LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on July 8, 2013, at 6:00 p.m. with Chairman Lynn presiding. Members present were Mr. Hare, Mr. Slavin, Mr. Rushe, and Mr. Shevock. Members of Council present were Mr. Dixon and Mr. Hutchison. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Shevock moved for approval of the agenda, seconded by Mr. Slavin and unanimously carried.

FY13 Edward Byrne Justice Assistance Grant Program - Police Voicemail System and Technology Upgrades

Police Chief James Hosfelt advised members that the Dover Police Department recently received its annual allocation from the Office of Justice Programs (OJP) for the 2013 Justice Assistance Grant (JAG), in the amount of $48,375. Similar to previous years, the Dover Police Department was identified as a disparate funding agency along with Kent County because there is no law enforcement function at the County level, unlike New Castle County in northern Delaware. Chief Hosfelt explained that Kent County has no share in the allocation based on a Memorandum of Understanding, which indicates that Kent County has no claims to the money.

Chief Hosfelt requested approval to utilize FY13 Edward Byrne Justice Assistance Grant Program funds to upgrade/replace the Department's voicemail system and use any remaining funds for other non-budgeted technology upgrades. He noted that the cost for the voicemail system was approximately $35,000 and it would be procured from Collins Business Systems, Inc. through the State of Delaware Contract; therefore, bids would not be required.

Staff recommended approval of the grant project as requested.

Mr. Slavin moved to recommend acceptance of staff's recommendation for the approval of the grant project, seconded by Mr. Shevock and unanimously carried. *(City Clerk's Office Note: Due to time constraints, this item was placed on the Council agenda for the meeting being held later in the evening.)*

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

Mr. Shevock moved to remove the matter from the table, seconded by Mr. Rushe and unanimously carried.

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.

Mr. Hare moved to suspend the rules to allow the public additional time beyond the allotted three (3) minutes to speak. The motion was seconded by Mr. Rushe and unanimously carried.

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.

Mr. Slavin moved to table the matter and request that it be put on the agenda for the next Legislative, Finance, and Administration Committee Meeting. The motion was seconded by Mr. Hare and unanimously carried.

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.

By unanimous consent, the meeting adjourned at 6:48 p.m.

Sean M.Lynn
Chairman

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