design is moving forward. He noted that the Electric and Public Works Departments have been able to hire all of their engineering staff and the design, project management, and budget delivery pipelines now are staffed on the City side completely. Mr. Koenig stated that Staff expects to realize an acceleration of the project backlog that had developed because of staff vacancies. He expressed his hope that over the next few months the City will catch up and get into the current year on almost every project.

Mr. Hare asked how much the VanSant project would cost. Responding, Mr. Koenig stated that the VanSant Capacity Upgrade was approximately $1.4M., the VanSant Component Replacement was approximately $21,000, and the VanSant Exhaust Plenum Replacement was approximately $469,000, noting that the City was spending just under $500,000 on improvement to VanSant this year and almost $2M total.

Mr. Blakeman, referring to project EE1616 - New Developments, noted that the project budget balance was approximately $1.8M and questioned whether the City had done any new developments this year. Responding, Mrs. Donna Mitchell, Controller/Treasurer, stated that this is the way the report is written. She explained that the original budget shows $2.5M and the revised budget shows $1,850,000. She informed members that the budget was moved to the individual projects, which are indicated by a "T" in the Type column because that reflects that the money was transferred into those individual projects from the master budget. Mrs. Mitchell stated that the actual expenditures show up with the individual project, not under the master budget.

Mr. Anderson, referring to the General Fund - Major CIP Projects - FY 2016 Vehicles and Equipment, noted that only 23% of the budget had been spent as of December 31, 2015. In response, Mr. Koenig stated that a number of pieces of equipment had been ordered and, as far as he knew, the City had ordered everything. He indicated that he would have to check on this, explaining that it just may not be showing up on the financial data yet.

TEA/NAES Report (October, November, and December)

The TEA/NAES Monthly Reports for October, November, and December 2015 were provided to members to enable them to monitor electric sales and revenues received, which will provide a better understanding of any fluctuations that occur and allow the opportunity to make improvements if deemed necessary.

Mr. Scott Koenig reviewed Page 13 of the TEA Report for December 2015, noting that the Gross Load Budget YTD was 388,000 and the Actual Load YTD was 385,291, indicating that the City is slightly under the expected load. Referring to the Total - Utilities Cost, he stated that the City was expecting to spend $25.97M and has spent approximately $21.58M. Mr. Koenig advised members that, in general, the City is tracking below the anticipated budget this year, which is always good, noting that in most months the City has been just below the budget, and the cumulative effect has put the City $4.38M in favor for this component of the electric budget.

Mr. Blakeman, referring to the Supply Variance - Purchased Power Variance Report on Page 2 of the TEA Reports for October, November, and December 2015, noted that there had been pretty substantial differences between the Budget and Actual Unhedged Energy Cost ($/MWh) over the last six (6) months. He stated that in December, the budgeted amount was $49.84 and the actual cost was $24.06; in November the budgeted amount was $42.75 and the actual cost was $16.36; and in October the budgeted amount was $43.26 and the actual cost was $7.47, which is a

variance of $35.79. Mr. Blakeman expressed his concern with this disparity. He stated that he did not understand why the City is missing the budget number at such a large pace and asked if there is a mechanism the City can capture that would allow the City to get more of the lower priced unhedged energy as opposed to paying for the hedge energy cost. Mr. Blakeman thought that there seemed to be a huge savings potential if the City could capture more megawatts in that bracket.

Responding to Mr. Blakeman, Mr. Koenig explained that there is a huge savings; however, there is also a huge risk in the unhedged portion because it is at risk for price adjustments. He stated that the City has been following the hedge policy and, for the past four (4) years, laddering in hedges in the current year up to 80%. Mr. Koenig advised members that four (4) years ago when the City began laddering those hedges in, the City was not sure what the cost of unhedged energy would be. He stated that it is very hard to predict the future and the hedge policy is in place to mitigate the City's risk, noted that if the City was currently unhedged, power could be bought very cheaply but the City would be substantially at risk. Mr. Koenig stated that the City struggles with this issue every month and reminded members that the budget is set on an annualized basis and this report provides a snapshot of what happened in a particular month. He explained that the City gets the benefit of looking back to see what actually happened. Mr. Koenig expressed his opinion that these numbers would always be off, noting that it would be great if the numbers were exact but at least the actual cost has been below what was anticipated.

The Committee recommended acceptance of the reports.

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

Updates

Green Energy Funding and Programming
Members reviewed details regarding Green Energy Funding and Programming.

National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit
Mr. Scott Koenig, City Manager, reminded members that the City was not in compliance with the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit. He advised that the City was still awaiting the final decisions from the Delaware Department of Natural Resources and Environmental Control (DNREC) regarding what the City has to do to be brought into compliance. Mr. Koenig stated that Mr. Randy Cole, Environmental Scientist, is working on all of the submissions that the City needs to undertake to comply with the permit and the City has also been working on a series of Capital Plan projects that will help support the City's compliance related to the MS4 permitting.

Garrison Oak Technical Park Project Updates

Mr. Scott Koenig, City Manager, provided the following updates:

City Infrastructure

Mr. Koenig stated that the City was currently in the process of closing out the contracts for the Garrison Oak Technical Park (GOTP). He reminded members that the water tower was completed, had been filled, and should be in operation. Mr. Koenig noted his belief that the City had very few problems in the system as the tower was being filled. He advised that the pump station contractor, George & Lynch, Inc., completed all of the upgrades at White Oak Pump Station #5, and White Oak Pump Station #5 and the Garrison Oak Pump Station are now in operation. Mr. Koenig noted that the project also included the removal of a very small existing pump station on White Oak Road and it is now gravitating into the new Garrison Oak Station. He informed members that the road is completely paved and all of the sidewalks and landscaping are complete. Mr. Koenig stated that the Electric Department had finished the relocation of the 69 kV line and the paperwork for that project is now being completed. He noted that A-Del Construction had also finished all of their work and is completing the closeout documentation so that the City can get releases from the Conservation District and the Delaware Department of Transportation (DelDOT).

Mr. Koenig stated that the GOTP now looks like an industrial park ready for new occupancy. He noted that it was his understanding from conversations with Mr. William Neaton, Economic Development Director, that the sale of Lot 13 to Advantech should be completed on Friday, February 12, 2016. Mr. Koenig advised members that the City expected Advantech to begin submission processes, noting that they had been working with DelDOT on traffic and trip generation. He stated that there has been additional interest in the lots at the GOTP and Staff is hopeful that they will bring forth additional tenants in 2016.

Mr. Koenig advised that, in 2016, all of the infrastructure related to the GOTP will be in service and staff will be able to calculate all of the final costs of the infrastructure. He stated that Mrs. Donna Mitchell, Controller/Treasurer, will be able to complete the estimated paybacks and, as the City sells additional lots, the payback schedule will accelerate.

Calpine Energy Center

Mr. Koenig reminded members that the Garrison Energy Center, as well as the infrastructure going back to the Center, was operating. He advised that the past six (6) months of reporting show that the Energy Center is by far the City's largest customer, except for one (1) month when it was shut down. Mr. Koenig stated that the City is seeing a return on the Energy Center as a customer; however, he reminded members that the Center is not quite meeting the revenue targets and Staff is reviewing this to determine if it is a long-term problem or just related to the shake out of the plant. Mr. Koenig noted that the plant was producing power earlier in the day, as indicated by stacks that were blowing a lot of steam.

Dover Sun Park
Members reviewed details regarding the White Oak Solar Park incremental cost for Fiscal Year 2016.

Mr. Koenig stated that, to meet the Renewable Portfolio Standards (RPS), the City would likely be considering additional solar resources for its portfolio in the near future. He advised that the City would be considering an additional solar deal at some point since the technology has changed and the performance of these units has increased. Mr. Koenig expressed his belief that the costs for new contracts had decreased and he expected that more information regarding this matter would be brought forward for consideration in the next one (1) to three (3) years.

Responding to Mr. Hare, Mr. Koenig reminded members that the City had a 20-year deal with the Dover Sun Park and it was his belief that the City had approximately 15 years remaining on that deal. He stated that the Sun Park started production to the grid in 2011.

In response to Mr. Hare, Mr. Koenig stated that the City had made money from the Dover Sun Park during one (1) month, at the time of the polar vortex.

LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

Discussion - Electric Cutoff Process Review
Mr. Hare advised members that quite a few calls had been received from constituents about cutting off electric services, stating his understanding that they were past due to the City.

Mr. Koenig stated that the City had been talking for quite some time about past due balances, money due to the City, and trying to get customers to meet the City half way on the issue of the utility contract. He explained that the Electric Service Handbook indicates that the City should collect payment within 21 days of the bill date, and Mr. Kirby Hudson, Assistant City Manager, and the Customer Service Department began pursuing that goal. Mr. Koenig stated that the ultimate goal was to collect 100% of the revenues due to the City in this 21-day period. He advised members that realizing this goal would create a much more efficient business environment as it would prevent the City from having to dedicate resources to creating and reviewing a cut list and cutting customer service.

Mr. Scott Koenig, City Manager, provided members with information regarding utility service billing, including an updated flyer, trial balances, and sample bills. He informed members that small changes were made to the utility bill and the words "Due Upon Receipt" were added to the top section to get people to focus on when the bill is actually due. He explained that the meter information near the top of the bill indicates that the service dates are for the previous month. Mr. Koenig reviewed a

sample bill that reflected that power was used from December 30, 2015 through January 28, 2016, the meter was read on January 28, 2016, and the bill was sent out on February 3, 2016. The due date was February 24, 2016, 21 days from the bill date. Mr. Koenig stated that, in an ideal situation, the City would receive all payments for this billing period by 5:00 p.m. on February 24, 2016, staff resources would not have to be dedicated to creating a cut list, and staff could move on to the next billing group. Mr. Koenig advised members that changes were made to the bill to indicate it was due upon receipt and to add a notice at the bottom that the City can cut service without further notice if the total balance due has not been paid. He proposed changing the language to read, "Disconnection of service without further notice may occur if the total amount due is not received by 5:00 p.m." on the due date, in this case February 24, 2016.

Mr. Koenig explained that some customers had mailed bills or made automatic payments and in their minds had paid the bill; however, banks may take one (1) to eight (8) days to process payments. He acknowledged that the change in bills would have created a lot less friction if it had been promoted more effectively by the City, stating that he would be promoting this change as much as Council would allow going forward. Mr. Koenig stated that the City was asking its customers to gravitate toward transactions with the least cost. He advised members that staff had been spending hours upon hours on the cut list, noting that this list is not to the advantage of the City or the customers, since while service is cut the customer is not using power and the City is involved in sales and collections. Mr. Koenig stated the need to keep cash moving and prevent large account balances. He noted that the City had gravitated toward allowing customers to carry a $99 balance on their account before being considered for the cut list, which was reduced to $50 over a period of time. Mr. Koenig indicated that staff was trying to push this further to get everyone to pay within the 21-day window outlined in the Handbook, noting that there would be some painful discussions. The entire intent was to dedicate resources to other things to help improve the utility, such as a quicker response to phone calls and customer assistance. Mr. Koenig explained that the City's bills are different from others that begin when the bill is received and require payment in 30 days. Technically, when the City's bill is issued, the customer is in arrears and already owes for service that has been rendered, and Mr. Koenig felt that customers do not understand this. He stated that staff would prefer to have people on the budget plan so that they receive an equal bill every month that is automatically drafted or paid through electronic transfer because those are the cheapest transactions for the City.

Mr. Koenig assured members that staff had always encouraged those who have difficulty paying their bill to call the City ahead of time and it is staff's desire to work with the customer. He stated that after the bill is due and the customer is on the cut list, this becomes more difficult. Mr. Koenig explained that the Handbook states the City is supposed to collect everything owed for a customer's utilities before reconnecting a residence that has been cut, including the reconnection fee, stating his belief that $50 was now the minimum fee. He indicated that when $50 or $100 is added to a bill that someone is struggling to pay, it is difficult for them to get the

power back on, and additional problems are created for the City when the power is not on. Mr. Koenig stated that there were difficult issues with some customers related to delinquent balances, and staff works with a number of customers whose bills are paid by others, some of whom receive fuel assistance. These transactions require time and attention.

Mr. Koenig expressed the need to get the message out better through Facebook. He noted that after staff started experiencing problems, flyers were put in this month's billing. Mr. Koenig advised members that the cut list that was based on a 21-day window had more than 300 locations in a run of approximately 1,000 bills, and 20% - 30% of customers were not paying in that window. He reiterated the goal to gravitate to the most efficient, straightforward transaction for the customer and get them current on their balances so that the City is not carrying hundreds or thousands of dollars in delinquent balances.

Mr. Koenig explained that the City must also deal with the issue of delinquent taxes. He noted that these fees had been billed and this revenue was expected. He stated the importance of receiving this revenue before customers get behind, cannot catch up, and start walking away on bills.

Mr. Koenig reiterated the need to better promote this change; however, he asked Council to understand the objective of obtaining the lowest cost transaction, reducing cost over time, and reducing friction and the number of activities that must be done at Customer Service. He noted that this would improve customer service so that more time, effort, and resources can be devoted to customers with major concerns or who need additional help.

Mr. Sudler stated that it sometimes has taken 20 to 40 minutes before a representative from Customer Service physically gets on the phone to address concerns, which he felt was a major problem. In addition, as a landlord and a construction representative, he noted that constituents were concerned about deposits. Mr. Sudler indicated that there was inconsistency in regard to whether the deposit was three (3) times the monthly cost versus the cost for three (3) months. He indicated that he has one (1) bedroom apartments that are 425-485 square feet. Mr. Sudler indicated that he had done a survey, and the cost was $45 per month for those who are working and away for part of the day and $110 per month for those who are there all day. He indicated that his targeted population is seniors, handicapped, and veterans. Mr. Sudler stated his understanding that if the highest cost was $110 per month, the cost for three (3) months would be $330, and the deposit should be obtained by dividing this in half. He reiterated that Customer Service representatives were saying that the cost of the deposit was three (3) times the amount rather than half of three (3) times the average cost per month, and this had occurred more than three (3) or four (4) times within the last four (4) months. Mr. Sudler recognized Mr. Ryan Carroll, Customer Service Clerk II, for providing great customer service, having a great attitude, being consistent, and representing the City well. Mr. Sudler stated that some of his residents were very upset, noting that one (1) resident, who

had never had utility service with the City, stated that Customer Service wanted to charge her a deposit of over $300 for a one (1) bedroom apartment. He stated that this was also affecting the homeless who are trying to get adequate housing after obtaining a job and are faced with high deposit costs and an inconsistent process.

Mr. Kirby Hudson, Assistant City Manager, advised members that there are inconsistencies because deposits are based on credit reports that are received for new customers, noting that deposits are higher if the credit report is poor.

Mr. Sudler stated that the City of Dover bases their credit on whether the customer had a prior history with the City in utilities. He expressed his opinion that everyone has had issues with credit and did not think it fair that someone who had been homeless and was trying to get off the streets should have a high deposit based on their credit report. Noting that he had been a landlord for over 13 years, Mr. Sudler indicated that he knew the process and this was not the process.

Mr. Hare advised members that the utility deposit could be a discussion for another time, noting that the matter being considered was bills being received. He stated, having paid electric bills in the City for 40 years and never having been late, he received his bill on January 18, 2016 with a bill date of January 11, 2016. He noted that if he waited five (5) or six (6) days and mailed his payment to Wilmington, if it got there on February 1st, his power could be shut off after having only 12 days to pay it.

Mr. Koenig thanked Mr. Sudler for the kind words regarding Mr. Carroll, noting that he works in an environment that is not always kind. Mr. Koenig stated that he had not brought information regarding deposits but would be happy to talk about this in the future since he felt it was a legitimate concern, from the standpoint of both the City and its customers.

In regard to Mr. Hare's concerns, Mr. Koenig explained that the City mails the bills based on the bill date. Staff does everything they can, based on the billing address, to get the bill to people as soon as possible, which may take two (2) days or five (5) days. He stated that the Electric Service Handbook, which had been adopted, stated that the bill was due no later than 21 days from the billing date, and this had been the process all along. Mr. Koenig indicated that the reason the bill states "due upon receipt" is because of the desire for people to put it at the top of the list and understand there urgency to get the bill to the City quickly to meet the customer side of the contract. He stated his understanding that people think their bill is paid once it is in the mail, but the bill goes to a lock box in Wilmington, which is the only place in Delaware that has a lock box processing facility. Mr. Koenig informed members that a conscious decision was made years ago to go to a lock box to save money by cutting an employee who used to open the mail. It takes time for the information to come from the lock box and into the City's system. Mr. Koenig stated that the City was not close to having a cut list ready to go at 7:00 a.m. following a due date on the previous day at 5:00 p.m., and he did not want to get to that point but instead have

people pay in the 21-day window. He stated that the City would like to put people on a budget plan and get them to do direct draft rather than mailing payment, since the mail cannot be predicted and can put their service at risk. He noted that customers who use online banking may receive an indication when the payment will be received.

Mr. Hare noted that every case is different. He suggested that the wording be changed and that customers get one (1) grace period. He felt there should be a way to give a little benefit, noting that there could be people who had never missed a bill and, due to circumstances such as being away, could return to find their power had been cut off. Mr. Hare felt that there must be some way that citizens who pay well would not be penalized for being a few days beyond the date one (1) time and to be a little more citizen friendly. He stated that perhaps the requirement should be a little tougher for those who had not paid the previous bill and that power could shut be off for those who were three (3) months behind. Mr. Hare advised members that he had not been receiving calls from those who were two (2) months behind but from those who had indicated that they had mailed their checks. He commented that one (1) lady went in and paid her bill and, when it was entered, she was advised that she had a credit because Customer Service had received her initial check. He suggested giving 30 days to pay, or having a list of people who are not a problem and allowing them a few more days to pay. Mr. Hare felt that a little discretion should be used.

Mr. Slavin stated that he had filled up his car with gas at Wawa today and did not have the ability to tell the cashier that he planned to pay for it about 60 days from now. He did not ask to be billed 30 days out and to be given 30 days on top of that to pay for the gas. Mr. Slavin stated that during the last two (2) budget cycles there had been talk about running City government more like a business. He felt that this was one (1) of those moments when the City chooses to run the government like a business by collecting bills in a timely fashion so that it is not carrying huge balances. He noted that this would require fortitude and there would be some rocky waters and people who have real needs. Mr. Slavin stated that he had heard that those who were in dire straits could be worked with and accommodated. He cautioned members about being selective and creating lists of people who are good payers and those who are not because that would swing the City back to the extra work that the City was trying to get rid of by trying to make this a leaner, stronger, and less expensive form of government to operate. Mr. Slavin felt that the City would get beyond the initial, burn-in period with this issue and attain a better place. He supported turning a few little levers to open it up a few more days or improving communication; however, he suggested holding the course and continuing to do what was being done since this is what staff was asked to do.

Mr. Sudler commended Mr. Koenig for his work in running the City as a business, noting the need to collect money for bills so that the taxpayers would not feel this problem during the next fiscal year. He stated the need to provide a better understanding by specifying landmarks for submitting bills by mail or electronically

using the worst case scenario and suggested adhering to the deadlines for those who do not comply.

Mr. Neil suggested including something on the bill, perhaps on the blank back page, which would advise customers that paying the bill immediately will help keep taxes down, and stating that bills paid by mail should be mailed seven (7) days ahead of time. Mr. Neil felt that the bill should have something to educate customers and get their attention. He suggested using graphics, noting that this document could be used as a billboard within the envelope. Mr. Neil offered his assistance with this. He stated that the City could not afford to have $0.5M in delinquent dollars, noting that this was costing the City money and he felt this should be conveyed to the taxpayers.

Responding to Mayor Christiansen, Mr. Hudson stated that the first Trial Balance report reflected that amounts that were more than 30 days past the due date for trash, water, sewer, and electric. The portion of this amount that was due for electric service was $424,897.84.

Mayor Christiansen requested an overview of provisions in place for special situations, such as those customers with a medical condition. Responding, Mr. Hudson stated that medical forms were developed years ago and needed to be slightly tweaked; however, they list the medical equipment that is deemed to be necessary for an account to be active and not be cut.

Mayor Christiansen questioned if there were many delinquencies in this category. Responding, Mr. Hudson stated his belief that 13 of the customers in this category collectively owe the City approximately $25,000 - $30,000. He indicated that these customers feel that because they have a medical condition they can pay the City whatever they want, and some of them pay nothing. Others pay $50, $100, or whatever they want, and this had been going on for years.

Responding to Mayor Christiansen, Mr. Hudson confirmed that the City was owed over $900,000 for accounts over 90 days past due. Mayor Christiansen questioned how such a high total was approved. Responding, Mr. Hudson stated that when he first came on board with the City, he was asked to help oversee the operations of the Customer Service Department and the City had consistently, over many years, allowed customers to pay their previous balance and carry the current forward to the next month. Mr. Hudson stated that when customers get behind and have a problem, they do not pay on the bill and it gets larger and larger.

Mayor Christiansen stated that calls had been made to the Mayor and City Manager's Offices stating that some of these cutoffs were punitive and questioned if this was true. Mr. Hudson stated that when staff first started cutting, the cut list averaged close to 300 per day and there was no way to keep up with this. Staff discussed this and stepped back to allow the word to get out and for customers to get used to paying within the 21-day period. Staff then started with those who had balances, which included those who were already over 30 days late.

Mr. Cole agreed with staying the course and being pragmatic; however, he felt that it helped when he and Councilman Hosfelt provided a clear answer to a neighborhood watch group, noting that he and Mr. Hosfelt stopped receiving phone calls at that point. Mr. Cole advised members that they had some meetings coming up and access to neighborhood leaders. He stated that he would like to see some type of handout that could be distributed to clear up this matter.

Mr. Koenig felt that this was a great idea. He reiterated that staff did not get enough information out on handouts or social media. Following up on Mayor Christiansen's question regarding the outstanding amounts, Mr. Koenig explained that some of the more than $900,000 was the result of businesses that were now defunct and people who had left the area. He informed members that staff had been dealing with a collection agency that was not aggressive at collecting the City's past due balances and that Mr. Hudson was looking at acquiring different collection agency services. He stated that the City hired a part-time person to do collections a couple of years ago because this function had been removed over time to try and save dollars. Although dollars were saved in the City's budget, there were growing revenues still due to the City and staff was not able to follow up as quickly as previously. Mr. Koenig reiterated the need to be stern on the 21 days for payment so that people stay current and do not develop large balances. Mr. Koenig stated that the City had gravitated to being less diligent than needed at collecting, and this resulted in larger past due balances. Mr. Koenig stated that staff did not anticipate the cut list escalating the way it did and they were staggered by the query when it was run. At first it was believed that this was a one (1) day situation, but it continued and staff had to bring resources in from other departments to help with the cut list, which could not be sustained.

Ms. Maucher questioned if the City had a payment plan that would allow customers to pay the current bill and spread past due balances over a 12-month period. Responding, Mr. Koenig stated that the City has customized plans that must be authorized by the City Manager's Office. Staff prefers not to do this, but had worked with those types of agreements if required to get a customer current. Customers are required to sign agreements and if they do not stick to the agreement, the City reserves the right to disconnect them.

Responding to Ms. Maucher, Mr. Koenig confirmed that the City follows State law regarding medical certification, which requires 120-day renewal and a good faith effort. However, he stated that several people with medical notes believe a good faith effort is to indicate that they might pay the City at some point in the future, noting that some are not even sending a dollar. He indicated that the City is put in a terrible position when there is a customer with a medical note who must be cut. Mr. Koenig stated that staff is looking at other municipalities in the State who are much more aggressive on medical notes and will look at those things that require a medical note. He stated, for example, that nebulizers have battery packs now or cigarette lighter attachments, so it is not necessary to have full power to the house. In addition, Mr. Koenig indicated that it becomes complicated sometimes when staff

receives a medical note for a certain address and that does not match up with the customer.

In response to Ms. Maucher, Mr. Koenig confirmed that a medical professional is supposed to sign the note and put their license on it for it to be official. He indicated that he had recently seen notes without all the information and staff was unsure if these notes were real.

Mr. Anderson felt that advertising a budget plan, putting it on the website, and recruiting people would be helpful, perhaps this spring. He indicated that a lot of people in his area have older homes and some of their electric bills jump up to $500 per month from $100 at other times of the year. Mr. Anderson noted that he makes payment on the web so that they go immediately to the site. He suggested allowing for customers to apply to enroll in a budget plan through the website to balance payments out.

Mr. Anderson questioned how customers receiving fuel assistance and being helped by organizations such as Catholic Charities are handled. Responding, Mr. Koenig stated, to his knowledge, that those accounts are flagged and staff consistently works with those customers and does not turn their backs on this. Responding, Mr. Anderson noted that this was guaranteed money.

Mr. Anderson questioned how the City compares to Chesapeake Utilities and the gas company with extensions. Responding, Mr. Koenig stated that he did not know the answer and staff could try to send this information out after the meeting.

Mr. Anderson stated the City used to be less tolerant of carryover balances but more tolerant when it came to 10-day extensions for those who actually have an issue, such as someone who may lose 7-10 days of work due to the flu. He indicated that he would like to see the City review the 10-day extensions with a limit, such as three (3) per year, for those who are hospitalized and or have those type of issues, noting three (3) days would not even get someone to another pay period.

Mr. Sudler stated for the record that he was all for accommodating the disabled but questioned when enough accommodation had been made in regards to the cutoff date. He did not believe the accommodations should supercede the rules and regulations of the City or State or that these customers should be allowed to pay when they decide to do so.

Mr. Hare concurred with Mr. Sudler and felt that those who submit doctor's slips should also submit financial information as to why there are not able to pay.

Mr. Sudler suggested that a date be included.

Mr. Hare stated that when people pay their electric bill, they should allow an extra five (5) or six (6) days for it to get there when they mail it; however, he noted that they may not receive the bill until five (5), six (6), or seven (7) days after it is mailed.

Mr. Koenig reminded members that the Electric Service Handbook states payment is due 21 days from bill date and does not specify anything about mailing. He noted that customers can receive their bill electronically by providing their email address. Mr. Koenig stated that he receives his bill electronically on the day that it goes out.

Mr. Hare stated that not everyone is on Facebook or has computers and noted that the bill indicated that it was due upon receipt. He suggested that if the bill date was January 11, 2016, that the customer be cut off on February 11th, which would give them the benefit of five (5) or six (6) days to get the bill. Mr. Koenig stated, with all due respect, that he would not put this out as a policy. He indicated that he wanted people to feel that paying their utility bill to the City of Dover is an urgent thing that needs priority in their life. Mr. Koenig reiterated that he cannot control the mail but nearly every customer can get their bill electronically if they want, which would allow them to receive it quicker. He noted that the reading dates are almost identical or identical on every bill, so the average person knows when it is going to come. Mr. Koenig did not feel that a delay with mailing was the City's fault, noting that the tax bill is due on a specific date and people know that it is coming. If they do not pay the tax bill, they are subject to penalties and should be subject to the electric disconnection on August 1st because they are past due, and the Clean Hands Ordinance would allow the City to cut their electric, with due notice that they are delinquent. Mr. Koenig stated the need for customers to recognize that when they signed up for electric service, this created a contract. According to the Handbook, this contract indicates payment within 21 days, and this is what staff was trying to get to.

Mayor Christiansen stated his hope that the collection agency being used would be gone tomorrow. Responding, Mr. Koenig stated that this would not happen because a Request for Proposals (RFP) must be issued.

Mayor Christiansen asked how close staff was to finding out this information. He felt that if this agency did not have the tenacity to do what they were contracted for, they needed to be gone. Responding, Mr. Hudson indicated that he had put together a draft RFP, stating his belief that a notice would be in the newspaper on February 12, 2016 and the RFP would go out shortly. Mr. Hudson stated that good collection agencies are hard to find and that the City of Newark uses SIMM Associates, Inc. He advised members that he would like this organization to give a full presentation if they win the award. Mr. Hudson stated that this is the only collection agency that he had found that is licensed in all 50 states. He noted that there would be no cost to the City. A penalty for the cost to pursue the customer goes to the agency and the City would receive 100% of its money. Mr. Hudson indicated that SIMM Associates, Inc. was also willing to train some of the City's Customer Service Representatives and train them for free.

Mr. Slavin thanked Mr. Hudson for the information on this company but stated that Council would not be predisposed to any one (1) company and would listen to all of them in the hopes that the City would have a competitive partner.

Mr. Sudler stated his hope that there would be two (2) other applicants to do a comparison and suggested that they come to give a presentation to City Council to provide input prior to awarding the contract.

Proposed Ordinance #2016-01 with Staff Amendment #1 (SA#1) Amending Chapter 18 - Animals, Section 18-1 - Definitions, and Appendix B - Zoning, Article 3 - District Regulations, Section 1 - One-family residence zones [(R-20, R-15, R-10, R-8 and R-7)], Subsection 1.1 - Uses permitted, Subsection 1.15 - Accessory uses, limited to the following:, paragraph (d) - Keeping domestic animals and Article 12 - Definitions

During the Legislative, Finance, and Administration Committee meeting of January 11, 2016, members considered proposed Ordinance #2016-01. At that time, members recommended amending the ordinance to include chickens, turkeys, ducks, and anything else staff feels would qualify and that residents be required to remove fowl within three (3) months from passage of the ordinance. During the Regular City Council Meeting of January 25, 2016, Council referred the proposed ordinance back to the Legislative, Finance, and Administration Committee.

During the Council Committee of the Whole meeting of February 9, 2016, Mr. Hare advised members that he had discussed this ordinance with others and stated that there was a willingness to concede that if there was a property that was one-third of an acre in size or larger within City limits, the resident could have five (5) chickens that must be in a portable, mobile chicken house with at least four (4) square feet per bird.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, indicated that this structure would also need to be at least 20 feet from the property line.

Mr. Hare noted that the yard would also need to be fenced.

Mrs. Townshend stated that no roosters would be allowed.

Responding to Mr. Cole, Ms. Townshend confirmed that Kent County was also working on this issue.

Mr. Hare noted that a resident with fowl must be registered with the State and the County and must have a permit. He suggested a $25 fee for a City of Dover permit and members concurred.

The Committee recommended referring proposed Ordinance #2016-01 to staff to make the changes discussed and bring it to Council for First Reading during their Regular Meeting scheduled for February 22, 2016.

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

Ms. Maucher questioned if there was a big chicken problem in the City, and Mr. Hare confirmed that there had been some issues.

Proposed Ordinance #2016-07 - Second Budget Amendment for Fiscal Year 2015/2016

Mrs. Donna Mitchell, Controller/Treasurer, advised members that Proposed Ordinance #2016-07, Second Budget Amendment for Fiscal Year 2015/2016, would go to Council for the First Reading during their next meeting. Members were advised that the proposed budget amendment included adjustments to the Beginning Budget Balance for all funds since the City's FY15 audit had been completed. It also included any adjustments related to Council actions to date on changes in project budgets or operating items that were not included in the original budget. Mrs. Mitchell reviewed the Financial Policy transfers of favorable carry forward balances and additional adjustments.

Mrs. Mitchell advised members that in working on the electric side of next year's budget, which was nearly complete, she noticed that staff missed reducing expenses for pension in the ordinance by $136,400. This reduction in electric expenses would be included in Proposed Ordinance #2016-07 when it is presented to Council.

Mr. Anderson noted that members had been looking to pay money back into one (1) of the funds and questioned if this was being done and was on schedule. Responding, Mrs. Mitchell stated that the favorability in the power supply was included. She noted that increasing the Rate Stabilization Reserve had been discussed because of new penalties, and that would play into the forecast that staff would bring forward during the FY 17 budget process.

The Committee recommended adoption of Ordinance #2016-07.

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

Report of Independent Public Accountants for the Fiscal Year Ending June 30, 2015

Mr. William Seymour, Audit Partner, SB & Company, LLC, reviewed the Presentation to City Council dated February 9, 2016, stating that this presentation represented the required communications under generally accepted auditing standards as well as his firm's standards. In reviewing the Scope of Services - Page 3, he noted that historically SB & Company had performed a federal grants single audit;

however, the City did not meet the requirements to have that performed this year, so this was not done. Mr. Seymour advised members that SB & Company had issued an unmodified opinion on the City's financial statements, which was the best opinion that he was allowed to issue under generally accepted auditing standards that effectively said that the financial statements as presented by management were reasonably free of material misstatement, noting that his firm discovered no instances of fraud or material weakness in internal controls and received full cooperation from management.

Mr. Seymour indicated highlighted two (2) items, as follows:

1) The City was required to and did adopt Government Accounting Standards Board (GASB) 68, which required the recordation of the difference between the actuary calculated liability for pensions and the market value of investments, which required a restatement of just over $36M to the net position, lowering that net position.

2) The year after next, the City will be required to follow a similar new standard for Other Post-Employment Benefits (OPEB), and this number would be approximately $32.5M in today's dollars.

In regard to Required Communications - Page 18, Item #11, Mr. Seymour stated that a management representation letter is required as part of the audit and offered to provide it to members upon request, noting that this has all the items that the American Institute of Certified Public Accounts (AICPA) requires.

Responding to Mr. Sudler as to whether the City received an A+, Mr. Seymour stated that the City and the Finance Department work to put the best information forward and Mrs. Mitchell and her staff are always looking for improvements. Through this audit process, she noted areas that could be improved and Mr. Seymour advised her that staff was doing a great job and to continue to so. He felt that this was a testament to her staff and the work that they do.

In response to Mr. Anderson, Mr. Seymour stated that the information applied to the entire City.

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

EVALUATION OF BIDS - HAZLETTVILLE ROAD INTERCEPTOR REPLACEMENT PROJECT

Mr. Scott Koenig, City Manager, informed members that the Public Works Department had been working on a number of large wastewater projects over the last few years. He stated that the Hazlettville Road Interceptor Replacement Project involves the replacement of approximately

2,000 linear feet of 15" diameter sanitary sewer along West North Street, which is the corridor that runs along the City's industrial complex including Procter & Gamble. Mr. Koenig explained that the current 15" sewer main pipe has some negative slope and capacity issues during periods of high wastewater flows in this area. He stated that the proposed upgrade includes the replacement of the 2,000 linear feet of line with a new 18" diameter sanitary sewer main at proper slope, which will improve the capacity of this line and allow for future growth in this wastewater basin.

Mr. Koenig stated that this project was originally bid out in February of 2015 and all of the bids received were over the project budget of $755,000, noting that the lowest bid received was $822,086. He informed members that, at that time the City had several projects that were over budget with respect to the initial bids, and Staff elected to move forward with the Village of Westover pump station replacement and force main upgrade. Mr. Koenig explained that, since the initial bids were all over budget, the City decided to utilize funds from Hazlettville Road Interceptor Replacement Project to supplement the shortfall of the Westover Pump Station and Force Main Upgrade Project.

Mr. Koenig stated that Staff then worked on redefining the traffic control plans, reviewed the plans for this project, and discussed whether this project should move forward or not. He advised that this is still a high priority project, noting that the line is surcharging at certain times and, because it serves a portion of the City's industrial corridor, it is considered a critical facility in the wastewater system.

Mr. Koenig informed members that Staff rebid the project and the low bid was $774,035. He stated that Staff considered the low bid from Eastern States Construction Services, Inc. to be a qualified bid; however, he explained that for Staff to move forward, the project budget needs to be amended by moving $312,000 from the reservation of funds for inflow/infiltration (I & I), to bring the Hazlettville Road Interceptor Replacement Project budget back up to the required $774,100.

Staff recommended awarding the contract for the Hazlettville Road Interceptor Replacement Project to Eastern States Construction Service, Inc., in the amount of $774,035.

Mr. Hosfelt noted that the Hazlettville Road Interceptor Replacement Project was originally an FY 15 Capital Investment Plan (CIP) project and Staff was proposing to take money from the Inflow/Infiltration Removal Project, which is an FY 16 project that started with a budget of $875,000 and would be reduced to $223,800. Responding to Mr. Hosfelt, Mr. Koenig explained that the $875,000 was a reservation in the budget for I & I projects to complete sewer replacements throughout the City. He stated that the Hazlettville Road Interceptor Replacement Project would be an I & I project if there was a high groundwater table in this area; however, the groundwater table along the North Street corridor, especially in this area, is not a major contributor to pipe failure. Mr. Koenig noted that, in essence, this project requires the same pipe replacement that is done for I & I projects, but it is not subject to groundwater problems. He informed members that where there is separation of joints or where there are slope problems, if there is any pop in the groundwater table that would put this pipe underwater, the City would have an infiltration problem. Due to the ground conditions in this area, the City does not have an infiltration problem in this basin at this point, so this is technically not an I & I project.

Responding to Mr. Hosfelt, Mr. Koenig stated that the City set aside approximately $1M for I & I projects.

Mr. Hosfelt stated that the City often underestimates the cost of projects and asked if there was anything the City could do to help staff, so that the City can do a better job with estimates. Responding, Mr. Koenig explained that some of the underestimates are the result of the City's consulting engineers working with staff on trying to price things.

Mr. Koenig stated that if a project is under $200,000 and within the project budget, the current budget and project processes allow Staff to move forward with the project without further approval by Council; however, any bid over $200,000 requires Council approval. He noted that, regardless of staff's estimating, the Hazlettville Road Interceptor Replacement Project bid would require Council's authorization.

Mr. Koenig informed members that because the Hazlettville Road Interceptor Replacement Project was bid twice, staff believes that the project budget needs to be adjusted. He stated that the City's consulting engineers and staff use the best available data; however, the City cannot change the market conditions when the projects are bid out. Mr. Koenig explained that there is no penalty to the consulting engineers if they miss the target but it requires staff to re-shuffle the project timing and timeline. He was unsure how the City would get engineers if the City were to try to penalize them for poor estimating or inaccurate estimates, because they simply cannot control the bid market.

Mr. Koenig explained that the original project budget for the Hazlettville Road Interceptor Replacement Project was incorrect. He indicated that if the City had adopted the bid project budget from when the high bids were received the first time, the project would have been under budget when the second bids were received; however, the original project budget was kept in the system.

Mr. Koenig reminded members that estimating is not a perfect science, and when the City receives bids that are higher than expected for a project that has to move forward, staff has to re-shuffle the CIP, as was being proposed for the Hazlettville Road Interceptor Replacement Project. He informed members that staff has had discussions with the City's design teams on trying to get better estimates. Mr. Koenig stated that there was a project meeting the other day regarding water treatment plant upgrades, and staff is very concerned about getting accurate estimates because the City will be borrowing money for the upgrade.

Mr. Anderson stated that he agreed with Mr. Hosfelt's concerns; however, he congratulated Mr. Koenig and City staff for being within 5%, noting that this was fairly tolerable compared to where it was before.

Mr. Anderson asked if the proposed budget revision was reflected in Proposed Ordinance #2016-07 - Second Budget Amendment for Fiscal Year 2015/2016, which is scheduled for First Reading later in the meeting. Responding, Mr. Koenig informed members that the recommendation for the budget regarding the Hazlettville Road Interceptor Replacement Project was not currently reflected in any budget amendments because the bid had not yet been approved. He stated that if Council accepts Staff's recommendation, the proposed budget amendment would be part of the end of year true-ups for all City projects.

Mr. Anderson questioned whether Mr. Koenig felt comfortable that the City has enough money in the Water/Wastewater Fund, with the budget amendments, to cover this. Responding, Mr. Koenig

stated his belief that the City is operating within the original allocation of the budget and has the funding appropriated in the capital budget. He explained that Staff was requesting to re-appropriate funds from one (1) project to another; however, funding currently exists for this project.

Mr. Anderson asked what the downside would be of approving Staff's recommendation and what would be deferred. He also questioned whether there was any danger of something breaking or something being an emergency or neglected. In response, Mr. Koenig stated that the City would be deferring the next segment of replacement in the I & I basins, one of them being, for example, White Oak/Towne Point. He noted that the City had completed a road in the White Oak/Towne Point neighborhood and there was another project scheduled for that area that Staff was trying to go to bid with, and these are part of those funds. Mr. Koenig informed members that the City needs to get the Hazlettville Road Interceptor Replacement Project completed, so that staff can concentrate on the next I & I project.

Mr. Neil moved for approval of Staff's recommendation to award the contract for the Hazlettville Road Interceptor Replacement Project to Eastern States Construction Service, Inc., in the amount of $774,035. The motion was seconded by Mr. Hosfelt and carried by a unanimous roll call vote.

EVALUATION OF BIDS - SILVER LAKE DAM SLUICE GATE REPLACEMENT

Mr. Scott Koenig, City Manager, reminded members that the City is the proud owner of the Silver Lake Dam. He informed members that the Silver Lake Dam Sluice Gate Replacement is a small Public Works Department capital project that requires specialty work. Mr. Koenig stated that the valve is related to flood control measures as well as emergency operations in the event of environmental issues. He explained that the gate system and valve system control the level of the lake by letting water through the dam during high periods of rainfall. Additionally, if there were any types of leaks, fuel oil discharges, etc. at the power plant, the City would try to control the level of the lake. Mr. Koenig advised that the leaking of the valve and the proposed replacement had come out of the inspections related to the Silver Lake Dam.

Mr. Koenig stated that this bid was advertised as a Request for Quotes in accordance with the City's purchasing policy and two (2) bids were received. He informed members that one (1) bid was $122,000 and the other was $80,900, and both bids were over the project budget of $60,000.

Mr. Koenig advised that there is currently $56,300 left in this project budget and Staff was proposing to move the balance of funding required for this project, in the amount of $28,300, from unrestricted funds that are currently appropriated to an expanded street program. He explained that this proposal would bring the revised project budget to $84,600 and allow the City to complete the project. Mr. Koenig stated that this project is a priority, since the City needs this gate to work, and it is very much specialty work.

Staff recommended awarding the contract for the Silver Lake Dam Sluice Gate Replacement to NuPump Construction Co., in the amount of $80,900.

Mr. Koenig reiterated that Staff proposed to move funds out of the street program, identified as project number ST1601.

Mr. Koenig informed members that the City bid out the street program last fall, has currently committed $538,000 to an active street program, and the work has begun. Mr. Koenig stated that, assuming Council adopts the recommendation, the City will still have $357,900 to either add to the ST1601 project or bid a subsequent spring street program. He noted that the City was not over budget in the expenditure of total funds; however, Staff was requesting to move funds from the unrestricted component of the street program in order to complete the valve replacement project.

Mr. Lewis asked what kind of impact transferring this money out of the street program would have. Responding, Mr. Koenig stated that approving the proposed transfer would defer a portion of street work; however, he explained that the higher priority is the valve on the dam. He informed members that transferring approximately $30,000 would likely defer one (1) street or one-half of a street in the street program. Mr. Koenig explained that the City had been able to repave and repair some streets for $30,000 to $40,000; however, he estimated that the cost to pave and complete concrete and curb work on the average street length was approximately $100,000 to $150,000.

Mr. Sudler moved for approval of Staff's recommendation to award the contract for the Silver Lake Dam Sluice Gate Replacement to NuPump Construction Co., in the amount of $80,900. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

FIRST READING - STAFF SUBSTITUTE (SS#1) FOR PROPOSED ORDINANCE #2016-01

Council President Slavin reminded the public that copies of the proposed ordinance are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office. Since the ordinance amends the Zoning Code, a public hearing is required. Staff recommended referral of the amendments to the Planning Commission on March 21, 2016 and that a public hearing take place during the Council Meeting of April 11, 2016, at 7:30 p.m., at which time, final action by Council will take place.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed Staff Substitute #1 (SS#1) for Proposed Ordinance #2016-01. She informed members that Proposed Ordinance #2016-01 was initiated to prohibit the keeping of fowl in residential zones; however, SS#1 was prepared based on members' comments during the Legislative, Finance, and Administration Committee meeting of February 9, 2016. Mrs. Townshend noted that the proposed amendments no longer prohibit the keeping of chickens or fowl but set clear parameters, so that if a property owner chooses to keep chickens in their yard that they can do so in a way that is not problematic to their neighbors.

Mr. Sudler moved to refer the amendment and set a public hearing before City Council for April 11, 2016 at 7:30 p.m., as recommended by Staff. The motion was seconded by Mr. Hare.

Mr. Neil asked if roosters had been banned. Responding, Mrs. Townshend indicated that she had intended to include the banning of roosters in SS#1, and would incorporate an amendment to add that language when the proposed ordinance is reviewed by the Planning Commission.

Responding to Mr. Hare, Mrs. Townshend indicated that the ban on roosters may be addressed in the animal control section of the Code, and Staff would verify it as the proposed ordinance moves through the process.

The motion to refer the amendment and set a public hearing before City Council for April 11, 2016 at 7:30 p.m., as recommended by Staff, was unanimously carried.

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

- STAFF SUBSTITUTE #1 (SS#1) FOR PROPOSED ORDINANCE #2016-01 AMENDING APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 1 - ONE-FAMILY RESIDENCE ZONES [(R-20, R-15, R-10, R-8 AND R-7)], SUBSECTION 1.1 - USES PERMITTED, SUBSECTION 1.15 - ACCESSORY USES, LIMITED TO THE FOLLOWING
  (*Legislative, Finance, and Administration Committee*)

FIRST READING - PROPOSED ORDINANCE #2016-07

Council President Slavin reminded the public that copies of the proposed ordinance are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office. Final action by Council on the proposed ordinance will take place during the Council Meeting of March 14, 2016.

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 #2016-07 - SECOND BUDGET AMENDMENT FOR FISCAL YEAR 2015/2016
  (*Legislative, Finance, and Administration Committee*)

FINAL READING - PROPOSED ORDINANCE - #2016-05 AMENDING CHAPTER 106 - TRAFFIC AND VEHICLES, ARTICLE III - STOPPING, STANDING AND PARKING, DIVISION 2 - METERED PARKING, SECTION 106-164 - VIOLATIONS; PENALTIES

The First Reading of the following proposed ordinance was accomplished during the Council Meeting of February 8, 2016. Copies of the proposed ordinance were available at the entrance of the Council Chambers.

Mr. Hare moved that the Final Reading of the proposed ordinance be acknowledged by title only, seconded by Mr. Neil and unanimously carried.

Police Chief Paul Bernat informed members that the amendment would reduce the maximum number of past due or accumulated violations from five (5) to three (3) in order for a vehicle to be subject to enhanced civil enforcement, such as a parking boot. He stated that in the past, the maximum number of past due or accumulated violations was five (5) and the accumulated unpaid violations could not exceed $200.00; however, since the amount was previously reduced to $100.00, the maximum number of past due or accumulated violations should be reduced to three (3). Chief Bernat stated that the least expensive fine is $20.00, which would double to $40.00 and, if an individual has three (3) it would total $120.00; therefore, changing the maximum number of past due or accumulated violations to three (3) would coincide with the $100.00 amount.

Mr. Anderson asked if Chief Bernat would be comfortable if the accumulated unpaid violations could not exceed $120.00, noting that the fine for handicap parking is $100.00. Responding, Chief Bernat explained that if the fine was overdue it would be doubled to $200.00.

Mr. Anderson noted that a $100.00 ticket would not qualify for enhanced civil enforcement, the amount would have to be at least $100.01.

Chief Bernat explained that the vehicle would still have to have three (3) tickets total. Responding, Mr. Anderson noted that the ordinance included an 'or', and that was why he had some concern.

By motion of Mr. Hare, seconded by Mr. Cole, and carried by a roll call vote of eight (8) yes (Sudler, Neil, Lewis, Cole, Hosfelt, Hare, Hutchison, and Slavin) and one (1) no (Anderson), Ordinance #2016-05 was adopted, as follows:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing and Parking, Division 2 - Metered Parking, Section 106-164 - Violations; Penalties of the Dover Code be amended to read as follows:

Sec. 106-164. - Violations; penalties.

(a) *Generally*. Any person convicted of violating the provisions of this article or of aiding, abetting or assisting in the violation of said provisions shall be sentenced to pay a fine as provided for in Appendix F-Fees and Fines.

(b) *Enhanced civil enforcement authority*. If three or more violations of this article have been issued to a vehicle and those violations are more than 30 days past due, or if accumulated unpaid violations of this article exceed more than $100.00, the vehicle shall be subject to enhanced civil enforcement, as follows:

(1) Such vehicle found parked on any street in the city shall be immobilized by any police officer or parking enforcement employee of this city in such manner as to prevent its operation. Any vehicle so immobilized or impounded shall not be released to its lawful owner until all unpaid violations and applicable administrative fees issued to such owner have been discharged by payment in full, together with payment for the costs of immobilizing, releasing, and storing such vehicle. The owner shall sign a receipt for such vehicle. Payment for any such towing shall be in accordance with the towing costs outlined in the current agreement between the police department and the towing operator. If the vehicle is a tractor-trailer combination, the trailer may be released to an authorized agent if the tractor-trailer is immobilized pursuant to this section.

(2) In any case involving immobilization of a vehicle pursuant to this section, the police officer or parking enforcement employee shall place on such vehicle, in a

conspicuous manner, notice sufficient to warn any individual that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.

(3) Any vehicle remaining immobilized and not released for 24 hours may be towed and impounded at the direction of a police officer or parking enforcement employee.

(4) Any person who unlawfully removes a device for immobilization of a vehicle shall be fined as provided for in Appendix F-Fees and Fines.

(5) Any person who tows or otherwise moves an immobilized vehicle without authorization by the chief of police or his designee shall be fined as provided for in Appendix F-Fees and Fines.

(c) *Cost*. No cost will be assessed if payment of the penalty as hereinbefore imposed is voluntarily paid without the necessity of a hearing before the proper official.

(Code 1968, § 31-77; Ord. of 8-25-1971, § 1; Code 1981, § 13-49; Ord. No. 2009-09, 6-22-2009; Ord. No. 2011-22, 9-26-2011; Ord. No. 2015-09, 6-8-2015)

ADOPTED: FEBRUARY 22, 2016

FINAL READING - PROPOSED ORDINANCE - #2016-06 AMENDING CHAPTER 26 - BUSINESSES, ARTICLE II - LICENSES, SECTION 26-40 - LICENSE ISSUANCE, EXPIRATION AND FORM, AND SECTION 26-42 - PENALTY FOR LATE PAYMENT OF LICENSE FEE

The First Reading of the following proposed ordinance was accomplished during the Council Meeting of February 8, 2016. Copies of the proposed ordinance were available at the entrance of the Council Chambers.

Mr. Hare moved that the Final Reading of the proposed ordinance be acknowledged by title only, seconded by Mr. Neil and unanimously carried.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, informed members that the principle purpose of this amendment is to change the business license year so that it begins August 1st, to avoid bringing in the revenue at the transition of the fiscal year. She explained that under the current ordinance, the City brings in the revenue in June, which requires the Finance Department to do a lot of manual work to move the revenue to the next fiscal year. Mrs. Townshend stated that this amendment would also align the process with the current work flow, noting that all of the business license functions were currently under the Department of Planning and Inspections.

By motion of Mr. Neil, seconded by Mr. Cole, and carried by a unanimous roll call vote, Ordinance #2016-06 was adopted, as follows:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 26 - Businesses, Article II - Licenses, Section 26-40 - License Issuance, Expiration and Form of the Dover Code be amended to read as follows:

Sec. 26-40. - License issuance, expiration and form.

Upon proper application and payment of the prescribed fee, a license shall be issued to each such applicant, and shall be signed by the license officer. Each such license shall be valid and effective from August 1 of each year or the date of issuance to July 31 of the following year. A record of all licenses issued and licensee fees paid shall be maintained at the city hall. Each such license shall be upon a form provided by the department of planning and inspections, which shall set forth the following information:

(1) The name and business address of the licensee;
(2) The trade, business or occupation for which the license is granted;
(3) The date of issuance of the license;
(4) The amount of the license fee paid to the city.

(Code 1968, § 18-20; Ord. of 3-12-1973, § 1(3)(b); Code 1981, § 11-9)

BE IT FURTHER ORDAINED:

That Chapter 26 - Businesses, Article II - Licenses, Section 26-42 - Penalty for Late Payment of License Fee of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 26-42. - Penalty for late payment of license fee.

In the event that the license fee set forth herein is not paid on or before August 31 of each year, then the licensee shall incur a penalty fee as provided for in Appendix F-Fees and Fines until the same is paid.

(Ord. of 3-12-1973, § 1(9); Code 1981, § 11-11; Ord. of 2-23-1998; Ord. No. 2009-09, 6-22-2009)

ADOPTED: FEBRUARY 22, 2016

CITY MANAGER'S ANNOUNCEMENTS

Mr. Scott Koenig, City Manager, advised members that there had been a number of discussions over the last month regarding utility billing. He indicated that staff was continuing to try to get the word out to customers to focus on the 21-day window from the billing date to the date when the customer is subject to disconnection. Staff was making modifications to the language and sending this information out through additional billing inserts, Facebook, and in any way they can so that customers become accustomed to paying within this time frame. Mr. Koenig noted that compliance would avoid expending resources to create cut lists and cut electric service so these resources could be used for other activities supporting customer service. He indicated that staff's activities had also included encouraging customers to receive their bills electronically, which reduces the time between sending and receiving bills. Mr. Koenig assured members that staff was doing everything they could

to refine the message to let people know that payment must be received, not just mailed, within the 21-day time frame, noting that this would reduce the amount of funds due to the City.

Mr. Koenig informed members that he meets each month with the Tax Assessor's Office and routinely talks about delinquent property tax bills, which is the next backlog that staff intends to tackle. He indicated that the amount of base taxes due to the City for all years, as of February 4, 2016, was more than $340,000, noting that this amount totaled over $525,000 including penalties and other items that are added to the tax rolls. Mr. Koenig stated that staff anticipated becoming much more diligent in getting people to pay past due delinquent taxes through the use of the Clean Hands Ordinance. He stated the desire for everyone to be on notice that staff intended to pursue those options as they start reducing some of the Customer Service backlog.

Mr. Koenig stated that rental permits were due January 31, 2016 and new fees had been sent out. He indicated there was a fairly long list of delinquent rental permits, and there appeared to be some correlation between delinquent rental permits and delinquent taxes. Mr. Koenig explained that staff would be working internally to coordinate those lists and go after those delinquencies through the Clean Hands Ordinance.

Mr. Koenig stated that these were some of the projects that staff was working on under the Lean management model. He advised members that if the City's customers would simply pay their bills on time, staff would not have to dedicate resources to those activities, and they could be used instead to improve services across the City. Mr. Koenig requested that all customers who are on these lists focus on utility billing, delinquent property taxes, and delinquent rental permits.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Slavin asked everyone to keep the family of Mr. Herb Konowitz in their prayers and thoughts, noting that Mr. Konowitz's lovely wife, Linda, passed away this past weekend. Mr. Slavin stated that Mr. and Mrs. Konowitz had been real lions in the community in helping to care for other people.

Mr. Cole stated that his daughter, Paisley Cole, had won her school district spelling bee and would be representing the district at the State level competition, and that he had promised her he would mention her name.

Mr. Sudler expressed thanks to the Modern Maturity Center for their program celebrating African American women during Black History Month. He also thanked City Council for their consideration of a survey regarding recreational needs in the City of Dover, expressing his appreciation on behalf of the Social Action Commission of Mt. Zion A.M.E. Church and all of those who took the time to complete the survey.

Mr. Hosfelt advised members that the Dover Fire Department was in the middle of a fund drive, had sent out approximately 16,000 mailers ***(Exhibit #3)*** and had received less than 10% back. He asked for the community's help for the Fire Department. Mr. Hosfelt noted that Dover has a first-class fire department, with volunteers who answer the siren's call in the middle of the night. He noted that if sirens wake up members of the community, they should think about the men and women who are responding, who may be coming to citizens' houses when they are in trouble or in need of help. Mr. Hosfelt asked all residents to pay attention to the fund drive. He especially encouraged

institutions of higher learning in the City, who pay no taxes, to reach deep into their budgets and reward those who serve diligently.

Mr. Anderson reminded everyone that on Saturday, February 27, 206, from noon until 4:00 p.m., a Chili Cook-Off would be held at the Christian Life Center, 1614 South DuPont Highway, across the street from Winner Ford. He stated that this would be a community-based fundraiser for local charities, and every dollar raised would go to charity since there were no costs for rent and food would be brought in by volunteers. Mr. Anderson stated that funds would help the Veteran's United Outreach, which had been active in the community for 15 years, helping the veterans who had served, noting that he had personally benefitted from this organization and it would be a wonderful thing if the community could help pay for a lot of their outreach events this year. He noted that the Martin Luther King Junior Education Center, a relatively new organization which had already helped over 100 adults obtain high school diplomas, would also benefit from the event. Mr. Anderson indicated that there was no set donation for the event; however, a donation of $15 per family was recommended, and there were also opportunities to help with the event or bring food. He noted that those interested could sign up through his Facebook page and invited everyone to participate and help make the community stronger.

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

Meeting adjourned at 8:46 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of February 22, 2016, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
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Exhibits
Exhibit #1 - Request to Withdraw Rezoning Application for Property Located Adjacent to the West Property Line of 1042 South Bradford Street
Exhibit #2 - Memorandum from Mrs. Ann Marie Townshend, Director of Planning and Community Development, dated February 22, 2016, regarding a proposal for a new recreation center at Dover Park
Exhibit #3 - Dover Fire Department 2015-16 Fund Drive Mailer

EXHIBIT #1
Regular Council Meeting of 02/22/2016

RECEIVED
FEB 22 2016
OFFICE OF THE CITY CLERK

February 22, 2016

Dover City Council
Attn: Ann Marie Townshend

RE: Halpern Family Property Investment
1042 South Bradford St., Dover, DE

This letter is to advise that I wish to withdraw my application for revised zoning on my property at 1042 South Bradford St., Dover, DE.

Thank you for your cooperation.

Sincerely,

Joel Halpern

Joel Halpern

EXHIBIT #2
Regular Council Meeting of 02/22/2016

MEMORANDUM

Department of Planning & Inspections
P.O. Box 475
Dover, Delaware 19903
Phone: 302.736.7010 Fax: 302.736.4217

Date: February 22, 2016

To: City Council

From: Ann Marie Townshend, AICP

RE: Proposal for New Recreation Center at Dover Park

At the February 9, 2016 meeting of the City of Dover Parks, Recreation and Community Enhancement Committee, there was a lengthy discussion about a proposal to construct a new recreation center at Dover Park. The Committee deferred action until there is additional data available. I have worked with staff to provide some information to better inform whatever decision is ultimately made by City Council. Some of this information is in response to questions asked at the meeting on February 9, 2016.

Survey Instruments

On February 9th, there was a question about the use of the survey provided by Mt. Zion AME Church's Social Action Committee. The purpose of the Recreation Needs Assessment was to gather information about the public's recreational needs and desires across the city as a whole, and not specific to one type of facility or one park. The survey developed by staff included questions intended to gather citywide input on citywide needs. The park-specific survey provided by the Social Action Committee can be utilized as we enter the phase of developing a park master plan for Dover Park.

There was also a question about the residential locations of respondents to the survey conducted by the City. Please see the attached maps that plot the residential locations of the respondents to the survey conducted by the City and the survey conducted by the Social Action Committee. **(Attachments #1 and #2)**

Grant Restrictions on Dover Park Property

The City of Dover has received grant funds for Dover Park from the federal Land and Water Conservation Fund and the Delaware Land and Water Conservation Trust Fund. When receiving these funds, the City committed to maintaining these properties as publicly available outdoor recreation amenities in perpetuity. The grant covenants preclude the construction of indoor facilities (with the exception of those that are solely in support of outdoor recreation) in areas where these funding sources have been applied. Based on the information received from DNREC, the City would likely be able to construct an indoor facility in the footprint of the previous recreation center, but we would not be able to expand the footprint.

A map is attached showing the park boundary and the boundaries covered by these grant restrictions. **(Attachment #3)**

Availability of Capital Funds/Parkland Reserve Fund

At the meeting on February 9th, Mayor Christiansen requested that City Council reallocate capital funds from a splash pad that is in the CIP for Fiscal Years 2018 and 2019 to the proposed recreation center. This request was reiterated in a letter from Mayor Christiansen to Councilman Anderson on February 19, 2016.

The CIP is a capital investment plan and does not appropriate money to projects. The City's annual budget appropriates funding to projects. While the splash pad is in the CIP, there are no funds allocated to it at the present time. The CIP provides the cost estimates for the project years when funding is proposed.

Capital funds for park projects are typically funded with a combination of funds from the Parkland Reserve Fund and grant funding, typically through the Delaware Land and Water Conservation Trust Fund. These grants include a 50% match requirement and are specific to outdoor recreation projects. A recreation center would not be eligible for these grant funds.

The current balance of the Parkland Reserve Fund is $324,266. Of that, $33,000 is allocated to a playground project at Mallard Pond Park that will be completed this fiscal year, and $180,000 is allocated to Dover Park. This means that there is $111,266 available in the Parkland Reserve Funds. If all of these funds are allocated to a new recreation center, there will be no capital funds available for other improvements to city parks.

The Recreation Needs Assessment identified the issue that there is no funding stream that replenishes the Parkland Reserve Fund. The only funding that it receives is through cash-in-lieu payments made by developers, which are extremely rare in the current economy.

Cost of a New Facility

1. Capital Costs
   Without knowing the specifics of what is being proposed, it is difficult to know the projected capital costs of a new recreation center. For the purposes of comparison, the following includes the approximate costs of the John W. Pitts Recreation Center and the new recreation center under construction by Kent County.
   a. John W. Pitts Recreation Center
      Architectural and Engineering Fees: $250,000
      Construction Cost: $2,551,431
   b. Kent County Recreation Center (based on information provided by Kent County Parks & Recreation)
      Architectural and Engineering Fees: $800,000 (includes civil engineering for outdoor amenities as well)
      Construction Cost: $7.2 million (not including the activity and meeting rooms for the Boys & Girls Club)
2. Operating Costs
   Based on the operation of the John W. Pitts Center, the following costs could be anticipated as a minimum on an annual basis for operating a new recreation center. This would include the addition of two full-time staff and five part-time staff, as well as the relocation of one other staff member from the John W. Pitts Recreation Center to the new recreation center.
   a. Non-personnel operating costs (utilities, cleaning, maintenance) - $110,000
   b. Personnel costs (salary and benefits) - $140,000

Availability of Gymnasium Space

The following facilities include gymnasiums in or immediately adjacent to the City of Dover:

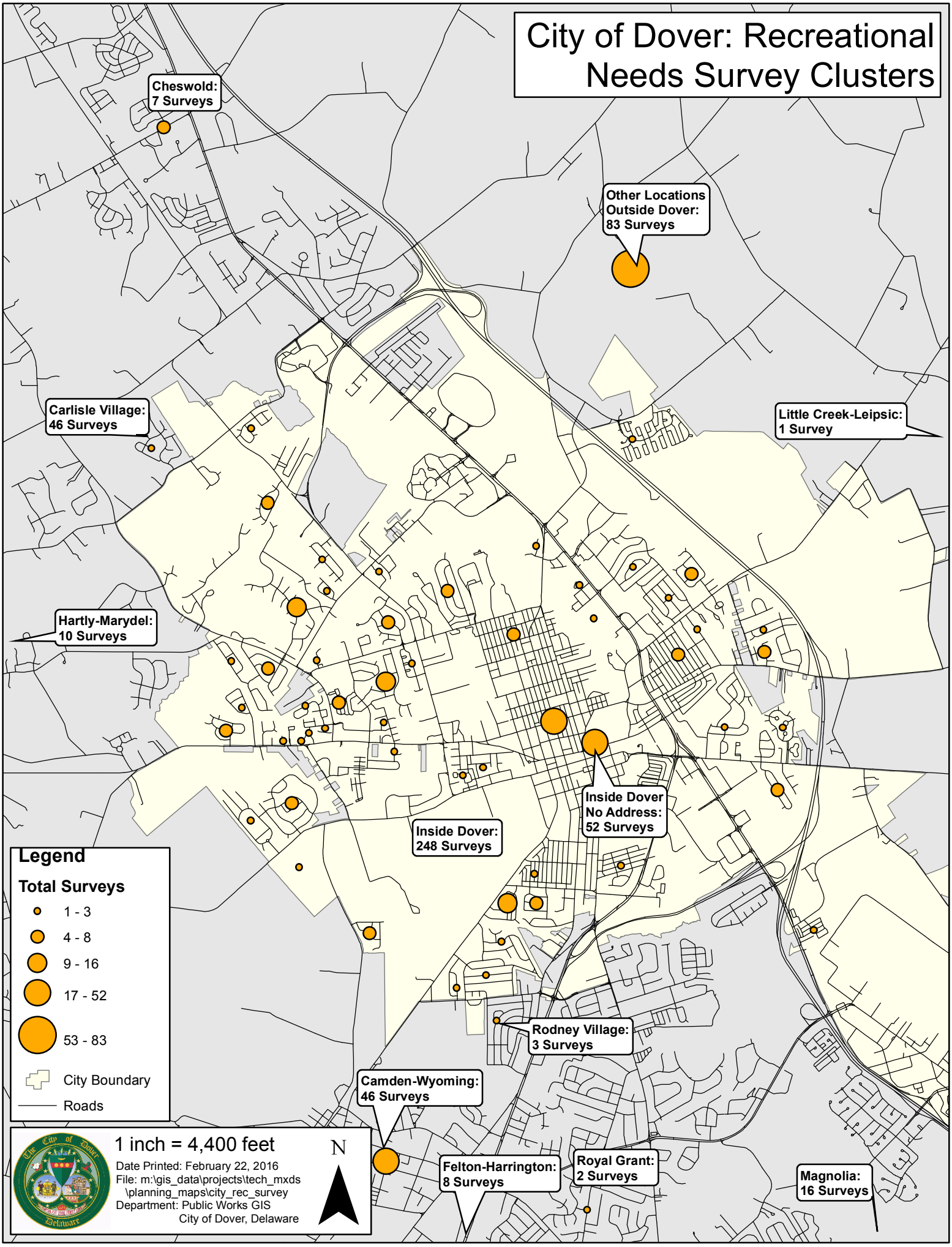
- John W. Pitts Recreation Center, Schutte Park – The Pitts Center's gymnasium includes two full basketball courts. This facility is heavily used during the late fall through early spring with indoor leagues.

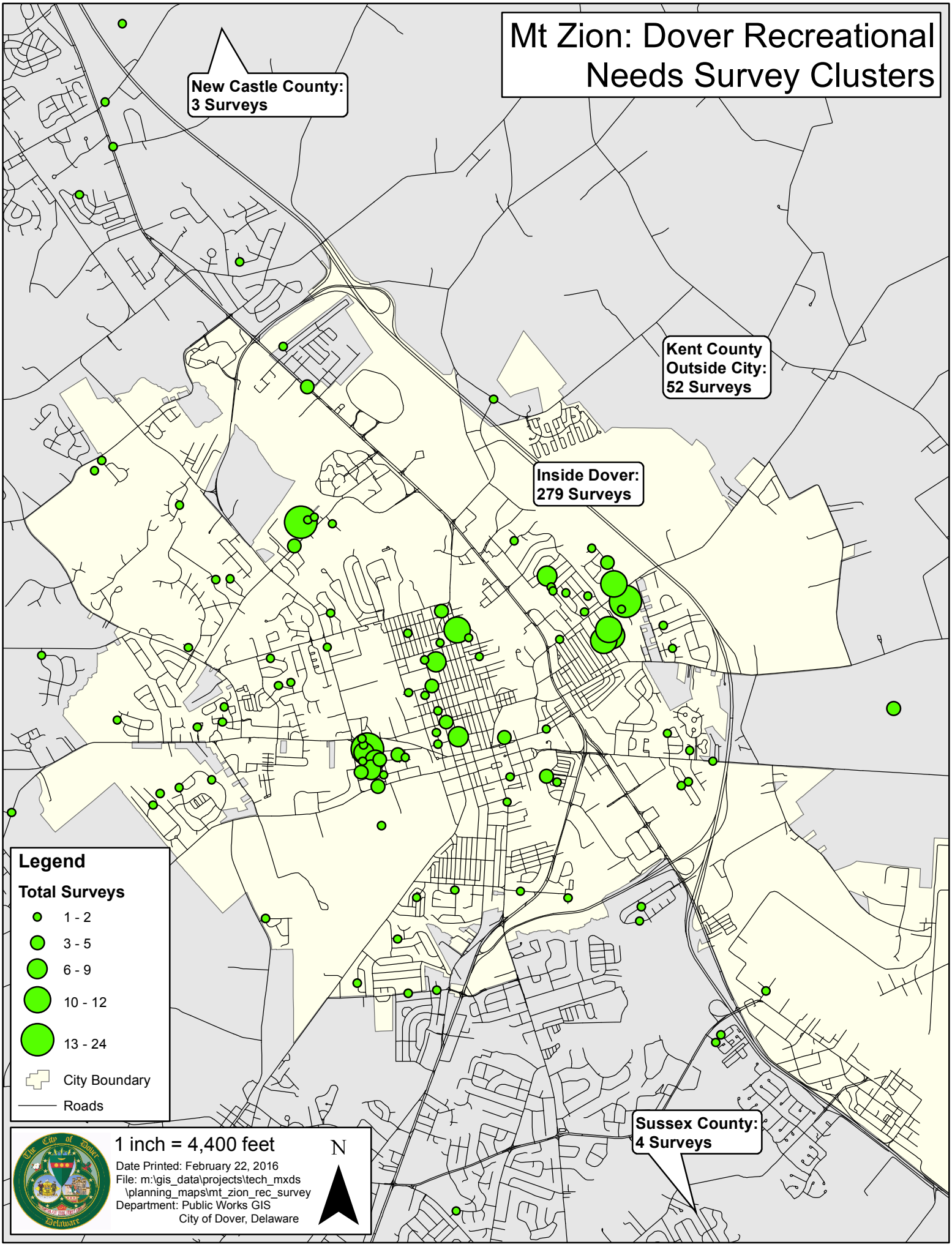
- YMCA – The YMCA's gymnasium includes one full basketball court. It also receives very heavy usage during the fall and winter months for indoor programming.
- Kent County Recreation Center - Kent County is nearing the completion of a new recreation center on New Burton Road, approximately .3 miles from the City's southern boundary at Webbs Lane. This gymnasium includes four full basketball courts. Under Kent County's agreement with the Boys and Girls Club, the Boys and Girls Club will have full use of one full court area during weekdays until 5:00 p.m. Kent County will manage programming on all of the courts during evenings and weekends. To date, they have not programmed the area and do now know that the availability will be.
- Capital School District Facilities – Capital School District has gymnasiums at Central Middle School, William Henry Middle School, and Dover High School. The elementary schools include multi-purpose rooms that can be used for gym activities. To date there has been no discussion about the availability of the Capital School District's facilities for outside programming; however, the City of Dover and the Capital School District have a long history of partnership and collaboration on programming. The City of Dover Department of Parks and Recreation runs the after school program at Towne Point Elementary School.

Process for Developing and Fundraising for the John W. Pitts Recreation Center

The planning for the John W. Pitts Center included a detailed process over many years, overseen by a committee formed by City Council. The process included regular meetings, public outreach, updates to City Council, and fundraising efforts over several years. Excerpts from minutes are attached to provide an idea of the types of actions and decisions made by this committee and City Council during this process. **(Attachment # 4)**

As City Council continues to consider the construction of a new recreation center, as well as other projects to meet the recreational needs of Dover's residents, I am glad to work with staff to provide additional information as requested.


City of Dover: Recreational Needs Survey Clusters
Cheswold: 7 Surveys
Other Locations Outside Dover: 83 Surveys
Carlisle Village: 46 Surveys
Little Creek-Leipsic: 1 Survey
Hartly-Marydel: 10 Surveys
Inside Dover No Address: 52 Surveys
Inside Dover: 248 Surveys
Rodney Village: 3 Surveys
Camden-Wyoming: 46 Surveys
Felton-Harrington: 8 Surveys
Royal Grant: 2 Surveys
Magnolia: 16 Surveys
Legend
Total Surveys
1 - 3
4 - 8
9 - 16
17 - 52
53 - 83
City Boundary
Roads
1 inch = 4,400 feet
Date Printed: February 22, 2016
File: m:\gis_data\projects\tech_mxds
\planning_maps\city_rec_survey
Department: Public Works GIS
City of Dover, Delaware
N


Mt Zion: Dover Recreational Needs Survey Clusters
New Castle County: 3 Surveys
Kent County Outside City: 52 Surveys
Inside Dover: 279 Surveys
Sussex County: 4 Surveys
Legend
Total Surveys
1 - 2
3 - 5
6 - 9
10 - 12
13 - 24
City Boundary
Roads
1 inch = 4,400 feet
N
Date Printed: February 22, 2016
File: m:\gis_data\projects\tech_mxds
\planning_maps\mt_zion_rec_survey
Department: Public Works GIS
City of Dover, Delaware

Attachment #3



08/26/1996 City Council Meeting
During their August 12, 1996 meeting, the PR&CE committee recommended approval of the creation of a committee to address the lack of indoor recreational facilities in the City of Dover and to review the recreational programs offered by the City, stipulating that the Mayor and members of Council appoint a City of Dover resident to serve on the committee, with the appropriate staff members (non-voting members) assisting the committee as needed.

Council President Christiansen read into the record the following charge to the Committee:

- To study and define the problems and needs of recreational activity in the City of Dover.
- To identify possible solutions of those problems and address those needs to include possible construction of new facilities, but not to exclude increased cooperative agreements, including the leasing of additional space and facilities from public and private entities.
- To identify revenue sources to fund any and all projects or alternatives and present a report of the final recommendations to the Parks and Recreation Committee for its review and recommendation to City Council.

Mrs. Malone moved for approval of the committee's recommendation to include the charge to the Committee as recommended by the Council President. The motion was seconded by Mr. Leary and unanimously carried.

March 24, 1997 City Council Meeting
After meeting bi-weekly since September, DRFC provides Phase I Report.

Council accepts committee's recommendation to accept the Phase I Report of the Dover Recreational Facilities Committee and to authorize the DRFC to begin Phase II of the process in order to develop specific type and locations of facilities, together with the management structure necessary for its future success. Council President Christiansen requested that all current members be maintained for completion of all phases of the project.

August 25, 1997 City Council Meeting
Council accepts PR&CE committee's recommendation to accept the Phase II Report of the Dover Recreational Facilities Committee and to authorize them to continue with Phase III; stipulating that the City provide adequate funding for the conceptual architectural and engineering design work, as requested by the DRFC.

Council accepts the LF&A committee's recommendation that $60,000 from the Bond Bill Appropriation - Use of One Time Aid Allocation, be placed in the Parkland Reserve Fund to be used in conjunction with Phase III of the Dover Recreational Facilities Committee Report in providing adequate funding for the conceptual architectural and engineering design work; and that the remainder of the funds be placed in the General Fund.

September 14, 1998 City Council Meeting
The committee recommended that the DRFC be authorized to proceed with Phase IV of the project to include design, development, and fund raising and that the Dover Regional Community Sports and Recreational Center at Schutte Park be considered the City's #1 Project for the next two (2) to three (3) years.

During the committee meeting (extensive public comment), General Vetter indicated that

approval of the motion will allow the DRFC to become involved in the actual writing of the specifications, including details and exact configurations of the rooms of the proposed facility; however, the DRFC will have very little to do with the funding. It is his understanding that the DRFC will assume the technical role and that the fund raising will be assumed by City, County, and State officials, with the DRFC's support.

City Council authorized the DRFC to proceed with Phase IV of the project to include design, development, and fund raising and that the Dover Regional Community Sports and Recreation Center at Schutte Park be considered the number one (1) project of the City of Dover for the next three (3) years, as recommended by the committee.

City Council approved that the City of Dover make a $1 million appropriation to the DRFC over the next three (3) years, along with the cooperation of other government entities.

January 10, 2000 City Council Meeting
Council approved the committee's recommendation of acceptance of the DRFC Report and that the City Manager and Finance Director/Treasurer, in cooperation with the 501C(3) Executive Committee of the DRFC, be authorized to move forward in contacting fund raising firms and to make arrangements for interviews for selection.
(December 14, 1999 PR&CE meeting - Presentation - Market Analysis and Financial Feasibility (DRFC))

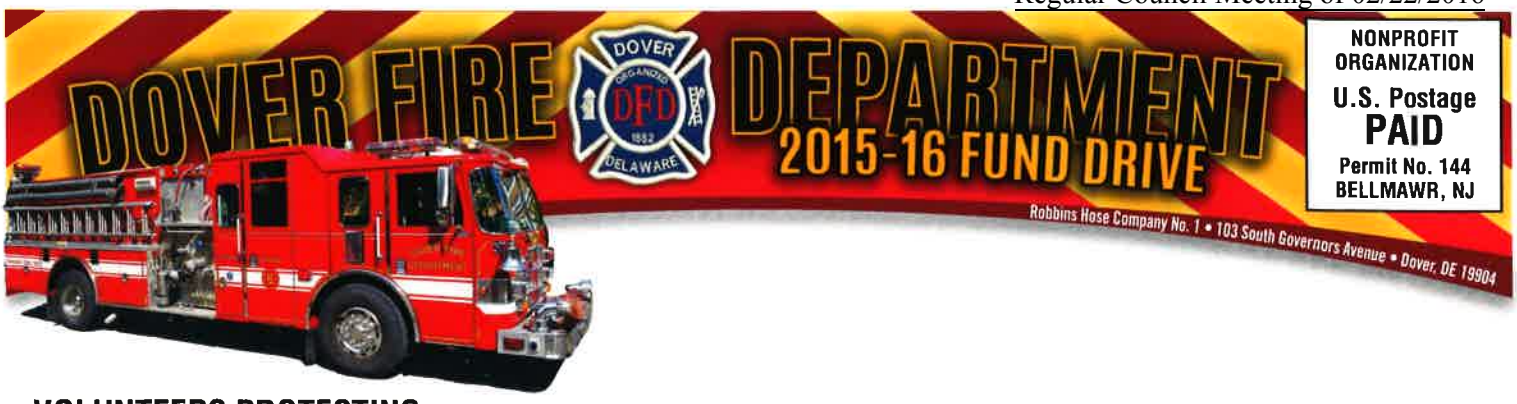
July 24, 2000 City Council Meeting
Council approved committee's recommendation to approve the Letter of Agreement with Holark Systems for providing grant writing services.

August 28, 2000 City Council Meeting
Council authorized a $3M referendum to be scheduled for Saturday, February 3, 2001; approved the contract for a public relations specialist at a cost of $18,000; and authorized the Council President to appoint a Fund Raising Committee within 10 days.

February 12, 2001 City Council Meeting
A referendum was held on February 3, 2001 for the proposed issuance of general obligations bonds in the amount of up to three (3) million dollars for the Dover Regional Community Sports and Recreation Center at Schutte Park. The City Clerk reported that a total of 3,289 citizens cast their vote in the referendum with 1,115 votes cast in favor and 2,174 votes cast against.

Mr. Salters moved for acceptance of the results of the February 3, 2001 Bond Referendum as reported, seconded by Mr. Weller and unanimously carried.

February 26, 2001 City Council Meeting
Dover Recreational Facility Committee Certificate of Appreciation - Committee released.



VOLUNTEERS PROTECTING THE STATE CAPITAL

Dear Friends and Neighbors,

We write to ask you to support your local volunteer fire company this year with a donation to our annual fund drive. Each year our volunteers assist individuals in our community, often within a moment's notice during an emergency. No one has asked us to volunteer, however, it is our passion to give our all to protect lives and property within our community. Without donations from individuals like you, this would not be possible. We would like to thank you for your continued support.

How can you help? Our organization's ability to continue to operate is due in large part to the generous support of individual donors who believe in our mission as volunteer firefighters to protect our community. Your contributions are used to maintain our equipment, apparatus, stations and most importantly for the safety and training of our volunteers.

We ask that you make a commitment to support our annual fund drive by making a donation. Every donation makes a difference, regardless of size. Your generosity will make a difference in our community by allowing us to continue in our passion, tradition and pride as volunteer firefighters.

Thank you for your support,

The Officers and Members of the Dover Fire Department



VOLUNTEERS SINCE 1882

The Dover Fire Department asks for your donation once a year through our annual fund drive letter. If we do not receive a donation we do send a follow up reminder mailing for your convenience. We do not solicit by phone or do door-to-door campaigns. Thank you in advance for your donation and kind thoughts.

Scan to visit us online

2015-2016 CONTRIBUTION

Reference No.
Check No._____
Date _____
Amount $_____

THANK YOU FOR YOUR CONTRIBUTION!
DOVER FIRE DEPARTMENT

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