LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE
A G E N D A

MAY 28, 2013 - 5:30 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at CityClerk@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. **Downtown Dover Business Improvement District (BID) Budget and Assessment (Tax) Rates for Fiscal Year 2013-2014**
   (Staff Recommends Approval of the Proposed Budget and Assessment (Tax) Rates for Fiscal Year 2013-14, as Presented)

2. **Downtown Dover Partnership (DDP) Loan Guarantee Extension**
   (Staff Recommends Extension of the Downtown Dover Partnership Loan Guarantee For a Period of One Year Effective July 1, 2013 on the Loan Between PNC Bank and the Downtown Dover Partnership)

3. **Delaware Solid Waste Authority (DSWA) Municipal Discount Disposal Fee Agreement**
   (Staff Recommends Authorizing the City Manager to Sign the DSWA Municipal Discount Disposal Fee Agreement and the Recyclable Material Agreement)

4. **Disposal of Excess Property - 70 Mifflin Road, 299 College Road, and 29 North Kirkwood Street - Offer from Habitat for Humanity**
   (Staff Recommends Determining That These Are Excess Properties and Authorizing the City Manager to Negotiate a Sale Price with Habitat for Humanity That Minimizes the Write-off Amount)

5. **Proposed Amendments to Chapter 58 - Human Relations Commission**

6. **Adjournment by 7:00 p.m.**

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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

CITY OF DOVER
LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

May 28, 2013

BUSINESS IMPROVEMENT DISTRICT -
ASSESSMENT (TAX) RATES FOR FISCAL YEAR 2013-2014

Submitted by: Cheryl Russell

INTRODUCTION

The Business Improvement District (BID) Ordinance adopted by City Council requires that Council must adopt a BID budget and assessment every year. This report presents the proposed budget and assessment for fiscal year 2013-2014.

ORDINANCE REQUIREMENT AND BUDGET

(A) Appendix D, Article III, Section 9(f) requires that a budget be submitted to City Council for consideration and approval.

For your consideration, we have attached the FY 2013-2014 budget showing BID tax revenue and the expenses charged against this revenue (Attachment A).

(B) For your consideration, we have also provided the tax calculation worksheet with recommended rates (Attachment B).

REQUEST FOR ACTION

We request Council to approve the following budget for fiscal year 2013-14 Attachment A, and Assessment (Tax) Rate for 2013-14 - Attachment B.

ATTACHMENT A

BUSINESS IMPROVEMENT DISTRICT

CASH RECEIPTS BUDGET FOR 2013-14

BID TAX REVENUE AND EXPENSES CHARGED AGAINST THIS REVENUE ADMINISTERED THROUGH CITY OF DOVER

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

1. The amount hereinafter named aggregating Forty-nine thousand, eight hundred dollars, (49,800) or so much thereof as may be necessary is hereby appropriated from current revenues and other funds for economic development purposes for the fiscal year beginning July 1, 2013, and ending June 30, 2014:

REVENUE	PROPOSED
Tax Revenue	$49,800
EXPENSES	
Personnel & Administration Expenses	$49,800

ATTACHMENT B

CITY OF DOVER
COUNCIL COMMITTEE OF THE WHOLE MEETING
May 28, 2013
BUSINESS IMPROVEMENT DISTRICT -
ASSESSMENT (TAX) RATES FOR FISCAL YEAR 2013-2014

BUSINESS IMPROVEMENT DISTRICT

TAX CALCULATION WORKSHEET

JULY 1, 2013 TO JUNE 30, 2014

	ZONE 1	ZONE 2	ZONE 3	TOTAL
Aggregate Assessments	$38,558,700	$58,290,700	$32,830,900	$129,680,300
Assessment Tax Rate per $100	0.0634	0.0349	0.0156	---
Revenue Raised	$24,400	$20,300	$5,100	$49,800
% Revenue Raised	49%	41%	10%	100%
Number of Parcels	113	105	42	260
Average Assessment	$216	$193	$121	$531

NOTE: These figures were estimated per the 2010 reassessed values. The revenue percentages by Zone are per the City of Dover Code Appendix D-Article III, Section 9(e).

ACTION FORM

PROCEEDING: Legislative, Finance & Administration Committee	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Finance	**DATE SUBMITTED**: 05/28/13
PREPARED BY: Donna Mitchell, Controller/Treasurer	
SUBJECT: Downtown Dover Partnership – Loan Guarantee, City of Dover	
APPROVALS: Committee & Council	
EXHIBITS: L, F & A Action Form Dated 3/24/08 – Loan Guarantee, City of Dover	
EXPENDITURE REQUIRED: N/A	**AMOUNT BUDGETED**: N/A
FUNDING SOURCE (Dept./Page in CIP & Budget): Loan Payments to be paid from tenant lease payments	
TIMETABLE: Upon approval	
RECOMMENDED ACTION: Extension of the Downtown Dover Partnership loan guarantee for a period of one year effective 7/1/13 on the loan between PNC Bank and the Downtown Dover Partnership.	

BACKGROUND AND ANALYSIS

The Downtown Dover Partnership has negotiated new terms for the PNC Loan. The original loan provided for interest only payments with a balloon payment due in July 2013 as outlined in the attached Action Form dated 3/24/08.

The new terms are as follows:

> The Bank has approved an extension of one (1) year on their $1,300,000 loan at interest only until July 1, 2014. The new rate will be floating at LIBOR + 2.50% (currently 2.71%). The rate was a fixed rate at 5.16%. That would show a reduction in annual interest expense from approximately $67,080 to $35,230 or around $31,850 per year, assuming LIBOR remains the same. [LIBOR is a floating Rate index, but has not moved materially for several years. However, there are no guarantees as to what LIBOR might be day to day.]
>
> Please note, the Bank will not extend at interest only again past July 1st of 2014.

DDP will be requested to develop a specific plan by that date as to how they look to handle the obligation.

EXHIBIT – Prior Action Form

ACTION FORM

PROCEEDING: Legislative, Finance & Administration Committee	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Finance	**DATE SUBMITTED**: 03/24/08
PREPARED BY: Donna Mitchell, Controller/Treasurer	
SUBJECT: Downtown Dover Development Corporation – Loan Guarantee, City of Dover	
APPROVALS: Committee & Council	
EXPENDITURE REQUIRED: N/A	**AMOUNT BUDGETED**: N/A
FUNDING SOURCE (Dept./Page in CIP & Budget): Loan Payments to be paid from tenant lease payments	
TIMETABLE: Upon approval	
RECOMMENDED ACTION: Approval of the recommendation for the City of Dover to provide a guarantee on a loan to purchase two adjoining parcels located at 120 and 144 So. Governors Avenue, Dover.	

BACKGROUND AND ANALYSIS

The Downtown Dover Development Corporation (DDDC) has solicited loan proposals for Economic Development in the central business district (see attached). Four proposals were received from the following banks.

- Citizens Bank
- PNC Bank
- Wachovia Bank
- Wilmington Trust

The borrowed amount is greater than the most recent appraisal on the properties. Banks normally require fifteen to twenty percent equity in the property. In order to secure the loan and obtain lowest possible interest rate we are recommending the City guarantee the loan. We have discussed the proposal with our City Solicitor and Bond Counsel to insure compliance with City and State Codes as well as securing the City's guarantee.

The DDDC Board recently met and approved the proposal provided by PNC Bank with the understanding Council approval would be required for the City guarantee.

The Proposal is as follows –

$1.3 million
5 year balloon
Interest only payments (at current rates $47,970 annually)
Current Rate 3.69% (will be based on rate at time of closing)
Closing cost will be paid from remaining loan proceeds

Downtown Dover Development Corporation
Loan Request
January 22, 2008

Downtown Dover Development Corporation "DDDC" - Mission

The mission of DDDC is to promote the public welfare of the residents of the City of Dover, by promoting and furthering in any way, the development of the economic, cultural, and historic resources of the downtown area of the City of Dover, and to provide for the residents, to the extent that the common good and general welfare of the community is served. In particular the goal of the corporation is to improve the opportunities for job creation, broaden the tax base through the development of commercial and residential potential of the Central Dover area, and to maintain and restore the historic architectural and community qualities of the downtown area consistent with the goals of the National Mainstreet Program.

DDDC is seeking financing options for a $1.3 million tax exempt loan with a five year balloon payment.

Purpose of Loan –
For the purchase of property located at 120 & 144 South Governors Avenue, Dover, De 19904 for redevelopment through the corporations marketing efforts.

Current Owner - Millig Property
Current Appraisal - $1,127,711

Current Income –

Lease # 1 – Tenant: Kent County Community Action Agency, Inc.
Date of Lease – April 28, 2004
Lease Term – Ten Years
Annual Lease Payments - $36,000, paid in monthly installments $3,000 plus $888.16 per month for 120 consecutive months for building improvements; Annual increases 2.5%

Lease # 2 – Tenant: Parts Depot, Inc.
Lease Term – 8/31/07 – 8/30/12; Option Period: 8/31/12 – 8/30/17
Annual Lease Payments - $60,057.60, paid in monthly installments $5,004.80; Annual increases approximately 2.8%;

ACTION FORM

PROCEEDING: Legislative, Finance and Administration Committee
DEPARTMENT OF ORIGIN: City Manager's Office **DATE SUBMITTED**: 15 May 2013
PREPARED BY: Scott D. Koenig, P.E. - City Manager
SUBJECT: DSWA - Municipal Discount Disposal Fee Agreement
REFERENCE:
RELATED PROJECT:
REVIEWED BY: Sharon J. Duca, P.E., Director of Public Works; Donna Mitchell, Controller
EXHIBITS: Exhibit #1 – Municipal Discount Disposal Fee Agreement
FY-2014 EXPENDITURE ESTIMATED: **$1,315,300** **FY-2014 AMOUNT BUDGETED**: $1,315,300 **FUNDING SOURCE (Dept./Page Budget)**: Public Works - Sanitation Division, (Contractual Services - 110-1800-55.30-31)
TIMETABLE: New rates to be effective on July 1, 2013.
RECOMMENDED ACTION: Authorize the City Manager to sign the DSWA Municipal Discount Disposal Fee Agreement (Exhibit #1) and the Recyclable Material Agreement (Exhibit #2).

BACKGROUND AND ANALYSIS

The City of Dover uses the Delaware Solid Waste Authority (DSWA) facility located in Sandtown, DE for the disposal of municipal solid waste as well as dry waste generated within our service territory. Our current Municipal Discount Disposal Fee Agreement expires on June 30, 2013. The DSWA has proposed a new agreement and fee schedule as follows:

Period	Base Rate	Rebate/Discount	Effective Rate
July 1, 2013 – June 30, 2014	$ 85.50 / Ton	$ 8.00 / Ton	$ 77.50 / Ton
July 1, 2014 – June 30, 2015	$ 87.00 / Ton	$ 8.00 / Ton	$ 79.00 / Ton
July 1, 2015 – June 30, 2016	$ 88.50 / Ton	$ 8.00 / Ton	$ 80.50 / Ton

The estimated tonnage for FY-2014 to be delivered to the Sandtown facility is 12,500 tons. This equates to an estimated cost of $ 968,000 (12,500 Tons @ $77.50 / Ton). City staff recommends taking the $8.00 per ton discount on the monthly bill rather than participation in the rebate program. The total estimated expenditure for solid waste disposal including recycling in FY-2014 is $1,315,300.

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MUNICIPAL DISCOUNT DISPOSAL FEE AGREEMENT
(OPTION FOR REBATE OR DISCOUNT)

THIS AGREEMENT, entered into by and between the Delaware Solid Waste Authority ("Authority") and _____ ("Customer"), made this _____, of _____, 2013.

WHEREAS, the Authority owns and operates facilities throughout the State of Delaware; and

WHEREAS, the Authority receives solid waste and dry waste at its facilities from various customers who collect and/or transport solid waste and dry waste generated in the State of Delaware; and

WHEREAS, for a municipality with accounts with the Authority which collect and transport the solid waste and dry waste generated within their municipal boundaries with their own equipment and labor force the Authority is willing to provide an option to such municipality which allows the municipality to choose to receive a rebate or a discount regarding payment of the specified base rates; and

WHEREAS, the Customer wishes to utilize the services of the Authority for the receipt and disposal of all Customer's solid waste and dry waste collected in the State of Delaware; and

WHEREAS, the Authority wishes to provide disposal services to Customer under this Agreement as an integral part of fulfilling its statutory responsibilities and satisfying its financial obligations.

NOW, THEREFORE, in consideration of the mutual promises set forth in this Agreement, and other good and valuable consideration, the parties, intending to be legally bound, hereby agree as follows:

1. Customer shall, subject to the exceptions set forth in Paragraph 9 hereafter, deliver to Authority designated facilities all solid waste and dry waste generated in the State of Delaware which is collected and/or transported by Customer during the term of this Agreement.

2. Customer shall pay to the Authority:

   (a) a base rate of Eighty Five Dollars and Fifty Cents ($85.50) for each ton of solid waste and dry waste (excluding construction and demolition waste) delivered to the Authority designated facilities, during the period commencing July 1, 2013 and ending June 30, 2014;

   (b) a base rate of Eighty Seven Dollars ($87.00) for each ton of solid waste and dry waste (excluding construction and demolition waste) delivered to the Authority designated facilities, during the period commencing July 1, 2014 and ending June 30, 2015; and

   (c) a base rate of Eighty Eight Dollars and Fifty Cents ($88.50) for each ton of solid waste and dry waste (excluding construction and demolition waste) delivered to the Authority designated facilities, during the period commencing July 1, 2015 to June 30, 2016,

   (d) the base rates for construction and demolition waste shall be determined by the Authority from time to time for each Authority facility, provided that the Authority shall post the base rates and any changed base rates for construction and demolition waste applicable to its designated facilities at least ten (10) days in advance of the effective date of such base rates for the facility,

3. In the event the Authority establishes a general base rate for disposal of solid waste and dry waste below the base rates specified in Paragraph 2 above for the time periods indicated, Customer shall be entitled to such lower base rates while such lower base rates are in effect. Dry waste shall be as defined in the Regulations of the Delaware Solid Waste Authority and shall be delivered in separated loads free of any commingled municipal solid waste.

Construction and demolition waste shall mean the nonhazardous component of dry waste comprised of discarded materials from construction, renovation, restoration and demolition activities and projects. Construction and demolition waste shall be delivered in separated loads free of any commingled municipal solid waste or dry wastes from other sources. The delivery of yard waste to Authority facilities shall be subject to any limitations or prohibitions imposed by law, regulations and permit conditions, and any special restrictions or requirements imposed by the Authority.

4. The term of this Agreement shall be from July 1, 2013 or the execution date of this Agreement thereafter to June 30, 2016.

5. The following rebates shall be paid to Customer:

(a) a rebate of Eight Dollars ($8.00) shall be paid by the Authority to Customer for each ton of solid waste and dry waste (excluding construction and demolition waste) delivered to the Authority landfills; namely, the Northern Solid Waste Facility located at Cherry Island in Delaware, the Central Solid Waste Facility located at Sandtown in Delaware, and the Southern Solid Waste Facility located at Jones Crossroads in Delaware.

(b) a rebate of Four Dollars ($4.00) shall be paid by the Authority to Customer for each ton of solid waste and dry waste (excluding construction and demolition waste) delivered to the Authority transfer stations; namely, the Pine Tree Corner facility, the Milford facility, and the Route 5 facility.

(c) the rebates shall be paid for the following periods in which solid waste and/or dry waste (excluding construction and demolition waste) have been delivered:

(1) July 1, 2013 to June 30, 2014

(2) July 1, 2014 to June 30, 2015

(3) July 1, 2015 to June 30, 2016

6. The rebates set forth in Paragraph 5 above shall be paid to Customer by Authority within forty-five (45) days after the end of the applicable period or after full payment due has been made to the Authority by Customer for all services provided by the Authority, whichever is later, for the solid waste and dry waste (excluding construction and demolition waste) delivered by Customer during the applicable periods set forth in Paragraph 5 above; provided however, that (1) if Customer has not made full payment due for all services provided by the Authority within ninety (90) days of the end of the applicable period, then the entire rebate for the period shall be forfeited without offset for any amounts due from Customer, and (2) payment is conditioned on Customer's full compliance with the terms and conditions of this Agreement during the applicable rebate delivery period.

7. Notwithstanding the foregoing, any municipal Customer which owns and operates its own solid waste and dry waste collection system shall have the option under this Agreement to pay the following discounted rates for the periods indicated without receiving any rebates:

(a) Seventy Seven Dollars and Fifty Cents ($77.50) for each ton of solid waste and dry waste (excluding construction and demolition waste) delivered to the Authority landfills; namely, the Northern Solid Waste Facility located at Cherry Island in Delaware, the Central Solid Waste Facility located at Sandtown in Delaware, and the Southern Solid Waste Facility located at Jones Crossroads in Delaware; and Eighty One Dollars and Fifty Cents ($81.50) for each ton of solid waste and dry waste (excluding construction and demolition waste) delivered to the Authority transfer stations, namely the Pine Tree Corner facility, the Milford facility, and the Route 5 facility, during the period commencing July 1, 2013 and ending June 30, 2014;

(b) Seventy Nine Dollars ($79.00) for each ton of solid waste and dry waste (excluding construction and demolition waste) delivered to the Authority landfills; namely, the

Northern Solid Waste Facility located at Cherry Island in Delaware, the Central Solid Waste Facility located at Sandtown in Delaware, and the Southern Solid Waste Facility located at Jones Crossroads in Delaware; and Eighty Three Dollars ($83.00) for each ton of solid waste and dry waste (excluding construction and demolition waste) delivered to the Authority transfer stations, namely the Pine Tree Corner facility, the Milford facility, and the Route 5 facility, during the period commencing July 1, 2014 and ending June 30, 2015; and

(c) Eighty Dollars and Fifty Cents ($80.50) for each ton of solid waste and dry waste (excluding construction and demolition waste) delivered to the Authority landfills; namely, the Northern Solid Waste Facility located at Cherry Island in Delaware, the Central Solid Waste Facility located at Sandtown in Delaware, and the Southern Solid Waste Facility located at Jones Crossroads in Delaware; and Eighty Four Dollars and Fifty Cents ($84.50) for each ton of solid waste and dry waste (excluding construction and demolition waste) delivered to the Authority transfer stations, namely the Pine Tree Corner facility, the Milford facility, and the Route 5 facility, during the period commencing July 1, 2015 and ending June 30, 2016.

Payment for construction and demolition waste shall be at the prevailing gate rate for the specific Authority facility used. The gate rates for all construction and demolition waste are not discounted.

In order to exercise the option provided hereunder the qualified municipal Customer shall provide written notice to the Authority of its election at the time of execution of this Agreement and prior to July 1 of any subsequent yearly period that the discount applies, and indicate in such written notice the number of yearly periods covered by the exercise of the option. In the event any qualified municipal Customer wishes to make a change to the rebate

system of payments, it may do so by providing written notice to the Authority prior to July 1, of any yearly period that the discount applies, and indicate in such written notice the number of yearly periods covered by the notice.

8. The rates and rebates set forth in paragraphs 2 and 5 above shall be conditioned on full payment by Customer of all amounts due, when due, by Customer under the Authority's payment policy for services provided by the Authority, provided, however, that delinquent payment shall not relieve Customer of the obligation to deliver all solid waste and dry waste (including construction and demolition waste) to designated Authority facilities in accordance with the requirements set forth in paragraph 1 above.

9. For purposes of this Agreement the solid waste and dry waste (including construction and demolition waste) required to be delivered to designated Authority facilities under Paragraphs 1 above shall not include:

(a) recyclable materials source separated at the place of generation, including any materials collected under curbside recycling programs, provided however, the waste residue resulting from the recycling, resource recovery or beneficial use of Delaware solid waste and dry waste (including construction and demolition waste) which is generated from recycling, resource recovery or beneficial use operations conducted within the State of Delaware shall not be subject to this exemption. In order to qualify for the exemption of source separated recyclable materials Customer shall provide written advance notification to the Authority of the location and name of the facility at which recyclable materials are being processed, and written certification of the percentage by weight of the recyclable materials that are recovered by the facility and reused. In order to qualify for the exemption (1) the rate of recovery from source separated recyclable materials

shall be at least eighty percent (80%) by weight; (2) the rate of recovery from construction and demolition waste shall be at least seventy percent (70%) by weight; and (3) such recovered recyclable materials must be recovered and reused. This exception shall not apply to solid waste and dry waste collected for purposes of incineration or conversion to any type or form of waste derived fuel, in whole or in part. This exception shall also not apply if the facility at which the recyclable materials are being handled or processed is not operating in full compliance with applicable federal, state and local laws, regulations, ordinances, permits, conditions or other requirements.

(b) special solid waste as defined by the Authority;

(c) industrial solid waste as defined by the Authority;

(d) agricultural waste generated on a farm;

(e) tires;

(f) non-hazardous waste resulting from emergency clean-up actions;

(g) waste materials collected from industrial facilities which have adopted and implemented a companywide policy requiring all waste materials generated at the industrial facility to be disposed at waste to energy plants. In order to qualify for the exemption, Customer must provide a written notification from the industrial facility to the Authority stating the industrial facility's policy, and the name and location of the waste to energy plant where the waste materials are being taken;

(h) yard waste; and

(i) construction and demolition waste as defined in Paragraph 3 above generated and collected in New Castle County, Delaware.

Customer may, however, deliver to Authority designated facilities the solid waste, dry waste and construction and demolition waste generated in the State of Delaware and identified in

subparagraphs (a) through (i) above, subject to payment of the applicable disposal fee, and subject to compliance with laws, regulations and permit conditions, and the Authority's rules, regulations and procedures pertaining to such dry waste, solid waste and construction and demolition waste.

10. It shall be a condition of default and cause for termination if Customer:

(a) fails to maintain a current payment account in accordance with Authority's rules, regulations, procedures, and payment policies;

(b) fails to deliver the solid waste or dry waste required to be delivered to the Authority's facilities under this Agreement, provided, however, that unintentional and non-material failures by Customer to make the required delivery of solid waste or dry waste will not be grounds for termination if the Customer provides written notice of the failure within seventy-two (72) hours of the event, and cures such failure by making arrangements for delivery to Authority facilities of sufficient amounts of acceptable alternative or replacement solid waste or dry waste (including construction and demolition waste) generated in the State of Delaware, and not subject to the requirements of Paragraph 1 above, to account for the short fall in tonnage and user fee loss experienced by the Authority as a result of the failure; or

(c) fails on a repeated basis to comply with laws and regulations applicable to solid waste collection and transportation, or the Authority's rules, regulations and policies.

11. It shall be a condition of default and cause for termination if the Authority engages in the curbside collection of municipal solid waste, excluding recyclable materials, provided that the default is not cured by Authority within (30) days of written notification by Customer to Authority of the default.

12. Customer and Authority shall be relieved of responsibility for performance under this Agreement to the extent and for such time or times in which Customer or Authority are

prevented or substantially impaired from performing obligations under this Agreement by reason of changes in law or official governmental action by rule, order, regulation or otherwise.

13. This Agreement shall inure to the benefit of and be binding on Customer, its successors, assigns, parents, subsidiaries, affiliates, partners, joint venturers, divisions, contractors and sub-contractors, and all other entities, existing or newly formed, controlled directly or indirectly by Customer or its successors, assigns, parents, subsidiaries, affiliates, partners, joint venturers, divisions, and all other entities, existing or newly formed, controlled directly or indirectly by them, through changes in ownership or status, by transfer of assets or otherwise, and which engage in the collection and/or transportation of solid waste and/or dry waste generated in the State of Delaware.

14. This Agreement shall be interpreted in accordance with the laws of the State of Delaware. Any lawsuit initiated with respect to this Agreement shall be filed in the State courts of the State of Delaware.

15. This Agreement represents the entire understanding of the parties. This Agreement shall not be amended without the written consent of both parties. If Customer has entered a separate Discount Disposal Fee Agreement with the Authority which is in effect at the time of execution of this Agreement, such prior Agreement shall remain in effect until its expiration date.

IN WITNESS WHEREOF, the Authority and Customer have entered this Agreement.

DELAWARE SOLID WASTE AUTHORITY **CUSTOMER**

By:_____(S) By:_____(S)
(Signature) (Signature)

By:_____ By:_____
(Please Print Name) (Please Print Name)

Witness:_____ Witness:_____

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ACTION FORM

PROCEEDING: Legislative, Finance & Administration Committee
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: May 17, 2013
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning and Community Development, and Scott D. Koenig, P.E., City Manager
SUBJECT: Disposal of Excess Property – 70 Mifflin Road, 299 College Road, and 29 North Kirkwood Street – Offer from Habitat for Humanity.
REFERENCE: N/A
RELATED PROJECT: Violation of Dangerous Bulding Ordinance – City Demolition of Subject Properties; City of Dover 2008 Comprehensive Plan; City of Dover Consolidated Plan 2010-2014
APPROVALS: Scott D. Koenig, P.E., City Manager and Donna Mitchell, CPA, City Controller
EXHIBITS: Letter dated May 10, 2013 from Jocelyn McBride, Executive Director, Central Delaware Habitat for Humanity; Procedure for Sale and Disposition of Real Property
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: N/A
RECOMMENDED ACTION: 1. Determine that the property is excess property; 2. Authorize the City Manager to negotiate a sale price with Habitat for Humanity minimizes the write-off amount.

BACKGROUND AND ANALYSIS

The City of Dover acquired the subject properties at a monition sale due to liens for demolition expenses. These are excess properties, as the City has no use for the property and is better served by these properties being redeveloped and restored as taxable properties.

The City of Dover has a procedure for Sale and Disposition of Real Property. The procedure includes a "Standard Method of Disposition" which begins at the Legislative, Finance and Administration Committee. The steps are articulated in the procedure, but include first a decision by Council (after a favorable recommendation by the Committee) to dispose of the surplus property, and subsequently the method of disposal (auction or sealed bid). The procedure also includes "Exceptions to Standard Method of Disposition", which states as Exception D, "Donation of Land to Non-Profit Organizations: If, in the opinion of the Dover City Council, the donation of a parcel of excess land to a non-profit organization would be in the best interest of the City of Dover, Council then reserves unto itself the right to make such a donation.

In this case, Habitat for Humanity has submitted submitted an offer to purchase the subject properties. Sale of these properties to Habitat for Humanity is consistent with the goals of the City of Dover 2008 Comprehensive Plan and the City of Dover 2010-2014 Consolidated Plan, to foster home ownership for low and moderate income households. This also supports the City's goal and mandate to affirmatively further fair housing by allowing for location choices for low and moderate income households.

If the offers from Habitat for Humanity are accepted, we would need to write off a portion of the City's costs for demolition and the other charges. A summary of the write-offs is as follows, based on the the offer from Habitat for Humanity and the lien value.

Address	Offer Price	Lien Amount	Write-Off Amount	City's Assessed Land Value
70 Mifflin Road	$10,000	$12,175.68	$2,175.68	$67,400
29 N. Kirkwood Street	$5,000	$16,511.12	$11,511.12	$24,200
299 College Road	$8,000	$17,870.26	$9,870.26	$51,700

By following the "Standard Method of Disposition", the City could potentially recover all of its costs or make money on the sale over and above the the lien values; however, that is subject to the marketability of the properties. When the City acquired the properties at the monition sale, we were not outbid by other bidders. Additionally, by selling to Habitat for Humanity, we would be ensured that the lots would be developed and occupied by homeowners, and homeownership is important in creating strong communities. The City Manager's Office has also received two other letters of interest from persons interested in purchasing 299 College Road; however, the interested parties are not non-profit organizations and would not be eligible for the Exception D to the "Standard Method of Disposition".

Central Delaware Habitat for Humanity®

May 10, 2013

Mrs. Ann Marie Townsend
City of Dover
P.O. Box 475
Dover, DE 19903

Dear Mrs. Townsend;

Thank you for informing us of an opportunity to purchase city owned property. Over the past 23 years, Central Delaware Habitat for Humanity has built and/or renovated 31 homes of which 16 are within City of Dover limits. Central Delaware Habitat for Humanity homeowner's are contributing members of Dover's community. Central Delaware Habitat looks to expand its presence in city limits with the acquisition of additional property.

Central Delaware Habitat for Humanity's mission is seeking to put God's love into action by bringing people together to build affordable homes, communities and hope. We do this by partnering with low-income families (at or below 60% the median income) throughout Kent County and engaging the local community to provide volunteer labor and financial resources. Habitat sells the home to each homeowner at no-profit with an interest free mortgage. Over the past 23 years, we have maintained a zero foreclosure rate.

Over the past year we have had the opportunity to partner with the city under the Neighborhood Stabilization Program which has allowed three families to move into safe, decent affordable housing after renovating the foreclosed property. We have one currently under renovation on Bennington Street.

Central Delaware Habitat for Humanity would like to offer the City of Dover the following for each property:
29 North Kirkwood Street – $5,000
70 Mifflin Road – $10,000
299 College Road - $8,000

Your consideration of this offer would be greatly appreciated as you continue to invest in your community and provide hope to others.

Feel free to contact me at (302) 526-2366 if you have any further questions or accept this offer.

Thank you.

Sincerely,

Jocelyn McBride
Executive Director

544 Webbs Lane, Dover, DE 19904
Phone: (302) 526-2366 www.centraldelawarehabitat.org

Adopted: 10/14/96

PROPOSED PROCEDURE

FOR SALE AND DISPOSITION OF REAL PROPERTY

1. PURPOSE

To establish a policy for the City of Dover regulating the sale and disposition of excess lands.

2. LAWS AND POLICIES

City of Dover Code of Ordinances, Chapter 2, Article IV, Section 2-99, authorizes the sale and disposal of excess property.

This policy will standardize the procedure for disposal of excess City owned real property.

3. DETERMINATION

A City Staff member, upon determining that a City owned parcel of land is excess in nature and that the disposal of such land would be beneficial to the City of Dover, will request, through the Legislative and Finance Committee, that the Dover City Council consider disposal of such land.

4. STANDARD METHOD OF DISPOSITION

A. The Legislative and Finance Committee, upon receiving a request to dispose of excess real property, shall, prior to making a recommendation to the Dover City Council, request all pertinent information including, but not limited to, the following:

a-1) determination that subject parcel is not required by any other City department.

a-2) written explanation of why subject parcel is now surplus.

a-3) determination of whether a zoning change would enhance the sale value of subject parcel and recommend said change if warranted.

a-4) determine if parcel's exact location and size is known and, if not, recommend whether said parcel should be surveyed by the City prior to any sale attempts.

B. Dover City Council, after receiving a positive recommendation from the Legislative and Finance Committee to dispose of a surplus parcel of land, shall, as part of its deliberations:

b-1) determine if disposal of the parcel is in the City's best interests.

b-2) determine if disposal by sale, gift, or some other means would best serve the City's interests.

b-3) determine if the City Planner should be requested to initiate rezoning procedures.

b-4) publicize the pertinent information concerning the surplus parcel and its availability for purchase to the general public at least once a week for two weeks in a local newspaper.

b-5) make public, and a part of the record, all written correspondence received and, after the publicizing requirements of Section 4, Paragraph B(4) are met, hold a public hearing to receive any other citizen input.

C. Dover City Council, after voting to proceed with the sale of surplus land, shall determine:

c-1) if an unbiased appraisal is needed to establish a minimum acceptable price.

c-2) whether to sell the parcel by public auction or by sealed bid, and what the minimum acceptable offer will be.

c-3) the degree and scope of advertising, with a minimum of exposure being advertisement once a week for two weeks in a newspaper of general circulation within the county.

c-4) whether the circumstances of and surrounding a particular sale may be such that the best interests of the City would be served by listing the property for sale with a licensed real estate agent.

D. City Staff shall, with Council direction:

d-1) arrange for advertisement of the sale

d-2) draft the sale bill setting out a description of the parcel to be sold, time, date, and place of sale or bid opening, the terms and conditions of sale, and the City's reservation of acceptance or rejection of any or all bids received at the time of sale or bid opening.

d-3) order and distribute a sufficient number of sale bills for posting and distribution in the County Courthouse, at the site, and in the general area of the parcel.

d-4) obtain the services of a professional auctioneer if said sale is to be a public auction.

d-5) conduct the sale and submit the results to Dover City Council.

d-6) obtain the services of a licensed real estate agent if sale is to be brokered.

E. Dover City Council, after confirming the sale, shall:

e-1) request the City Solicitor to prepare a deed for execution and to arrange for final settlement with the purchaser at which time the City will deliver the deed, the purchaser will pay all balances due, and the City Solicitor will record said deed, in the Recorder of Deeds Office for Kent county.

F. If any excess parcel of land is too small or irregular in shape to be of any value to anyone other than an abutting owner, it may be sold to such owner at either its fee appraised fair market value, or at its fair market value as established by the City's assessment records, whichever Council shall select. The costs of the appraisal and all legal costs shall be paid by the owner requesting the conveyance.

G. Costs of Conveyance

Unless otherwise specified by Dover City Council, all fees and costs, legal or otherwise, associated with the sale and conveyance of all excess lands shall be paid by the purchaser.

5. EXCEPTIONS TO STANDARD METHOD OF DISPOSITION

Exception A.

Sale to an abutting owner: When, in the opinion of City Council, a public sale would be detrimental to the lands of an abutter, and/or that a public sale would place the abutter at undue risk; or that the combination of abutter's land and City's land would be substantially greater in value than that of the sum of the parcels considered individually, Dover City Council may direct the City Assessor to have prepared one or more unbiased fee appraisals of the parcel. Thereafter, the subject land will be offered for sale to the said abutter at the appraisal price, plus the appraisal fees, plus the legal costs. In the event the offer is not accepted, a public sale may be ordered.

Examples of detrimental affect might be when the surplus City parcel lies between an abutting property and the street and development of the parcel would obstruct visibility of the abutter's property, of when the surplus parcel is zoned multi-family and abuts a single family parcel.

Exception B.

Trade of lands: A trade of lands may be approved when it is shown beyond doubt that such a trade will be equal to or better than the lands to be traded either on a "square foot for square foot" measure and/or on a "dollar for dollar" measure.

Exception C.

Conveyance of odd shaped and/or unbuildable parcels: City acquisitions for roads, utility usages, etc. may, after such usage is accomplished, leave a small strip of land that is odd shaped and unbuildable. Dover City Council may approve the conveyance of this strip of land to an abutting property owner on request of said owner. The price for these lands shall be at the same cost basis as that paid by the City. If conveyance is made in excess of two years after the date of City acquisition, then the consideration shall either be based on a price established by an unbiased fee appraisal made on the basis of the value added to the abutting property by the acquisition of said lands, or on the City's cost basis for the parcel adjusted for inflation, whichever Dover City Council shall select. All fees, legal or otherwise, associated with the conveyance are to be paid by the purchaser.

Exception D.

Donation of Land to Non-Profit Organizations: If, in the opinion of Dover City Council, the donation of a parcel of excess land to a non-profit organization would be in the best interest of the City of Dover, Council then reserves unto itself the right to make such donation.

ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee	**MEETING DATE:** 05/28/13
DEPARTMENT OF ORIGIN: City Council	
PREPARED BY: Denise L. Devine, Assistant City Clerk, on Behalf of Councilman James Hutchison, Sr.	

SUBJECT: Dover Human Relations Commission	**DATE SUBMITTED**: 05/23/2013
RELATED PROJECT: N/A	
APPROVALS: LF&A Committee and City Council	
EXHIBITS: Dover Community Meeting Minutes (May 1, 2001 - December 4, 2001); Chapter 58 - Human Relations, Article II - Human Relations Commission of the Dover Code	
TIMETABLE: Direct staff to prepare a Proposed Ordinance reflecting the recommendation of the Committee for First Reading by City Council during the Regular Meeting of June 10, 2013	

RECOMMENDED ACTION: Councilman Hutchison requests that the Legislative, Finance, and Administration Committee 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 Construction Code Appeals 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 recommendation of the Committee for First Reading at City Council during the Regular Meeting of June 10, 2013 and Final Reading on June 24, 2013.

BACKGROUND AND ANALYSIS

In 2001, two (2) incidents occurred during the month of March (one (1) involving the shooting of a police officer in the Capital Green area, and one (1) involving the death of Mr. Reginald Hannah) which caused racial tension and divisiveness within the City of Dover. As a result, Mayor Hutchison requested an Emergency Council Meeting to discuss the conflicting issues involving the community, which was held on March 25, 2001. Subsequently, the Delaware Human Relations Commission held a series of Dover Community Meetings throughout the year **(Exhibits)**, to begin a dialogue and develop objectives to restore and rebuild the community, together with all citizens of Dover. Those in attendance at these Community Meetings worked to develop and prioritize a list of issues as well as strategies and objectives for resolution.

During the Dover Community Meeting held on August 28, 2001, those present reviewed five (5) alternatives for developing a forum for the community. During the Dover Community Meeting of September 25, 2001, Councilman Eugene Ruane reviewed a list of what he felt the responsibilities of a local Human Relations Commission would entail.

During their Regular Meeting of February 22, 2002, Dover City Council adopted an ordinance establishing the City of Dover Human Relations Commission.

The Commission was established to restore and rebuild the community, however, during the past several years, the Commission has experienced low meeting attendance rates, by both members and citizens, and the Mayor and Council have received resignations from numerous members. As a result, the Commission has experienced difficulty in obtaining the required quorum of members to convene meetings and conduct official business.

Additionally, there is a lack of communication between the Commission and Council, as well as between the Commission and members of City staff. The Commission has repeatedly jeopardized the City's compliance with the Freedom of Information Act (FOIA) through its disregard of requests to provide detailed meeting minutes.

Councilman Hutchison requests that the Legislative, Finance, and Administration Committee 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 Construction Code Appeals 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 recommendation of the Committee for First Reading at City Council during the Regular Meeting of June 10, 2013 and Final Reading on June 24, 2013.

Highlights
Dover Community Meeting
May 1, 2001

- **Partnership**

  Delaware State Housing Authority, Community Leaders, Government Officials, Attorney General Offices, U.S. Department of Justice, HUD, Delaware State University, Wesley College and Delaware Technical Community College, Civic Organizations, and Law Enforcement

- **Media Issues**

  How to approach the Media

- **Education/Community Outreach**

  Feedback from citizens – Dialogue with community leaders
  Market the city
  Hold community meetings
  Proactive v. Reactive Approaches

- **Citizen Police Academy**

- **Involvement of Clergy**

- **Develop a plan of action before the end of school**

DOVER COMMUNITY MEETING MINUTES

The Delaware Human Relations Commission held a meeting on May 15, 2001 at the University of Delaware Paradee Building, Route 113 and Bay Road, Dover, Delaware. The meeting was called to order by Commissioner David W. Hill at 6:45 p.m.

Those present were: Commissioner David Hill, Director of the Human Relations Office, Juana Fuentes-Bowles, Councilpersons, Carleton Carey, Sr., William McGlumphy, John Pitts, Robert Ritter, Eugene Ruane, Stephen Speed, William Truitt, Charles Weller, President of Kent County NAACP, Cecil Wilson, Bishop Marion Lott, Mayor James Hutchinson, Chief of Police designees, Lt. Keith O'Connell and Capt. Ray Taraill, NAACP Community Activist, Travis Mishoe Sudler and NAACP Chair of Labor, Ray Sudler, Jr.

The purpose of the meeting was to begin a dialogue and develop objectives to restore and rebuild the community together with all citizens of Dover. Highlights of the May 1st meeting was discussed. Those highlights were as follows:

Partnership:

Partnering with other entities to establish a working relationship (Delaware State Housing Authority, community leaders, Government Officials, Attorney General Office, U.S. Department of Justice, HUD, Delaware State Housing Authority, Wesley College, Delaware Technical and Community College, Civic Organizations and Law Enforcement).

Media Issues:

How they can approach the Media. How the media portrays races and cultures. How media self-evaluates news.

Education/Community Outreach:

Feedback from citizens – Develop ways to dialogue with community leaders; ways to market the City of Dover, holding public meetings and how to be proactive vs. reactive approaches.

Citizen Police Academy:

How the academy functions. How it can be a resource to the community.

Involvement from the Clergy:

Participation from all clergy.

The group felt that a plan of action should be developed before the end of the 2001 school year.

From those Highlights of the May 1, 2001 meeting, seven issues were developed:

(1) Isolation
(2) How citizens are viewed by local officials; i.e. stereotyping, race profiling, labeling.
(3) Media
(4) Dover Police Department
Recruitment, Promotion, Retention of minority group members
(5) How citizens view police, i.e. stereotyping, fear, advocacy role.
(6) Capitol School District role
Recruitment of minority teachers and administrators, school board issues.
Ratio of minority students vs. minority teachers and administration
(7) The anger of citizens

Several strategies were discussed; citizen police academy, opportunities, hold council meetings in council members districts, partner with groups, proactive approaches, develop diversity programs, community league, community review boards, civic association involvement, partner with multi-housing units and their managers, invite the community to the roundtable.

The group agreed with the issues discussed and a ranking should take place to address immediate issues first and respectively followed. They further discussed inviting other members to the table. The group felt that once the issues have been identified and agreed upon, strategies and objectives should be developed for implementation.

All members present were asked to prioritize the issues and be prepared to talk about strategies and objectives for each issue by next meeting.

The meeting was adjourned at 8:45 p.m.. The next meeting is scheduled for June 6, 2001 at 6:30 p.m. at University of Delaware, Paradee Building, Route 113 and Bay Road, Dover, Delaware.

DOVER COMMUNITY MEETING MINUTES

The Delaware Human Relations Commission held a meeting on June 6, 2001 at the University of Delaware, Paradee Building, Route 113 and Bay Road, Dover, Delaware. The meeting was called to order by the Director of the Division of Human Relations, Juana Fuentes-Bowles. Commissioner David Hill was unable to attend the meeting due to illness.

Those present: Director of the Division of Human Relations, Juana Fuentes-Bowles, Mayor James Hutchinson, Lt. Keith O'Connell, Roy Sudler, Jr. Evangelist Shirley Caldwell, Pastor Richard Avant, Bishop Marion Lott, Pastor William Fitzhugh, Councilpersons, John Pitts and Gene Ruane, Elder W.R. Dixon, Elder Paul Caldwell, Bridget Avant and Ray (FAMBCF).

The meeting opened with an introduction of the people present. The meeting was a continuation from the last meeting (May 15, 2001) on the development of strategies and objectives to restore and rebuild the Dover Community. The highlights of the May 15 meeting were discussed. The issues were prioritized as follows:

Issues

(1) Concern of Citizens
(2) How citizens are viewed by local officials
(3) How citizens view the Police Department
(4) Isolation
(5) Dover Police Department (Recruitment, promotions, retention, new hires, etc.)
(6) Role of the Capital School District
(7) Media

Discussion took place on different strategies and objectives that can be placed under some of the issues. Those Strategies and objectives were as follows:

Strategies ad Objectives

- How to get citizens involved (i.e. clergy)
- Neighborhood watch program
- Talk with citizens
- Identify communities
- Identify representation from those communities
- Communication
- Meetings being conducted (i.e. neighborhoods)
- Council to hold district meetings
- Hold community meetings
- Mobilization of a Task Force
- Develop a Citizen Concern Board

- Information meetings held by identified entities
- Establish community organizations
- Hold Block Parties
- Citizen Police Academy
- Opportunities
- Partner with Groups
- Develop Diversity Programs
- Develop Civic Associations
- Invite community to a roundtable

All members present were asked to look at some of the strategies that were identified and place them under a issue that was identified and to develop other strategies for the identified issues.

Discussion took place in identifying communities within Dover that are not organized. Some that were mentioned are: Capital Green, Manchester Square, Liberty Court, Whatcoat, Simmon Circle and Schoolview.

Roy Mishoe Sudler introduced information entitled "Meeting Agenda for the NAACP reference to the State of Delaware, Division of Human Relations Commission" to the group. It was decided by the group to review the information for discussion at the next meeting. (Attached)

The group agreed to invite Diane Mitchum, U.S. Department of Justice at the next meeting.

The meeting was adjourned at 8:10 p.m.. The next meeting is scheduled for June 19 at 6:30 p.m.

DOVER COMMUNITY MEETING MINUTES

The Delaware Human Relations Commission held a meeting on June 19, 2001 at the Del Dot Administrative Building, Route 113 and Bay Road, Dover, Delaware. The meeting was called to order by the Director of the Division of Human Relations Juana Fuentes-Bowles at 6:45 p.m. Commissioner David W. Hill was unable to attend. The meeting opened with a prayer from Bishop Marion Lott.

Those present were: Director of the Human Relations Office, Juana Fuentes-Bowles, Captain Ray Taraila, Evangelist Shirley Caldwell, Pastor Anthony Wallace, Pastor Dan Burton, Bishop Marion Lott, Pastor William Fitzhugh, Councilpersons, Carleton Carey, Sr., William McGlumphy, and Eugene Ruane, Reverend James Hill, Sr., Jerry Alston, Paul Caldwell, House of Pride, Ray Famble, Don Doyle, Alphonso Cottman, Victor Couch and Samuel Rodgers, Reverend Anna Watson and Commissioner Marian Harris. There were two other individuals present whose names could not be translated.

The meeting opened with an introduction of the people present. The meeting was a continuation from the June 6, 2001 on the development of strategies and objectives to restore and rebuild the Dover Community.

Discussion took place on the issues that were prioritized by the group. Those issues were:

Concern of Citizens:

How citizens are viewed by local officials. How citizens view the Police Department, Isolation, Dover Police Department recruitment, promotions, retention and new hires, Role of the Capitol School District and the Media. The group decided to address the first issue (Concern of Citizens) strategically. The group felt that Citizens felt they were in fear if they made a complaint at the Police Station. Also citizens did not know the process to file a complaint.

A discussion took place on how to implement a Citizen Police Review Board as a strategy to the issue. Information has been offered by Captain Ray Taraila on what the Dover Police Department Complaint Process is presently.

The Group decided to develop a task force to develop a complaint process and report to the group. The task force members are Bishop Marion Lott, Jerry Alston, Reverend James Hill, Reverend Anna Watson and Captain Ray Taraila. The next scheduled meeting for the **Task Force** is June 26th at 4:00 p.m. at the Dover Police Department, 400 S. Queen Street, Dover, Delaware.

The meeting adjourned at 8:00 p.m. along with a closing prayer by Pastor William Fitzhugh. The next **Community Harmony** meeting is scheduled for July 24th at 6:30 p.m. at the Dover Police Department, 400 S. Queen Street, Dover, in the Public Assembly Room.

Minutes of the Dover Community Meeting
Dover City Police Department, July 24, 2001

The DHRC held a meeting on July 24, 2001 at the Dover City Police Department, Dover, Delaware. Juana Fuentes-Bowles, the Director of the Division of Human Relations, was away on business. Therefore, the meeting was called to order by Human Relations Investigator, Sharese McGhee at 6:40 p.m.

Those present were: Human Relations Investigator, Sharese McGhee, Mayor James Hutchison, Captain Ray Taraila, Evangelist Shirley Caldwell, Bishop Marion Lott, Pastor William Fitzhugh, Councilman Eugene Ruane, Councilman Stephen Speed, Clergy Paul Caldwell, Elder Wallace Dixon, City Manager Anthony De Prima.

The meeting opened with silent meditation. The group remembered Emily Morris. The meeting started with each one introducing him/herself to the group. There was further discussion on developing strategies and formulating objectives on how to restore and rebuild the Dover community. The discussion was a continuation from the groups' first prioritized issue.

Concern of Citizens

Draft citizen's complaint form. Bishop Lott along with Capt. Ray Taraila presented a draft. The information was pulled from the Wilmington Police, NCC Police, Human Relations and Department of Corrections. Prior to this, the Dover City Police Department did not have forms in place that a person would receive. Complaints are logged in. Suggestions were made to (1) make the complaint form on one piece of paper; (2) title needs to express the message of complaint; (3) add lines concerning if force was used e.g. physical, injuries, chemical, hospitalization, etc.; (4) swearing or affirming should be placed by the signature line; (5) form to be housed at Dover City Police Department.

Capt. Ray will draft a brochure/flyer to explain the complaint process. Human Relation Commission will submit final draft to Dover Police for final decision. The group wants it to be noted that this form came out of discussion from citizen's perspective rather than the state agency. This matter was referred back to the task force to complete final draft. A meeting with the task force is in the process of being scheduled.

Police Citizens Review Board

Lengthy discussion took place regarding this topic. The group had concerns about the title. The title needs to be changed. Suggestion: Citizens Advisory Council.

Discussion on the implementation of the mayor's new Executive Advisory Board. The group wanted to know if this board would serve the group's purpose. It was decided that a board is still needed. This issue was tabled for next meeting's agenda.

Bridging the Gap in the Community

The group decided it needed to identify the leaders in the community, that more that one or two leaders should be identified. To be able to identify leaders, sections of the city must be defined which would require a review of the city's map. It was agreed that leaders would be able to foster dialogue within the community.

Mayor Hutchison will contact Dr. DE Lauder of Del-State University to elicit his help in drawing a list. Gene Ruane will do the follow-up. This item was tabled for next meeting's agenda.

The meeting adjourned at 8:10 p.m. The next meeting is scheduled for **Tuesday, August 28, 2001 at 6:30 p.m. at the Paradee Building Conference Room of the University of Delaware, located at Rt. 113 & Bay Road, Dover.**

The task force will set its own meeting date.

DOVER COMMUNITY MEETING MINUTES
U. of DE Parade Building
August 28, 2001

The Delaware Human Relations Commission held a meeting on August 28, 2001 at the University of Delaware Paradee Building, Dover, Delaware. The meeting was called to order by Juana Fuentes-Bowles, Director of the Division of Human Relations, at 6:35 p.m.

Those present were: Director of the Human Relations Office, Juana Fuentes-Bowles, Rev. James Hill, Jr., Bishop Marion Lott, Sr., Pastor Dan Burton, Rev. William Fitzhugh, Tony DePrima, Paul Caldwell, Shirley Caldwell, Eugene Ruane, Elder Dixon, Rev. Richard Avant, Reuben Salters, and John Pitts.

Bishop Lott revised the discussion regarding the complaint form. He updated the group on the status. Captain Ray Taraila called and indicated he was not able to attend the meeting. Bishop Lott stated that the only outstanding issue with the complaint form was it being a 4-copy form. One copy would go to the Police Department, one to Internal Affairs, and one to the Advisory Board, if this is developed, or some sort of Board or Council that would be a neutral body to look at the complaint. The other outstanding issue was to educate the community on the new form. Captain Taraila is to develop a media campaign to educate the community. Bishop Lott and Juana Fuentes-Bowles will follow-up with Captain Taraila to see where the complaint and media information stands.

Discussion took place what route the group should have on how to develop a forum for the community, to express their concern on issue for resolution. Several suggestions were offered:

- Each city council person elect a person from their District to be a member of a sub -committee that would report to the council.
- Citizen Review Board
- Develop a Task Force
- Develop a local Human Relations Commission
- Police Review Board

The group discussed the possible purpose of such a committee, i.e., Data Bank, Diverse Group of Members, something permanent, handle <u>all</u> issues not just police issues.

The group decided to look into developing a local Human Relations Commission. They felt that this idea would benefit the whole community. They requested the Human Relations Commission find other local government that have Human Relations Commissions and get information forwarded to them for review. Juana Fuentes-Bowles indicated there are many local governments that have Human Relation Commissions. She will follow-up and see what information she can gather to forward to the group.

Eugene Ruane discussed a Police Ad that was recently in the paper that was recruiting for a Police Officer. Bishop Lott will follow-up with the police ad to see if the Police Department can

extend the recruitment date. Talk to local churches about the recruitment. They are going to also see if someone can go to local churches to talk about police recruiting.

Discussion took place regarding bridging the gap in the community. Tony DePrima indicated Mayor Hutchison did talk with Dr. DeLauder regarding assistance with identifying community leaders, and he gave him full cooperation in assisting. Eugene Ruane talked with Dr. Altson(?) and Dr. Johnson from Delaware State University and they said they would be willing to talk to the Group about how they can assist with identifying community leadership. They are willing and wanting to assist. This is through the social of social work about Delaware State University. Eugene Ruane will follow-up and see if they can attend the October 23, 2001 group meeting at 6:30 p.m.

The group was charged with attending the next meeting with a list of leaders they know of in their community. This list will be completed and it will be a starting point.

Reuben Salters mentioned to the group about the League of Government promoting race relations. He indicated last year the Mayor recognized a day for race relations. He will like to continue this effect and asked the group to endorse his effects. The group agreed to send a letter to the mayor and Bishop Lott, along with Elder Caldwell will draft the letter. The meeting adjourned at 8:10 p.m. The next meetings scheduled are September 25th at 6:30 p.m. and October 23rd at 6:30 p.m.

DOVER COMMUNITY MEETING MINUTES
Del Dot Building
September 25, 2001

The Delaware Human Relations Commission held a meeting on September 25, 2001 at the Department of Transportation (DelDot), Dover, Delaware. The meeting was called to order by Juana Fuentes-Bowles, Director of the Division of Human Relations, at 6:35 p.m.

Those present were: Director of the Human Relations Office, Juana Fuentes-Bowles, Evangelist Shirley Caldwell, Councilman Carleton E. Carey, Sr., Tony DePrima, Honorable James L. Hutchison, Bishop Marion Lott, Lt. Keith O'Connell, Councilman Eugene B. Ruane, Roy Sudler, Jr., Captain Ray I. Taraila, and Cecil Wilson.

The meeting opened with a discussion of the complaint form and understanding of the complaint process. Captain Taraila went over the Complaint Process. There were minor changes to the document and Captain Taraila will make the changes for final form. The group agreed to have a press conference introducing the new process. The Press Conference will be held on October 22, 2001 at 7:30 p.m. in Council Chambers.

A letter will go out to the Chief of Police recommending his acceptance of the complaint form and process prior to the Press Conference. Further discussion took place on how the process was going to inform the public. The group agreed that a promotional campaign should take place, and the Police Department will follow through with promoting the process to the citizens of Dover.

Councilman Ruane briefly discussed the development of a local Human Relations Commission. He handed out what he felt should be the responsibilities of this Commission. They are:

- Review City programs, activities, functions and ordinances, and make recommendations to the City Council for new, amended or changed programs, functions, activities, or ordinances which would improve human relations in the city.
- Inquire into incidents of inter-group conflicts and disputes within the city and take such action, as may be designed to alleviate such conflicts and disputes.
- Promote and encourage communication between, and cooperation of, all groups interested in bettering human relations in the city.
- Seek the active assistance of the State Human Relations Commission in the solution of complaints of alleged discrimination, which fall within the jurisdiction of the State Commission.
- Engage in such research, education, and advocacy as in the judgement of the Commission of the City Council, may be needed to improve human relations in the city.

Councilman Ruane asked the group to review the responsibilities of a commission for discussion at the next scheduled meeting, November 20, 2001 at 6:30 p.m. The meeting was adjourned at 8:30 p.m.

DOVER COMMUNITY MEETING MINUTES
155 S. Bradford Street, Dover
December 4, 2001

A meeting for the Community Harmony Ad Hoc Committee for establishing City of Dover Human Relations Commission was held on December 4, 2001 at 1:00 p.m. at 155 S. Bradford Street, Dover, Delaware. The meeting was called to order by Sharese McGhee, Investigator with the Division of Human Relations.

Those present were: Human Relations Office Investigator, Sharese McGhee, Councilman Reuban Salters, Bishop Marion Lott, Councilman Eugene Ruane, Pastor William Fitzhugh, and Pastor Anthony Wallace.

Councilman Ruane submitted an extended draft of Human Relations Ordinance. Councilman Salters raised the issue of whether or not there would be a 'conflict of interest,' because the City Council will have to approve it. Councilman Ruane didn't believe that it would be a conflict, because members of the City Council who vote will not be a part of this meeting. It was decided that this was not a conflict of interest. Powers and duties will be approved by the large committee. The rest of draft needs to be decided upon. Using the Department of Justice effective guidelines, re-define the bullets on Page 9 on the goals, to not hit civil rights issues, this draft is for consideration. This Commission will work on the State Commission. Need to make sure it is known that this Commission not trying to replace the State Human Relations Commission.

This Commission will refer issues to other agencies.

This group is basically a mediation group to make sure things are equal.

This group would give Mayor an outlet to turn to.

This draft suggests giving Mayor and Council authority to appoint Commissioner's.

This Commission should be made up of the population of diverse group; i.e., minorities representing 37% minorities, then committee will respect that.

Guideline represent 7-15 members. Councilman should appoint someone from their district and Mayor appoints. Noted in the draft on page (2) Establishment appointment; composition; terms of office (d) the group decided the members selected should be 15 members; 5 Mayor, 10 appointed by President.

The members felt that under the expenses there probably wouldn't be funding for the budget this year.

The members of the Ad Hoc committee were in agreement with the draft of the ordinance for the Human Relations Commission submitted by Councilman Ruane.

The members of this committee wanted this draft to be submitted to the entire Community Harmony Committee at a brief meeting to discuss the draft of the ordinance. The next meeting will be held on December 17th at 6:30 p.m. at 155 S. Bradford Street, Dover.

EXCERPT FROM CITY COUNCIL MEETING MINUTES OF OCTOBER 22, 2001

HUMAN RELATIONS COMMITTEE UPDATE

Ms. Juana Fuentes-Bowles, Director of the Delaware State Division of Human Relations advised members that a group of community members have worked diligently to begin dialogue, and develop objectives and strategies to restore and rebuild the community. As an enforcement agency of the State Human Relations Commission, she stated that there are many tasks one of which is to promote amicable relationships among all racial ethnical groups in the State of Delaware. During the past six (6) months, the State Human Relations Commission felt that due to the climate in the Dover community, it was important to take necessary steps to develop strategies to avoid potential escalating tension within the community.

Ms. Fuentes-Bowles relayed appreciation for those members of Council and staff that have been participating in the meetings that have occurred for the past several months. As a result, she stated that the group has identified seven (7) priority issues that need to be addressed, as follows: 1) concerns of citizens; 2) how citizens are viewed by local officials; 3) how citizens view the Dover Police Department; 4) isolation; 5) Dover Police Department recruitment, promotions, retention, new hires, minority group members, etc.; 6) role of the Capital School District; and 7) the media.

Referring to the first issue being citizens' concerns, Ms. Fuentes-Bowles explained that citizens feared that if they made a complaint, there would be adverse actions towards them, and that many were not aware of how to make a complaint to the City or the Police Department. A Task Force was developed in formulating a process to address these issues. On behalf of the Task Force, she presented a new Citizen Complaint Form and Citizen Complaint Process Brochure to Chief Horvath developed to be used by the City of Dover Police Department. It is hoped that the Chief, as well as Mayor and Council will welcome and implement the form and brochure as a part of City policy.

On behalf of the Dover Police Department, Chief Horvath commended all those that worked on this project and relayed assurance that the new form and brochure will be utilized, stating his feeling that it will enhance the department's public service.

Ms. Fuentes-Bowles advised members that the next Human Relations Commission's meeting is scheduled to be held on November 20, 2001 at 6:30 p.m. at the State DelDOT facility. The topic for discussion is to consider the establishment of a local Human Relations Commission.

Council President McGlumphy thanked Ms. Fuentes-Bowles and the members of the Human Relations Commission and other community participants for beginning the building of harmony in the City and for taking positive action in this regard.

ARTICLE II. - HUMAN RELATIONS COMMISSION

Sec. 58-31. - Purpose.
Sec. 58-32. - Established; composition; appointment; representation; holding other office; removal from office; terms of office; vacancies; reappointments.
Sec. 58-33. - Organization; quorum; meetings; rules of procedure; limitation of functions; agreements; compensation; legal counsel; reports.
Sec. 58-34. - Expenses.
Sec. 58-35. - Conflicts of interest.
Sec. 58-36. - Powers and duties.

Sec. 58-31. - Purpose.

The city council has deemed it to be in the best interest of the city to establish a human relations commission to include members who are broadly representative of the entire community and who are committed to a philosophy of inclusion, intergroup cooperation, and fair treatment that will effectively help the city meet the following needs:

(1) *Fairness, respect.* Promote and develop an environment of fairness and respect among its citizens;

(2) *Monitoring.* Develop ways to measure and monitor community relations, particularly those that are sources of intergroup conflict;

(3) *Intergroup relations.* Involve all segments of the community in understanding and appreciating the benefits of positive intergroup relations;

(4) *Issues.* Offer a range of programs and services that will help its residents and neighborhoods prevent and resolve issues of human relations; and

(5) *Intergroup conflict.* Develop ways of anticipating, preparing for, and relieving community tensions arising from intergroup conflict.

(Code 1981, § 2-16; Ord. of 2-11-2002)

Sec. 58-32. - Established; composition; appointment; representation; holding other office; removal from office; terms of office; vacancies; reappointments.

(a) *Established.* There is hereby established an advisory commission to be known as the "City of Dover Human Relations Commission," to carry out the objectives as described in this article.

(b) *Composition; appointment.* The commission shall consist of 15 members, all residents of the city. Five of these members shall be appointed by the mayor and confirmed by the city council. Ten of these members shall be appointed by the president of the council, based upon recommendations from the council and confirmed by the council.

(c) *Representation.* In selecting the membership of the commission, the mayor and president of the council and the council shall take particular care to ensure that the commission is broadly representative of racial, religious, gender and ethnic groups residing in the city.

(d) *Holding other office; removal.* No member of the commission shall hold any elected or appointed office under the government of the United States or the state, county, or city. The mayor or the city council president may remove members of the commission, with the concurrence of the city council, for substantial neglect of duty, or gross misconduct in office.

(e) *Terms of office; vacancies.* A member of the commission shall be appointed for a term of office of three years and until his successor has been appointed and has qualified. The appointees shall be appointed for staggered terms of office. When a vacancy occurs in the membership of the commission, it shall be filled by appointment for the unexpired portion of the term in the same manner as the original appointment.

(f) *Reappointments.* Members may be reappointed.

(Code 1981, § 2-17; Ord. of 2-11-2002; Ord. No. 2010-23, 8-23-2010)

Sec. 58-33. - Organization; quorum; meetings; rules of procedure; limitation of functions; agreements; compensation; legal counsel; reports.

(a) *Organization.* The human relations commission shall annually elect its own chairperson to preside over its meetings and may create and fill such other offices and committees among its members as may be found necessary and proper for its effective organization.

(b) *Quorum.* A majority of the membership of the commission shall constitute a quorum and, if a quorum is present, a vacancy on the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

(c) *Meetings.* The commission shall hold such meetings as may be deemed necessary for the completion of its purposes, responsibilities and functions. Regular meetings shall be held at least once per month unless there is no business to be considered by the commission. Special meetings may be called by the chairperson or three members of the commission.

(d) *Rules of procedure.* The commission is also authorized to adopt rules of procedure for the conduct of its meetings.

(e) *Functions limited.* The commission shall not involve itself in activities or functions already assigned by law or decree to other governmental bodies.

(f) *Agreements.* The commission may enter into agreements and build partnerships with other entities and organizations for the purpose of more efficiently and effectively carrying out its responsibilities.

(g) *Compensation.* Members of the commission shall receive no compensation.

(h) *Legal counsel.* The city solicitor shall provide legal counsel to the commission and shall be the legal representative of the commission in connection with its duties hereunder, on a case-by-case basis, or determine that outside counsel is needed and obtain such outside counsel for a particular matter.

(i) *Reports.* The commission shall make such reports to the mayor and city council as shall be periodically necessary. An annual report of its accomplishments and a summary of its recommendations, as appropriate, shall be sent to the mayor and the city council.

(Code 1981, § 2-18; Ord. of 2-11-2002)

Sec. 58-34. - Expenses.

(a) *Budget.* The city council may appropriate a budget for the city human relations commission to provide for necessary expenses and expenditures.

(b)

Other funding. The commission may also receive funding from other governmental, philanthropic or private organizations for the exclusive purpose of carrying out its responsibilities.

(Code 1981, § 2-19; Ord. of 2-11-2002)

Sec. 58-35. - Conflicts of interest.

If any member of the human relations commission concludes that he has a conflict of interest with respect to a matter which is pending before the commission, that member shall disqualify himself from participating in any deliberations, discussions and decision making processes of the commission.

(Code 1981, § 2-20; Ord. of 2-11-2002)

Sec. 58-36. - Powers and duties.

The powers and duties of the human relations commission shall be to:

(1) *Recommendations.* Review city programs, activities, functions and ordinances, and make recommendations to the city council for new, amended or changed programs, functions, activities or ordinances which would support inclusiveness and civility among city residents and enhance communication and understanding among residents of the city;

(2) *Intergroup conflicts.* Inquire into incidents of intergroup conflicts and disputes within the city and take such action as may be designed to alleviate such conflicts and disputes;

(3) *Intergroup cooperation.* Promote and encourage communications between and cooperation of all groups interested in bettering human relations in the city;

(4) *Complaints.* Seek the active assistance of the state human relations commission in the solution of complaints of alleged discrimination which fall within the jurisdiction of the state commission;

(5) *Research, education, etc.* Engage in such research, education and advocacy as, in the judgment of the commission or the city council, may be needed to improve human relations in the city;

(6) *Programs.* Develop and maintain programs that build positive relations among communities and enhance problem-solving skills among residents throughout the city;

(7) *Other functions.* Do all other acts and deeds necessary and proper to carry out and effectively accomplish the objectives, functions and services contemplated by the provisions of this article.

(Code 1981, § 2-21; Ord. of 2-11-2002)