REGULAR COUNCIL MEETING

The Regular Council Meeting was held on November 25, 2013 at 7:30 p.m. with Council President Bonar presiding. Council members present were Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Slavin, Mrs. Williams, Mr. Hare, and Mr. Hutchison. Mr. Anderson was absent.

Council staff members present were Police Chief Hosfelt, Mrs. Mitchell, Mr. Koenig, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Carey was also present.

OPEN FORUM

The Open Forum was held at 7:15 p.m., prior to commencement of the Official Council Meeting. Council President Bonar declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

Dr. Michael Casson, President of the Delaware Multi-Cultural and Civic Organization, relayed appreciation to the Mayor and his staff for their support regarding a proposal that the organization submitted to the Department of Health and Social Services to provide after school tutorials, homework help, and enrichment activities. Due to this strong support, he announced that they were selected for this funding and thanked the City for their continued support.

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

AGENDA ADDITIONS/DELETIONS

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

Mr. Lynn requested that Item #4C - Future Use of Dover Park Recreation Center be removed from the consent agenda.

Mr. Hare moved for approval of the consent agenda, as amended, seconded by Mrs. Williams and carried by a roll call vote of seven (7) yes (Dixon, Lynn, Slavin, Williams, Hare, Hutchison, and Bonar), one (1) no (Perza), and one (1) absent (Anderson).

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF NOVEMBER 12, 2013

The Minutes of the Regular Council Meeting of November 12, 2013 were approved by motion of Mr. Hare, seconded by Mrs. Williams and bore the written approval of Mayor Carey.

PROCLAMATION - PANCREATIC CANCER AWARENESS MONTH

The City Clerk read the following Proclamation into the record:

WHEREAS, in 2013 an estimated 45,000 people will be diagnosed with pancreatic cancer in the United States and approximately 38,000 people will die from the disease, with at least 120 pancreatic cancer related deaths occurring in Delaware; and

WHEREAS, the incidence and death rate for pancreatic cancer are increasing and it is anticipated to move from the fourth to the second leading cause of cancer death in the United States by 2020; and

WHEREAS, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in the City of Dover and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

WHEREAS, the Pancreatic Cancer Action Network and its affiliates in the City of Dover support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and

WHEREAS, the good health and well-being of the residents of the City of Dover are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim November 2013 as Pancreatic Cancer Awareness Month in the City of Dover and encourage all citizens to help increase public awareness and support for the individuals and families who are affected by cancer.

PUBLIC HEARING - REQUEST FOR ABANDONMENT OF STREET (IMPROVED) - HARMONY LANE/PROPOSED RESOLUTION NO. 2013-26 APPROVING ABANDONMENT

A public hearing was duly advertised for this time and place to consider the abandonment of Harmony Lane, which is an improved public street.

Mr. Scott Koenig, City Manager, reminded members that a petition had been received from Milford Housing Development Corporation (MHDC) proposing to consolidate parcels within the Walker Woods subdivision and renovate this development. The letter included a request for the abandonment of Harmony Lane for a number of reasons, many beneficial to the developer but some beneficial to the City. He referred to a table provided for information regarding the existing infrastructure and the easements associated with the property. Mr. Koenig advised members that the request was reviewed by the Development Advisory Committee (D.A.C.), Planning Commission, and the Utility Committee.

Mr. Koenig assured members that staff, along with all committees and commissions, had recommended approval of the abandonment of Harmony Lane with conveyance of sixty feet (60') of said right-of-way to Milford Housing Development Corporation, with the following stipulations: 1) abandonment shall be conditioned upon the completion of the Site Development Plan and parcel consolidation plan. Cross-access and public utility easements will be required for the existing wastewater pump station and associated force main infrastructure located therein. Ownership shall not be relinquished until such time as the parcel consolidation plan is recorded; and 2) abandonment of all stormwater, street, wastewater, and water infrastructure to Milford Housing Development Corporation in conjunction with the abandonment of Harmony Lane. The City shall retain ownership of the existing pump station and associated force main only.

Council President Bonar declared the public hearing open.

Mr. Russell Huxtable, Vice President of the Milford Housing Development Corporation (MHDC) - 977 East Madison Circle, Milford, Delaware, thanked the City for their consideration of the request and stated that there were no objections regarding the stipulations as presented by City staff.

There being no one else wishing to speak, Mr. Bonar declared the public hearing closed.

Mr. Hare moved for approval of the request to abandon Harmony Lane, seconded by Mrs. Williams and, by a unanimous roll call vote (Anderson absent), Council adopted Resolution No. 2013-26 ***(Exhibit #1).***

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - NOVEMBER 12, 2013

The Parks, Recreation, and Community Enhancement Committee met on November 12, 2013 with Chairman Dixon presiding.

Benchmarks Established for the Economic Development Office

Mr. Bill Neaton, Economic Development Director, reviewed the benchmarks and results for the Economic Development Office, including information regarding the Downtown Dover Partnership (DDP), Downtown Dover Business Growth, and City-Wide Economic Development.

In reviewing the strategic objectives for Fiscal Year 2013-2014, Mr. Neaton advised members that the site development master plan for Garrison Tract had been completed. He stated that the Garrison Tract currently consisted of 15 parcels, with two (2) parcels either under construction or completed (SunPark and Calpine Energy), and a third parcel recently sold to Uzin Utz for a manufacturing facility. He stated that as a result of a recent meeting with Secretary Alan Levin, Delaware Economic Development Office, a secured commitment was made to market the Garrison Tract. He assured members that staff continued to assist Calpine and Kvaerner, the contractor, during the construction phase, noting that conference calls were being held every Monday morning to discuss any outstanding issues that needed to be resolved.

Regarding the infrastructure improvements at the Garrison Tract, Mr. Neaton indicated that the selection process for the water tower had been completed and that negotiations continued with Chesapeake Utilities to provide a four (4) inch gas line service to the remaining 13 parcels. He advised members that a proposal from Chesapeake Utilities was received last week, after several weeks of negotiations, and would be forwarded for legal review. Once reviewed, he planned to present it to City Council for approval. Mr. Neaton stated that staff was working with Becker Morgan Group to complete the construction documents and, once completed, bids would be solicited for the infrastructure, which would include the roadway, sewer line, water line, and storm water system. It was hoped that bids would be solicited by the end of the month with a due date in December for presentation to City Council in January. This would allow for the contracts to be awarded in February and construction to begin soon after.

Mr. Neaton stated that, in an effort to promote City-wide economic development initiatives, a commitment had been made by Uzin Utz to purchase Lot 12 at the Garrison Tract and that discussions were currently taking place with two (2) other prospects for parcels at the Garrison Tract, one (1) a very large utility user and the other a smaller utility user but major employer.

Mr. Neaton assured members that he continued to work with Mr. Jim Waddington, Kent County Economic Development Office and Executive Director of the Kent Economic Partnership. With regard to the Kent County AeroPark, he stated that there was a potential tenant for 150,000 square feet of the SunRoc building. He reminded members that an update of the Job Growth Report for the City's 12 largest employers was being provided to City Council on a regular basis.

Mr. Neaton advised members that a breakfast meeting was held with the City's top employers in May 2013 and that an initial meeting of the Plant Managers Association was held in September 2013 with subsequent meetings to be held quarterly. Regarding the objective to partner with the Kent Economic Partnership to develop a strategy for a Food Innovation District in Dover, he stated that this project was continuing to move forward and that the Executive Director from a Food Innovation District in upstate New York would participate in the next meeting via conference call to explain how they established their Food Innovation District and what their successes and challenges were.

Responding to Mr. Hutchison regarding whether Calpine had adequate acreage to move to Phase II under their current "footprint", Mr. Neaton confirmed that Calpine had enough acreage on Lot 7 to progress to Phase II and had been permitted to proceed to this phase. He noted that Eastern Shore Natural Gas also had all permits and that all related studies had been completed.

In response to Mr. Hutchison regarding whether the Economic Development Office was informed on the Kent County Economic Development Board's activities related to the air cargo project, Mr. Neaton stated that he met with Secretary Levin to discuss the progress this project. He stated that all studies had been completed and that once a joint use agreement is finalized, bids would be solicited and the project would begin to move forward.

Responding to Mrs. Horsey regarding the concept of a Food Innovation District, Mr. Neaton explained that this would be a partnership with Delaware State University and that attempts were being made to establish an area where companies that process food or conduct innovative studies on food use could be located.

Noting that several of the economic benchmarks related to the DDP, Mr. Neaton requested that Mr. Lou Colón, Executive Director, present the advance initiatives of the Partnership.

Mr. Colón advised members that he had been serving as the Executive Director for only eight (8) months and distributed an event calendar for the year, including DDP-sponsored events (indicated by bold font) and other partnerships with non-profit organizations. He stated that the DDP was in the process of redoing marketing media in an effort to attract new businesses to the downtown area, as well as updating their marketing brochure and website. He noted that these were ongoing projects.

Mr. Colón indicated that 238 Railroad Street was under demolition and the final inspection was scheduled for Friday, November 15, 2013. He stated that since the City paid for the demolition, there would be a lien on the property for the balance of the costs. With reference to 22-24 West Loockerman Street, he stated that the EZ pass lease had been received, was being reviewed by legal counsel, and would be routed for required signatures. Mr. Colón indicated that renovations for EZ Pass were underway, with an expected completion date of February 2014. He advised members that the DDP continued to share site information developed by the listing agent for the Acme site, explaining that a partnership was being developed with an architect and a group performing construction work in Middletown, Delaware.

Referring to vacancies in the downtown area, Mr. Colón stated that several conversations had been held with individuals interested in the Loockerman Exchange building for a possible restaurant and that he continued to have discussions with representatives of Starbucks, as well as individuals interested in bringing a Jazz Club and Yoga Studio to the downtown area.

In response to Mr. Hutchison regarding the EZ Pass Project, Mr. Colón stated that the project was approximately $50,000 under budget and 60% complete. The initial lease agreement was for three (3) years with a renewal for an additional three (3) years.

Mr. Colón indicated that the signage in the parking lots would be replaced with blue and white signs to match other signage and provide uniformity throughout the City.

The Committee took no action.

Update - CDBG Program

Members were provided an Update of the Community Development Block Grant (CDBG) Program, including the status of FY-2013 CDBG Projects - October 2013. In addition, members were provided an update on the Neighborhood Stabilization Program (NSP).

The Committee took no action.

Future Use of the Dover Park Recreation Center

During their Regular Meeting of October 28, 2013, members of City Council considered the Parks, Recreation, and Community Enhancement Committee Report of October 14, 2013. After much discussion regarding the Committee's recommendations for the future use of the Dover Park Recreation Center, City Council postponed the demolition of the Center and referred the item back to the Committee to consider programming a new building and its possible configuration, whether it be a splash park, gym, or other proposal, for a recommendation to Council, employing special meetings and experts in the community, within 60 days.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that after the last City Council Meeting, she met with Mr. George Krupanski, President and CEO of the Boys & Girls Clubs of Delaware, and a "walk through" of the building was done. In addition, she stated that a "walk through" was scheduled with Mr. Darrell Tingle from the Greater Dover Boys and Girls Club. Mr. Krupanski felt that there could be a possibility for partnership; however, he felt

that a needs assessment would be necessary to determine if there was a need for programming to be offered at the facility and if the building would meet those needs. She explained that all discussions led back to a needs assessment. She felt that similar discussions could be held with representatives of the YMCA, who had utilized the facility for their camp this past summer and liked the facility; however, they were aware that the building was in need of a lot of work. It was her opinion that any organization, before investing any significant funds into renovating the facility, would require a needs assessment.

At this time, Mrs. Townshend felt that a City-wide needs assessment for recreation should be conducted and should include a lot of public involvement. Considering that the building was beyond its functional life, if a need for indoor recreation at this location was identified, she questioned if the current building could be utilized. By the time these needs are determined, she noted that the building would have deteriorated further. She advised members that the building was recently broken into and that it was currently serving as a nuisance attraction.

Responding to Mr. Hutchison, Mrs. Townshend stated that the YMCA enjoyed using the center as a temporary facility for their summer camp; however, she indicated that the YMCA recently completed a major capital project on State Street and had acquired the Kent Swim Club, which was now considered a major capital project. She stated that the new Executive Director had not visited the Dover Park site and that she would invite her and other members of the Board to visit the Center for a "walk through"; however, she advised members that the YMCA was aware of this issue and had not approached staff with any interest.

Understanding staff's position and recommendations regarding the Center, Mr. Caldwell explained his concerns regarding the public's objections to demolishing the building due to their concerns regarding a specific area of the community. He indicated assurance that the children were of great concern for members but that consideration must be given to the entire City and not just a particular area of the community. He felt that the Center could not be used as a recreation center and, although the numbers dictated that the building should be demolished, if the City should choose to keep the building in operation, he suggested that it be utilized as a learning center or small library. It was his feeling that children were not in need of additional recreation programs but rather more learning activities, such as learning to read, write, and do math, and that volunteers could be used so that there would not be any costs to the City. Although he understood the objections to demolishing the building, he also understood the safety issues and suggested the use of cameras to monitor the activities around the building.

Since this matter had been discussed at length and considering all issues and public testimony, Mr. Perza relayed his support for staff's recommendation for the demolition of the building. It was his opinion that the building represented the "wants" of the community rather than the "needs." He explained that the City was in the process of determining how to best spend the resources available to develop the park systems City-wide. He indicated that investing in the White Oak Park area would be a good idea, reflecting the needs of the community and helping the youth; however, his concern was that the expenditures required to renovate the building ($110,000) would not be the best

use of City funds. He supported the $30,000 expense to demolish the building and suggested that the City earmark the $80,000 that would have otherwise been spent to repair the building, to be committed to Dover Park and addressing the needs of the community. He noted that there had been various ideas, such as a splash park, soccer fields, etc.

Concurring with Mr. Perza, Mrs. Horsey relayed support for investing in Dover Park, but not necessarily the building. She suggested that staff conduct a survey of those that had attended the last Committee meeting and relayed objections to the demolition of the building to determine if they would use the building versus just wanting it to be kept. She indicated that demolition of the building would go against her support for preservation; however, she relayed support for staff's original recommendation for the demolition of the building.

Mrs. Townshend reminded members that there were several other ideas for improvements at Dover Park, such as providing electricity at the pavilions, installing public restrooms, etc. In addition, she felt that it would be important to develop a strong vegetative management plan that would promote visibility in order to address safety issues and concerns. She stated that limiting the number of concealed areas in the park would allow users of the park to feel safer.

Mr. Dixon suggested that the City establish a task force to consist of volunteers from the community and allow them to develop a recommendation for Dover Park.

The committee recommended acceptance of staff's recommendation to demolish the Dover Park Recreation Center and that the City Manager be authorized to earmark the balance of the construction/demolition project up to $80,000 for future capital improvements, in the City's future budgets, to Dover Park after a needs assessment is accomplished.

For clarification, Mr. Perza stated that since the costs for the minimal renovations to the building were estimated at $110,000 and demolition would cost approximately $30,000, there would be a balance of $80,000 which would be committed to Dover Park once it is determined how that money would be best spent. He stated that this expenditure would not have to be done in any specific fiscal year; however, these funds would be reserved and earmarked to improve Dover Park once the needs were determined.

Mr. Dixon encouraged staff to include the community in determining the needs.

During the Council Meeting, Mr. Lynn reiterated his objections, explaining his feeling that the eastern side of Dover is not well served in regards to recreation needs. He relayed concerns regarding the possibility of individuals having to ride bicycles or walk across the highway to Schutte Park and concerns of the resultant effect that demolition of this property would have on that area of the community. He indicated his belief that setting aside money to build a new facility was a good idea; however, he stated his concerns with setting aside $80,000 with no concrete idea as to what would occur next. He felt that the recommendation was a disservice to his constituents, specifically those in the east side of Dover and, as such, he stated that he could not and would not support the recommendation.

Mr. Dixon explained that the intent of the Committee was to assure that another building would be erected and that his support for the demolition was due to his concerns with criminal activities associated with vacant buildings and the excessive costs to repair the building. Therefore, the Committee recommended approval of its demolition, with the understanding that another building would be erected to provide some type of recreation.

Mr. Perza moved for approval of the Committee's recommendation to demolish the Dover Park Recreation Center and that the City Manager be authorized to earmark the balance of the construction/demolition project up to $80,000 for future capital improvements, in the City's future budgets, to Dover Park after a needs assessment is accomplished. The motion was seconded by Mr. Hutchison and carried by a roll call vote of five (5) yes (Dixon, Perza, Williams, Hare, and Hutchison), three (3) no (Lynn, Slavin, and Bonar), and one (1) absent (Anderson). *(City Clerk's Office Note: Subsequent to the meeting, official notification was received of Mayor Carey's veto of this motion.)*

Mr. Dixon moved for acceptance of the Parks, Recreation, and Community Enhancement Committee Report, seconded by Mr. Hutchison and unanimously carried (Anderson absent).

UTILITY COMMITTEE REPORT - NOVEMBER 12, 2013

The Utility Committee met on November 12, 2013 with Chairwoman Williams presiding.

Engineering Design and Projects - Engineering Design of Water and Wastewater Upgrades - West Dover Connector

Mr. Scott Koenig, City Manager, stated that the Delaware Department of Transportation (DelDOT) was planning to construct a new bypass road, the West Dover Connector, from the Rodney Village subdivision to the intersection of Saulsbury Road and North Street. He reviewed a request from staff regarding the engineering design of water and wastewater upgrades related to this project. Mr. Koenig noted that DelDOT had approached the City regarding the City's existing infrastructure within the project boundary as it relates to Rodney Village. He explained that Rodney Village was constructed in the late 1950s or early 1960s and the original water and sewer lines remained in place. Mr. Koenig indicated that this project would provide an opportunity for the City to upgrade the undersized water line and replace the aging sewer line in the area and that DelDOT recommended that the City perform this work prior to the road construction entering this project area.

Staff recommended acceptance of the proposal from URS Corporation to perform the engineering design work necessary for water and wastewater upgrades associated with the West Dover Connector in the amount of $44,100. Mr. Koenig stated that if Council favored this proposal, construction would begin next year as part of the water and sewer system upgrades that are routinely included in the City's budget.

In response to Mr. Perza, Mr. Koenig explained that the improvements in the Rodney Village area would be outside the City boundaries but were in the southern portion of the City's water and sewer system. In addition, he confirmed that design standards inside and outside City limits were the same and the project and related improvements would allow connection to the existing water system.

Responding to Mr. Perza, Mr. Koenig confirmed that the $44,100 proposal would provide only design work, not construction, and that he did not anticipate cost overages.

In response to Mr. Perza regarding whether the project had been budgeted, Mr. Koenig stated that water quality upgrades, including pipe replacement and Inflow & Infiltration (I&I) upgrades, were included in the five (5) year Capital Improvement Plan (CIP). He stated that the project would technically qualify as an I & I upgrade because the old terra cotta sewer system has roots infiltrating many of the joints and problems are constantly being reported in the Rodney Village area. He noted that infiltration had not been quantified but that staff would try to quantify it as part of this engineering study.

Responding to Mr. Slavin regarding the statement in the associated Committee Action Form (CAF) that "Preliminary work has begun due to time constraints," Mr. Koenig noted that preliminary work had been done on the project for approximately one (1) week under an existing blanket contract with URS Corporation and that this work would have to be halted if Council decided not to go forward. He indicated that consulting services were included in the line item budget for the Operating Fund and that the current request was being presented to Council because the amount would exceed $25,000. Mr. Koenig stated that the expenses would be charged to the Capital Fund if the proposal were to move forward as a capital project.

Mr. Slavin expressed concern that the City was obligated to the vendor for work that was already performed before the matter was brought before Council and questioned if this was a violation of policy. Responding, Mrs. Donna Mitchell, Controller/Treasurer, explained that fees under $25,000 could be charged to a consultant budget. Preliminary design work could be performed within that budget; however, expenses toward the construction of the project could not be charged to a consultant budget because it would technically be a violation of the policy to begin work before the matter was approved. If the work were stopped, the portion of the work already completed would be charged to the consulting budget. She explained that there are times when staff must address matters that arise in an emergency. Mrs. Mitchell stated that she was uncertain if this project was such an emergency.

Responding to Mrs. Williams, Mr. Koenig stated that the project was not currently budgeted. He indicated that the request was for authorization for the engineering services agreement and the project would be brought back as part of the CIP in the future. He noted that funds for the project would come from water quality improvements and I & I improvements that are part of the City's five (5) year CIP.

In response to Mrs. Williams regarding the funding for the project, Mrs. Mitchell stated that funds would be allocated from a carry-forward of approximately $867,000 for I & I from the previous year. She noted that there was no carry-forward from water quality funds.

In response to Mr. Perza, Mrs. Mitchell stated that no other projects would be re-prioritized or "bumped" as a result of approving this proposal since specific projects had not yet been identified for the $867,000 carry-forward.

Mr. Slavin questioned the City's policy on maintaining a carry-forward balance. Mrs. Mitchell explained that staff typically continues to move forward with projects from the previous year and she tracks the figures to ensure that the carry-forward balance is not being exceeded. A budget ordinance is subsequently brought forward that places the carry-forwards for all of the projects in the current year's budget.

In response to Mrs. Williams regarding the $867,000 carry-forward amount, Mrs. Mitchell stated that this was a normal amount. She indicated that the City's I & I and water quality projects had been running slightly behind but were now "catching up" and she did not expect this amount of carry-forward to continue.

The Committee recommend acceptance of the proposal from URS Corporation to perform engineering design work necessary for water and wastewater upgrades associated with the West Dover Connector in the amount of $44,100.

By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mrs. Williams and carried by a roll call vote of seven (7) yes (Dixon, Lynn, Slavin, Williams, Hare, Hutchison, and Bonar), one (1) no (Perza), and one (1) absent (Anderson).

Engineering Design - Miscellaneous Stormwater Projects

Mr. Scott Koenig, City Manager, reviewed a request for Engineering Design - Miscellaneous Stormwater Projects. He advised members that a series of storm sewer and flooding issues had been identified recently at Buttner Place, Susan Place, and Lakeview Drive. Mr. Koenig noted that, in some cases, legislators were interested in contributing money to these projects once engineering costs were developed. He noted that Buttner Place, leading to the City's power plant and Electric Administration Building, had been flooding for a number of years, which was causing traffic flow problems, especially during the winter months when icing occurs. Susan Place, in the Persimmon Park Place development, had flooding on the edge of the road adjacent to some of the lots because of failing pipe that was believed to be privately owned and maintained. He indicated that legislators were interested in possibly securing public easements so that these pipes could become public pipes, which could be more easily maintained and brought up to current design standards. In addition, constant complaints of flooding at the end of Lakeview Drive adjacent to Luther Towers had been received. Mr. Koenig indicated that there was a connection to the existing storm drain system at that location, but it was not working correctly and staff was looking for an alternative outfall, possibly between two (2) houses and through Silver Lake Park.

Mr. Koenig indicated that the request for engineering design would provide the design parameters as well as some construction estimates and that, as project specifications are developed, staff intended to ask State legislators for funding for each of the projects. He noted that each project would qualify for Community Transportation Funds (CTF) because they were drainage-related. Mr. Koenig stated that if the legislators choose not to approve the projects, they may be included in the General Fund budget or may be delayed until additional legislative interest could be obtained.

Staff recommended the acceptance of three (3) proposals from URS Corporation to perform engineering design work necessary for flooding issues at Buttner Place, Susan Place and Lakeview Drive in the amounts of $9,450, $9,300 and $24,400 respectively ($43,200 total rounded to the nearest $100).

Mr. Perza questioned if the design cost would be reimbursable if the legislature adopted these projects. Responding, Mr. Koenig stated that if Council were to authorize the agreements, staff would ask for the design costs to be rolled into potential construction costs to determine the numbers for CTF funds. If there were a need to delay, some of the design costs may not qualify for reimbursement, but the construction costs would definitely qualify. Mr. Koenig stated that a consultant was being sought because, although the City had engineering staff in the budget and was very close to hiring these employees, they would not be ready to get these projects underway in a timely manner. He indicated that it was planned to move funds from the salary budget into consulting, in accordance with financial policies.

In reference to the failing pipe at Susan Place that was privately owned, Mr. Perza inquired if it was customary for the City to intercede in private matters rather than asking the property owner to make these types of corrections. Responding, Mr. Koenig stated that it was not customary for the City to review privately owned pipes; however, in this case the legislators were asking staff to evaluate whether this was a project that would potentially alleviate the flooding. He explained that the City owned the infrastructure within the right-of-way in Susan Place and that the storm drain systems behind the properties in Persimmon Park Place were specifically excluded when the City dedicated the roads in Persimmon Park Place because it was difficult to obtain easements and there were no apparent problems at that time. Since there were now failing pipes in this area, Mr. Koenig stated that it would be much easier for the City to get easements from property owners in order to resolve the problem.

Mrs. Williams inquired why this matter would not be handled directly by the legislator involved and why the City would be involved in a situation where the City's expenses might not be reimbursed.

Responding, Mr. Koenig explained that when the City does road rehabilitation and paving, the City acts as the designer and prepares construction contracts and estimates. In years past, the City had not requested the legislators to reimburse for staff time because it was desired to maximize dollars for construction. In this case, the City does not have the in-house staff to perform the project and, because there would be actual out-of-pocket expenses, the City would try to have the design costs encumbered into the project.

Responding to Mr. Perza regarding the replacement of staff engineers, Mr. Koenig stated that there were three (3) positions open and three (3) final candidates who would be interviewed in the next couple of weeks. It was his hope that the positions would be filled within the next 30 days. In response to Mr. Perza's inquiry as to whether these projects could be held for the new engineers to handle, Mr. Koenig stated that he was unsure if new staff could be "up to speed" quickly enough and it was necessary to put the funding in place for these projects. He indicated that the preference would be to enter into the engineering services agreement associated with the projects.

The Committee recommended acceptance of three (3) proposals from URS Corporation to perform engineering design work necessary for flooding issues at Buttner Place, Susan Place and Lakeview Drive in the amounts of $9,450, $9,300 and $24,400 respectively ($43,200), as recommended by staff.

By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mrs. Williams and carried by a roll call vote of seven (7) yes (Dixon, Lynn, Slavin, Williams, Hare, Hutchison, and Bonar), one (1) no (Perza), and one (1) absent (Anderson).

Rate Classification/Tariff Amendment for Churches

During the Utility Committee meeting held on September 23, 2013, members reviewed a request from the Presbyterian Church of Dover (the Church) to consider a change in tariff language to have the wording "or have instrument rated metering" removed from the C/C1 (Small Commercial) classification description. Members recommended that this matter be referred back to staff to determine, if the requested change were granted, based on a possible amendment to the tariff that would eliminate the phrase "or have instrument rated metering," what impact it would have on the City in terms of revenue or other unforeseen possibilities; how many customers would be impacted (including other non-profits, churches, commercial customers, etc.); and, historically, how similar changes had been made in the past, for a report back to the Utility Committee by no later than their meeting scheduled for October 28, 2013. Council accepted the Committee's recommendation during their meeting held on October 14, 2013.

The matter was tabled by members during the Utility Committee meeting held on October 28, 2013.

Mr. Scott Koenig, City Manager, advised members that staff had been working with the Presbyterian Church of Dover regarding their request to amend the tariff language. He noted that staff had examined the billing system and estimated that making this amendment could change the City's tariff revenue estimates by $75,000 - $125,000 per year, based on the type of classification and amount of usage. He indicated that staff did not recommend amending the tariff since it was believed that there would be unintended consequences and there was concern in regard to the revenue projection in the five (5) year plan. Staff had been trying to work with the Green Energy Grant application and steering the Church toward filing an application under energy efficiency that would allow them to replace their electric service and metering, reduce the size of the service, and be placed in a classification that does not have the demand charge since their load profile would allow them to fit into a smaller classification if the metering were changed. Mr. Koenig stated that the last estimate he received from Mr. Gary Patterson, Secretary of the Trustees of the Presbyterian Church of Dover, regarding changing the meter ranged from roughly $900 to $4,000. Staff estimated that it could cost as much as $5,000 to make this change; however, staff believed that this would be a more viable alternative for meeting the need of the Church to reduce its overall energy budget and costs, while still maintaining the integrity of the tariffs.

Staff recommended that no action be taken on amending the current electric rate tariffs and that staff be directed to assist the Presbyterian Church of Dover with a Green Energy Grant Application to facilitate energy efficiency within the City's electric system.

Mr. Slavin noted that the matter had been tabled two (2) weeks ago to allow additional communication with the Church and inquired if this had taken place. Mr. Koenig stated that he had been attempting to get a copy of the application for the Church to fill out or for the City to fill out on their behalf, but there had been no additional conversation.

Mr. Slavin noted that the Committee's recommendation was to have communication before returning to this item.

In response to Mr. Hutchison, Mr. Koenig stated that no other similar requests had been received.

Mr. Perza stated his recollection that the Committee had considered this matter two (2) months ago, the Church was represented at that time, and the matter was tabled. He recalled that a Church representative was unable to attend the previous meeting; therefore, the matter was tabled. It was his feeling that the burden should be on the applicant to come to the City to work out the arrangements rather than on the City to reach out to them. He noted that if the Church needed assistance in applying for the Green Energy grant, this matter could be approved and the application process could commence.

Mr. Koenig stated that staff had committed to working with the Church to provide assistance with a grant application.

The Committee made no recommendation on this matter.

During the Council Meeting, Mr. Koenig advised members that he met with representatives of the Presbyterian Church and reviewed the draft Energy Efficiency Grant for the replacement of the metering at their location. He stated that the Church had obtained a local contractor to conduct the work and were in the process of preparing an application to submit to the City. He indicated that staff would review the application once it is received and it was anticipated that the application would be approved in the next few weeks. Mr. Koenig noted that the Church would be able to proceed with the metering replacement and accomplish the same goals without amending the tariff. Based on further discussions with staff, he stated that they continue to feel that the tariff is appropriate and that any amendment may have unintended consequences. Staff maintained their recommendation that no action be taken on the tariff amendment. Mr. Koenig explained that the Church was interested in reducing their electric bill and that they seemed to have been pleased with the application since it would accomplish the goal they were originally seeking.

Council took no further action.

Temporary Suspension of Acceptance of Solar Applications - Green Energy Fund

Mr. Scott Koenig, City Manager, advised members that the City had been contacted by Mr. Scott Lynch, the Energy Services Manager for the Delaware Municipal Electric Corporation (DEMEC), which administers the Green Energy Fund Program for the City of Dover. He noted that this program offers incentives and grants to applicants for photovoltaic systems, solar water heaters, solar water heating integrated into radiant heating, small wind turbines, fuel cells, and geothermal heat pump systems. He stated that the solar photovoltaic systems were one (1) of the

most common grant requests for the City's program. Mr. Koenig stated that, due to proposed changes in the incentives offered by the State of Delaware and at Mr. Lynch's request, staff recommended a temporary suspension of applications to the Green Energy Fund Program for solar photovoltaic systems until the impact of proposed changes could be determined. Suspension of the program would be a preemptive action to prevent a mass of applications being received due to concerns about the potential changes. Staff, with the assistance of DEMEC, would be evaluating the potential impact of the changes and would bring forth recommendations in the future.

Mr. Koenig noted that Mr. Lynch had not articulated the exact changes being proposed; however, his concern was that if this measure were not taken, a flood of applications could be received because the City's program could be considered "rich" compared to the State. Mr. Koenig expected that this matter would be brought back to the Committee within the next three (3) months and noted that not many applications had been received recently.

The Committee recommended acceptance of staff's recommendation to temporarily suspend solar photovoltaic applications to the City and Green Energy fund.

By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mrs. Williams and carried by a roll call vote of seven (7) yes (Dixon, Lynn, Slavin, Williams, Hare, Hutchison, and Bonar), one (1) no (Perza), and one (1) absent (Anderson).

TEA/NAES Report (*August and September*)

The TEA/NAES Monthly Reports for August and September 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, City Manager, advised members that the margins had tightened up considerably with the new budget figures and that the numbers were being monitored closely month to month. Referring to Page 10 of the August report, under Power Supply, PJM - ARR, Transmission, and Fees, he noted that this number was not running in the City's favor and that staff was concerned about PJM charges. He informed members that some funds had been reallocated as the City moved into the current budget year and this was impacting the City's variances. Mr. Koenig stated that The Energy Authority (TEA), the City's energy provider, was trying to understand all the changes in order to communicate them effectively to staff. Mr. Koenig anticipated that staff would return to the Committee to articulate these charges and it was likely that someone from TEA would be present to explain in detail how they were being assessed and how they would impact the City. He noted that all other budget items seemed to be tracking appropriately; however, these charges were higher than anticipated and were a "red flag" to staff.

Responding to Mrs. Williams regarding whether TEA had attempted to explain this to staff already, Mr. Koenig stated that TEA had been working with PJM to understand what the charges were and that this was being discussed during monthly meetings. TEA indicated their belief that they had found an error of approximately $11,000 in the charges; however, the City was hoping for an error in the magnitude of approximately ten times this amount. He explained that this was not an easy formula to understand; therefore, it was his opinion that the professionals that handle these matters regularly should come to brief Council on the charges.

Mrs. Williams stated her understanding that it was unknown whether the problem was with PJM or the formula. Mr. Koenig responded that costs that were previously assigned to power producers had been reassigned to those who purchase power; therefore, the City was bearing larger costs than originally anticipated when the budget was developed last year.

Responding to Mrs. Williams regarding whether PJM had provided notification of these changes, Mrs. Donna Mitchell, Controller/Treasurer stated that neither TEA nor City staff were aware of the changes. Mr. Koenig explained that PJM had made a change in the method of calculating cost allocations during the last six (6) months that was now affecting the City.

Mrs. Mitchell explained that the Delaware Municipal Electric Corporation (DEMEC) was experiencing the same issue and was attempting to get answers from PJM.

UPDATES

Green Energy Funding and Programming
Members were provided information on this item.

National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit
No update was provided for this item.

Calpine Energy Center
No update was provided for this item.

Dover Sun Park
Members were provided information on this item.

Garrison Oak Technical Park Project
No update was provided for this item.

The Committee recommended acceptance of the updates as presented.

By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mrs. Williams and carried by a roll call vote of seven (7) yes (Dixon, Lynn, Slavin, Williams, Hare, Hutchison, and Bonar), one (1) no (Perza), and one (1) absent (Anderson).

Mrs. Williams moved for acceptance of the Utility Committee Report, seconded by Mr. Slavin and unanimously carried (Anderson absent).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - NOVEMBER 12, 2013
The Legislative, Finance, and Administration Committee met on November 12, 2013 with Chairman Lynn presiding.

"Safe Whistles" - National Recreation and Park Association Recommended Guidelines for Credentialing Volunteers (Background Screening for Youth Coaches and Sports Officials for All City Recreation Offerings) ***(Lynn and Slavin)***

During the Legislative, Finance, and Administration Committee meeting held on September 9, 2013, members discussed the issue of background checks for Parks and Recreation volunteers working with youth and members recommended that staff, specifically Mrs. Ann Marie Townshend, Director of Planning and Community Development, and Mrs. Kim Hawkins, Human Resources Director, be directed to review the National Recreation and Park Association Recommended Guidelines to conduct an analysis and formulate a recommendation regarding the scope and depth of the background checks that should be required, the cost and how it would be addressed, the period of time the background check would remain valid, and some type of roll-out implementation strategy to be brought back to the Committee within one (1) month for their review and recommendation to City Council. City Council approved the Committee's recommendation during their meeting held on September 23, 2013.

During the Committee meeting held on November 12, 2013, Mrs. Townshend advised members that the Parks and Recreation staff surveyed other recreation providers in Delaware to find out how they address the issue of background checks for youth coaches and other volunteers for youth activities. She reviewed the "Background Check Comparison Results" table previously provided to members and noted that all of the organizations contacted require background checks for youth coaches and other volunteers who work in youth activities. The costs for these background checks vary depending on the entity that performs the checks. In all cases, the organization providing the recreation program pays the cost of the background check.

Mrs. Townshend indicated that the Human Resources Department also performed some research and contacted the City's insurance carrier for their input. She reviewed the "Parks and Recreation Sports Programs – Coaching and Youth Protection" information from Travelers Insurance which was previously provided to members. She explained that Travelers had provided this information to the City in the past and recommended implementation; however, it was deferred for budgetary reasons. Travelers also included contact information for IntelliCorp, a nationwide provider of background checks with whom Travelers has a relationship. Mrs. Townshend stated that the Criminal Search Bundle provided by IntelliCorp includes: 1) Social Security Number Verification/Address History Trace; 2) Multistate (*Nationwide)* Criminal SuperSearch; 3) Nationwide Sex Offender Registry; 4) Government Sanctions; and 5) Single County Search Recommendations. The cost per subject for the background check ranges from $9.95 to $29.95, depending on the number of single county search recommendations (ranges from one (1) to unlimited).

Mrs. Townshend explained that, using the assumption that the Parks and Recreation Department has 50 youth volunteers per year and the most costly of the background check options provided by IntelliCorp is selected, the cost would be approximately $1,500 per year. If this were extended to contractors, such as fitness instructors or arts and craft contractors, this cost may be a little higher. She expressed her opinion that the service provided by IntelliCorp seemed very thorough and was comparable to the costs paid by the organizations that were surveyed.

Mrs. Townshend explained that the IntelliCorp system would allow City staff access to enter the search information and, subsequently, receive the search results. She stated that she had begun working with staff to implement the background checks for volunteers, since they were in the process of recruiting for coaches for the upcoming basketball season.

Mrs. Townshend noted the budget estimate provided did not include extending the requirement of background checks to sports officials. Of the organizations surveyed who contract with outside organizations for sports officials, only the City of Harrington indicated that officials are required to have background checks, and these are provided under a national organization that oversees their youth soccer and football programs. She stated that officials are typically not alone with the youth and do not spend as much time with them; therefore, staff did not believe that the need for background check was as strong in this area. If City Council wished to extend the requirement to sports officials, it could be done; however, she noted that it would take more time to implement, since staff would need to work with the organizations that provide the officials, and would also increase the cost of providing background checks. If Council wished to do so, staff would work with the officiating organizations to build the requirement into the City's contracts with them.

Staff recommended that background checks be performed for all Parks and Recreation volunteers and contractors who will be working directly with youth.

Responding to Mr. Lynn, Mrs. Townshend confirmed that $29.95 was the cap for unlimited county searches, and explained that staff used the cap to calculate the cost estimate at $30 per person for 50 people.

In response to Mr. Hare, Mrs. Townshend stated that the City pays the organization that provides the officials and would probably not be able to obtain a letter from the organization because they do not currently require background checks.

Mr. Hare questioned if the City would request a nationwide background check on each individual or whether the City of Dover Police Department could perform a search in Delaware. Responding, Mrs. Townshend explained that it would be best to use a consistent method for all individuals. She also stated that some of the organizations surveyed who utilize local police departments indicated that this becomes a burden on the police department and a diversion of their staff time, especially at times during the year when there is an influx of volunteers. She expressed her opinion that the price and service provided by IntelliCorp was a good deal.

Mr. Slavin noted that people often move from the locations where they commit crimes, especially when there is a stigma attached to the crime (i.e., sex offenders and child predators); therefore, nationwide background checks should be performed for City-related programs. In response, Mrs. Townshend stated that the City of Newark only performs State level background checks but that IntelliCorp background checks would be nationwide.

Mr. Slavin shared that he is an official for two (2) different sports and, although officials may not spend as much time off the field or court with the youth, they serve in an authority position. He stated that the City has an obligation as a provider of recreation opportunities to ensure that the entire environment is safe, including everyone involved in providing services to constituents. He indicated

that if the City establishes this requirement, it would be incumbent upon the officiating groups to then do the background check. He stated that all of the officiating groups are aware that this is becoming a nationwide trend but are waiting for a mandatory requirement before proceeding. He expressed his hope that the Committee would recommend a requirement for background checks for all volunteers as well as contractors, meaning the officials.

Mrs. Townshend explained that adult sports would not be included in this requirement and softball leagues would be excluded because softball is considered to be an adult sport and participants between the ages of 16 and 18 are required to obtain a parent signature.

Responding to Mr. Hare, Mrs. Townshend confirmed that the City would either charge the officiating organizations for each background check completed by the City or require the organizations to complete a nationwide search for each official. She stated that the results of each background check would be reviewed by staff, and that she and the Human Resources Department would make final determinations.

Mrs. Williams reminded members that all childcare workers in the State of Delaware are vigorously screened and are provided a letter by the State Secretary as to whether they can or cannot work with children. She stated that some of these individuals will subcontract with the City of Dover, and suggested that the City accept the letter provided by the State Secretary in lieu of performing an additional background check.

In addressing some of the concerns relayed by Mr. Hare, Mr. Slavin stated that the National Recreation and Park Association recommendations include structured guidelines for specific waiting periods related to offenses and suggested that staff review and adopt these guidelines.

In response to Mr. Slavin, Mrs. Townshend stated that the survey results indicated that most organizations perform the checks every three (3) years.

Mr. Slavin stated that while the City may select a certain provider to perform the background checks, staff may also want to consider reciprocity of checks performed by other organizations which are comparable to those performed by the City. He noted that the officiating organizations would pass the cost on to the officials and, since many officials may be screened for their jobs, a reciprocity agreement would save the officials $29.95.

Responding to Mr. Slavin, Mrs. Townshend confirmed that the City would use a third party to perform the background check and that there would be no record keeping of the content of the check by the City of Dover, except for documentation related to searches which result in an individual being prohibited from participating in a City program. Mr. Slavin suggested that an appeal process be established. In addition, he wished to ensure that individuals understand that the City would not be collecting files on people.

Mr. Lynn suggested that, in drafting the language that would include crimes that would exclude individuals from employment and volunteering, staff review the Delaware Code pertaining to the offenses which preclude an individual from becoming a teacher.

The Committee recommended that background checks be performed for all Parks and Recreation volunteers and contractors, including officials, who will be working directly with youth, every three (3) years, and that staff implement a staggered approach that would require compliance by officials by a certain date in 2014.

By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mrs. Williams and carried by a roll call vote of seven (7) yes (Dixon, Lynn, Slavin, Williams, Hare, Hutchison, and Bonar), one (1) no (Perza), and one (1) absent (Anderson).

Request for Economic Inclusion Study (*Clayton Hammond*)

Mr. Clayton Hammond II, 505 Troon Road, Delmarva Black Chamber of Commerce Chairman, reviewed a request for funding for the Delaware State University Center for Economic Development and Trade to conduct an economic inclusion study for the City of Dover. He explained that he had been an economic development professional for approximately 30 years, working in various public sector, non-profit sector, and private sector positions, and that during that time, it has become clear that the economic development activities in the City of Dover are very limited. Mr. Hammond stated that historically, economic development throughout the country has been used to address a myriad of issues; however, the current economic activities in the City of Dover were limited to infrastructure development, the Garrison Tract, and commercial revitalization related to the Downtown Dover Partnership (DDP). He stated that there are certain parts of the Dover community which have historically been detached from the economy and expressed his opinion that an economic inclusion study, similar to the "Inclusion in the Workforce" study conducted by the City of Pittsburgh, would examine the issues and impediments and provide recommendations for increasing the involvement of parts of the Dover community, specifically the African American community, in the economy. Mr. Hammond emphasized that participation from all sectors of the community, whether through entrepreneurship, workforce development, or jobs, is important for the long-term viability of a vibrant economy.

Mr. Hammond noted that he had lived in Dover during several different periods throughout his life and noticed that the area around Queen, Kirkwood, and New Streets had never changed. It was his understanding that there had been different entities addressing economic development downtown; however, this specific area had been neglected in terms of economic development activity. He explained that the lack of economic activity in this area has social costs, including public safety related issues and the detachment of residents. He felt that an economic inclusion study would provide recommendations for involving all sectors of the community in the economic vitality and long-term economic development of the City of Dover.

Referencing the request for funding detailed in the email previously provided to members, Mr. Hammond explained that he had recently spoken to Dr. Michael Casson, Director for the Delaware State University Center for Economic Development and Trade, and the City's cost for the study had increased to $6,000 because an additional graduate assistant would be required. He reiterated that this would be a simple study to examine issues that relate to impediments, opportunities, and resources that relate to the historic African American community in the City of Dover becoming more economically viable.

Mr. Hare expressed his agreement for the need to address the problems noted but recommended that this may be a good project for the staff of the City's Economic Development Office. Responding, Mr. Hammond stated that, based on conversations with Mr. William Neaton, Economic Development Manager, and Mr. Ed Perez, Downtown Coordinator, this matter did not seem to be part of the City's short or long-term economic development strategy.

In response to Mr. Slavin, Mr. Hammond confirmed that the request was for funding in the amount of $6,000 for the Delaware State University Center for Economic Development and Trade to facilitate the study.

Responding to Mr. Lynn, Mr. Hammond stated that Dr. Casson had indicated that the Center for Economic Development and Trade would be willing to participate in the study and the initial cost would be approximately $24,000. Delaware State University has a grant from the U.S. Economic Development Administration which will cover the majority of the cost and that the $6,000 would pay for two (2) graduate interns to work on the project. Mr. Hammond was uncertain why the cost had increased from $4,000 to $6,000 and had anticipated that Dr. Casson would be present to answer questions.

Mr. Lynn questioned whether the Center for Economic Development and Trade had experience conducting studies of this type. Mr. Hammond stated that the Center had conducted a study for the City of Dover regarding Garrison Tract projections and that Dr. Casson and Mr. Neaton were discussing the possibility of conducting a future study as well. He was uncertain whether the Center had any experience with economic inclusion studies but indicated that it was involved in studies regarding manufacturing in the State of Delaware and had conducted significant research in different areas. He confirmed that Dr. Casson would be the faculty member responsible for the study.

Mr. Lynn noted that members had received email correspondence from Ms. Deb Brown, dated November 12, 2013, *(as on file in the City Clerk's Office)* regarding this matter.

In response to Mr. Slavin, Mr. Hammond stated that Dr. Casson had indicated being able to begin the study within the next 60 days but was uncertain how long it would take to complete the study.

The Committee recommended approval of the request to fund the economic inclusion study in the amount of $6,000.

Mr. Lynn requested Mr. Hammond to arrange for Dr. Casson to attend the City Council meeting scheduled for November 25, 2013 when this matter was scheduled for consideration.

In response to Mr. Hare, Mr. Lynn requested that the City Clerk's Office arrange for the staff of the City's Economic Development Office to attend.

During the Council Meeting, Mr. Hare questioned what action the City had taken thus far to review the economic development in the area mentioned. Mr. Bill Neaton, Director of Economic Development, introduced Mr. Ed Perez, Downtown Coordinator, and referred to the letter received by Mr. Lynn from Mr. Hammond. He noted that several of the issues included in the inclusion study conducted by Pittsburgh had been addressed by the City of Dover Economic Development Office.

Although he was not opposed to an economic inclusion study, he wanted members to be aware that staff was already in the process of implementing several of those suggestions. Referring to the "infrastructure spending" that was mentioned in the inclusion study, Mr. Neaton explained the importance of infrastructure spending. He advised members that the infrastructure spending being done in the City, specifically at the Garrison Tract, would impact all segments of the economy and all peoples within the City of Dover. As the City improves its infrastructure (specifically at the Garrison Tract), he stated that people in the City would be employed to work on the infrastructure improvement, regardless of race.

In addition, Mr. Neaton referred to the item included in the inclusion study for "Generating Demand of Diverse Employees" and advised members that the Economic Development Office had been working on workforce development and engaging in all the activities. He explained that the City had partnered with Delaware Technical and Community College, the Service Core of Retired Executives (SCORE), the YWCA, Small Business Administration, Delaware Economic Development Office, Chamber of Commerce, and the Kent County Economic Development Office to improve the job opportunities for all of the people in Kent County.

Mr. Neaton noted that another recommendation included in the Pittsburgh Study was to help African Americans overcome systemic barriers to employment by investing in youth workforce internship programs. At Mr. Neaton's request, Mr. Perez advised members that within the last year alone, in an effort to support both existing and potential businesses throughout the downtown district, there were nine (9) business development workshops held that provided information on marketing, social media, business planning, economic e-commerce, access to funding, and credit awareness. He stated that during 2012 there were 16 businesses within the downtown area, three (3) of which were African American owned and, in 2013 there were nine (9) new businesses, seven (7) of which were owned by minorities and four (4) of which were African American owned businesses. In addition, he stated that there were 43 referrals made from 2011 through 2012 for minorities needing assistance with business plan development. He explained that these were just a few of the initiatives instituted as a result of the USDA Grant to assist the community and the downtown district. Mr. Perez stated that a Request for Proposals (RFP) was submitted to the Community Development Office for economic development and a grant was received to provide part-time employment for the youth of the community. There were 20 youth employed for approximately nine (9) months, all of whom were African American students.

Mr. Neaton referred to the recommendation included in the Pittsburgh Study to generate demand for diverse employees by supporting entrepreneurship programs and capacity building programs for minority and women business enterprises. He stated that the City works closely with the YWCA to provide business development plans for a cross-section of all potential entrepreneurs, regardless of race. He assured members that the YWCA had done a great job in counseling several diverse people who wish to open businesses.

Mr. Neaton explained that the letter indicated that the City never develops initiatives that target issues other than New, Kirkwood, and Queen Streets. He reminded members that the Downtown Dover Partnership (DDP) and Dover Economic Development Office partnered with the National Council on Agricultural Life and Labor Research (NCALL), United Way, City of Dover Police Department, Greater Kent Committee, Interfaith Mission, Interdenominational Alliance, Bayhealth,

and Wesley College and were awarded a $90,000 planning grant from Wells Fargo. This planning grant was for an area that includes South Street (south of Bayhealth) to Walker Road and State Street to Salisbury Road. He stated that the study is designed for the following reasons: to discuss land use, home ownership, security and safety, community building, crime data, and the economic development issues that are important to the area. Although he was not suggesting that the economic inclusion study would be a duplication, Mr. Neaton wanted members to know that the City's Economic Development Office was already doing many of the actions included in the inclusion study; therefore, members should decide if there were a need for additional studies at the cost of $6,000.

Responding to Mr. Hare, Mr. Hammond explained that although there had been some efforts to address some of the issues in a larger perspective, the African American community had discovered that if the specific needs of the community are not targeted, they tend to get "lost." Mr. Hammond stated that their concern was, and always has been, how their needs are addressed. He noted that there were approximately 28 members serving on the DDP and only two (2) are African Americans. He requested that there be a process and study to review what those desperate needs are for the African American community.

With regard to the grants and initiatives, Mr. Hammond stated that the DDP's target area had not always been the historic black community in the City and they had not been focused on work force development or other issues related to the economic viability of the African American community. Referring to the Pittsburgh Study, he suggested that the study proposed for the City would be specific and tailored to address the issues that relate to what is important to the African American community in the City of Dover. Mr. Hammond advised members that the black unemployment rate was almost double the unemployment rate of others. He felt sure that there were issues that are germane just to the African American community that need the City's attention and consideration. Mr. Hammond stated that there were very significant factors needed to be addressed.

Dr. Casson felt that the issue involved identifying some of the economic development challenges that affect the African American community and stated that the Center for Economic Development at Delaware State University had the capacity to conduct such a study. He suggested that the question before City Council was to determine if they felt the study was necessary and to determine what economic development opportunities exist in the African American community and what actions could be taken to provide improvements.

Responding to Mr. Lynn, Dr. Casson confirmed that he originally estimated a cost of $4,000 to conduct the study, estimating the use of only one graduate student to support the project, and that it was increased to $6,000 to acquire additional support since the project could go beyond the six (6) to eight (8) month time frame for completion. Considering the importance of completing the study, he felt that the additional graduate student would be necessary, for a total expense of $6,000.

Mr. Slavin moved for approval of the Committee's recommendation to approve the request to fund the Economic Inclusion Study in the amount of $6,000. The motion was seconded by Mr. Hare and carried by a roll call vote of seven (7) yes (Dixon, Lynn, Slavin, Williams, Hare, Hutchison, and Bonar), one (1) no (Perza), and one (1) absent (Anderson).

Request for Property Revaluation - Wild Meadows

Mr. Fred Neil, 521 Weaver Drive, President of the Wild Meadows Home Owners Association, read the following statement into the record:

I wish to thank you for permitting me to testify on this subject. I have written to each member of the City Council listing the reasons why our community should either be reevaluated prior to the 2015 evaluation period designated by law or permitted to have a reassessment based on conditions not previously in evidence.

According to City Assessor Cheryl Russell, "All property shall be valued as to its status; as of its ownership; as of its current market value as of the January 1 assessment date and ***shall reflect fair market value***."

I am very sensitive to the tax base the city needs to properly provide services and protection to its citizens because of my role as Press Officer for a Baltimore Mayor. I can rightfully brag on the impact of the 55 Plus Wild Meadows Residents on the quality of life in Dover and Kent County. Most of the City Council has seen those efforts in the email and printed news letters we provide. However, that does not pay the city's Bills.

As Miss Russell pointed out, "The City as a whole was reassessed in 2010 and sale/income/cost information from 2007; 2008; and 2009 was used to determine values for ALL of the properties within the City limits." ... and there is the hub of my request for new assessments before 2015. Reassessment requests in April 2014 of our current assessment should be based on changed conditions, or apply a community wide decrease in current assessments.

The evidence to do so is based on:

- Fair Market value - currently it is no longer fair.
- Evidence readily available to you is the original purchase price of the homes versus the sale prices of the homes in the period from 2010-2012. Not reported is the long, long time period to sell a home. I was recently informed by Mr. Paul McDonald, Vice President of the Wild Meadows Home Owners Association, and Mr. Bob Schmidt, Wild Meadows Home Owners Association Board Member and responsible for the Associations email newsletter, that the home that he originally paid $130,000 for and added $20,000 worth of improvements to, is assessed for $119,000 and a home with the same identical space/model recently sold for $84,000.
- Conditions that did not exist in the 2007- 2009 time period, the Calpine Plant and The Fire Fly Festival.

Calpine and Firefly are unique to a very specific area of homes including the Wild Meadows Community.

While it is easy to say, "Let us wait until 2015", but the law says Fair Market value. Wild Meadows a 55 Plus community is carrying an extra and unfair burden because this is not 2010.

I would also like to point out the Calpine Power plant and the Fire Fly Festival will add money to the City coffers which may more than off-set the drop in a lower tax and fairer assessment of our properties.

I will also point out, while the proposed power plant on the old Chrysler property in Newark drew many protestors and negative publicity, the City of Dover was not subjected to that. Please do not take the lack of a protest movement as lack of discontent with having the power plant literally in our back yard or the accepting the inconvenience of The Fire Fly Festival. Let's just say, the residents of the Wild Meadows Community are responsible citizens.

I hope we are not punished for being so.

Mr. Neil also complimented the City of Dover, members of Council, Red Frog Productions, and Dover Downs in regard to the amenable relationship regarding the Firefly Music Festival. He expressed his opinion that the festival is an essential benefit to the health of the community, explaining that he had shared his views with his community and believes that this is one (1) of the reasons that there had not been more protest from the residents.

Members were provided information from Ms. Cheryl Russell, Tax Assessor, regarding the early reassessment request from Wild Meadows, including a memo from Ms. Russell dated November 12, 2013, Section 102-1 of the Dover Code, and an opinion from Mr. William Pepper, Deputy City Solicitor. Ms. Russell reviewed the memo and stated that, in accordance with the opinion provided by Mr. Pepper, staff recommended denial of the request for early reassessment as submitted by Wild Meadows.

Ms. Russell stated that the City receives numerous appeals every year on the basis that the property is not currently worth the assessed value. She explained that each appeal is considered by the Board of Assessment Appeals, which confirms for each appellant that the City has to use 2007 - 2009 sales information for residential properties and 2007 - 2009 income and expense information for commercial properties to maintain uniformity and fairness throughout the City. The City's reassessments are revenue neutral; therefore, if the values increased as a result of reassessment, the tax rate would be rolled back down to keep the tax revenue amount the same. She was uncertain how the City could maintain tax revenue neutrality if portions of the City were reassessed at different times. She stated that the Tax Office was currently preparing for the 2015 revaluation.

Mr. Hare questioned why the City funds a reassessment if the tax rate does not change as a result. Responding, Ms. Russell explained that the information is valuable to ensure that the tax burden is placed on the appropriate properties when the fair market value changes and that values are viable for homeowners in the event of catastrophe.

In response to Mr. Hare, Ms. Russell clarified that a retrospective appraisal is required for an assessment appeal.

Ms. Russell stated that the cost for the previous assessment was approximately $785,000; however, staff would not need to conduct a comprehensive revaluation in 2015 since they had been diligent in reviewing the properties to verify that the characteristics have not changed, so the cost will be approximately $100,000. The consultant will only need to do sales ratio studies, changes to the land tables, and ensure that the neighborhoods are aligned.

Responding to Mr. Slavin, Ms. Russell stated that if the reassessment appeal were approved, staff would need to draft legislation for consideration and approval by the Delaware General Assembly to change the City's Charter. She noted that many municipalities do not include language regarding the scheduling of tax valuation and assessment within their Charters, with the exception of Milford, which she believed was on a ten-year cyclical schedule. She explained that changing the schedule to every two (2) or (3) years may not address the problem because it depends on the market. She reminded members that the current assessments are below the current market value; however, that situation could reverse, and valuations require a great deal of time and money.

Mr. Slavin noted that the appeal process is time consuming for staff and questioned whether it would be advantageous to allow for a class action type of appeal to be filed by property owners from a particular neighborhood, since individual assessments can be adjusted based on appeals and the revenue neutrality would be waived. Responding, Ms. Russell reminded members that the information considered during an appeal must be based on retroactive, not current market values.

Mr. Lynn noted that the five (5) year increment was reasonable to account for normal economic turbulence; however, did not account for the novel situations that Wild Meadows has been affected by, including the construction of the City-sponsored Calpine power plant. He felt that there were no other neighborhoods facing the same types of issues as Wild Meadows. Concurring with Mr. Slavin, he suggested addressing all of the properties in Wild Meadows as one (1) appeal. He stated that the owners probably should have appealed in 2010; however, the Calpine plant had not fully come to fruition as it did in 2011 and 2012. He expressed his support for the request and stated that a Charter change would be required in order to provide an early reassessment for Wild Meadows.

Mr. Hare stated his support for the filing of a community-wide appeal within the current guidelines; however, he expressed concern with fairness to other communities and questioned if there would be certain circumstances which would allow for this type of appeal.

Ms. Russell stated that the only appeals filed by property owners from Wild Meadows were four (4) which were filed in 2010. In response to Mr. Lynn, she explained that appeals can be submitted every April with documentation for the 2010 value. She relayed her concern with allowing the revaluation of communities which would lead to communities submitting appeals every year and the possibility of revaluing the City in pieces.

In response to Mr. Lynn, Ms. Russell stated that she would need to consult the City Solicitor's Office to ensure that an appeal could be filed by a community as a group. She confirmed that appeal hearings were typically scheduled for the end of May and beginning of June each year, to have them complete prior to approval of the final budget for the following fiscal year.

Mr. Lynn stated that the time frame may be the same for a Charter change to be enacted as it would take for an appeal hearing next year. He stated that the sticking point could be how viable Calpine was in 2007, 2008 and 2009.

Ms. Russell stated that the current sales would be reflected in the 2015 revaluation. The sales history for homes in Wild Meadows showed that from 2007 - 2009 sale prices ranged from $96,000 to $187,000, which may have been first time purchases from the developer. She expressed her understanding that the sales prices since 2010 have decreased, as they have in other parts of the City, as a result of the status of the market and economy.

Mr. Shevock expressed concern that other communities may request revaluation if it is allowed for Wild Meadows. Responding, Ms. Russell stated that this would cause a fluctuation in the values across the City and a loss of uniformity in the timing of the revaluations.

Mr. Hare noted that when an appeal is granted and a property assessment is reduced, it is not revenue neutral.

Ms. Russell stated that there has been discussion regarding State legislation which will require all municipalities and counties to perform valuations on a cyclical basis.

Mr. Slavin stated that the assumption seemed to be that this would result in many communities filing appeals but reminded members that not all would be successful since there would have to be a compelling reason for a community to come forward, such as the construction of the Calpine plant. He indicated that the revenue neutral provision was a preventative against City Council "sneaking" a tax increase through. If the City wants to adjust the tax rate, it must be done separately from the revaluation.

In response to Mr. Slavin, Ms. Russell confirmed that when an individual is reassessed based on an appeal, the City does not establish a new tax rate for them, so there is no revenue neutrality on appeals.

Responding to Mrs. Williams, Mrs. McDowell, City Clerk, confirmed that a request for a Charter change requires approval by two-thirds of all members elected to each House of the General Assembly.

Mr. Neil stated that the current prima facie evidence is what the houses are currently selling for versus what they were purchased for in 2002.

Mr. Hare questioned the type of Charter change that would be required. He suggested that Section 102-1 of the Code be changed to reflect that the assessment 'may' be conducted every five (5) years, to eliminate the cost of revaluation when it is not necessary.

Clarifying, Mr. Lynn stated that the necessary change would be the extraction of the word "all" from "true, just, and impartial valuation and assessment of all real property within the city" in Section 47 of the Charter; however, he recommended making an ambiguous motion to pursue the Charter change necessary to effectuate the intent of the motion and requesting Mr. Pepper to address the exact change required.

The Committee recommended that the Wild Meadows neighborhood be permitted this request for reassessment and that the City pursue this change in two (2) ways: 1) by allowing a group appeal on behalf of the community in April 2014; and 2) by pursuing the Charter change necessary to effectuate the Committee's intent and requesting Deputy City Solicitor Pepper to address the required change.

During the Council meeting, in response to Mr. Perza, Ms. Cheryl Russell, City Assessor, explained that in April of each year, every property owner in Dover is allowed to go before the Board of Assessment Appeals and, if not successful at that level, they are afforded the right to go to Superior Court, which is the next level in the appeal process. It was her understanding that the proposed amendment (Item #2 of the Committee's recommendation), would provide a Charter change to allow evaluations of communities if they came forward. She explained that the Committee included Item #1 in their recommendation since it was felt that the Charter change, if approved, would not be finalized in time for the next tax cycle.

Mr. Lynn moved for approval of the Committee's recommendation, seconded by Mr. Slavin.

Mr. Hutchison reminded members of the memorandum dated November 12, 2013 indicating staff's recommendation to deny the request for early reassessment for Wild Meadows. It was also noted that an additional memorandum dated November 25, 2013 from the City Assessor was provided ***(Exhibit #2)*** indicating staff's recommendation that the Wild Meadows Community come in as a whole to appeal to the Board of Assessment Appeals (maybe with a few spokesmen for the community). If they are not satisfied or successful at this level of appeal, then they could move forward to Superior Court. It also indicated that staff did not recommend any changes be made to the City Ordinance or Charter.

In response to Mrs. Williams, Ms. Russell stated that implementation of the Committee recommendation could become chaotic and result in staff performing piecemeal revaluations multiple times between prescribed revaluation cycles, depending on whether a community appealed their valuation on either current conditions or a factor that would cause a change in their value before the next valuation. Mrs. Williams questioned the need to change a system that had been used for several years and relayed concern that the possible changes were unknown and that the City would

be making such a change just to satisfy a few. Ms. Russell stated that the current level of staffing would not be able to handle the results of such a change and that there would be a need for additional staff to conduct the necessary research.

Mr. Hare explained his understanding that the recommendation would have no effect on City staff since the burden of proof would be on the property owner, who would then be presenting their findings to the Appeals Board. Responding, Ms. Russell advised members that, as a member of the International Association of Assessing Officers (IAAO) and being State certified, she is required by law to conduct the same research that the appellants are conducting. When the issue is brought before the Appeals Board, although the burden of proof is on the property owner, the City Assessor must conduct research and provide information, as well a recommendation, for the Board's review and consideration of the appeal. She assured members that a lot of work that would be required by her, as well as the residential technician, to prove that the values are correct.

Regardless of Council's decision regarding this matter, Mr. Lynn noted that property owners would be well within their rights to submit 300 appeals to the City. Therefore, he stated that Mrs. Williams' concerns regarding the need for additional staffing could be required regardless of the action taken by City Council on this matter. Responding, Ms. Russell stated that there was sales information that supports the City's property values that would be provided to the Appeals Board. She stated that property owners would be permitted to present whatever information they may want. Although it would provide a better opportunity for a few property owners to represent the whole community, they would still be required to go through the correct process and prove the value as of 2010 and, if they were not successful or satisfied at the Appeals Board level, they would have the right to go before the Superior Court and present the same facts to a judge. To her knowledge, there was no consideration given to the property currently owned by Calpine in making a determination of property values for Wild Meadows; however, they used sales information during the analyzed years that supported the values, as well as other properties within the City limits.

Responding to Mr. Lynn, Ms. Russell stated that if a few individuals came in representing all 300 property owners for the entire Wild Meadows neighborhood, staff would be reviewing the community as a whole and not individually; however, if there were 18 communities submitting an appeal, it would become a "nightmare" for staff.

Mrs. Williams stated that although the Calpine project may have been an unknown factor at the time, those purchasing or leasing property in Wild Meadows would have been advised that their property would be located adjacent to an industrial and manufacturing production site. Confirming, Ms. Russell stated that they would have also been made aware of the Dover Downs property.

In response to Mrs. Williams, Ms. Russell stated that the memorandum submitted was as strong as it was due to fairness and equity issues and was based on their professional organization's requirements and rules, as well as the City Charter.

The motion to approve the Committee's recommendation that the Wild Meadows neighborhood be permitted their request for reassessment and that the City pursue this change in two (2) ways: 1) by allowing a group appeal on behalf of the community in April 2014; and 2) by pursuing the Charter change necessary to effectuate the Committee's intent and requesting Deputy City Solicitor Pepper

to address the required change, failed by a roll call vote of five (5) no (Perza, Williams, Hare, Hutchison, and Bonar), three (3) yes (Dixon, Lynn, and Slavin), and one (1) absent (Anderson).

Mr. Lynn moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Hare and unanimously carried (Anderson absent).

EVALUATION OF BIDS - TREE TRIMMING CONTRACT

Mr. Scott Koenig, City Manager, advised members that the Electric Department maintains blanket contracts with potential contractors to ensure that the bidding rules are adhered to for contractors that are hired to perform work for the Department, which are priced as a "time and material" contract and may exceed $25,000 annually. He explained that this proposal is for a tree trimming contract used to maintain clearance around the city's overhead electric lines. This is the single most important maintenance project as it relates to the reliability of the City's overhead system. Typically, there are two (2) full-time crews working throughout the system to perform this maintenance. Additionally, this company has crews available to assist during storm events and the proposal provided included pricing for these potential events.

Staff recommended awarding a three (3) year (2014, 2015, 2016) Tree Trimming Contract to the low bidder, Asplundh Tree Experts, with a City option to extend for an additional two (2) years (2017, 2018), for a total of five (5) years. The contract work would be adjusted to stay within the budget each year (the current budget year was estimated at an expense of $350,000).

Mr. Hare moved for approval of staff's recommendation, seconded by Mr. Hutchison and carried by a unanimous roll call vote (Anderson absent).

AMENDMENT TO INTENDED PURCHASES - FUND TO COMBAT VIOLENT CRIME - FY14 GRANT APPROVED ON SEPTEMBER 23, 2013

Members were reminded that the fund to Combat Violent Crime Program is a new grant program managed by the Department of Safety and Homeland Security for use by local law enforcement agencies in connection with initiatives to combat violent felonies pursuant to Section 4201(c) of Title 11 of the Delaware Code. The first increment of funding was released during FY13; however, it was uncertain at that point whether the program would be recurring. During the last quarter of FY13, staff learned that an FY14 grant was anticipated and the amount appropriated ($75,523.53) was much higher than the previous year's amount ($46,785.34). As a result, there were not enough funds budgeted in FY14 for the total amount of the grant, so a budget adjustment would also be needed to cover the unbudgeted portion.

Police Chief Hosfelt explained that the Police Department was requesting approval to use its grant allocation from this program, as follows: 1) a portion of the funds will be used to upgrade the duty weapons for all police officers in the amount of $17,649 and to purchase rifles for supervisors' vehicles in the amount of $16,067.94; and 2) for the remaining portion, in the amount of $41,806.59, to be used to target violent crime throughout the city with extra duty overtime patrols and to provide education to citizens on measures they can take to avoid or cope with violent crime related activities.

Chief Hosfelt reminded members that in the original request, the Police Department programed a portion of the funding for a technology upgrade to provide wireless connectivity for Police vehicles to the station's computer systems; however, the State committee that met to review and approve all of the grant applications for this program did not approve of this intended purchase. As a result, the funds were diverted on the spot for additional extra duty overtime patrols.

Staff recommended approval of the grant and intended purchases.

Mr. Slavin moved for approval of staff's recommendation, seconded by Mr. Dixon and carried by a unanimous roll call vote (Anderson absent).

ELECTION OF OFFICERS - ROBBINS HOSE COMPANY - YEAR 2014 FIRE LINE OFFICERS

The Fire Line Officers of the Robbins Hose Company are elected annually on the third Monday of November. Members were provided the results from the November 18, 2013 Robbins Hose Company Election for consideration as follows:

Fire Chief	-	Matthew Carey
Deputy Fire Chief	-	Jack Fortney *(unopposed)*
First Assistant Fire Chief	-	David Carey
Second Assistant Fire Chief	-	Mark Hall *(unopposed)*
Third Assistant Fire Chief	-	Carl Troubetaris, Sr. *(unopposed)*
Fourth Assistant Fire Chief	-	Duane Reeder *(unopposed)*
First Fire Line Captain	-	Ben Smetana *(unopposed)*
Second Fire Line Captain	-	William Kelly II

By consent agenda, Mr. Hare moved for acceptance of the Fire Line Officers for Robbins Hose Company No. 1 for the Year 2014, as submitted. The motion was seconded by Mrs. Williams and carried by a roll call vote of seven (7) yes (Dixon, Lynn, Slavin, Williams, Hare, Hutchison, and Bonar), one (1) no (Perza), and one (1) absent (Anderson).

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Hare wished Council President Bonar a happy birthday (December 1st).

Mrs. Williams advised members that she visited the online site for crime detection and felt that it was very well developed and would be helpful to those concerned about safety. She thanked Police Chief Hosfelt for making the information available.

Council President Bonar announced that the Tree Lighting Ceremony was scheduled for December 4th and would be held at Loockerman Way.

Council President Bonar noted his involvement with a couple of complaints to the Police Department and stated that officers responded promptly and efficiently. He stated that there were some significant problems in Dover and requested that everyone lock their doors, lock their vehicles, do not keep packages in vehicles, and be alert to surroundings at all times.

Mayor Carey announced that on December 7th there would a "Home for the Holiday" parade down Loockerman Street at 12:00 noon and invited all to attend the Lighting of the Tree, as previously mentioned by Council President Bonar. He wished everyone a happy thanksgiving.

Mayor Carey also congratulated the Central Delaware Chamber of Commerce for being designated as a five (5) star accredited Chamber of Commerce, one of only 79.

By unanimous consent, the meeting adjourned at 8:33 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of November 25, 2013, are hereby approved *(with the exception of the following motion: Approval of the Parks, Recreation, and Community Enhancement Committee's recommendation to demolish the Dover Park Recreation Center and that the City Manager be authorized to earmark the balance of the construction/demolition project up to $80,000 for future capital improvements, in the City's future budgets, to Dover Park after a needs assessment is accomplished).*

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
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Exhibits
Exhibit #1 - Resolution No. 2013-26, Abandonment of Street - Harmony Lane
Exhibit #2 - City Assessor Memorandum Dated November 25, 2013

City of Dover

MAYOR AND COUNCIL

COUNCIL RESOLUTION NO. 2013-26

A RESOLUTION VACATING AND ABANDONING A CERTAIN IMPROVED STREET SITUATED IN THE CITY OF DOVER.

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

Section 1. The Council of the City of Dover hereby vacates and abandons the following street:

Harmony Lane, as specified in Exhibits A and B to this resolution, being all that tract or parcel of land situate, lying and being in East Dover Hundred, Kent County, State of Delaware, and located on the north side of Walker Road and being more particularly described as follows: Beginning for the same at a point at the south easterly corner of the property hereon described; thence running by/with the north side of Walker Road, South 82 degrees 51 minutes 50 seconds West a distance of 110.14' to a point, thence running by/with the east side of "Tract A" an arc to the left with a radius of 25.00' and a length of 40.55' with a chord bearing of North 36 degrees 23 minutes 49 seconds East and a chord distance of 36.25' to a point, thence running by/with the east side of "Tract A" North 10 degrees 04 minutes 00 seconds West a distance of 160.78' to a point, thence running by/with the east side of Lots 1 through 7 an arc to the right with a radius of 199.43' and a length of 135.75' with a chord bearing of North 09 degrees 26 minutes 02 seconds East and a chord distance of 133.15' to a point, thence running by/with the east side of Lots 7 through 9, North 28 degrees 56 minutes 00 seconds East a distance of 40.00' to a point, thence running by/with the east side of Lots 9 and 10 an arc to the left with a radius of 107.99' and a distance of 88.58' with a chord bearing of North 05 degrees 26 minutes 04 seconds and a chord distance of 86.12' to a point, thence running by/with the east side of Lots 10 through 14, North 18 degrees 04 minutes 00 seconds West a distance of 66.35' to a point, thence running by/with east side of Lots 14 through 21 an arc to the right with a radius of 120.19' and a distance of 141.11' with a chord bearing of North 15 degrees 34 minutes 05 seconds East and a chord distance of 133.15' to a point, thence running by/with the south easterly side of Lots 21 through 27, North 49 degrees 12 minutes 00 seconds East a distance of 153.27' to a point, thence running by/with the Lots 27 through 35, an arc to the right with a radius of 50.00' and a distance of 203.44' with a chord bearing of South 14 degrees 14 minutes 06 seconds East and a chord distance of 89.44' to a point, thence running by/with the north side of Lot 35, an arc to the left with a radius of 50.00' and a distance of 46.36' with a chord bearing of South 75 degrees 45 minutes 54 seconds West and a chord distance of 44.72' to a point, thence running by/with north westerly side of Lots 35 through 39, South 49 degrees 12 minutes 00 seconds West and a distance of 73.27' to a point, thence running by/with the west side of Lot 39 an arc to the left with a radius of 60.19' and a distance of 70.67' with a chord bearing of South 15 degrees 34 minutes 05 seconds West with a chord distance of 66.68' to a point, thence running by/with the west side of Lots 39 and 40, South 18 degrees 04 minutes 00 seconds East a distance of 66.35' to a point, thence running by/with the west side of Lots 40 through 46, an arc to the right with a radius of 167.99' and a distance of 137.80' with a chord bearing of South 05 degrees 26 minutes 03 seconds West with a chord distance of 133.97' to a point, thence running by/with the west side of Lots 46 through 48, South 28 degrees 56 minutes 00 seconds West a distance of 40.00' to a point, thence running by/with the west side of Lots 48 through 52 an arc to the left with a radius of 139.43' and a distance of 94.91' with a chord bearing of South 09 degrees 26 minutes 02 seconds West

and a chord distance of 93.09' to a point, thence running by/with the west side of Lot 52 and "Tract B", South 10 degrees 04 minutes 00 seconds East a distance of 166.41' to a point, thence running by/with the south side of "Tract B" an arc to the left with a radius of 25.00' and a distance of 37.99' with a chord bearing of South 53 degrees 36 minutes 05 seconds East and a chord distance of 34.44' to the place of beginning, containing 52,756.46 sq. ft. ($1.21^{+/-}$ acres).

Section 2. Since no person has been deprived of property by the vacating and abandoning of the aforesaid street, no compensation is awarded.

Section 3. All costs of conveyance shall be borne by the property owners.

Section 4. Sixty feet (60') of the subject right of way will be conveyed to the properties specified herein. Abandonment shall be conditional upon completion of the site development plan and parcel consolidation plan. The proposed abandonment shall be void and of no effect if the site development plan and parcel consolidation plan are not approved and recorded on or before November 25, 2014. Ownership shall not be relinquished until such time as the parcel consolidation plan is recorded. Cross-access and public utility easements will be required for the existing wastewater pump station and associated force main infrastructure located therein. All stormwater, street, wastewater, and water infrastructure will be abandoned in conjunction with the abandonment of Harmony Lane. The City shall retain ownership of the existing pump station and associated force main only.

ADOPTED: NOVEMBER 25, 2013

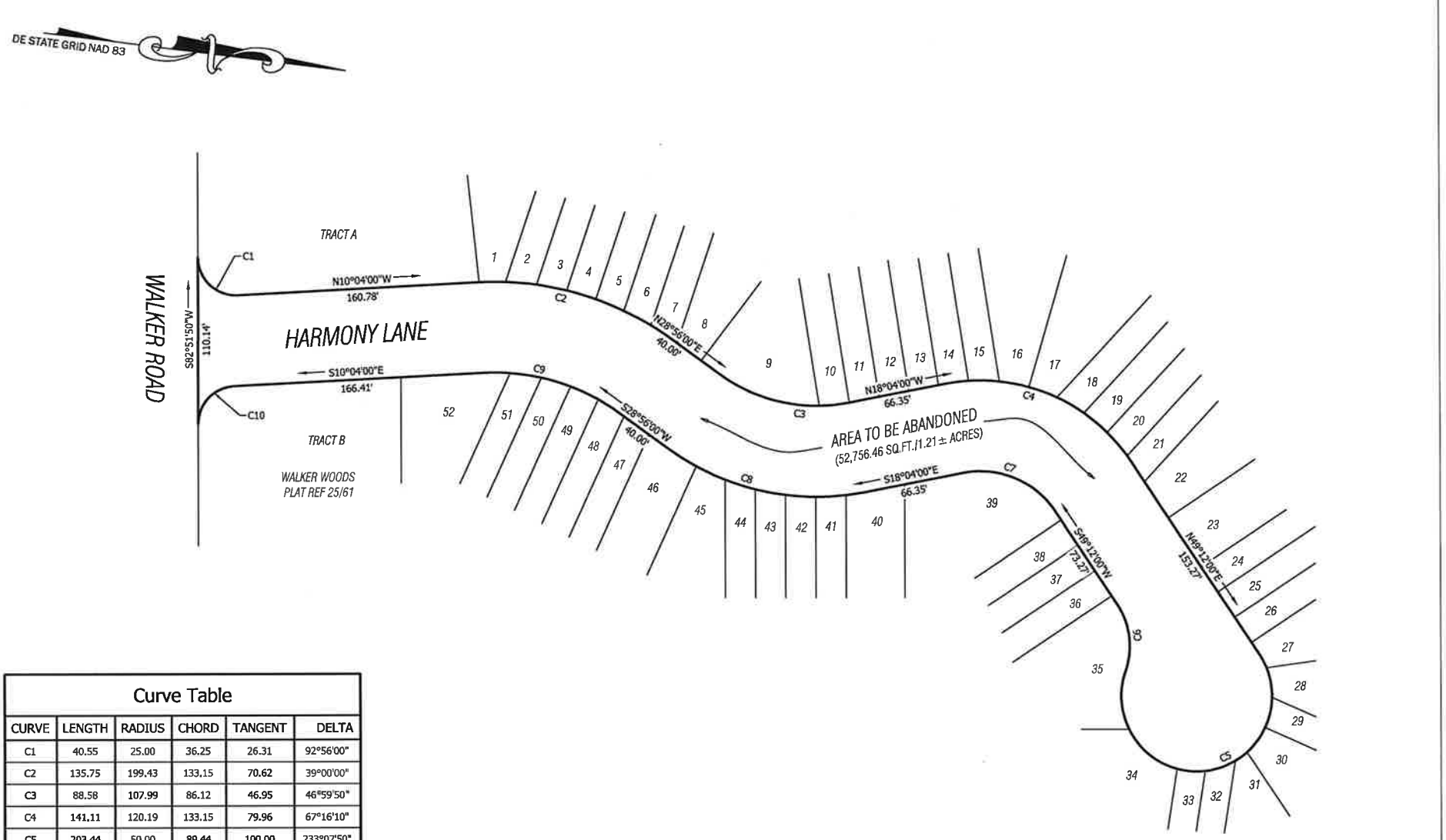
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Carleton E. Carey Sr.

CARLETON E. CAREY, SR.
MAYOR

DAVID L. BONAR
COUNCIL PRESIDENT

Actions History:
November 25, 2013 - Introduced at City Council



Curve Table

CURVE	LENGTH	RADIUS	CHORD	TANGENT	DELTA
C1	40.55	25.00	36.25	26.31	92°56'00"
C2	135.75	199.43	133.15	70.62	39°00'00"
C3	88.58	107.99	86.12	46.95	46°59'50"
C4	141.11	120.19	133.15	79.96	67°16'10"
C5	203.44	50.00	89.44	100.00	233°07'50"
C6	46.36	50.00	44.72	25.00	53°07'50"
C7	70.67	60.19	66.68	40.04	67°16'10"
C8	137.80	167.99	133.97	73.04	46°59'50"
C9	94.91	139.43	93.09	49.38	39°00'00"
C10	37.99	25.00	34.44	23.75	87°04'10"

0 60 90 120

GRAPHIC SCALE
1 Inch = 60 feet

EXHIBIT A

CITY OF DOVER
EAST DOVER HUNDRED ELECTION DISTRICT, KENT COUNTY, DELAWARE

52018_EXHIBIT A	1" = 60'	10/21/13	3-05	08715-01
	52018	EDR	N/A	

PARKER ASSOCIATES
CIVIL ENGINEERING SITE PLANNING

EXHIBIT B

Harmony Lane Abandonment

Parcel ID	Parcel Address
ED05-067.18-01-12.00	135 HARMONY LN
ED05-067.18-01-47.00	1361 WALKER RD
ED05-067.18-01-41.00	52 HARMONY LN
ED05-067.18-01-52.00	55 HARMONY LN
ED05-067.18-01-42.00	48 HARMONY LN
ED05-067.18-01-38.00	64 HARMONY LN
ED05-067.18-01-54.00	63 HARMONY LN
ED05-067.18-01-39.00	60 HARMONY LN
ED05-067.18-01-40.00	56 HARMONY LN
ED05-067.18-01-53.00	59 HARMONY LN
ED05-067.18-01-51.00	51 HARMONY LN
ED05-067.18-01-28.00	104 HARMONY LN
ED05-067.18-01-26.00	112 HARMONY LN
ED05-067.18-01-24.00	120 HARMONY LN
ED05-067.18-01-63.00	123 HARMONY LN
ED05-067.18-01-22.00	128 HARMONY LN
ED05-067.18-01-13.00	139 HARMONY LN
ED05-067.18-01-66.01	1357 WALKER RD
ED05-067.18-01-65.00	131 HARMONY LN
ED05-067.18-01-25.00	116 HARMONY LN
ED05-067.18-01-61.00	115 HARMONY LN
ED05-067.18-01-44.00	40 HARMONY LN
ED05-067.18-01-49.00	43 HARMONY LN
ED05-067.18-01-45.00	36 HARMONY LN
ED05-067.18-01-33.00	84 HARMONY LN
ED05-067.18-01-55.00	67 HARMONY LN
ED05-067.18-01-37.00	68 HARMONY LN
ED05-067.18-01-23.00	124 HARMONY LN
ED05-067.18-01-27.00	108 HARMONY LN
ED05-067.18-01-64.00	127 HARMONY LN
ED05-067.18-01-30.00	96 HARMONY LN
ED05-067.18-01-60.00	87 HARMONY LN
ED05-067.18-01-31.00	92 HARMONY LN
ED05-067.18-01-18.00	144 HARMONY LN
ED05-067.18-01-17.00	148 HARMONY LN
ED05-067.18-01-19.00	140 HARMONY LN
ED05-067.18-01-16.00	152 HARMONY LN
ED05-067.18-01-15.00	147 HARMONY LN
ED05-067.18-01-20.00	136 HARMONY LN
ED05-067.18-01-21.00	132 HARMONY LN
ED05-067.18-01-14.00	143 HARMONY LN
ED05-067.18-01-58.00	79 HARMONY LN
ED05-067.18-01-34.00	80 HARMONY LN
ED05-067.18-01-57.00	75 HARMONY LN
ED05-067.18-01-35.00	76 HARMONY LN
ED05-067.18-01-43.00	44 HARMONY LN
ED05-067.18-01-50.00	47 HARMONY LN
ED05-067.18-01-32.00	88 HARMONY LN
ED05-067.18-01-59.00	83 HARMONY LN
ED05-067.18-01-29.00	100 HARMONY LN
ED05-067.18-01-62.00	119 HARMONY LN
ED05-067.18-01-48.00	39 HARMONY LN
ED05-067.18-01-56.00	71 HARMONY LN
ED05-067.18-01-36.00	72 HARMONY LN

MEMO

TO: City Council

FROM: Cheryl A. Russell, AAS City Assessor

DATE: November 25, 2013

RE: Early Reassessment Request – Wild Meadows

To allow a partial re-valuation of a portion of the City would create inconsistency in how properties are valued related to how other properties are valued within the City limits.

At this time, all assessments are based on the 2010 base year. Any economic changes (positive or negative) after January 1 of the base year cannot be used to adjust the assessment. Only clerical errors; information obtained by building permit or changes in property characteristics that were missed by the revaluation or done without a permit can cause an assessment change. However, these changes still must be consistent with the base year. An example is a new construction built in 2013 would have to be treated as being built within the time period analyzed for 2010 using the same sales information.

The Charter and Reassessment process works because it defines the valuations of the properties throughout the City as a whole, so the Roll Back tax can be determined. Determining the Roll Back Tax Rate, allows us to spread the burden of taxes equitably throughout the City based on the values as of the base year. If a partial revaluation is done, the tax burden would not be spread equitably, as some properties would be based on current factors that were not analyzed during the time period allowed for the base year. If an appellant is successful at any of the appeal levels, it would need to be based on the 2010 year and adjustments could be made without a Roll Back Tax being determined, because essentially, these new numbers should reflect the base year.

The City Ordinance and Charter protect all property owners in the City so that there is fairness in all areas of the City as to how their values were calculated....as of a given date. Potentially, could these proposed changes to the Charter positively impact the City if the Market begins to rise after the next revaluation but before the next cyclical revaluation? Could someone from one area of the City that is aware of rising market values from another area of the City come into an appeal hearing requesting that that particular area be revalued because of either the

market, or some compelling information that positively affects their value? This would cause a shift of burden that can be directed to another area of the City?

It is staff's belief that the current guidelines for appeal with the unbiased board members of the Assessment Appeals Board is working adequately. The process for Appeal is: first, Informal (with the Assessor); second, Formal (with the Board of Appeals); and then Superior Court. If changes are made at these levels, it is because there is enough evidence to make the change without a partial revaluation and the adjustments to the values would be made. To begin partial valuations within the City, would require different base years being utilized for different areas of the City.

Staff has looked back at some of the sales in Wild Meadows, from May 2007 through May 2009. All properties, with the exception of one, were a resale. The sales ranged from 96,000 to 187,000. Our values for these sales currently range from 90,200 to 126,400. Also, there have been comments from the property owners of a sale that occurred later in 2009, for around $70,000. Our office receives notification from Wild Meadows of the sale, and they provide the new owner. (Ownership changes are done by title and not deed) We have to contact local real estate agencies for the sale prices, since they are no longer provided to us and the State will not provide this information to us. There was also a period of time, when we did not receive any notification of ownership change, but we were able to get Wild Meadows to change this policy so that the new property owners could receive their tax documentation in a timely fashion. For this particular sale, we have the ownership change, but it was noted that this change was made per Kent County PRIDE system information.

Again, we believe that the status quo is working, and as stated at the Legislative and Finance Committee Meeting on November, 12th, four (4) property owners from Wild Meadows have formally appealed their value since the 2010 revaluation, and all were in 2010. To this date, we have not received further appeal requests.

Staff recommends that the Wild Meadows Community come in as a whole to the Board of Assessment Appeals (maybe with a few spokesmen for the community) and appeal to the Board. If they are not satisfied or successful at this level of appeal, then they could move forward to Superior Court. (per the First Recommendation of the Legislative Finance and Administrative Committee)

Staff does not recommend any changes be made to the City Ordinance or Charter.