REGULAR COUNCIL MEETING

The Regular Council Meeting was held on July 22, 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, Mrs. Townshend, Fire Chief Patrick West, 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.

Ms. Ellen Wasfi, 286 Pine Valley Road and member of the Dover Human Relations Commission (DHRC) referred to action taken by the Legislative, Finance, and Administration Committee held earlier in the evening in regard to the DHRC and noted that the recommendation did not include meetings being held on a monthly basis. She advised members that currently, during each DHRC monthly meeting, time is set aside specifically for public comments, allowing citizens the opportunity to express their concerns regarding issues involving the community. These comments are often a stimulus for action taken and forums scheduled by the DHRC. As an example, she stated that on February 22, 2012, several members of the Dover community appeared before the DHRC to express their concern about crime and racist flyers distributed in downtown Dover, which led to lengthy discussion on both issues. In addition, she stated that in May 2013, members of the community commented on the lack of diversity in hiring practices and the awarding of contracts by companies engaging in economic development in Dover in compliance with the Supplier Diversity Program. Ms. Wasfi stated that these issues came out of a monthly meeting of the DHRC and indicated that she would be concerned if Council mandates that the DHRC should not meet on a monthly basis. Secondly, she stated that the Committee recommended that all DHRC meetings be held in the Council Chambers and advised members that some of the most valuable work done by the DHRC had been at outreach meetings held in different areas of the community, which provides those living in the community the opportunity to relay their concerns and request assistance in addressing those concerns.

Mr. William Washington, 8 Mishoe Street, advised members that he moved to Dover in 1999, at which time there was a lot of crime and homeless people. Soon after moving here, he began working at the Salvation Army, which provided a men's shelter. He advised members that there was a bad winter storm that year and that the homeless were found throughout the community and were provided a place to stay at the shelter. He stated that this program worked. The next year, the program was eliminated and he questioned why programs that work are "struck down." He noted that the youth in the community have nowhere to go and nothing to do but to hang out in the streets, at all hours. He felt that there was a need for a police force that patrols neighborhoods on foot since more can be seen and stopped by patrolling an area on foot. Mr. Washington urged members to take action before it is too late and Dover becomes like Philadelphia, where there is a murder every day.

Mr. Gerald Derry, 1449 Nathaniel Mitchell Road, stated that although he concurred with the concerns of Mr. Washington, he noted that there were community centers, such as the YMCA, bowling alleys, etc., and activities available for the youth; however, they choose not to participate in these activities.

Mr. EShed Alston, 406 Arnold Court, referred to action taken by the Legislative, Finance, and Administration Committee held earlier in the evening in regard to the Dover Human Relations Commission (DHRC) and questioned why members would want to lessen the number of DHRC meetings and felt that this would be best for people that are disenfranchised. He stated that he represented disenfranchised people and advised members that more was needed, not less, and questioned why the City had adopted a mind set not to listen to the people that are affected, noting that those affected made it clear that more attention was needed for these issues and not less. He felt that the City's intent was to undermine the disenfranchised black community, explaining that people had relayed their issues and concerns and it appeared that the City was ignoring this information. He stated that most DHRC members and City Council members are Caucasians and most of those people that had relayed their concerns were not Caucasians, noting that this represented a racial divide. He reiterated that the disenfranchised black community had made it clear that they need a more active and effective Human Relations Commission. Mr. Alston reminded members that the reason this issue was currently being considered was because there were false statements that there were no complaints made to the DHRC and he presented four (4) examples. He requested that members consider that we are all children of the same God and bleed the same color red and that the black community is in need of more and not less.

Mr. Reuben Salters, 109 Bertrand Drive, noted that recent tragedies involving the youth, such as murders, are occurring both locally and throughout the country. He stated that Dover remains small enough for people to come together to take action to reverse this pattern. However, he indicated that the youth need to have activities and places offered to them. He suggested that the schools be encouraged to open during the summer to provide activities for the youth so that Dover does not fall into the trap of neglecting the youth and then blaming the children for things for which adults are responsible. He felt that City Council, along with staff, have the intelligence and means to assure that the children of Dover are properly cared for both educationally and recreationally so that the youth will be less of a problem and have an opportunity to become law abiding citizens.

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

Council President Bonar noted the recent death of Mr. John J. Friedman (previous Chairman and member of the City of Dover Planning Commission) and requested a moment of silence, after which he announced that services for Mr. Friedman would be held on Saturday, August 3rd, at 1:00 p.m., at the Calvary Assembly of God Church located at 1141 East Lebanon Road in Dover.

AGENDA ADDITIONS/DELETIONS

Council President Bonar stated that due to the absence of Mrs. Goldie Legates, Item #5A - Recognition of Service for Goldie Legates - Election Board, was removed from the agenda.

Mr. Hutchison moved for approval of the agenda as amended, seconded by Mrs. Williams and unanimously carried.

Council President Bonar advised members that Mr. Perza had requested the removal of Item #7A - Proposed Splash Park (Parks, Recreation, and Community Enhancement Committee Report of July 8, 2013) from the consent agenda.

Mr. Slavin moved for approval of the consent agenda as amended, seconded by Mr. Hutchison and carried by a unanimous roll call vote (Anderson absent).

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JULY 8, 2013

The Minutes of the Regular Council Meeting of July 8, 2013 were unanimously approved by motion of Mr. Slavin, seconded by Mr. Hutchison and bore the written approval of Mayor Carey.

REMARKS BY TSUNEAKI IGUCHI, MAYOR, CITY OF IWANUMA, JAPAN

Mayor Carey introduced Mayor Tsuneaki Iguchi, City of Iwanuma, Japan. Speaking in Japanese, as translated, Mayor Iguchi thanked the City for giving him this opportunity to come before City Council. During his last visit, 10 years ago, he and the then Mayor Hutchison made an agreement for each City to declare the other as a Friendship City. Since 2000, every March, Japanese students have come to City of Dover as a part of the Student Exchange Program, with the exception of 2011, when there was a great earthquake in northeast Japan which prevented the students from coming since they were scheduled to depart the day after the earthquake. He assured members that in March 2014, more students would be sent to Dover and thanked the City for accepting these students.

On behalf of the City of Iwanuma, Mayor Iguchi thanked the City of Dover for the support and assistance provided by the United States, State of Delaware, and City of Dover during and following the great northeast earthquake. He informed members that the City of Iwanuma was the fastest recovering City in the large area affected by the earthquake, for which they are very proud. He stated that Japanese Prime Minister Abe recognized this of Iwanuma and gave them encouragement. Mayor Iguchi stated that Vice-President Joe Biden visited Iwanuma following the earthquake and encouraged those students that were unable to participate in the exchange program in March 2011.

Mayor Iguchi advised members that when the exchange students arrive each year, they indicate their love for Mayor Carey and state that he is very different from their Mayor. He again thanked members for all their support and asked that they continue to keep the City of Iwanuma in their thoughts as they continue to recover.

Mayor Carey introduced Ms. Miki Smith, who served as the interpreter, and thanked her for her assistance.

PRESENTATION BY LUTHERAN SENIOR SERVICES OF DOVER, INC. - PAYMENT IN LIEU OF TAXES (PILOT)

Mr. Gary Coy, Executive Director of Lutheran Senior Services of Dover, Incorporated, presented Mayor Carey with a contribution in the amount of $27,227 as payment in lieu of taxes (PILOT) for expenses associated with City services provided to Lutheran Senior Services throughout the year.

Mayor Carey expressed his gratitude and thanked Mr. Coy and Lutheran Senior Services for their contribution.

Mr. Coy noted that Lutheran Senior Services is very appreciative of the City of Dover for the services provided for both Luther Towers and Luther Village. He reminded members that Lutheran Senior Services has now built six (6) buildings for low-income seniors and provides safe, affordable housing. He indicated that it was anticipated that construction would begin this Fall on a seventh building and that they look forward to working with the City in future endeavors.

In addition to this PILOT, Council President Bonar stated that each year on the Fourth of July, Luther Towers provides the Fourth of July Committee with approximately 75 chairs to seat the National Guard each year.

CERTIFICATE OF APPRECIATION - DELAWARE LEAGUE OF LOCAL GOVERNMENTS' 50TH ANNIVERSARY

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

Certificate of Appreciation

presented to the

Delaware League of Local Governments

for

50 years of dedicated support for municipalities through legislative advocacy at the state and federal levels.

The Mayor, Council, and Staff of the City of Dover appreciate your continued commitment to Dover and the surrounding communities.

July 22, 2013

Mayor Carey presented the Certificate of Appreciation to Mr. George Wright, Executive Director of the Delaware League of Local Governments.

On behalf of the 57 towns, cities, and villages and the three (3) counties within the State of Delaware, Mayor Wright accepted the Certificate of Appreciation. He relayed special appreciation to the City of Dover for their generous support since the early 1970's by providing office space. He

noted that the first President of the League was the Late Mayor Crawford Carroll and that several members of City Council had also served as President. He indicated that the past five (5) years had been difficult due to various federal and state budget cuts.

Mr. Hutchison personally thanked Mayor Wright for his service, noting that he had served as the foundation for the League of Local Governments throughout the State of Delaware. He stated that Mayor Wright had been a great friend and leader.

RECOGNITION OF SERVICE - DAVID A. LEWIS, JR. - PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE (MAY 2006 - MAY 2013) AND DOVER PUBLIC LIBRARY ADVISORY COMMISSION (MARCH 2008 - MAY 2011)

On behalf of members of Council, Mayor Carey presented Mr. David A. Lewis, Jr. with a Dover Cup in recognition of his service on the Parks, Recreation, and Community Enhancement Committee from May 2006 through May 2013, and the Dover Public Library Advisory Commission from March 2008 through May 2011.

Mr. Lewis thanked members for the recognition and relayed his appreciation to Councilwoman Williams for leading him in the direction to serve as a member of the Parks, Recreation, and Community Enhancement Committee. He stated that, with the assistance of former Councilmen Ruane and McGlumphy and the late Councilwoman Russell, he learned how to serve as a member and enjoyed his tenure. He also thanked his wife, Felicia; his son, Keith; and his daughter, who was unable to join him. He thanked the Mayor for his open door policy and City Council and Mrs. Ann Marie Townshend for their assistance.

PROPOSED RESOLUTION NO. 2013-20 - RONALD SHOMO

The City Clerk read a proposed Resolution recognizing Mr. Ronald Shomo for his faithful and exemplary service as an active member of the City of Dover Planning Commission from June 14, 2010 through June 17, 2013.

Mr. Lynn moved for adoption of the Resolution, seconded by Mr. Hare, and by a unanimous roll call vote (Anderson absent), Council adopted Resolution No. 2013-20, as follows:

WHEREAS, Ronald Shomo was appointed to the City of Dover Planning Commission on June 14, 2010 and has served with diligence and distinction in this capacity as an advocate for sound land use planning in the public interest, ensuring fundamental fairness and careful forethought in the planning and development of the Capital City; and,

WHEREAS, Ronald Shomo has influenced the pattern and appearance of development in Dover through his contributions as a Planning Commissioner to the implementation of the 2008 Comprehensive Plan and his participation in the development of numerous amendments to the City of Dover Zoning Ordinance including the AEOZ and ROS zones, and amendments to the environmental provisions, the application procedures, and other site development improvements; and,

WHEREAS, Ronald Shomo completed his service on the City of Dover Planning Commission on June 17, 2013.

NOW THEREFORE BE IT RESOLVED that the Mayor, Council and Planning Commission do hereby express their sincere appreciation to Ronald Shomo for his faithful and exemplary service to the Citizens of the City of Dover as an active member of the City of Dover Planning Commission.

BE IT FURTHER RESOLVED that the Mayor, Council and Planning Commission wish Ronald Shomo success in all future endeavors and direct the City Clerk to make this resolution a part of the permanent records of the City of Dover as a lasting symbol of appreciation and gratitude to Ronald Shomo.

ADOPTED: JULY 22, 2013

Mayor Carey presented the Resolution to Mr. Shomo and relayed appreciation for his service to the City of Dover and the community and noted that he will be continuing to serve the City as a member of the Greater Dover Arts Council.

Mr. Shomo indicated that it was quite an experience serving as a member of the Planning Commission and relayed his hope that Dover appreciated its outstanding City planners. He also thanked Dover, noting that 42 years ago when the Dover Symphony first started, he soon became Director of the Orchestra and continued to serve in that capacity for 20 years. In addition, he noted that he worked in the Dover High School Band Program, which began with 30 members in the band and had 230 members during his last year there. Mr. Shomo thanked his wife, Ruth, for her understanding and support, explaining that he was often gone during the evenings due to rehearsals.

Mr. Lynn thanked Mr. Shomo for his dedication to the community over many years and his family for sharing him. He noted that the community was better as a result of his commitment.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - JULY 8, 2013

The Parks, Recreation, and Community Enhancement Committee met on July 8, 2013 with Chairman Dixon presiding.

Proposed Splash Park

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that when the North Dover Athletic Pool was removed and swimming became restricted at Silver Lake, the City determined that there was a need to begin planning for water recreation. After conducting research, it was determined that a Splash/Spray Park would be a viable option for providing water-based recreation without the costs and liabilities that would be associated with operating a public pool, explaining that since a Splash/Spray Park would not hold water, it would not require a life guard and would not have the same liability issues as a pool.

Mrs. Townshend stated that once the City made the determination for a Splash/Spray Park, park locations were evaluated. Although there was discussion of locating the Splash Park at Silver Lake, it was staff's belief that there were constraints, making it infeasible. The City was also in the process of developing a master plan for Schutte Park, and the decision was made that this would be the appropriate location for the Splash Park.

Mrs. Townshend noted that the Splash Park was added to the Parks and Recreation Capital Improvement Plan (CIP); however, due to the City's fiscal constraints, it was moved to out years for design in FY15, in the amount of $20,000, and construction in FY16, in the amount of $280,000. She stated that the location at Schutte Park has been discussed with the City Manager, and it has been determined that a public process to evaluate appropriate locations should be undertaken, with a location ultimately to be approved by City Council following a recommendation of the Parks, Recreation and Community Enhancement Committee. She indicated that the City Manager felt that the park should be more centrally located and accessible by walking. Mrs. Townshend indicated that the City has three (3) parks, Schutte Park, Dover Park, and Silver Lake Park. At this time, staff felt that public opinion as to the best location should first be determined and then the City could address infrastructure issues and other concerns so that the design process could begin, with the following schedule being proposed for the Splash Park project: FY14 - Outreach and Siting, FY15 and FY16 - Design and Construction.

Staff recommended that public outreach and the feasibility of potential locations be performed to determine the most suitable location for the proposed Splash Park so that the design can proceed in FY15, with a recommendation being made to the Committee regarding the proposed location following the public outreach.

Responding to Mr. Caldwell, Mrs. Townshend advised members that although there are no other splash parks within the State of Delaware, there are in Pennsylvania (near Delaware) and Maryland. Mr. Caldwell relayed concern regarding the initial and ongoing costs, explaining that there would be costs for maintenance, employees, equipment, etc. He also relayed concerns regarding security and safety.

Mrs. Horsey referred to an article she read in the *Wilmington News Journal* regarding some type of water fountains located throughout the City of Wilmington. She felt that the City of Wilmington may be able to provide additional information regarding costs, design, etc. She indicated her support for obtaining public input regarding the location of the park.

In response to Mr. Dixon, Mr. Scott Koenig, City Manager, indicated that the proposed Splash Park was one of those "nice to have" projects and would not be a revenue generator. He felt that the age group of users of the park needed to be determined since this would determine the actual design of the park.

Regarding costs, Mrs. Townshend explained that instituting a charge for use of the park would only drive costs up since there would be a need for the City to hire someone to ensure users have made payment for use of the park, which was not the original intention.

Mr. Koenig reiterated that staff should be directed to determine if the City was addressing the needs of the right age group and if such a park would be the best method to address the needs of that group. He stated that once that is determined, along with the location, the cost issues would be addressed and explained the possibility that the initial set-up costs may be significant. In addition, he stated that security concerns and issues such as what would happen to the park after hours would need to be further researched before the park could be designed.

In response to Mr. Caldwell's previous concerns, Mr. Koenig confirmed that the City needed to determine whether a splash park was an option desired by the community, noting that currently, there were no water-related activities in the City and that a splash park would be the least expensive option, compared to cleaning up Silver Lake or consideration of a public swimming pool. He explained that there was also a question as to how often such a park would be used.

Concurring with Mr. Caldwell's concerns regarding costs, Mr. Dixon reminded members that the City recently expended funds for basketball courts on Kirkwood Street as well as a playground and park on New Street, which are now seldom used.

The Committee recommended that staff be instructed to move forward with the proposed Splash/Spray Park by performing public outreach and examining local parks to determine the most suitable location, taking the concerns expressed by the Committee into consideration, and subsequently presenting the findings to the Committee.

During the Council Meeting, Mr. Perza questioned if the Committee's recommendation would require any budgetary expenditure. Responding, Mrs. Townshend assured members that there would be no budgetary expenditure at this time.

Mr. Lynn moved for approval of the Committee's recommendation that staff be instructed to move forward with the proposed Splash/Spray Park by performing public outreach and examining local parks to determine the most suitable location, taking the concerns expressed by the Committee into consideration, and subsequently presenting the findings to the Committee. The motion was seconded by Mr. Slavin and carried with Mr. Perza voting no.

Future Use of the Dover Park Recreation Center

Mr. Scott Koenig, City Manager, advised members that since the opening of the John W. Pitts Center in April 2008, the demand for use of the Recreation Center building at Dover Park had declined. Although the City continued to rent the Dover Park Recreation Center out for parties, the Pitts Center became the primary focus of the City's recreation programming. He noted that the Recreation Center, which had been a hub of community activity during previous years, no longer served the purposes of the City's recreation programming and that programs that were scheduled for the Recreation Center were frequently cancelled due to low attendance.

Mr. Koenig also advised members that the building, which was constructed in 1974, had become dated and in need of investment to maintain functionality. He stated that staff offices continued to be located at the Recreation Center until August 2012, when all Recreation staff were relocated to

the Pitts Center. He indicated that the City had discontinued rental of the building and that the FY2013 budget included $30,000 in the Capital Improvement Plan (CIP) to replace the roof of the building, explaining that the roof had routinely been patched to repair leaks.

Mr. Koenig reminded members that during FY2013, there was discussion about potentially renting the building out to a non-profit organization. Before investing funds to replace the roof and pursuing the potential of leasing the building to a non-profit organization, staff felt it was important to do a full assessment of the building to determine what other investments would be necessary to make the building functional, as all of the building's systems were dated and in need of some update. As a result, he stated that Compliance Environmental, Inc., was retained to do a Building Condition Survey. Members reviewed the "Report of Findings from a Building Condition Survey" dated May 6, 2013. Mr. Koenig noted that Table 1 in Attachment A included a summary of the recommended repairs as well as cost estimates. He advised members that although the Building Condition Survey did not include a structural engineering report, if City Council wished to keep the building and renovate it, staff would recommend that a structural engineering report be obtained prior to any renovations. However, based on the information contained in the Building Condition Survey, he stated that staff recommended demolition of the structure and noted that the costs associated with demolition, estimated at $20,000 for Asbestos Removal and $30,000 for Demolition (bids would require City Council approval), were not currently budgeted.

Staff recommended that the Recreation Center building at Dover Park be demolished.

Mr. Caldwell indicated his concerns regarding the demolition of the building and felt that this would cause the City to lose funds. Responding, Mrs. Townshend advised members that the YMCA was currently using the building for their Summer Camp Program and that they had a separate reservation for fields and pavilions. She noted the benefit of having a presence in the park since there had been problems with vandalism (broken windows) and that the City had been spending money to maintain the building. One of the benefits of the YMCA utilizing the building was that the associated agreement included a provision that the YMCA was responsible for paying the utility bill.

Mrs. Townshend stated that the City would need to make a significant investment to complete the renovations that would be required to the building and that it would be less expensive to demolish it. She explained that not only had the design of the building caused the City a great deal of money, but there were other concerns with the building, such as lead paint and asbestos issues, as mentioned in the Building Survey Report.

Mrs. Horsey indicated that she typically opposes the demolition of buildings; however, she was aware of the substantial costs the building had caused the City, as well as the issues included in the Building Survey Report.

Mr. Koenig noted that it would cost the City approximately $150,000 to $170,000 in order to address those issues listed in the Building Survey Report. If Council decided to move forward with addressing those issues, he explained, the next question would be for what purpose the City would use the building and what type of security would be utilized. If the building were demolished, he indicated that staff would need to develop an alternative plan for the use of the site.

In response to concerns that the City would discount the park if the building were removed, Mrs. Townshend assured members that this was not staff's intent, explaining that the City's best tennis courts are located there and continued to be used, a church softball league played there, the YMCA used the multi-purpose field this year for its soccer program, etc. Noting that it was a beautiful City park, she explained the need for staff to determine how to increase use of the park and develop a plan to make it a community asset.

The Committee recommended moving forward with the demolition of the Dover Park Recreation Center building, based on the reports provided, as recommended by staff.

Mr. Dixon noted that since the Committee meeting, several members of the community had relayed opposition to the demolition of the Dover Park Recreation Center building, as recommended by the Committee. As a result, he felt that the matter should be referred back to the Committee for further discussion.

Mr. Dixon moved to refer the consideration of the future use of the Dover Park Recreation Center back to the Parks, Recreation, and Community Enhancement Committee for further discussion, seconded by Mr. Slavin.

Responding to Mr. Hutchison, Mr. Koenig stated that the building was constructed in 1974 and that the report prepared by Compliance Environmental, Inc. identified approximately $110,000 worth of improvements needed related to environmental conditions. In addition, he stated that there would be additional costs associated with American Disabilities Act (ADA) requirements, resulting in a minimum total cost of $150,000 for the building to become operational.

In response to Mr. Slavin, Mr. Koenig confirmed that the building was currently being used for summer camp by the YMCA, which served approximately 50 children.

In response to Mr. Lynn, Mr. Koenig indicated that, to his knowledge, there was no conscientious effort to delay maintenance on the building. In recent years, the building had been utilized by City staff and as office space for the League of Local Governments. Some of the issues with the building included an aged roof and windows, the presence of asbestos, etc. Several of these issues were simply due to the initial construction of the building, explaining that the type of windows installed were common for that period, as well as the use of asbestos material. He indicated that the building was antiquated in terms of its layout, explaining that the architecture was more prevalent for that period of time and for several years the building had not been able to be used as a functioning recreational center, other than for special events.

Responding to Mrs. Williams, Mr. Koenig stated that no one had approached the City regarding the purchase of the building, which he felt could not be done due to the building's location within a City Park. However, he stated that there had been discussions with a non-profit organization who indicated interest in the building and that staff had been contacted by several other non-profit organizations who had also expressed interest. He explained that staff's concern regarding use of

the building by a non-profit group was that it would be necessary for the City to advertise and go through a Request for Proposals (RFP) process and to develop some type of criteria for evaluating those proposals. In addition, he relayed his reluctance to allow any long-term tenant use of the building without renovations.

With regard to a non-profit organization utilizing the building, Mr. Koenig indicated his concerns as to how the City would control the programming and the use of the balance of the park outside of the building, etc.

Mrs. Williams noted that in 1994, when the 801 Shelter was in the same condition as the Center, application was made to the Delaware State Housing Authority for a grant to reconstruct the building. The grant received was $220,000 and included preconstruction design, etc. She questioned if there had been any effort to seek a partner that could help the City with the Center in this way. Responding, Mr. Koenig stated that staff had not researched this possibility nor pursued any discussions regarding grants or loans associated with improvements to the building.

Mrs. Townshend indicated her feeling that, although staff could explore the possibility of obtaining grant monies, the challenge would be what the function of the building would be if restored. She explained that if the plan would be for the City to run programs, this would result in an increase over the current level of service. Regarding Mrs. Williams' suggestion for some staff to be transferred from Schutte Park, Mrs. Townshend explained that, from an administrative standpoint, it had been determined to be more efficient for staff to be centrally located in one building and that it would be necessary to review the best way to provide staff at the Center.

Mr. Perza noted that demolition of the building would cost approximately $20,000 and refurbishing the building would cost approximately $150,000. He questioned if staff had determined costs for constructing an entirely new building at the site. Responding, Mr. Koenig felt that the costs for new construction would be comparable if considering the life cycle; however, he relayed concern that those costs would be substantial. Mr. Perza referred to the parks utilized when he was a child in the Mayfair, Crossgates, and Sherwood neighborhoods and advised members that there was no building at these parks and they still served their purpose. Although he understood the purpose of such community buildings, he did not feel that having a building in a park was an absolute necessity.

Should Council refer this matter back to the Committee, Mr. Slavin encouraged members to explore the possibility of a public/private partnership for the building as a potential solution. He advised members of his familiarity with public/private partnerships in his position with the State, explaining that there are 40 properties managed, with about a dozen of those being occupied by non-profit organizations who pay nominal rent, sometimes only $1 per year, and pay for their utilities. The State then uses their not-for-profit status as a partnership to attract private funding. He assured members that this was a model that had proven useful and stated his willingness to explain to the Committee how this is accomplished.

Responding to Mr. Hare, Mrs. Townshend confirmed that for the past several years recreational programs scheduled for the Center had to be cancelled due to the lack of registration. If there were participation and registration for these programs, the future use of the building would not be an issue

and the City would be considering expanding the programming to have it function as a drop-in recreation center; however, she stated that it had been at least 15 years since the Center had functioned in that way.

Mr. Lynn stated that whether or not there are activities occurring at the Center was not related to whether or not the City chooses to make the necessary repairs. He also suggested that the programs that have been offered may not suit the needs of the surrounding community. He felt that there may be a programming issue rather than a participation issue leading to the lack of the use of the Center.

Council President Bonar noted the receipt of several letters and emails in opposition to the demolition of the building, including a message from Councilman Anderson encouraging members to defer action and consider seeking a partnership with a non-profit organization.

Mrs. Williams suggested that staff be instructed to research the possibility of a public/private partnership or develop a recommendation for obtaining funds to either renovate or replace the building prior to the Committee's review.

Mrs. Townshend requested that staff be provided additional time to conduct the research and provide recommendations to the Committee in September.

The motion to refer the matter back to the Committee, with the proviso that staff research methodologies for funding repair or replacement or finding a public/private partnership to keep the Recreation Center in operation was unanimously carried.

Mr. Perza questioned the possibility of the Committee meeting being held at the Center when this matter is further considered by the Committee during their meeting in September. He felt it would prove to be beneficial to actual be at the site when discussing matters related to the building.

Mr. Lynn moved for acceptance of the Parks, Recreation, and Community Enhancement Committee Report, seconded by Mr. Slavin and unanimously carried.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - JULY 8, 2013

The Legislative, Finance, and Administration Committee met on July 8, 2013 with Chairman Lynn presiding.

Proposed Amendments to Chapter 58 - Human Relations Commission

During their meeting of June 10, 2013, Council approved the Committee's recommendation of May 28, 2013 that the Chair of the Legislative, Finance, and Administration Committee schedule a Special Meeting for the purpose of discussing recommendation Items #1-5 included in the Committee Action Form (CAF) pertaining to the Dover Human Relations Commission (DHRC).

During the Committee meeting of June 24, 2013, Mr. Hutchison stated that since the creation of the DHRC in 2002, it had served a very important part in addressing some critical issues in the City; however, based upon past performance, there were some issues and concerns which needed to be reviewed and addressed. He voiced his concerns regarding the size of the Commission, stating that

15 members were too many, and the serious problem of retaining members, noting the Mayor and Council had received resignations from numerous members. The Committee reviewed each of the five (5) recommended items and then opened the floor for public comments. After much discussion, members tabled the matter until the next meeting to allow the opportunity for members to obtain and review the DHRC by-laws, the number and type of complaints received, and research regarding the City Solicitor's review of the formation of the DHRC

The Committee removed the matter from the table.

Mr. Hare reiterated his desire to reduce the membership of the Commission to nine (9) members, to include two (2) members from each Council district and one (1) at-large, similar to the Planning Commission membership, feeling that each Council district should be represented and that all members should be City of Dover residents.

Concurring, Mr. Dixon felt that it would be more beneficial for the Commission to be comprised of representatives from each election district to create a balance. He stated his opinion that the Commission should provide training to City officials, as the Delaware State Human Relation Commission (SHRC) does for State officials, to ensure the fair treatment of all people.

Mr. Rushe questioned if there was a need for the Commission to meet on a monthly basis and suggested that their meeting requirements be reduced to quarterly or on an as needed basis.

Bishop Gregory Gordon, 56 South New Street, felt that the three (3) minute time limit was insufficient for public testimony. He reminded members that the DHRC was a link between the City and the citizens of Dover that afforded the citizens the ability to come before a body that would listen and take action. He noted that many DHRC members took a personal vested interest in the problems relayed to them and would advise citizens of solutions or direction regarding how to alleviate their problem. Bishop Gordon advised members of concerns regarding equality for those merchants located on the west end of Loockerman Street beyond Governors Avenue, noting that they were not provided the same funding as businesses located east of Governors Avenue. In addition, he noted that previously there was no ability to display street banners on the west end of Loockerman Street, although subsequently changes were made that allowed for banners to be hung in this area.

Mr. EShed Alston, 406 Arnold Court, concurred with the objections of Bishop Gordon regarding the three (3) minute time limit for public testimony. He explained his main concern was how the DHRC, the City administration, or City Council "dropped the ball" which resulted in two (2) dead children (Connelly and Clark). He expressed his belief that in these cases contemporaneous records exist and have been obstructed. He referred to records he had obtained that he felt raised pertinent issues, such as whether direction came from the City of Dover or Delaware Department of Justice, and questioned who was running the City of Dover. He stated that initially, in September 2012, a contemporaneous record was made that was obstructed by the City of Dover and indicated that he alleged and intended to prove beyond any reasonable doubt that the City of Dover was well aware of what was going on and obstructed it. Mr. Alston stated that there had been obstruction of justice, collusion, and conspiracy to collude, which were serious charges that he could prove.

Ms. Gail Tolbert, member of the White Oak Homeowners Association, stated that with the exception of Councilman Lynn and an additional representative, no other members of Council visit the area during elections, which she stated made it difficult when she attempted to encourage new residents to vote. She questioned why no one knows who they are when there is a problem in that area. She indicated that there were residents moving in and out of the White Oak and Towne Point subdivisions and requested that all elected officials visit the residents in the area.

Ms. Rochelle Jackson requested that Bishop Gordon be provided her allotted time to speak.

The committee suspended the rules to allow the public additional time beyond the allotted three (3) minutes to speak.

Bishop Gordon noted that the City had expended funds to beautify the downtown area and had erected buildings, created parks, etc.; however, he questioned what was being done for others in the area that do not have jobs. He felt that the DHRC had pulled together, with the assistance of his ministry, to develop what is called "Second Chance Partners." The DHRC was able to hold a bank of people with employable gifts that could be used to support their family. By offering such opportunities, he advised members that 300 people had been able to acquire jobs through his ministry and that the DHRC had been very instrumental in providing him with direction in this regard. Bishop Gordon explained that some of the "Second Chance" employers accept the individuals with their backgrounds, knowing that they had come through his ministry and its teachings and that they were trying to rehabilitate themselves. Bishop Gordon indicated that these individuals were drug tested and offered drug prevention scenarios. Although his ministry assists the homeless, he explained that some people do not want to change; therefore, there would always be a homeless presence. However, he assured members that there were some individuals that need and want the help offered. In relaying his support of the DHRC, he requested those in the audience that felt that the Commission was necessary to stand and noted that there were 11 people who stood in support.

Mr. Rushe felt that members did not wish to eliminate the DHRC but desired to make it better. Noting that the Dover Code currently provided for 15 members to serve on the Commission, it was his feeling that the Commission could be better structured with fewer members serving and questioned the meeting requirements (monthly, quarterly, etc.).

Responding, Bishop Gordon felt that the DHRC should meet more often than monthly and did not feel that it would be beneficial to reduce the membership. He requested that members look into their hearts and, while they are eating lavish meals (such as Thanksgiving) in their big, nice homes, with several family members and friends, that they consider the person eating a can of spam with some dried toast and sharing it with their family. He stated that the DHRC wholeheartedly understood these types of situations and that members had helped facilitate meals for others. With this kind of help being provided, Bishop Gordon stated that rather than reducing the membership, he felt there was a need for the Commission to have 30 members.

Noting the passion of Bishop Gordon, Mr. Alston felt that it would be a different Commission if someone like Bishop Gordon served as a member or someone like himself with legal training. He suggested that City Council recruit the "Gordons" and "Alstons" in the community since they had

the skills and passion to do the things that were not being done. He stated that the problems were not due to economics or politics but rather issues of "will or will not" and, in this case, it had been a "will not." He questioned if members had the will to make a change or not. He noted that if there were no change, the status quo would continue. If members did not take action to resolve these issues, he stated that such matters would be reviewed and resolved by a court.

Dr. Jahi Issa, 1300 S. Farmview Drive, explained that his intent and that of others in attendance was not to embarrass the City but rather to make Dover a better place for all citizens. He felt that if any citizen felt unsafe, it was the right of the elected official to alleviate this feeling. It was his opinion that members of City Council wished to ignore the complaints made rather than addressing the issues. He suggested that members take the issues seriously and not run from them.

Dr. Issa advised members of complaints made to the DHRC and, although the minutes of the meeting were not available, he had a video of a legitimate DHRC meeting that everyone was "pretending never happened." He stated that the complaints consist of murders and attempted murders by the individuals that lived at 30 Governors Avenue and were brought to the attention of the Mayor, with names and addresses. He expressed hope that there would be a proper investigation or citizens would be allowed to create a task force and launch an investigation so that they did not have to walk the streets in fear. He noted that white citizens did not have this fear; however, black citizens were familiar with this ugly, age-old fear.

Responding and taking offense to certain comments, Mr. Hare assured Dr. Issa that such fear was not relative to citizens being black or white. He explained that recently, while his grandchildren were visiting, his home was broken into and burglarized while everyone was sleeping and that he, a white man, had fear, along with several others in the neighborhood. He stated that it was not just the black residents in the community or those who live in certain locations in the City that had fear of certain things, explaining that such actions were taking place all over the City and to all people. He stated that the burglary incident at his house was not taken to the DHRC but rather reported to the Dover Police Department.

In response to Mr. Hare, Dr. Issa explained that he was referring to murders and attempted murders that were being covered up and that the fears of black residents were a totally different, historical reality.

Mr. Doug Beatty, 50 N. Draper Circle, Magnolia, stated that he served as a talk show host during the weekends for WGMB radio. He referred to Page 13 of the DHRC Response to Action Form, dated June 24, 2013, which was an email from Councilman Anderson indicating that Dr. Issa was traveling in dangerous company with the War on the Horizon website radicals and this posed a danger. Mr. Beatty advised members that the gentleman known as "Irritated Genie" on this website interviewed himself, Dr. Issa, Henery Fordham, and Johnny Clark's mother when no one else would touch the story. Mr. Beatty stated that War on the Horizon was not the first choice of media outlets and that other media outlets and law enforcement agencies were contacted before this website was approached. He stated his understanding that Council's sensibilities might be shocked by the website; however, he felt the content was "nothing" compared to the feelings experienced by someone who had worn a badge and risked their life to uphold the oath of office when they review what happened to Henery Fordham. He questioned why no one could catch the two (2) individuals

involved, noting that he had personally given the first and last name, address, and landlord's name of one of them to the Mayor. Mr. Beatty stated that if he had to obtain a Facebook picture of this individual he would. He noted that it was not his wish to embarrass the City or cause trouble. He indicated that he had been asked to help in this situation and no one else would listen to those involved. He urged members of Council to retain the DHRC, request an investigation into the lynching incidents, and determine what happened to Henery Fordham.

For the record, Mr. Alston stated that he was an honorably discharged American veteran and would not allow anyone to speak to him disrespectfully. Responding, Mr. Hare apologized.

Mr. Hutchison stated his opinion that the DHRC served as a very important body for the City, that there should be four (4) mandatory meetings each year (quarterly), and that all other meetings should be called based upon complaints. In addition, he felt that reducing the membership to seven (7) to nine (9) would be sufficient and allow the membership to work together regarding concerns related to the community.

In regard to the meetings, Mr. Rushe suggested, in addition to specifying a minimum number of meetings being held, that the current by-laws be continued that would allow any three (3) members to call a meeting.

Mr. Dixon reiterated his desire for the Commission to provide training to the leadership of the City to provide an understanding of the mission of the DHRC.

Based on the discussion, Mr. Slavin noted that there was a desire to have a large membership on the Commission; however, the past experience was that some members do not attend meetings. He felt that the Commission should be involved with education on issues seminal to the City and its residents. He suggested that the model they could adopt would be to have a series of mandatory meetings, have the ability to call a meeting if the need arose, and to establish a series of workshops that could be held throughout the year. He stated that the workshops could be sponsored by the Commission but not necessarily "meetings of the Dover Human Relations Commission," which he felt could be accomplished without having a quorum of the Commission since they would only be sponsoring the workshop.

Chairman Lynn reminded members that the recommendation as presented by Councilman Hutchison was for the Legislative, Finance, and Administration Committee to examine the role and performance of the Dover Human Relations Commission to determine the following: 1) if the Commission is fulfilling its purpose; 2) if there is evidence of a continued necessity for the Commission, or if it is a duplication of services provided by other agencies, committees, etc. within the City and/or State of Delaware; 3) the possibility of amending Sec. 58-33 (c) - Meetings, of the Dover Code to limit the Commission to meeting on an as needed basis, in the same manner as many other City committees, commissions and boards, including the Awards Committee, Election Board, Ethics Commission, and Property Maintenance Code Board of Appeals; 4) the possibility of amending Sec. 58-32 (b) - Composition; appointment, of the Dover Code to reduce the membership of the Commission from fifteen (15) to seven (7), which would maintain the threshold originally proposed during the Dover Community Meeting of December 4, 2001; and 5) direct staff to prepare a Proposed Ordinance reflecting the recommendations of the Committee.

As a result of the discussions regarding this matter, Chairman Lynn expressed his opinion that the responses to the above recommendations were as follows:

1) To some extent, the Commission was fulfilling its purpose.
2) There was continued evidence of necessity for the Commission.
3) Additional discussion was required regarding the Commission meetings.
4) Additional discussion was required regarding the desired number of members for serving on the Commission.
5) Members needed to provide further direction in order for staff to prepare any necessary ordinance amendments.

He questioned if there were any suggestions as to how the desires of the Committee could be "distilled down" and put into an appropriate format for staff to develop any necessary ordinance amendments for Council's consideration.

Responding, Mr. Slavin felt that there was not enough time left during the meeting for members to further discuss the issues and develop a recommendation. Given the importance of this issue and to allow more time for discussions, he suggested that this matter be brought back at the next scheduled Committee meeting.

The Committee tabled the matter and requested that it be put on the agenda for the next Legislative, Finance, and Administration Committee Meeting.

At the request of Mr. Rushe, those members of the Dover Human Relations Commission that were in attendance stood (two (2) members). Noting that several of the DHRC members were not in attendance, he urged all DHRC members to attend the next meeting in order for them to provide their input, feeling that it would be beneficial for members in making a final determination.

Chairman Lynn requested that Mr. Sudler reach out to the membership and request their attendance during the next Committee meeting in order for them to state their feelings regarding the issue.

Mr. Slavin indicated that anyone who wished to directly discuss this issue with any member of Council should feel free to do so.

Council took no further action.

By consent agenda, Mr. Slavin moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Hutchison and carried by a unanimous roll call vote (Anderson absent).

UTILITY COMMITTEE REPORT - JULY 22, 2013

The Utility Committee met on July 22, 2013 with Chairwoman Williams presiding. Except for the following time sensitive issue, the Committee Report from July 22, 2013 will be presented to Council during their Regular Meeting of August 12, 2013 for review and consideration.

Proposed Amendments - Water/Wastewater Capital Improvement Projects (CIP)

Mr. Scott Koenig, City Manager, reminded members that during their meeting of February 13, 2012, information was provided regarding the Calpine project at the Garrison Oak Technical Park. Staff requested support for City funding for infrastructure improvements up to a target of $6M. At the time of the request, it was not known how much of this amount would need to be allocated for streets, storm water, water, and wastewater. This $6M was included in the FY13 Capital Improvement Plan (CIP) as a placeholder and was divided up as follows: $2M for streets and storm water, $2M for water, and $2M for wastewater, and these projects were budgeted in the FY13 CIP.

Mr. Koenig stated that there were tenants, including LS Power, that did not require utility infrastructure associated with the City supplying utilities; however, the remainder of the park was intended to be an industrial, manufacturing park that would have tenants with various demands. He reminded members of the discussion that occurred in February 2012 when the Calpine Project was considered. He noted that the first energy block proposed to be built by Calpine consisted of 309 MW and that there was a potential for a second 309 MW, for a total of 618 MW of power production. He explained that this demand was driving the actual build-out and the proposals for the water infrastructure associated with the project. As staff had moved forward in the planning of the wastewater infrastructure, demands had been tagged to various lots located within the development in order to provide a profile of the types of companies that the City hoped to have located at the Garrison Farm.

Mr. Koenig reminded members that the $6M included in the CIP was based on discussions with Calpine regarding infrastructure improvements associated with the Calpine Project and development of the Garrison Farm. He stated that since then, staff had been reviewing a detailed engineering analysis of the actual needs, explaining that staff needed to determine what would be required of the City when Calpine had indicated a peak demand of over 2M gallons per day in order for the City to provide fire protection and elevated storage, and to make this demand work with the remainder of the system. As a result, staff had developed proposed revisions to the CIP that would allow the City to move forward with the construction on the infrastructure projects since bids were now beginning to be received.

Mr. Koenig indicated that development of the conceptual design and technical specifications of the elevated water tank by the URS Corporation was approved by Council in September 2012 in the amount of $49,000 and this was completed in April 2013. The original scope of the water project was changed to increase the pipe size and tank size. The tank was originally estimated for 1 million gallons and the pipe was a 12-inch main. The size needed, based on requirements of the Calpine project, is a 1.5 million gallon tank and a 16-inch main. He explained that these factors, as well as the soil condition, had resulted in a revised project estimate of $4,235,000.

Mr. Koenig reminded members that the design of the wastewater facilities by Pennoni Associates, Inc. was approved by City Council in September 2012 in an amount not to exceed $365,000 and would be completed by August 2013. This firm was tasked with pump station design, analysis and design of existing force main and gravity sewer, analysis and upgrade design to existing PS #5, and abandonment and design of existing PS #14. He stated that in order to facilitate the tie into the County system, it would be necessary for this project cost estimate to be increased to $3,224,200.

Mr. Koenig advised members that the streets and storm sewer design was close to completion by Becker Morgan Group. He stated that, based on current information, staff anticipated this project to be within the estimate of $2M.

Mr. Koenig explained that in order to cover the increased estimated costs of these projects, which now totaled $9,459,200, staff had revised the CIP. If other funding sources were to become available or actual costs were lower, he assured members that staff would replenish the projects affected by priority of need. He reviewed the proposed revisions to Water/Wastewater Capital Improvement Plans FY13 and FY14, as follows:

Project	Current Estimate	Revised Estimate
GOTP - Water System Improvements - Bond	$2,000,000	$4,235,000
Transfer Water Quality Improvements - FY13	250,000	
Transfer Water Quality Improvements - FY14	905,000	
Transfer Emergency Generators - FY14	80,000	
Transfer - WW System Improvements - Bond - FY13	1,000,000	
Total GOTP - Water System Improvements	$4,235,000	
GOTP - Wastewater System Improvements - Bond	$2,000,000	$3,224,200
Transfer to GOTP - Water Infrastructure - FY13	(1,000,000)	
Transfer Wastewater Impact Fees - FY14	1,000,000	
Transfer Inflow Infiltration Improvements - FY14	1,013,800	
Defer purchase of Jet Truck - FY14	210,400	
Total GOTP - Wastewater System Improvements	$3,224,200	

Mr. Koenig indicated that the proposed amendments would contain the project costs within the approved budget by deferring other system improvements until they could either be re-budgeted or by moving money back into the projects through possible savings in other projects, additional financing, etc. He explained that if the City were to seek State Revolving Funds and other means of financing these projects, additional engineering studies would most likely be required, which would jeopardize the timelines that had been discussed with Calpine and other new tenants. He advised members that recently there had been a substantial increase in the level of interest in the Park and, as a result, there had been several meetings with potential tenants.

Staff recommended approval of the Revised Capital Improvement Plan for FY14. Due to time constraints, staff requested that this item be considered by City Council during the meeting being held later in the evening.

In response to Mr. Slavin, Mr. Koenig concurred that he had major concerns with deferring capital improvement projects. In regard to staff's request that this matter be considered by City Council during the meeting scheduled for later in the evening, Mr. Koenig noted that the bids for the Garrison Water Storage Tank would also be presented to City Council for consideration later in the evening and, according to discussions with Mrs. Donna Mitchell, Treasurer/Controller, it would be necessary to amend the CIP prior to taking action on the storage tank. He indicated that if approval for the CIP amendments was not granted, no action would be taken on the storage tank.

Mr. Slavin relayed his concerns regarding the difference between the estimated and actual costs and the difficult position Council was put in due to the statements and pronouncements made during the budget hearings. Responding, Mr. Koenig stated that he shared these concerns; however, he reminded members that when Calpine comes on line, Calpine will become the City's largest customer and substantial revenues would be generated. He explained that the revenue generated by the Calpine project would help fund additional projects in the future and that these revenues would be realized in June 2015.

Responding to Mr. Slavin regarding the $1M in wastewater impact fees in FY14, Mrs. Mitchell explained that the impact fee reserve for wastewater in the Water/Wastewater Five (5) Year Forecast was $3.6M. These impact fees had been used for growth portions of projects, resulting in an amount of $1.6M at the end of the five (5) years. She indicated that this amount was now at $600,000 since another $1M would be taken for this project.

Mrs. Williams questioned if staff had contacted the State of Delaware regarding the possibility of increasing Payment in Lieu of Taxes (PILOT) amounts paid by the State. Responding, Mr. Koenig stated that staff had not discussed the possibility of an amendment to the amount of PILOT payments from the State because it was his understanding that this was determined by a legislated formula. Since the State would benefit greatly from the development of the Garrison Park, Mrs. Williams urged staff to contact the Governor and local legislators regarding their financial assistance in this matter. In regard to Calpine, Mr. Koenig stated that Calpine selected the Garrison Park for utility and land planning reasons, explaining that the City had enough water and land, as well as appropriate land use to serve them. He assured members that it was Calpine's intent to make money.

Mr. Koenig assured members that staff was tasked with maintaining the current system as well as growing the system. He explained that the City would need to make a choice and determine if the project warranted the system being expanded in this way. In making this decision, he noted that utility growth assists the City in spreading the burden of actual maintenance among more customers.

Responding to Mr. Slavin, Mr. Koenig stated that the related bids were received on June 27, 2013 and were valid for 90 days.

Mr. Hutchison reminded members that the Garrison Farm is owned by the City because of a $2M gift from the State of Delaware.

Mr. Koenig stated that additional financing was not considered by staff because the five (5) year forecasting models proposed to City Council did not include any additional debt service associated with additional financing. The requested amendments would maintain the current debt service and financing plans that had been presented to Council for the five (5) year projections.

Responding to Mr. Perza, Mr. Koenig did not feel that members could earmark future revenues to replace funds that would be transferred by deferring capital improvement projects. He suggested the possibility of members taking such action during adoption of the City's budget.

The Committee recommended approval of Revised Capital Improvement Plan for FY14 as recommended by staff.

During the Council Meeting, Mr. Koenig reviewed the material that was provided, reviewed, and discussed by the Committee during their meeting held earlier in the evening.

In response to Mr. Hutchison, Mr. Koenig stated that at this point, the City had expended a total of $400,000 for infrastructure improvements.

Mrs. Williams moved for approval of the Committee's recommendation for approval of the Revised Capital Improvement Plan for FY14, as recommended by staff. The motion was seconded by Mr. Hutchison and carried by a roll call vote of six (6) yes (Dixon, Perza, Williams, Hare, Hutchison, and Bonar), two (2) no (Lynn and Slavin), and one (1) absent (Anderson).

Mrs. Williams moved for acceptance of the Utility Committee Report, seconded by Mr. Hare and unanimously carried.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - JULY 22, 2013

The Legislative, Finance, and Administration Committee met on July 22, 2013 with Chairman Lynn presiding. Except for the following time sensitive issue, the Committee Report from July 22, 2013 will be presented to Council during their Regular Meeting of August 12, 2013 for review and consideration.

Proposed Amendment to Pricing for Sale of Garrison Oak Technology Park Lots

Mr. Scott Koenig, City Manager, reminded members that in June 2013, Council authorized him to negotiate land prices at Garrison Oak Technology Park at a beginning price of $35,000 per acre and to decrease that price by up to $5,000 per acre, which would result in a net price of $30,000 per acre. He stated that the proposed amendment to the pricing for sale of the Garrison Oak Technology Park lots was the result of a meeting at the Delaware Economic Development Office (DEDO) on July 10, 2013. He advised members that at that time he, along with Mayor Carey and Mr. Bill Neaton, Economic Development Director, met with a company that was interested in the Garrison Farm. He stated that, as the discussion progressed, the potential buyer requested a substantial reduction in the per acre land price, which he was not authorized to grant. As a result, it was suggested that the matter be presented to the Committee for review and recommendation and that it be immediately forwarded to City Council in order to provide the company with an answer.

Mr. Koenig advised members that the interested buyer is a manufacturing company which originated overseas and now wishes to expand their American market. They were interested in purchasing approximately 10 acres of the Garrison Farm in order to build an $8M-$10M facility that would

initially propose to create 15 jobs with the intent to increase to 23 jobs. He stated that the facility would become the hub of their manufacturing facility for the area. He indicated that, as discussions progressed, the company requested that the land be provided free of charge, which he had no authorization to grant.

Staff recommended that the City Manager be granted additional latitude in the negotiation process to work with the company if it was the opinion of members that this could prove beneficial in moving forward.

Responding to Mr. Hare, Mr. Koenig stated that representatives of the company would not disclose the other areas that the City is competing against. He stated that the State of Delaware had offered several incentive packages regarding workforce development and that Kent County and the City provide tax abatements. He stated that, ultimately, the question was if the City would consider giving free land if other sites high on this company's list were doing so, or if the City would significantly reduce the price of the land.

Should the City choose to provide the land essentially free, Mr. Koenig stated that it would take the City approximately 20 years to recover that value through taxation; however, the land was transferred to the City from the State and the City had no mortgage on the land. Also, the City was in the process of developing the infrastructure for the land and the request would provide the City an additional tenant. He explained that if approved, a transfer document must be prepared that would guarantee that the land would not transfer until the company obtained a building permit and began construction.

Mr. Hare suggested that an additional clause be included in the transfer document indicating that if the company did not remain at the site for 20 years, the property and all improvements would revert back to the City.

Responding to Mr. Slavin, Mr. Koenig explained that, in accordance with the Freedom of Information Act, this matter did not qualify for discussion in executive session since the strategy session was in relation to the sale of property and not the acquisition. He concurred that it puts the City in a terrible position as it relates to negotiations since all information is made public.

In response to Mr. Lynn, Mr. Koenig confirmed that the lots were appraised by Mr. Phil McGinnis, McGinnis Commercial Real Estate Company, and Mr. Charlie Rodriguez, R & R Commercial Realty, who estimated its worth at between $32,000 and $33,000 per acre. He stated that the total gift value of the property would be approximately $330,000. Representatives of the company had indicated an intent to fill the jobs that would be created with local talent. He stated that there was no discussion regarding the jobs that would be provided in the construction of the facility.

Mr. Lynn indicated that he would be more receptive to the request if staff included in the negotiation process that it be mandatory to use local construction companies, local workers, etc.

Mr. Koenig assured members that the final sale (contract) would require Council's approval.

Mr. Shevock suggested the possibility of negotiating a 20-year lease rather than giving the company the land, with the option to purchase after the 20 years. Responding, Mr. Koenig stated that owning the land had been one of the company's criteria.

Responding to Council President Bonar, Mr. Koenig stated that any revenues derived from water and sewer would be minimal, explaining that the company was a very low utility user and manufactured a "dry" product.

The Committee recommended that the City Manager be authorized to negotiate the sale of the lots at Garrison Oak Technology Park within any parameter he chooses, with the stipulation that the result will require final approval of City Council.

Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Hutchison.

Mr. Hare reiterated that the final sale (contract) must be presented to City Council for final approval and that the motion would simply allow the City Manager to negotiate without limitations.

Mr. Slavin reiterated his feeling that since the discussion was regarding the sale of property, any discussion would be exempt from public session in accordance with FOIA. Responding, City Solicitor Rodriguez indicated that since the matter involved negotiating a price, he was not sure if it would qualify to be discussed in executive session.

Mr. Lynn reiterated his desire for staff to include in the negotiation process that it be mandatory that the jobs created as a result of the facility be filled with local Kent County/Dover residents and that the contractors used to build the facility, such as electricians, plumbers, etc., be Dover/Kent County companies.

Mr. Slavin suggested that the lower the selling price, the more claw back should be included in the contract to protect the City's interest.

The motion to approve the Committee's recommendation authorizing the City Manager to negotiate the sale of the lots at Garrison Oak Technology Park within any parameter he chooses, with the stipulation that the result will require final approval of City Council was 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).

QUARTERLY REVENUE REPORT

Members were provided the Revenue Report as of June 30, 2013 (preliminary).

By consent agenda, Mr. Slavin moved for acceptance of the Quarterly Revenue Report as of June 30, 2013 (preliminary), seconded by Mr. Hutchison and carried by a unanimous roll call vote (Anderson absent).

EVALUATION OF PROPOSALS - GARRISON WATER STORAGE TANK (1.5 MG)

Mr. Scott Koenig, City Manager, advised members that the Garrison Water Storage Tank Project proposes designing and installing a new one and one-half million gallon (1.5 MG) elevated water

storage tank. This new well, located within Garrison Oak Technical Park, will be a primarily used for the forthcoming tenants in the park. He indicated that the tank will provide water necessary for demand and fire protection in the general area east of Delaware Route 1. He advised members that Staff decided to utilize a design/build method to construct this elevated water storage tank, explaining that the contractors will be responsible for submitting designs that meet the requirements outlined in the Request for Proposals (RFP #13-0037DPW), as well as all applicable regulations. The specific work for this project includes the design and construction of a new 1.5 MG composite elevated water storage tank and associated piping valves, appurtenances, excavation, backfill, testing, startup, paving, fencing, and site restoration.

Mr. Koenig advised members that four (4) proposals were received, which were reviewed and analyzed, with one (1) of the proposers withdrawing their submission in accordance with the City's purchasing policy. Based on the average score of the evaluations, as well as the proposed cost, staff recommended awarding the contract to CB & I, Inc. in an amount not to exceed $3,487,660.

Responding to Mr. Lynn, Mr. Koenig stated that although the Water Storage Tank will primarily serve Calpine, since they will be the largest customer, it will serve the needs of the entire City based on the ability to provide elevated water storage for fire protection, as well as system pressure. Calpine will contribute impact fees that are capped at 100 EDU's and will be paying water revenues associated with their use. Mr. Koenig explained that if this water tank were not provided, Calpine's water use would drain the City.

Mr. Slavin stated that although he was not in opposition to this particular project or Calpine and felt that they would prove beneficial to the City, he could not justify voting in favor of the recommendation after taking the position he took on the City's budget regarding future expenses.

Mrs. Williams moved for approval of staff's recommendation to award the contract to CB&I, Inc., in response to RFP #13-0037DPW, for an amount not to exceed $3,487,660. The motion was seconded by Mr. Hutchison and carried by a roll call vote of seven (7) yes (Dixon, Perza, Williams, Hare, Hutchison, and Bonar), two (2) no (Lynn and Slavin), and one (1) absent (Anderson).

EVALUATION OF PROPOSALS - JANITORIAL SERVICES AT SPECIFIC CITY BUILDINGS

Mr. Scott Koenig, City Manager, explained that the Facilities Management Division of the Department of Public Works is responsible for custodial services at the Electric Department (Buttner Place), J.W. Pitts Center (Electric Avenue), Public Works (William Street), Weyandt Hall (Reed Street), City Hall (Loockerman Plaza) and the Library (Loockerman Plaza). He noted that the FY 2013 budget included five (5) custodians to service these locations; however, during the year, two (2) of the five (5) custodians resigned and/or retired. Due to this staffing shortage, it was decided to contract out custodial services for the City buildings located outside of the downtown campus. The proposal for these services was advertised to the public as a Request for Proposal (RFP #13-0035PW).

Mr. Koenig advised members that four (4) proposals were received, which were reviewed and analyzed. Based on the average score of the evaluations, which included evaluation of the proposed cost, staff recommended awarding the contract to Mid-Atlantic Services, A-Team Corp. in the

amount of $51,115.96. *(It was noted that staff's recommendation the Action Form incorrectly reflected an amount of $51,108.00, rather than $51,115.96.)* The contract would cover the 44 weeks necessary to complete work this fiscal year at the proposed locations of the Electric Department, John W. Pitts Recreation Center, and Public Works well as vacation coverage or similar for internal custodial staff at City Hall, the Library, and Weyandt Hall.

Responding to Mr. Perza, Mr. Koenig stated that by outsourcing these custodial services, the City would save over $40,000 per person (considering salary and benefits). He confirmed that by outsourcing, two (2) vacant positions had been excluded from the City's current budget.

In response to concerns of Mr. Dixon, Mr. Koenig assured members that no employees would be losing their jobs as a result of this contract and that the other three (3) custodians would remain employed by the City.

Mr. Hare moved for approval of staff's recommendation to award the contract to Mid-Atlantic Services, A-Team Corp., in response to RFP #13-0035PW, in the amount of $51,115.96 for FY 2014. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote (Anderson absent).

REAPPOINTMENT RECOMMENDED BY MAYOR CAREY - ETHICS COMMISSION - THOMAS C. JACKSON - FIVE-YEAR TERM TO EXPIRE JULY 31, 2018

Mayor Carey recommended the reappointment of Mr. Thomas C. Jackson to serve on the Ethics Commission for a five-year term to expire July 31, 2018.

By consent agenda, Mr. Slavin moved for approval of the reappointment of Mr. Thomas C. Jackson, as recommended by Mayor Carey. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote (Anderson absent).

REZONING REQUEST/FIRST READING OF PROPOSED ORDINANCE #2013-12 - PROPERTY LOCATED AT 1570 N. DUPONT HIGHWAY, OWNED BY KW LANDS

Mrs. Ann Marie Townsend, Director of Planning and Community Development, advised members that a request was received to rezone property located at 1570 N. Dupont Highway (west side of North Dupont Highway, east of Crawford Carroll Avenue, and north of but not adjacent to Rustic Lane), consisting of $12.6127^{+/-}$ acres, owned by KW Lands. The property is currently zoned RC (Recreation and Commercial) and C-4 (Highway Commercial) with a portion subject to the SWPOZ (Source Water Protection Overlay Zone). The proposed zoning is IO (Institutional and Office) with a portion subject to the SWPOZ (Source Water Protection Overlay Zone). (TAX PARCEL ED-05-057.00-01-05.00-000; PLANNING REFERENCE Z-13-01; COUNCIL DISTRICT 4).

Mrs. Townshend indicated that this property was known as the Sheraton Hotel. She stated that Delaware State University had entered into a lease and that the current RC zoning classification did not permit the University use; therefore, this rezoning request was being brought forward as a part of that transition.

In response to Mr. Perza, Mrs. Townshend stated that the rezoning request included the Hampton Inn property. She explained that the IO zoning classification allowed for hotels and, currently, the property was split zoned. In discussions with the applicant, staff felt it would be better to have one (1) zoning classification for the entire block rather than a "hodgepodge."

Prior to amending the zoning ordinances and zoning map of the City of Dover, a public hearing is required.

By motion of Mr. Hare, seconded by Mr. Hutchison, Council unanimously referred the request to the Planning Commission on August 19, 2013 and set a public hearing before City Council on September 9, 2013 at 7:30 p.m.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of Proposed Ordinance #2013-12 as read by the City Clerk, by title only, as follows:

> AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 1570 NORTH DUPONT HIGHWAY

REZONING REQUEST/FIRST READING OF PROPOSED ORDINANCE #2013-13 - PROPERTY KNOWN AS WALKER WOODS AND WALKER WOODS PHASE 2 LOCATED AT 28-152 HARMONY LANE, 3-9 KLEIN COURT, AND 1357-1383 WALKER ROAD, OWNED BY WALKER WOODS PROPERTIES, LLC AND MILFORD HOUSING DEVELOPMENT CORPORATION

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that a request was received to rezone property known as Walker Woods and Walker Woods Phase 2 Located at 28-152 Harmony Lane, 3-9 Klein Court, and 1357-1383 Walker Road (north side of Walker Road adjoining Harmony Lane), consisting of $9.0722^{+/-}$ acres, owned by Walker Woods Properties, LLC and Milford Housing Development Corporation. The property is currently zoned RG-3 (Group Housing) and ROS (Recreational and Open Space). The proposed zoning is RG-2 (General Residence). (TAX PARCELS ED-05-067.18-01-12 THROUGH ED-05-067.18-01-45 AND ED-05-067.18-01-47 THROUGH ED-05-067.18-01-66.01; PLANNING REFERENCE Z-13-02; COUNCIL DISTRICT 4).

Mrs. Townshend stated that Walker Road Phase 2 consisted of individual lots and townhouses and that Milford Housing Development Corporation was requesting flexibility to potentially convert some properties into apartments, explaining that it was their desire to totally redevelop the area. She advised members that although the RG-3 zoning classification allowed for group housing, it is specific to townhouses, which would not allow for the apartment-style units.

Responding to Mrs. Williams, Mrs. Townshend stated that the Milford Housing Development Corporation conducted work statewide in an effort to provide affordable housing to individuals. She explained that the Corporation was not a Housing Authority but rather a non-profit housing provider.

In response to Mr. Perza, Mrs. Townshend stated that if the rezoning request were approved, the Milford Housing Development Corporation would bring forward a site plan to the Planning Commission which may involve some demolition as well as the use of some of the units. She stated that the individual lots are owned by Walker Woods Properties, LLC, explaining that it was

subdivided several years ago with the intent of selling lots; however, that did not occur. She assured members that the signatures of all property owners are required for rezoning requests.

Prior to amending the zoning ordinances and zoning map of the City of Dover, a public hearing is required.

By motion of Mr. Dixon, seconded by Mr. Slavin, Council unanimously referred the request to the Planning Commission on August 19, 2013 and set a public hearing before City Council on September 9, 2013 at 7:30 p.m.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of Proposed Ordinance #2013-13 as read by the City Clerk, by title only, as follows:

> AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY KNOWN AS WALKER WOODS AND WALKER WOODS PHASE 2 LOCATED AT 4 28-152 HARMONY LANE, 3-9 KLEIN COURT, AND 1357-1383 WALKER ROAD

FIRST READING - PROPOSED ORDINANCE #2013-11

Council President Bonar reminded the public that copies of the proposed ordinance were available at the entrance of the Council Chambers or could be obtained from the City Clerk's Office. Final action by Council on the proposed ordinance would take place during the Council Meeting of August 12, 2013.

Mr. Lynn reminded members that proposed Ordinance #2013-11 would reduce the number of sponsors required for an ordinance from three (3) to two (2) and would remove Council-appointed staff from the exceptions.

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

> PROPOSED ORDINANCE #2013-11 AMENDING CHAPTER 1 - GENERAL PROVISIONS, SECTION 1-9 - SPONSORING, CONSIDERATION, PASSAGE AND EFFECTIVE DATE OF ORDINANCES AND CHARTER AMENDMENTS, SUBSECTION (C) - SPONSORS

FINAL READING - PROPOSED ORDINANCE #2013-10

The First Reading of Proposed Ordinance #2013-10 was accomplished during the Council Meeting of July 8, 2013.

Proposed Ordinance #2013-10 Amending Chapter 2 - Administration, Article IV - Officers and Employees, Division 7 - General Employee Pension Plan, Section 2-331 - Form of Benefits (Civil Marriage)

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

Mr. Scott Koenig, City Manager, reminded members that Proposed Ordinance #2013-10 would amend the Dover Code to allow for spouses and children of civil marriage as eligible survivors of pension participants. He stated that these amendments were required to comply with State law. Essentially, he stated that the amendment replaces "civil union" language with "civil marriage" language.

By motion of Mr. Slavin, seconded by Mr. Lynn, Council adopted Ordinance #2013-10 by a roll call vote of six (6) yes (Dixon, Lynn, Slavin, Williams, Hare, and Bonar), two (2) no (Perza and Hutchison), and one (1) absent (Anderson), as follows:

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

That Chapter 2 - Administration, Article IV - Officers and Employees, Division 7 - General Employee Pension Plan, Section 2-331 - Form of Benefits, be amended to read as follows:

Sec. 2-331. - Form of benefits.

(a) *Normal form*. A monthly benefit shall be payable on the first day of the second month preceding the date on which application for such benefit is filed. Payment will be retroactive to the retirement date. Payments of benefits shall be payable monthly thereafter during his lifetime, and terminating with the last payment on the first day of the month of the death of the participant.

(b) *Death of participant, etc*. Upon the death of a participant who has retired, or who is eligible to be retired under any of the provisions of this division, payment shall be made to his eligible survivors in the amount of 50 percent of the monthly payments to which the participant was or would have been entitled. Upon the death of a participant who has completed a minimum of 20 years of service but is not yet eligible to retire because of age, payment shall be made to his eligible survivors in the amount of 50 percent of the monthly payment that would have resulted by using his service time; however, the benefit is to be computed at a reduced rate of one-half percent for each month the participant was under the correct age for normal retirement. In no instance shall actual monthly payments be less than $200.00, to be effective July 1, 2000. Upon the death of both the participant and eligible survivor, if the benefit payments received in aggregate are less than the member's contributions, the balance of the member's contributions, plus 5 percent interest, will be paid to the surviving beneficiary designated or his estate if no designation has been made and submitted to the pension board. The amount of benefit payments received and the amount of the member's contributions shall be determined from the record of the pension board of trustees

(c) *Eligible survivor*. An eligible survivor shall be one of the following in the order of preference listed:

(1) *Spouse*. The participant's spouse who was married to the participant for at least one year. Surviving spouse shall be required to provide supporting documents of marriage.

(2) *Children, unmarried*.

a. The surviving children, biological or legally adopted, of the participant, who have not attained their 18th birthday.

b. If said child is attending school on a full-time basis and provides proof of attendance each year of eligibility, with the payment due for the month in which he ceases to attend school on a full-time basis or with the payment due for the month in which his 22nd birthday shall occur, whichever shall occur first.

(d) *Commencement of payment*. Benefits payable to eligible survivors shall commence on the first day of the month following the date of the participant's death.

(e) *Benefits payable*. Benefits payable to eligible survivors shall cease:

(1) *Spouse*. With respect to an eligible survivor who is a spouse, with the payment due for the month in which their remarriage or death shall occur, whichever occurs first.

(2) *Children*. With respect to an eligible survivor who is a child(ren), with the payment due for the month in which his 18th birthday or death shall occur, whichever shall occur first. Payments shall be made in accordance with subsections (2)a. and b.

(f) *Eligibility for benefits*. The eligibility of any person or persons to receive payment of benefits as an eligible survivor shall be determined conclusively by the pension board based on application of such person or persons and any other information which the pension board deems to be appropriate.

ADOPTED: JULY 22, 2013

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Slavin thanked Mrs. Mitchell for the submission of the Quarterly Revenue Report, which was accepted by Council earlier in the evening. Noting that the amounts provided were preliminary, he stated that if the numbers provided had been the current figures, the City would have completed last fiscal year short by $600,000 (of the City's estimate) and begin the current fiscal year short by $1.3M. Until these numbers are finalized, Mr. Slavin requested that the report be provided to Council monthly rather than quarterly so that members are kept abreast of this issue.

Mr. Perza relayed appreciation to City staff for the job conducted during the rain event last week. He stated that he received many calls from residents with concerns regarding flooding and water issues. Although the residents were frustrated due to the amount of rain, they were very pleased with the City's response.

Mr. Dixon thanked City Council for providing the Parks, Recreation, and Community Enhancement Committee the opportunity to reconsider the future use of the Dover Park Recreation Center.

Referring to his recent appointment as the Public Advocate for the State of Delaware, Mr. Bonar indicated that he would continue to serve as Council President. He announced that he would not seek re-election and that this would be his last term serving as a member of City Council.

By unanimous consent, the meeting adjourned at 9:02 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of July 22, 2013, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
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