PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee Meeting was held on January 14, 2013, at 12:00 p.m. with Mr. Anderson presiding in the absence of Chairman Bonar. Members present were Mr. Dixon and Mrs. Horsey. Mr. Lewis was absent. Councilman Perza and Mayor Carey were also present.

AGENDA ADDITIONS/DELETIONS

Mrs. Horsey moved for approval of the agenda as presented, seconded by Mr. Dixon and unanimously carried.

Consideration of The Green as a National Monument

Mayor Carey introduced Ms. Molly Ross, Special Assistant to the Director, National Park Service (NPS), Ms. Brenda Waters from the National Park Service, and former City Councilman Timothy Slavin, Director of the Division of Historic and Cultural Affairs (DHCA), State of Delaware.

Ms. Molly Ross advised members that Senator Thomas Carper and the Delaware congressional delegation were attempting to establish a national park in Delaware and that Senator Carper had been engaged in this effort for approximately 10 years. He introduced legislation in the last few Congresses to establish the First State National Historical Park, which would incorporate a number of areas in each of Delaware's three (3) counties; however, this legislation had not been enacted thus far. Ms. Ross explained that there are two (2) methods whereby an area can become part of the National Park system: 1) if Congress enacts legislation to make it a national historic park; or 2) if the President acts under the authority of the Antiquities Act of 1906 to designate it as a national monument. Ms. Ross stated that regardless of which approach is used, the area would be managed as a unit of the National Park system under the laws used to govern all such parks and the designation as a park or monument would not make much difference.

She explained that the National Park System is composed of 398 nationally significant areas of the country, most of which are historic units. The National Park Service (NPS) was created to help manage these units in 1916. In 1906, Congress passed the Antiquities Act, which delegated some of its authority to the President "to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected." Ms. Ross noted that over 125 national monuments have been created by presidents and that in many cases after presidents have protected these areas as national monuments, Congress has subsequently embraced and ratified them, perhaps changing their boundaries or adding authorities. Although most national monuments have been on land the Federal Government already owns, the Antiquities Act also provides authority for the United States to receive donations of non-federal land for this purpose.

Mrs. Ross indicated that since the legislation to designate a site in Delaware has not been moving forward in Congress, many have wanted a national monument to be considered for the sites in Delaware that Senator Carper had focused on. She stated that the Dover Green has been an obvious part of the national historic park proposal. Ms. Ross indicated that a determination was being made whether The Green was owned by the City or State and stressed that obtaining a clear title was necessary before any transactions could be completed. A donation of an interest in the property would have to be made to the Federal Government and this could be done through a historic preservation easement, which would state that the City or the State would continue to own and manage The Green in a manner consistent with the historic preservation goals shared with the Federal Government and the Secretary of the Interior's standards of historic preservation. It would also state that should the City or State fail in management to these standards, the NPS would have the right, but not the obligation, to step in and assure management for historic preservation goals. Ms. Ross believed that the terms of the easement would be consistent with current goals and management of The Green and did not anticipate much change. The Green would be contained within the boundaries of the monument. Ms. Ross indicated that areas being considered for the national monument in Delaware were included on the list prepared by Senator Carper for legislative action; however, she stated that it was very possible, for reasons of timing and management feasibility, that the complete list would not be included in the monument. The areas that have been prioritized because of their importance to the history of Delaware include sites in New Castle (including the Courthouse, The New Castle Green, and the Sheriff's Office), The Green in Dover, and perhaps Old Swede's Church in Wilmington. In addition, interest had been expressed in donating 1,100 acres in the Woodlawn area, northwest of Wilmington, which has ties to early Quaker settlement and William Penn, for inclusion in the proposal. She explained that in order to meet the legal standards and management needs of the monument, the Federal Government was looking for a fee interest in Woodlawn and the Sheriff's House in New Castle. Ms. Ross stated that there would be benefits to the proposed designation in that these historic sites would be listed on the NPS website, local tourism would benefit, designation as a national monument would lead to higher prioritization for NPS funding possibilities, and the NPS would help with historic interpretation. She stated the NPS would look for ways to partner with State or local agencies managing these parks and historic areas, seek efficiencies, and establish cooperative agreements to help with management. She complimented current historic interpretation efforts and stated that NPS would be looking for ways to work with the City.

Ms. Ross emphasized that designation as a national monument under the Antiquities Act was a Presidential authority that is guarded carefully by offices at the Department of Justice and the White House. Requirements are carefully reviewed and it is NPS's responsibility to gather facts and make sure that everything is in order for the President to make a decision. The historic preservation easement must be obtained before the President's action on the proclamation. Ms. Ross stated that the NPS was working with staff on the title for The Green, an environmental site assessment must be performed, and the NPS lawyer must determine the conservation easement language required.

Ms. Laura Haynes, Senior Policy Advisory for Energy and Environment, Senator Thomas Carper's Office, stated that she had been working on the establishment of a national park in Delaware for five (5) years. She stated that the legislation proposed was not "dead" and some movement was made

in the last Congress in that the legislation was moved out of the Senate; however, she stated that it was increasingly difficult for parks bills to be passed by Congress, especially with current budget and gridlock issues. She stated that Senator Carper was looking for all options to move forward and the delegation would continue legislative efforts, even if monument status were attained, since the few parks that were being approved by Congress were those that had been previously designated as national monuments. She confirmed that it would make no difference for the Dover Green if the goal was accomplished through legislation or by designation by the President as a monument. She indicated that the historical easement option was included in the proposed legislation as well. Ms. Haynes stated that the timeline for negotiations regarding the project was being moved forward and the proposed legislation would "give the green light" for the administrator to enter negotiations to acquire the site; however, acquiring monument status would require completion of the negotiations before the historic site could be designated. She advised members that these steps must be taken regardless of the approach used. She noted that Senator Carper was trying to get as many properties as possible on the list into the monument and that there was a fairly high confidence level that this could be done for the Dover Green with the Committee's assistance.

Ms. Ross expressed her appreciation to Senator Carper and the Delaware congressional delegation for their work toward this effort. She confirmed that the President's action, if it occurs, would not preclude the park legislation. Ms. Ross advised members that there was a current "window of opportunity" lending itself to a possible Presidential action since the Conservation Fund had come forward with a donor who committed over $20M to purchase the historically significant Woodlawn property. The Conservation Fund indicated that they cannot hold property long and were focused on getting it into the hands of organizations that can protect, preserve, and manage it properly, which has put pressure on all involved to take action quickly. She stated that the NPS felt that this property would tie in very nicely with sites like the Dover Green and New Castle sites in telling nationally significant historic stories in Delaware.

Mr. Scott Koenig, City Manager, stated that this matter was scheduled for consideration by Council later that evening. Of concern was the fact that ownership of The Green was undetermined. He explained that the City Solicitor indicated that there may not be a deed for the property because it was laid out before that type of instrument existed. Mr. Koenig stated his belief that the property was owned by either the State or the City and that the attorneys could address this issue. He explained that if the project were recommended to Council and if Council approved it, an environmental assessment would also be required. He felt that there would be associated legal and environmental expenses which, at this point, would be charged to the City Manager's budget since this project was not anticipated at the beginning of the year. He expressed his hope that if Council endorsed the project, their action would revert the matter back to staff to work with the NPS to achieve monument status.

Mr. Anderson stated his concerns about the possible effects on private property surrounding The Green, the City's ability to control and manage The Green, and the possible budgetary impact. He questioned the need for a deadline that caused the placement of this item on the agenda of the City Council meeting scheduled for later in the evening.

Ms. Ross stated that there was no firm date regarding the President's schedule; however, there was time pressure to get the land transactions accomplished by February 15, 2013 when the Conservation Fund would consider how much longer it could hold the Woodlawn property. Those who have worked on this package in Senator Carper's Office and in the Executive Branch believe that the entire package is quite compelling; therefore, consideration must be given to the portion that is on the shortest time fuse (Woodlawn). She added that the conveyance of the historic preservation easement would not take place until a decision was made to go forward with a national monument, and she anticipated that this would occur very close to the day that a Presidential Proclamation would be issued. She stated that before that time it would be necessary for all documents to be prepared (possibly put in escrow) so that they would be available to record.

Ms. Haynes stated that Senator Carper was working with federal administration and the Congressional delegation and saw a very small window of opportunity for Delaware to get into the National Park System. She stated the project may go forward and if the City was not willing to participate, the City may be moved out of monument status and would have to wait for a national park to be established, which may not occur for many years. Ms. Haynes noted that the Secretary of the Interior was a strong advocate of the project and was currently speaking to the President regarding this matter; however, it was believed that the Secretary may vacate his position in the near future. She explained that due to term turnovers in government, it has been necessary to re-educate NPS staff regarding the project, and the current staff was working very hard to move it forward. Ms. Haynes stated that the strongest proposal for the President included the Woodlawn property with the other historical sites, including the Dover Green. She indicated that the Conservation Fund is a small organization that could not hold onto the Woodlawn property much longer (possibly until mid-February) due to liability concerns.

Ms. Anne Reigle, resident of Wyoming, Delaware, stated that she did not feel that reasons had been presented for the Federal Government to take control of The Green, which was laid out before the City of Dover was laid out and the Federal Government was established. She felt that residents of the City of Dover and Delaware already recognized the historical significance of The Green. Ms. Reigle stated that the City of Dover had worked very hard to preserve the buildings and the integrity of The Green and she did not feel that the Federal Government could contribute anything else. She expressed her opinion that it would not be a good idea to sign over control to allow the government to give the City guidelines and "step in and take over" if those guidelines were not followed.

Ms. Haynes stated that, as author of the legislation submitted, she felt the Federal Government would have an "interest" in the property by virtue of a historical easement rather than "control." She advised members that the Dover Green has been part of the park concept since a resource study was performed in 2008 and earlier; therefore, this is not a brand new idea.

Ms. Ross noted that Delaware is the only state that does not have any national parks or monuments and that the project would bring attention to this area. The Green would still be owned and managed by those who currently do so, and an easement would be deeded to the Federal Government to ensure that the property is preserved for posterity and its story is told. She reiterated the advantages

including a higher prioritization for funding and partnership in interpretation and consulting on historic preservation. If the monument is created, an approximate three (3) year management planning process would take place, including consultation with the City and the public. As to whether it would affect residents along The Green or events there, she expressed her opinion that as long as the historic property was not being impaired or destroyed, there should be no problem with those activities.

Mr. John Garey, 48 The Green, concurred with Ms. Reigle's comments, feeling that local entities do a great job holding City events and preserving the historical accuracy of The Green. He stated that he has been an owner on The Green for five (5) years and questioned why those in attendance were just learning about the project, stating that he did not know about it until this morning. He stated he had not heard anything that he would consider a big benefit to moving forward. Mr. Garey stated that it had not been specified how help would be provided from the NPS and how more people would be brought to the area, noting that he did not feel that placing The Green on the National Park Service website was "a big deal." He stated that he had not heard how the project would impact his property and, as a landowner and a taxpayer, felt that it was not prudent to rush this issue. Mr. Garey noted that he already had to come to the City anytime he wished to do something to the exterior of his building, including the placement of signs, painting, etc., and did not wish to have to go to the Secretary of the Interior, Ken Salazar, for permission to make these types of changes.

Ms. Ross stated that since Mr. Garey's property would not be within the boundaries of the National Monument, this would not be required. Mr. Garey stated that he did not know the impact on property adjacent to a national park or monument.

Ms. Ross advised members that the boundary of the easement being sought would not include the residents around The Green and that it would not impact what was being done today. She stated that well-proven, well-documented, economic studies have shown that typically every $1 spent by the NPS in these areas results in $4 to the local community since parks are usually tourism and economic generators for communities.

Ms. Haynes reiterated that Senator Carper has been interested in a national park in Delaware because of the economic benefits that it could bring to the State. She noted that local taxpayer funds are going toward the NPS, and every state in the nation besides Delaware is benefitting from this since Delaware is the only state without a national park. She indicated that every other state is receiving at least $1M for their national park and some are receiving $15M-$30M. Acknowledging that a national park in Delaware could not compete with parks such as the Grand Canyon or Great Smoky Mountains, Ms. Haynes noted that Rhode Island has a very small national park and is receiving over $2M in economic benefits from tourism. She stated that this was why Senator Carper believed that there should be a national park in Delaware, in addition to the need to preserve Delaware history and tell its story to the rest of the nation.

Mr. Garey stated he felt it unlikely that there would be an increase in visitors touring The Green even if it were made a national park and stated that a great job is currently being done in bringing people to the Dover community to see the Delaware Public Archives and locations of interest. He did not see how putting The Green on the website would change this significantly.

Ms. Reigle stated that she was a "big fan" of the national parks and that rangers do a great job. She felt that national parks typically encompass sites like battlefields or forests, rather than a "little pad of green" in the middle of an area that is used for commercial businesses, courts, and residences. She stated that she would love for Delaware to have a national park and suggested that Fort Delaware or Woodlawn would lend themselves to such a use. She did not feel that The Green, surrounded by the Dover community, could be labeled a national monument without some consequence to the community, noting that it was not even known who owned the property. Ms. Reigle stated that the City of Dover had maintained this property for years. She did not feel that the assistance of the Federal Government was needed and that the site could be managed better by local people who are committed. She stated that her family owns property on The Green and had worked with the City of Dover to renovate it by putting expensive copper piping on the side of it. She urged members not to pass this matter on to City Council and to reject or at least table it for a significant period of time so that the rest of the community would have an opportunity to come forward.

Mrs. Horsey stated her understanding that the City of Dover was considering eliminating the Historic District Commission and possibly the Historic District. *(City Clerk's Office Note: The Role and Scope of the Historic District Commission was scheduled for consideration at the Legislative, Finance, and Administration Committee Meeting scheduled for later in the day)* and suggested that help may be needed from the Federal Government, such as that being proposed, if the City was even remotely thinking of doing away with its own standards and guidelines.

Responding to Mrs. Horsey, Ms. Ross stated that although she had walked the property, she had not looked at maps of the land being considered. She stated her understanding that the proposal was focused on The Green and that the NPS would make sure that everyone's rights of way would be protected and public access would be provided. Although she did not have the details, she reassured members that there would be real estate documents with maps attached and that parties would have to come to agreement to define the precise interests.

Ms. Haynes stated that NPS visited Dover in 2008 and performed a related natural resource study in Dover and a public hearing was held at that time. Public comment did not include concerns with regard to incorporating the Dover Green in the National Park System. She explained that a significant number of public meetings had been held in addition to hearings in Congress and the information had been on Senator Carper's website for quite some time.

Mr. Perza questioned when the City, State, or Federal Government would meet with property owners who are impacted to review a map of the proposed plan. He stated that no one had seen the boundaries of the plan or knew if private property would be impacted versus the two (2) islands of grass. He felt that many people have questions, such as if there are insurance needs, who would set standards on the preservation guidelines, and whether the parking situation would be involved. He

felt that a question and answer session would be helpful with presentation of a map and information on the impact of the project. He felt there was a perception that this matter was being "sprung" on the public, although he stated he could appreciate the deadline involved.

Ms. Ross stated that the national monument option is not used often and is usually for extraordinary circumstances, historically when Congress has been unable to act regarding very worthy projects. She stated that the NPS had been waiting to see whether the last Congress would support and enact the legislation, but this did not occur. She felt it logical that people would want to understand the impact on their lives. She stated that NPS staff and individuals in the various locations were working on related documents. She stated her understanding was that the focus was on telling the story of how the Constitution was ratified in Dover and this involved "the grass"; however, she stated that maps were not available at this time.

Mr. Perza indicated that he felt that a decision should not be made until the relevant documents were read and an understanding was obtained about how the project would impact Dover. He acknowledged that it may be a good idea but wanted an understanding of what would be voted on and the details.

Mr. Slavin stated that the Division of Historical and Cultural Affairs (DHCA) has a significant presence on The Green since it owns property at 21 The Green, as well as the Old State House, and offers public programming through the John Bell House located there. He noted that the DHCA also owns and manages 41 historic properties on behalf of the State, at least three (3) of which are included in the first iteration of the proposed national monument, one (1) of which is the New Castle Green where similar questions were being asked. He advised members that the New Castle Green is also surrounded by private property owners; however, it was the understanding in New Castle that the interest in the easement was only on the land of The Green itself and would not convey to the streets, the sidewalk across the street, or any properties surrounding The Green. Mr. Slavin noted that he was in the business of historic preservation and bringing people to cultural attractions and felt the proposed project was a wonderful thing for the historic preservation of The Green which would solidify, acknowledge, and place in perpetuity all of the efforts that the City had made in the past to preserve it. He stated that the DHCA manages approximately 60 easements across the State to ensure that unforeseen events do not occur. In terms of cultural attraction, he agreed that a phenomenal job is done locally to attract people to these sites and they are doing a wonderful job of interpretation; however, he felt that "more is always better" and that having the cachet of being part of the NPS and the marketing that takes place through them would be a significant boost to current efforts. He understood the issues being raised about timing and the content of the language in the easement which referred to baseline documentation, including maps, that was not provided, and hoped those questions would be answered. Mr. Slavin stated that the same need for documentation was being expressed in reviewing the language proposed for the New Castle Green.

Responding to Mr. Anderson, Mr. Koenig stated that no information had been mailed to individual property owners in the area but the meeting agenda had been posted as required.

Ms. Haynes stated that it has been the understanding of Senator Carper's Office from the NPS that only The Green would be included, not homes or streets. She stated that the Park Service had drafted a map of the site because the Dover Green has been in the legislation for a significant amount of time.

Ms. Reigle expressed her opinion that The Green had no value without its surroundings; therefore property owners would be affected. She felt that property owners should have a say and that they should be given notice.

Mr. Slavin stated that the local jurisdiction of the City would never be relinquished through the easement and the City would always determine the use of land surrounding The Green.

Mr. Anderson felt that it would be appropriate to notify those within 200 feet from the area and expressed his concern that this had not been done.

Mr. Garey inquired what type of entry the easement would grant onto the property. Responding, Ms. Ross explained that the terms of the easement would say that the City or State would continue to own and manage the land but shall manage it to preserve the historic nature of the property to the standards for historic preservation that are set by the Secretary of Interior. She stated that such easements are common tools to make sure that "a 7-Eleven is not put in the middle of The Green."

Mr. Anderson stated that the easement included terms that would prevent any buildings or structures from being built on the property and require that it be kept approximately as it is.

Responding to Ms. Reigle regarding the discussions that would be taking place later in the day concerning the City's Historic District Commission, Mr. Anderson stated his belief that there was a possibility that the functions of the Historic District Commission could revert to the Planning Commission but that commitment to historic preservation would not end.

Ms. Ross advised members that a decision must be made since the establishment of a First State National Monument was likely to occur on a "fast track." She stated her availability to attend future sessions on this issue and that NPS staff would discuss the matter with City staff and review maps, etc. She indicated that there would be a management planning process to ensure that this would be accomplished in a way that was "smart", that the City was supportive of, and that was consistent with the community. Ms. Ross stated it would be likely that uniformed NPS park rangers would be seen in the area and grants and funding for historic preservation efforts from the Federal Government would be placed higher in the queue for federal funding. She apologized that some of those present were just learning about this project. She explained that the NPS had been asked by Congress previously to do a special resource study to determine whether Delaware had resources that merit national park status. Many public hearings were held and the study was completed at the end of 2008 and sent to Congress in 2009 and, on the basis of those public hearings and that study, the delegation from Delaware introduced the legislation under Senator Carper's leadership. She indicated that approximately 12 hearings and meetings associated with the legislation had been conducted.

Mr. Anderson stated that some of those present were uncomfortable with the matter going forward to Council without maps attached and inquired if it would be possible to have them submitted for inclusion for Council's consideration later in the evening. Ms. Ross offered to contact the NPS Lands Office to inquire about the status and would check on legislative maps as well.

Ms. Haynes noted that Senator Carper sees this project as an economic benefit to the area to provide assistance to the good work that was being done locally and did not anticipate a change other than perhaps the availability of additional money from the Federal Government, additional tourism, and rangers in the area. She felt this would be an economic benefit to the City of Dover and, for this reason, the delegation and the Government have been supportive. She offered to return as many times as possible to answer questions if needed.

Mr. Dixon stated that he was troubled that property owners in the area had not been notified of the project. He felt that the project sounded positive; however, he expressed concern about pushing through something that everyone had not had an opportunity to think and voice their opinions about.

Mr. Anderson moved to recommend that the matter be referred to Council with a recommendation that a public hearing be held and the surrounding property owners be notified. The motion was seconded by Mrs. Horsey.

Mr. Koenig stated that if the recommendation were to hold a public hearing, he was unsure if this would fit into the timeline. He felt that the requirement to hold a public hearing might prevent the City from participating in this specific application. Mr. Koenig felt that the only way to participate in this proposal would be through a favorable vote by Council later in the evening, noting that an easement must be drafted and an environmental study must be performed.

Mr. Anderson stated that there might be future opportunities in this regard.

Ms. Haynes stated that this project may never be accomplished through legislation and this may be the City's only chance to participate in the project and receive the economic benefits that the community had previously indicated that they wanted to enjoy. She suggested a public meeting and perhaps an emergency Council meeting. She noted that a public meeting was held two (2) years ago on this issue and that she attended and presented information regarding the Dover Green.

Responding to Ms. Reigle, Mr. Anderson stated that all interested parties, whether in favor or opposed, should attend the Council Meeting scheduled later in the evening.

As noted earlier, due to time constraints this item was scheduled for consideration by City Council later in the evening.

On a call for the question, the motion that the matter be referred to Council with a recommendation that a public hearing be held and the surrounding property owners be notified was unanimously carried.

Update - CDBG Program

Mrs. Tracey Harvey, Planner I, reviewed the Status of FY-12 Community Development Block Grant (CDBG) Projects. In reference to the Homeownership Assistance Program, she advised members that three (3) closings were scheduled for January 31, 2013, two (2) through the Neighborhood Stabilization Program (NSP) and one (1) through CDBG and she expressed her thanks to the Committee for approving the reallocation of funds to the homeownership programs, noting that this funding had already been reallocated for future use.

Mr. Dixon moved for adjournment, seconded by Mrs. Horsey and unanimously carried.

Meeting Adjourned at 1:26 P.M.

David L. Anderson
Acting Chairman

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