REGULAR COUNCIL MEETING

The Regular Council Meeting was held on November 26, 2012 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Mr. Lynn, Mr. Perza, Mr. Bonar, Mr. Hare, and Mr. Hutchison. Mrs. Williams was absent.

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

OPEN FORUM

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

Mr. EShed Alston, 406 Arnold Court, indicated that documents were provided to Council Members previously and read portions of those documents. As indicated in the Sworn Statement and Witness Observations of Record ***(Exhibit #1)***, he stated that he was not promoting any racial riots in the City; however, he was raising the legitimate and valid issue of uninvestigated lynchings of black male City residents. Mr. Alston stated that he has been a Civil Rights Activist in the City for over 35 years and has never been involved in any violent confrontation with the police. He suggested the possibility of having disagreements without being disagreeable, even in instances of legitimate issues of concern. He noted that there is a website, www.waronthehorizon.com, which uses the lynchings to sensationalize a horrific event and opposed the use of such for self promotion. Mr. Alston informed members that he was not associated with the War on the Horizon movement.

The invocation was given by Councilman James L. Hutchison, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mr. Hutchison moved for the deletion of Item #4 - Appeal for Pension Benefits - Steve Warren and Dewey Ray Lavender, and approval of the agenda as amended, seconded by Bonar and unanimously carried.

Mr. Bonar moved for approval of the consent agenda as presented, seconded by Mr. Lynn and carried by a unanimous roll call vote (Williams absent).

With approval of the Consent Agenda, Council President Leary noted that City Council would hold a public hearing on December 10, 2012 at 7:30 p.m. to consider a proposal to rename Court, Duke of York, and William Penn Streets as Martin Luther King Street, to rename Capital Drive as Court Street, and to consider the placement of plaques of dedication to William Penn and the Duke of York on the respective streets and the proposed renaming of the Dover Public Library in honor of Dr. Martin Luther King, Jr.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF NOVEMBER 13, 2012

The Minutes of the Regular Council Meeting of November 13, 2012 were unanimously approved by motion of Mr. Bonar, seconded by Mr. Lynn and bore the written approval of Mayor Carey.

CERTIFICATE OF APPRECIATION - HURRICANE SANDY

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

WHEREAS, the City of Dover experienced the effects of Hurricane Sandy when it made landfall on October 29, 2012, bringing approximately 10 inches of rain to the area; and

WHEREAS, the City of Dover staff implemented an Incident Command Structure which included Mr. Scott Koenig, City Manager; Mrs. Kay Dietz-Sass, Public Affairs and Emergency Management Coordinator; Mrs. Sharon Duca, Public Works Director, and Mayor Carleton Carey; who worked tirelessly to coordinate staff efforts to protect the safety and well-being of the residents of the City of Dover; and

WHEREAS, City staff established and maintained an Emergency Call Center manned by employees who offered to work from several departments, including the City Manager's/Mayor's Office, City Clerk's Office, Planning and Inspections Department, Information Technology Department, along with Council Members James Hutchison and Sean Lynn and Mayor Carleton Carey; and

WHEREAS, Department of Public Works crews, working twelve (12) hour shifts, started leaf and debris removal well before the storm's landfall to alleviate storm drain blockages and ensure access to City infrastruture and worked diligently to ensure continued provision of potable water and proper transmission of increased wastewater flow; and Electric Department staff worked relentlessly to maintain power for City residents during the storm, resulting in minimal power outages; and

WHEREAS, the Fire Marshal's Office and Fire Department responded to fire calls, including performing a water rescue; and Police Officers and dispatchers responded to calls and requests for assistance during the period when City offices were closed due to inclement weather and Code Enforcement staff worked steadfastly on damage assessment to ensure the safety of our community; and

WHEREAS, Finance Department employees worked diligently to ensure there was no disruption in payroll due to the storm; and Central Services Department staff dedicated themselves to ensuring that supplies and materials needed for hurricane preparedness and storm clean-up were readily available for work crews.

NOW, THEREFORE, it is deemed an honor and privilege to present this Certificate of Appreciation to the City of Dover Employees for their diligent efforts and service on behalf of the community.

WITH SINCERE APPRECIATION FROM THE MAYOR AND COUNCIL

ANNEXATION/REZONING PUBLIC HEARING/FINAL READING OF ORDINANCE #2012-21 - PROPERTIES LOCATED AT 110 AND 136 RUSTIC LANE, (OWNED BY TAILILOU, LLC)

An annexation referendum was held on November 15, 2012 for properties located at 110 and 136 Rustic Lane, owned by Taililou, LLC.

Referendum Results

The City Clerk reported that the referendum was held with one (1) vote cast in favor of the annexation and zero (0) votes cast against annexation.

Mr. Bonar moved to accept the referendum results, seconded by Mr. Lynn and unanimously carried.

By motion of Mr. Hare, seconded by Mr. Hutchison, Council adopted Resolution No. 2012-16 by a roll call vote of six (6) yes (Lynn, Perza, Bonar, Hare, Hutchison, Leary), one (1) no (Anderson), and one (1) absent (Williams), as follows:

RESOLUTION NO. 2012-16 APPROVING THE INCLUSION OF AN AREA WITHIN THE LIMITS OF THE CITY OF DOVER.

WHEREAS, the Charter of the City of Dover authorizes Council to extend the boundaries of the said City after a special election of the qualified voters and real estate owners of the territory proposed to be annexed, and

WHEREAS, the Mayor and Council of the City of Dover deem it in the best interest of the City of Dover to include an area contiguous to the present City limits, and hereinafter more particularly described within the limits of the City of Dover, and

WHEREAS, the Charter of the City of Dover provides that if a majority of the votes cast in an election held in a territory proposed to be annexed shall be in favor of inclusion of that territory within the limits of the City of Dover, the Council may thereupon adopt a resolution annexing said territory and including same within the limits of the City of Dover.

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

1. That the following described area, situated in East Dover Hundred, Kent County, State of Delaware, shall be annexed to and included within the limits of the City of Dover:

ED-00-057.02-02-38.00-000 - 110 RUSTIC LANE (TAILILOU, LLC)

> ALL THAT TRACT PIECE OR PARCEL of land situated in East Dover Hundred, Kent County, State of Delaware, as shown on a survey prepared by Douglas J. Annand, Professional Land Surveyor, dated November 13, 2011.
>
> BEGINNING at a set iron bar on the southerly right-of-way line of Rustic Lane, (50' wide), said point being a corner of this property and Tax Map No. ED-05-057.00-01-50.00, said point being distant easterly 519' from the easterly right-of-way line of U.S. Route 13; thence with said southerly right-of-way line of Rustic Lane,

1) N 50°00'00" E a distance of 200.00', to a set iron bar at a corner of Tax Map No. ED-00-057.02-02-40.00; thence with said Tax Map No. ED-00-057.02-02-40.00,
2) S 39°51'44" E, a distance of 245.88', to a set iron bar in line of lands now or formerly of the State of Delaware, (DB. Q 25-190); thence with the State of Delaware and lands now or formerly of Tidewater Utilities, (DB. B 24, PG. 323),
3) S 50°51'13" W, a distance of 198.64', to a set iron bar at a corner of aforesaid Tax Map No. ED-05-057.00-01-50.00; thence with said Tax Map No. ED-05-057.00-01-50.00,
4) N 40°11'13" W, a distance of 242.92', to the point of beginning.

Contained within these metes and bounds are 1.118 acres of land more or less.

ED-00-057.02-02-40.00-000 - 136 RUSTIC LANE (TAILILOU, LLC)

ALL THAT TRACT PIECE OR PARCEL of land situated in East Dover Hundred, Kent County, State of Delaware, as shown on a survey prepared by Douglas J. Annand, Professional Land Surveyor, dated November 13, 2011.

BEGINNING at a set iron bar on the southerly right-of-way line of Rustic Lane, (50' wide), said point being a corner of this property and Tax Map No. ED-00-057.02-02-38.00, said point being distant easterly 719' from the easterly right-of-way line of U.S. Route 13; thence with said southerly right-of-way line of Rustic Lane,

1) N 50°00'00" E, a distance of 100.00', to a found iron bar at a corner of lands now or formerly of Michael C. Biddle, (DB. 614, PG. 309); thence with said Biddle and lands now or formerly of Clorinda I. Garrett, (DB. K 39, PG. 311),
2) S 39°51'44" E, a distance of 250.50', to a found iron bar in line of lands now or formerly of The State of Delaware, (DB. Q 25, PG. 190), passing over a found iron bar at 146.20' from the beginning of this line; thence with The State of Delaware,
3) S 52°38'49" W, a distance of 100.10', to a set iron bar at a corner of Tax Map No. ED-00-057.02-02-38.00; thence with said Tax Map No. ED-00-057.02-02-38.00,
4) N 39°51'44" W, a distance of 245.88', to the point of beginning.

Contained within these metes and bounds are 24,819 square feet of land more or less.

2. That the above described property shall be annexed into the City of Dover with a zoning classification as set by City Council and in accordance with the zoning map and environs, then in force, effective upon such lands being included within the limits of the City of Dover.

3. That the certified copy of the resolution of annexation, together with a plot of the area annexed, shall be filed for record with the Recorder of Deeds of Kent County.

4. That the effective date of this resolution shall be the 27th day of November, 2012 at 12:01 a.m.

ADOPTED: NOVEMBER 26, 2012

Rezoning Public Hearing and Final Reading of Proposed Ordinance #2012-21

A public hearing was duly advertised for this time and place to consider Ordinance #2012-21, rezoning properties located at 110 and 136 Rustic Lane, owned by Taililou, LLC. The properties are currently zoned BG - General Business (110 Rustic Lane) and RMH - Residential Manufactured Home District (136 Rustic Lane) (Kent County Zoning Classifications) and the proposed zoning is C-2A - Limited Central Commercial (City of Dover Zoning Classification).

Mr. Bonar moved that the Final Reading of the proposed rezoning ordinance be acknowledged by title only, seconded by Mr. Anderson and unanimously carried. *(The First Reading of Ordinance #2012-21 was accomplished during the Council Meeting of September 10, 2012.)*

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the Petition to Annex and Zone property and the Plan of Services Report. The Planning Commission recommended that the zoning classification of this property be approved as C-2A - Limited Central Commercial upon annexation.

Mr. Bonar questioned if the applicant had been made aware that there were issues with the property relating to hazardous materials. Responding, Mrs. Townshend stated that staff discussed some of the challenges the property owners may encounter in obtaining utilities to the property. Mr. Bonar noted that the property was used as a storage lot for wrecked automobiles for several years and that the applicant should be made aware of potential concerns.

In response to Mr. Anderson, Mrs. Townshend stated that since the applicant had not submitted a proposed use for the property, the traffic impact could not be determined at this time; however, she anticipated mixed use of the property. She noted that since Rustic Lane is a Delaware Department of Transportation (DelDOT) roadway, depending on trip generation, the applicants may be required to conduct a traffic impact study and that issues regarding traffic and required improvements to the roadways and intersection would be addressed at that time.

Responding to Mr. Perza, Mrs. Townshend confirmed that approval of the zoning classification would not authorize a "blanket" approval for use of the property.

Council President Leary declared the public hearing open.

There being no one present wishing to speak, Council President Leary declared the public hearing closed.

Mr. Bonar moved for approval of the rezoning, as recommended by the Planning Commission. The motion was seconded by Mr. Anderson and by a unanimous roll call vote (Williams absent), Council adopted Ordinance #2012-21, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTIES LOCATED AT 110 AND 136 RUSTIC LANE

WHEREAS, the City of Dover has enacted a zoning ordinance regulating the use of property within the limits of the City of Dover; and

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from BG - General Business (110) (ED00-057.02-02-38.00-000) and RMH - Residential Manufactured Home District (136) (ED00-057.02-02-40.00-000) (Kent County zoning classifications) to C-2A - Limited Central Commercial (City of Dover zoning classification).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designations from BG - General Business (110) and RMH - Residential Manufactured Home District (136) (Kent County zoning classifications) to C-2A - Limited Central Commercial (City of Dover zoning classification) on those properties located at 110 and 136 Rustic Lane, owned by Taililou, LLC. (Third Council District; Planning Reference: AX-12-01)

ADOPTED: NOVEMBER 26, 2012

UTILITY COMMITTEE REPORT - NOVEMBER 13, 2012

The Utility Committee met on November 13, 2012 with Councilwoman Williams presiding in the absence of Chairman Bonar.

Water Quality and Inflow and Infiltration (I & I) Updates

Members were provided a presentation entitled "Water Quality Update," a City of Dover Water Quality Applicable Expenditures Report, a City of Dover Inflow and Infiltration Applicable Expenditures Report, and a presentation entitled "Inflow/Infiltration Update." Mrs. Duca reviewed the "Water Quality Update" presentation, providing background information on the origin of brown water issues and explaining steps that have been taken to remedy the situation and find solutions. Referring to the Water Quality Expenses and Complaints graph (Page 4 of the presentation) and the City of Dover Water Quality Applicable Expenditures Report, Mrs. Duca noted that the changes that have been made have brought about significant improvement in terms of stabilizing the water chemistry.

In response to Mrs. Williams' inquiry regarding the function of the Wellhead Variable Frequency Drive (VFD) Upgrade referenced in the presentation under "Production Capital Improvements," Mrs. Duca advised that the flow is primarily regulated by pumps rather than gravity, but the VFD allows water to slowly "ramp up" into the system. The VFD controls how quickly water turns on and the pace at which it flows, allowing for less disturbance in the mains.

Mrs. Duca reviewed the Distribution Capital Improvements portion of the presentation (Page 7), identifying various methods that have been implemented to design a more structurally superior pipe system, allowing for ease of locating the pipes at all times and minimizing reactions between the iron and the pipes themselves. She explained the prioritization schedule for water main relining and/or replacement projects to meet industry standards and address water quality concerns. Mrs. Duca reviewed improvements that have been or are being made to address the problem, including upgrades to the water main. She noted that future plans include replacing a minimum of one (1) mile of pipe per year beginning in FY 2014, along with other operational improvements and monitoring plans. She concluded this portion of her presentation by outlining the steps needed to move forward to meet the desired improvement goals to the City's water system, including long-term planning, securing increased long term financial resources and staffing resources, and the utilization of consultants and outside contractors to meet critical timeframes.

Mrs. Duca stated that the City of Dover Inflow and Infiltration Applicable Expenditures Spreadsheet was created approximately six (6) years ago to track expenses, and explained that the spreadsheet provides a breakdown of the various projects that have been done on both production and distribution sides, including actual expenses from FY 2003 to FY 2012. Also included on the spreadsheet was a total amount for each category, (including the amount budgeted for this fiscal year) which reflected any carry over required, ensuring everything is accounted for when jobs are complete. She stated that operational expenses including staff time, advertising, laundry claims, complaints, etc., are also included on the spreadsheet.

In response to Mrs. Williams regarding the cost of replacing unlined cast iron pipe, Mrs. Duca explained that with staff doing the work, the cost to replace one (1) mile of pipe each year would be under $1M per year since labor is accounted for in the Departments operating expenses. She noted with larger projects, such as the Route 13 project that was recently completed, the expense would exceed $1M per mile. She felt that the time would come when the City's manpower limitation (having only one (1) crew) would require the use of contractors as well. Mrs. Duca explained that within the next five (5) years, as staff encounters water lines that are more appropriate in size, consideration would be given to relining rather than replacing pipe. She noted that this may require expending a three year (3) allocation of funds for the project within one (1) year to obtain the best cost overall. Mrs. Duca noted that staff was still analyzing this project.

In response to Mrs. Williams' concerns regarding leakage into groundwater and the County's sewer system, Mrs. Duca explained that leakage would not necessarily go into the sewer; however, the Department of Natural Resources and Environmental Control (DNREC) had issues regarding slow leaks from the system into the ground. She noted that DNREC had concerns regarding how quickly chlorinated water reaches a receiving body of water; therefore, it was important to keep the City's water loss at a minimum.

Responding to Councilman Hutchison regarding the life expectancy of the new piping that was recommended, Mrs. Duca advised members that the cement-lined ductile iron pipe has had the best field testing and has a life expectancy of approximately 80-100 years. She noted that the existing cast iron lines had been in the ground for approximately 100 years and were manufactured prior to relining technology development. Mrs. Duca explained that the process of replacing pipes in the City began about six (6) or seven (7) years ago and included the replacement of some of the lines that were installed in the early 1800s. She noted that these projects would improve the structural integrity of the system.

Proceeding to the Inflow/Infiltration Update presentation, Mrs. Duca provided an overview of the program and stated that these assessments had not been "on the books" as long as the water quality concerns, so it had taken some time to identify the issues and the best way to address the problem. She reviewed the presentation, outlining specifics pertaining to the City's Inflow & Infiltration system. She attributed much of the problem to the age of the City's pipes and progressive deterioration, which increase the possibility of groundwater entering the system and resulting in increased cost to the City. Mrs. Duca reminded members that the City pays for what is discharged; however, customers are charged based on their usage.

Referring to Page 4 of the presentation, Mrs. Duca explained that inflow and infiltration can enter the system as a result of broken laterals, mains, manholes, direct connections, and sump pump connections, all of which contribute to the issue of what enters the City's sanitary sewer system and is not directed to the storm drain or other drainage features. She elaborated by displaying a chart representing the increased costs associated with the inflow and infiltration issues. Mrs. Duca presented some of the ways the City is trying to assess the problems and strategies being implemented to work toward resolution, explaining that this is a huge undertaking and requires prioritization based on research regarding the level of damage and structural integrity. She identified several tools which are utilized to accomplish this, including the City's Closed Circuit Television (CCTV) Sewer Truck and staff certification in the Pipeline Assessment Certification Program (PACP) for the use of the GraniteXP software, allowing them to assess each pipe in the system.

Mrs. Duca advised members of the efforts currently in motion to address the problem, including interceptors on Division Street, northwest Loockerman Street, and the St. Jones, as well as main replacements on New and Reed Streets, infrastructure replacement in Morris Estates, and Fox Hall manhole replacement. She stated that the Fox Hall manhole replacement was almost complete and was the last item that would be attributed to City I & I infrastructure; remaining concerns are related to I & I from private sources.

Mrs. Duca concluded her presentation by outlining the resources needed to achieve the desired results, including increased dedicated financial resources, increased and long term staffing resources, and utilization of outside consultants and contractors to meet critical timeframes. She noted that the cost of utilizing contractors to complete the work was much higher on the I & I side due to the specialty relining, as well as the ultimatums on the actual replacement of the sewer line.

Referring to the City of Dover Inflow and Infiltration Applicable Expenditures Report, Mrs. Duca explained that the report, which dates back to FY 2008 when projects began in an effort to resolve the I & I problem, outlined the expenses involved in the various projects, including the CCTV Sewer Truck investment, staff time, etc. She noted that the cost of doing the work internally by utilizing the truck and internal staff was a fraction of what it would cost to use an outside contractor. Mrs. Duca stated that the City is trying to get Kent County to grant impact fee credits for what is being removed from the system to offset some of the expenses incurred.

Committee action was not required.

Quarterly Review of Utility Related Capital Investment Plan (CIP) (Electric and Water/Wastewater) *(July, August, and September)*
Due to time constraints, this item was deferred until the next meeting.

TEA/NAES Report *(August)*
Due to time constraints, this item was deferred until the next meeting.

Updates - Garrison Oak Technical Park
Due to time constraints, this item was deferred until the next meeting.

By consent agenda, Mr. Bonar moved for acceptance of the Utility Committee Report, seconded by Mr. Lynn and carried by a unanimous roll call vote (Williams absent).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - NOVEMBER 13, 2012
The Legislative, Finance, and Administration Committee met on November 13, 2012 with Chairman Lynn presiding.

Proposed Ordinance #2012-23 - FY Budget Revisions
Mrs. Donna Mitchell, Controller/Treasurer advised members that Proposed Ordinance #2012-23 would incorporate the following changes into the FY13 Budget:

- The Original Budget for the Police Grant Funds that was missed in the original budget ordinance.
    - The budget ordinance represents the combined fund summary for three (3) separate Federal and State grants; the individual revenue and expenditure line items will be entered into the City's financial accounting system for each grant.
- The audited Beginning Balances for the Municipal Street Aid, Library, Community Development Block Grant (CDBG), and Police Grant funds and corresponding revisions to the expenditures.

- Capital project funds are amended to reflect the audited Beginning Balances and corresponding adjustments for those uncompleted projects with multi-year construction periods.

- Amends the Beginning Balances for the Operating Funds to include the carry forward balances to cover the purchase of the mobile and portable radios for Federal Communications Commission (FCC) compliance that was budgeted for in FY12. The offsetting expenditures are also amended by department.

- The remaining Beginning Balances for the Operating Funds will be brought forward for amendment after the completion of the audit.

- Property Taxes are adjusted to reflect higher Payment in Lieu of Taxes (PILOT) from the State of Delaware that was approved in the State budget after the adoption of the City budget.

- The additional Municipal Street Aid funds that the State appropriated for capital outlay on street projects in FY12 are carried forward in the Beginning Balance. This, coupled with another additional appropriation (revenue) for capital outlay, is included in the Municipal Street Aid Budget to be spent this fiscal year.

- Increased the Capital Investment Plan for the Electric Improvement & Extension Fund to provide funding for increased request for new developments and commercial properties, which is an increase of $300,000 which is being taken from the carry forward balance from last year.

- Amends the power supply and generation budget to provide more detail and inclusion of cost of the Solar Renewable Energy Credits.

It was noted that all changes were noted in red font in the proposed ordinance.

Mrs. Mitchell stated that Line #265 on Page 7 of the ordinance reflected $351,600 that was missed in the original budget. She explained that by July of 2012, adequate funds were produced through generation of electricity to realize a credit, which was included in Line #271, PJM Spot Market, in order to offset the $351,600 rather than changing the budget balance. She also noted that more detail was provided in the revised ordinance in the Electric Revenue Fund Summary regarding energy and supply items.

The Committee recommended adoption of Proposed Ordinance #2012-23 - FY 2013 - Budget Revisions.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Lynn and carried by a unanimous roll call vote (Williams absent). *(The First Reading of Proposed Ordinance #2012-23 will take place during the latter part of the meeting.)*

Martin Luther King, Jr. Boulevard

During the City Council Meeting of October 8, 2012, a public hearing was held regarding consideration of renaming Division Street within the City limits as Martin Luther King, Jr. Boulevard. At that time, the matter was referred back to the Legislative, Finance, and Administration Committee with the stipulation that the Committee would provide a recommendation to City Council within 120 days and that public notification would be provided to all affected parties. *(Clerk's Office Note: Written notification of the November 13, 2012 LF&A meeting regarding the proposed renaming was sent to all owners of property on Division Street.)*

Councilman Adam Perza reminded members that various proposals to honor Dr. King had been considered over the past several months and that there were two (2) proposals currently before the City: 1) to rename Route 8, Division Street, and Forrest Avenue from the east boundary of the City to the west boundary of the City in Dr. King's honor, and 2) to rename Division Street from DuPont Highway on the east to Saulsbury Road on the west. He noted that the City had provided opportunities for public comment during two (2) public meetings in order to obtain feedback from business owners, property owners, and government officials from the State and County regarding the impact on the community. He explained that there were significant concerns regarding the potential impact to the business community in terms of costs incurred, private residents had expressed concerns regarding the administrative burdens of changing home addresses, and members of the historic community had made the City aware that the Division Street corridor had been in the community since the 1850s and was historical to the City. Mr. Perza explained that these comments, criticisms, and recommendations were balanced against the concerns of the advocates for the King Street proposal, noting that the City had considered a form of recognition for Dr. King for approximately 20 years with no decision being made. He indicated his desire to submit the Court Street corridor as an alternative plan for consideration, noting that this would not necessarily replace either Division Street plan.

Councilman Perza provided a presentation entitled "Public Hearing Re: Dedication of Public Street for Rev. Martin Luther King, Jr.". Referring to Page 3 of the presentation, he explained that the alternative proposal would rename the current Court Street, beginning at its intersection with Route 13, as Martin Luther King, Jr. Street or Boulevard and would "wrap around" Legislative Hall, extending to the intersection with Federal Street. The current Duke of York Street would become the northern portion of the proposed corridor, and William Penn Street would become the southern portion. This would include renaming the current Court Street, Duke of York Street, and William Penn Street after Dr. King. Mr. Perza stated that Capital Drive, which serves Courtside Apartments (on the north side of current Court Street), would be renamed as Court Street and would unite with the southern lane of existing Court Street (on the south side of Court Street) which is effectively an "alley" running parallel to Court Street extending to Cowgill Street and serving approximately eight (8) private properties. Mr. Perza advised members that there was precedent in the City for uniting streets such as Capital Drive and the alleyway, pointing out that Kings Highway Southwest extends north past the Governor's mansion, intersects with Division Street (where Division Street becomes Kings Highway for several blocks), and then turns north at Park Drive past Silver Lake Park and intersects with Route13. He explained that if all of the suggested actions were accomplished, no residents on the north or south sides of Court Street would be impacted and no businesses would be affected.

Mr. Perza advised members that four (4) State facilities, including the Haslet Armory, the Tatnall Building, the Delaware Public Archives, and Family Court would be affected. He explained that Family Court would have two (2) address options: 1) retain 400 Court Street because it would be located on the newly defined Court Street, or 2) adopt the Martin Luther King, Jr. renaming.

Mr. Perza described this proposal as involving a prominent, visible thoroughfare of the Capital that serves as an entrance to the legislative corridor which attracts attention from Delawareans and legislators from all three (3) counties. He noted that it contains a mixture of residential neighborhoods (including Capital Green, Garden Court Apartments, and Courtside Apartments) and there is no commercial development in the area, with the exception of the Route 13 strip on the eastern boundary. Mr. Perza explained that the advantage of the proposal was that it would minimize much of the impact mentioned in all of the public comments received from City and Kent County residents, Delawareans, and State and County officials. In addition, the cost should be less due to the reduced number of sign changes needed. He noted that consideration of this option at the current Legislative, Finance, and Administration Committee meeting was the initial introduction of the plan, which had not been vetted by the public, State, or the City and that more public comment would surely be offered.

Mr. Lynn thanked Mr. Perza for his efforts in developing this proposal and expressed his opinion that this was the best solution because it addressed the concerns of residents and businesses.

Mr. Anderson stated that he liked the proposal, noting that this thoroughfare was one (1) of the best kept avenues in the City, the location of the seat of government, an entrance for tourists and visitors, and connects Capital Green to Legislative Hall, which he felt was symbolic. He stated that it was just as important that businesses not be disrupted in these economic times, noting that Dr. King was "about not just freedom but jobs." Mr. Anderson indicated that the proposal addressed all these concerns and showed that the City was listening to the public and he thanked Mr. Perza for his work.

Mr. Shevock questioned if any other proposals had been received and if the Committee would follow up to ensure that all property owners were notified of Mr. Perza's plan. He stated his understanding that the State did not appear to object to the proposal and inquired if this would be documented in writing so that there would be no questions in the future.

Mr. Perza reiterated that the plan was just being introduced; therefore, no advertised public meeting had been held to consider this proposal. He stated his belief that Council would schedule a hearing at the appropriate time and notify by mail the State and private property owners who would be impacted. Mr. Perza indicated that approximately 20-25 properties would be affected and it was his belief that 16 of them were owned by either the State or the City. He advised members that efforts had been made to reach out to the State to make them aware of the initial proposal since the City was seeking their input regarding the potential impact to users of the buildings.

Mr. Lynn stated that if the proposal were adopted by the Committee it would be sent to Council for approval in two (2) weeks and the first available public hearing date would be December 10, 2012. He believed that the State would be notified and would have an opportunity to appear on or before December 10, 2012 to weigh in.

Mr. Shevock questioned if everything in this regard should be in place prior to going to a public hearing because a "fly in the ointment" could appear after the public hearing. He noted that he had no problem with the proposals but felt that feedback should be received prior to going to public hearing because the public hearing could be a waste of time for the Committee and the City unless everything was in order.

Mr. Hare stated his understanding that the purpose of the proposed renaming was to honor Dr. King in history and that he could understand the concept of renaming Court Street up to the Legislative Mall area; however, he was not in favor of renaming William Penn and Duke of York Streets since they were prominent in Delaware history.

Mr. Perza indicated that he felt this was a fair comment to make for historians who are aware of the Duke of York's contributions from England and William Penn's contributions from Pennsylvania. He felt that these concerns should be considered through this process and that the Committee or Council could modify the proposal.

Mr. Hare felt that renaming Court Street and honoring Dr. King "in the same breath" as William Penn and the Duke of York was appropriate. He felt that the correct process should be followed and should be "as pure as the results."

Mr. Perza stated that a number of the components to the process had been streamlined and many of the logistical arguments that were previously obstacles were removed. He agreed that there would be discussion as to what William Penn and the Duke of York mean to the State and this would be weighed against the contributions of Dr. King to members of the community, noting that history means different things to different people.

Responding to Mr. Lynn, Mr. Perza confirmed that no private individuals or businesses would be impacted by the proposal in terms of having to change driver's licenses, social security information, etc.

Mr. Hutchison thanked Mr. Perza for his efforts and inquired if any other locations had been considered by the Committee.

Mr. Anderson stated that he had heard that interest was expressed in renaming the Dover Public Library after Dr. King.

Mr. Hare noted that a suggestion had been received regarding renaming newly created parks or "different things in the parks" in honor of Dr. King. Mr. Koenig confirmed that emails had been received regarding the potential for naming a park system or part of a park system after Dr. King.

Mr. Hutchison stated that a location directly across from the Police Memorial had been suggested as a site for a memorial for Dr. King. He indicated that he would like to see a list of the options, to include feedback, and that the selection should be made as quickly as possible.

Mr. Lynn reiterated the options before the Committee regarding this matter, as follows:

1) The entirety of Division Street, as previously suggested by Councilman Bonar.
2) A portion of Division Street (the original proposal from Route 13 to Saulsbury Road).
3) Mr. Perza's Court Street proposal.
4) The renaming of the Dover Public Library.
5) The naming of a proposed pocket park system. Mr. Lynn noted that only one (1) of these parks exists to date in the form of an empty lot on the corner of North Street and Governors Avenue, which is completely unimproved.

Mr. Shevock inquired if Mr. Perza's proposal was a three (3) pronged proposal that could be divided as follows:

a) Court Street only.
b) Court and Duke of York Streets only.
c) Court, Duke of York, and William Penn Streets.

Mr. Lynn stated that any of those alternatives were on the table.

Members were provided correspondence received regarding this matter. Mr. Lynn noted that a sign-in mind that advocates of the Martin Luther King, Jr. Boulevard proposal were leaning toward the Court Street option. He reminded speakers that comments would be limited to three (3) minutes and that the meeting was running a bit behind.

Ms. Carroll-Lisa Malone, 1559 Forrest Avenue, inquired if Legislative Mall was the only name of the green, grassy area [between Duke of York and William Penn Streets]. Responding, Mr. Perza stated that he did not believe that this area had a name but that it may be codified as Independence Park, although he was unsure. Ms. Malone suggested that if there was concern about renaming Duke of York Street and William Penn Street, perhaps only Court Street could be renamed and the park could be named Martin Luther King Park. Mr. Perza stated that he had been taking notes from all those who appeared and would add this idea to the list of public comments. Ms. Malone indicated that she had prepared a statement with objections to the renaming of the Forrest Avenue corridor but had no objections to the Court Street proposal in its various forms that were suggested or the renaming of the Dover library.

Mr. David Louie, 1684 N. Little Creek Road, read the following statement into the record:

> *We, the 580 residents and businesses on Division Street, received a letter concerning this meeting tonight in reference to renaming Division Street from Artis Drive to Long Point Road to Martin Luther King, Jr. Boulevard.*
>
> *Since I live on North Little Creek Road and will be affected by expense and time, I wanted to be sure this committee and Council will follow City of Dover Code and Charter. Whereas, every 580 residents and businesses will be petitioned to where we either want a street name change or we do not. And, this committee or Council will not "by pass" the charter or code and pass this name change without the*

petition being presented to all those concerned.

In Oct. 2012, I received a statement from an investment firm for my son and it still had my old address from when my address was Division Street and later changed to North Little Creek, this was over 8 years ago. I am still updating companies from that change.

Mr. Emil Voshell, 1125 E. Division Street, stated that he had resided at his address for over 50 years and inquired if his property would be included in this proposal. Responding, Mr. Lynn stated that under Mr. Perza's proposal Division Street would be completely unaffected. However, if any of the multiple proposals on the table with regard to Division Street were adopted, Mr. Voshell's particular house may be affected.

Mr. John Welgin, 1082 Forrest Avenue, stated that he spoke at the previous meeting and advised members that he was not in favor of the street name change and had failed to mention that his parcel of land was not within the City of Dover but was in Kent County. He felt that the City could not legally change his County address. He stated that he felt that Mr. Perza's proposal was "fantastic" and he was "all for it."

Ms. Justine Jarrell Davis, 5233 S. DuPont Highway, stated that she was 100% against changing the name of Dover's 150-year-old historic Division Street. She explained that she and her family had owned property at 991 Forrest Avenue (on the corner of Saulsbury Road and Forrest Avenue) for over 72 years, that this address had been a constant in their lives, and it would be affected by the first two (2) proposals. She felt that renaming Division Street would create a hardship for all residents and business owners on the street as they would be forced to change the street name on many very important items, from business cards, to signs, checks, wills, etc. Ms. Davis stated that it would also cost the City a great deal for all the new signage, paperwork, and man hours. She noted that, while Dr. Martin Luther King is a prominent figure in our country's history, he was not in Delaware or Dover history. She indicated that Dover is constantly growing and requested that if a new street name were to be chosen, that it be for a new Dover street rather than historic Division Street.

Mr. Vernon Ingram, 402 Greenhill Road, stated that he is a business owner on Division Street. He thanked the Committee for the fine job that they are doing and expressed his agreement with Mr. Perza's proposal.

Mr. Gary Michaels, 1520 N. Little Creek Road, stated that he was recently informed of this issue. He stated that he takes care of an 88-year-old woman and has had a difficult time trying to take care of himself and her. He felt that making such a rapid change as the proposed renaming of Division Street was unfair to the community. He stated that this was not a racial issue to him but it was his personal opinion regarding how those affected would suffer the consequences. Mr. Michaels questioned if 1520 N. Little Creek Road would be affected. Responding, Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that if the property was within City limits it would be affected by the most expansive proposal in regard to Division Street.

Mr. Charles David, 751 Hatchery Road, stated that he planned to speak about history and was speaking as a private person, with no connection to any organization. He provided members with a written statement and historical information including an excerpt from "A History of Kent County Delaware," by Harold B. Hancock, and an excerpt from a Presbyterian Church history entitled "Bridge Across the Years," by Aline Noren Ehinger. He advised members that a good deal of history made in Delaware since the time of William Penn was included in "Bridge Across the Years." Mr. David reminded members that the City of Dover was the first City of the First State and that this creates pride among residents due to the history which has been forged over the centuries, from William Penn's inception until today. It was his opinion that history has been made and that "history is history" and, like birthdays, cannot be changed. He felt that trying to change or do over what has gone before is not giving credence to our forefathers and that this applies to the renaming of Division Street. He read from Page 114 of "Bridge Across the Years," as follows:

> *A wealthy, well-known and distinguished Dover citizen, Reverend Thomas Budd Bradford, was a member of the Dover congregation from 1850 to his death 1871. He had inherited extensive property in and around Dover from his uncle, Nicholas Loockerman, and lived in the Bradford-Loockerman House at 419 South State Street. He was active in the life of the town due to his large property holdings and to his enjoyment in knowing people and in having a part in social and business activities. He was well known in this small town which numbered about 600 people within the city limits. In the 1850's Mr. Bradford laid out all his property in building lots and streets and proposed the name Bradford City.*

Mr. Lynn advised Mr. David that he had exceeded the three (3) minute time limitation. He apologized for cutting Mr. David off; however, he noted that the sign-in list included two (2) full sheets of names of individuals who wished to speak on this matter. Mr. David stated that he took this as an offense against what he was attempting to present.

Mr. Lynn stated that although he found the information informative and educational, only three (3) minutes could be allotted per speaker. He suggested that Mr. David provide information to Committee members in writing or at a subsequent hearing on this matter.

Ms. Florene LeCompte, 1110 E. Division Street, stated that she wished to present a statement from one (1) of the residents on her street who was unavailable to speak because she was not in town and did not know about the proposal and began to read a statement, as follows: "For reasons of personal security, I prefer not to reveal my name or specific address because . . ." Mr. Lynn advised Ms. LeCompte that she could make a statement on her own behalf, but not for a third party.

Speaking on her own behalf, Ms. LeCompte stated that she agreed with Mr. Perza's proposal; however, she did not agree with the renaming of William Penn and Duke of York Streets. She expressed her opinion that these streets were part of the City's history and she did not feel that this should be changed. Referring to Councilman Anderson's previous comment that he approved of the Court Street option as it related to Capital Green, she questioned why Capital Green would have anything to do with this. She stated that she thought that the matter being considered was not a racial

issue; however, she felt that Mr. Anderson's comment denoted that it was a racial issue. Responding, Mr. Anderson stated that he did not perceive the issue this way, but that Ms. LeCompte should take it the way she liked.

Ms. LeCompte expressed her opinion that other options, such as renaming the library or any street that had not already been named would be good options; however, she did not agree with the ABCD corridor of Division Street (from City limit to City limit) because it would affect so many people located on that road.

Mr. Kenny Shelton, 1539 Forrest Avenue, stated his agreement with Mr. Perza's proposal. He noted that he spoke with an individual from Maryland who advised him that a street dedication had been performed to honor troopers who were killed a number of years ago. A large plaque was placed at that location but no addresses were changed and the only cost was a plaque and a dedication. He felt that a memory could be honored without changing addresses.

Reverend Michael Rogers, 118 Springfield Way, President, Interdenominational Ministerial Alliance (IMA) (Dover and vicinity) stated that the IMA was pleased to hear the new proposal that was brought forth. He noted that the organization's original plan was to seek a change to Division Street; however, that Mr. Perza had brought forth a very viable alternative and the organization would like to offer support. Rev. Rogers stated that other options were presented; however, the Court Street area seemed very plausible and prominent for honoring Dr. King. He thanked members and Councilman Perza for their efforts and trusted that Council would see this as a reasonable and viable alternative.

Reverend Philemon Hill, 3728 N. DuPont Highway, stated he was glad that some reason had come forth and that "we are not like Congress and everyone has to have their way." He indicated that the Court Street proposal seemed to be a legitimate proposal and stated that proponents were looking to unify the City rather than to divide it. Rev. Hill explained that the previous recommendation from Route 13 to Saulsbury Road was because of the location of the former William Henry High School, which he stated was predominantly a school for people of color until a change in government took place. He expressed appreciation for Mr. Perza's efforts.

Reverend Rita Mishoe Paige, 355 Rita Wilma Road, stated that the IMA supported Councilman Perza's proposal for Court, Duke of York, and William Penn Streets and indicated that she would like to go on official record by saying that the IMA had sent the entire Legislative, Finance, and Administration Committee a letter officially endorsing that proposal. From a personal standpoint, she stated that she found it offensive that the City government would consider a "scattered" park system, was "embarrassed for [Council]" that this would be considered, and requested that this option be taken off the table. Rev. Paige expressed her opinion that the leadership of Dr. Martin Luther King, Jr. and the entire civil rights movement impacted all 50 states. She stated that because of Dr. Martin Luther King, we can vote, members such as Councilwoman Williams are able to reside on City Council, and all those present at the meeting could be in the room and attend the same schools. Rev. Paige stated that because of Dr. Martin Luther King, history was made in Delaware

and all over. On behalf of the IMA, Rev. Paige stated she was in favor of Mr. Perza's proposal because no residents or businesses would be impacted, it would be less expensive than the Division Street proposal, and it would be a win-win situation for all; therefore, she urged members "let's do it."

Mr. Paul Davis, 5233 S. DuPont Highway, co-owner of a business at 991 Forrest Avenue, commended the Committee for their work. He noted that he and his wife were opposed to renaming Division Street. He felt that when people sit down and debate or discuss in an intelligent manner a solution can always be found, and he felt this was what had occurred with this issue. He noted that many were affected; however, everyone kept their head and ultimately a great resolution was found. Mr. Davis expressed support for the Court Street proposal; however, he noted that he agreed with Councilman Hare that Duke of York and William Penn Streets should be left alone as part of Delaware history and felt that the same mission could be accomplished by honoring Dr. King by renaming Court Street. He noted that this was how things were accomplished in Delaware, by sitting down and talking about it.

Mr. Edwin Baker, Jr., 1526 Forrest Avenue, stated that when he spoke before Council previously on this matter he noted that if people would sit down and get together they could do better and that this had been accomplished. He felt that the Court Street proposal was excellent; however, he agreed with Councilman Hare that a "good look" should be taken at the other two (2) streets as they are part of the City's history.

Mr. EShed Alston, 406 Arnold Court, stated that he had a document that was received from the Clerk of the United States Supreme Court regarding an ongoing appeal to the Court. He began to read some of the questions that he indicated that he presented to the United States Supreme Court from a prepared statement, as follows:

> *Is it not irrefutably true that the U.S. constitutionally protected due process right of law and coinheritance in Civil Law and the equally important legal guarantee in and of the equal protection of American law trumps, outweighs, and completely circumvents any State's ability to unconstitutionally compromise, trivialize, minimize, victimize--*

Mr. Anderson called for a point of order.

Mr. Lynn inquired if Mr. Alston's statement was about the street renaming, noting that this was the topic at hand. Mr. Alston continued to read from his statement. Mr. Lynn reminded Mr. Alston that he had been addressed by the Committee. Mr. Alston stated that the statement did refer to this matter and this was why he was reading it into the record. He expressed his opinion that there was a double standard in the way that the black community was treated, that this was not just his observation but that this matter was presently before the U.S. Supreme Court, and he stated he was reading what the record was. He inquired if he should continue.

Mr. Lynn inquired how Mr. Alston's statement was pertinent to the issue at hand. Mr. Alston stated that the issue at hand was "our current circumstances." He stated that there were currently lynchings going on in the City, whether people accepted this or not. Mr. Lynn requested that Mr. Alston take

his seat since he had deviated from the topic at hand. Mr. Alston stated that the topic at hand was how "we" are treated in this town.

Mr. Lynn stated that if Mr. Alston continued he would be removed from the Chamber.

Mr. Anderson advised Mr. Alston that an Open Forum would be held later in the evening, beginning at 7:15 p.m.

Mr. Alston stated that "there is no inextricability" and that all of this was connected.

Mr. James Fogell, 360 Nimitz Road, stated that he wrote a letter to the Mayor and members of City Council about the hardships involved in changing the name of any street. He suggested that a memorial be constructed using privately donated funds, as was done for the Vietnam Veterans' Memorial in Dover and the Martin Luther King Memorial in Washington, D.C. He noted that funds were donated for these memorials by those who really wanted to honor someone. Mr. Fogell felt that those who want to honor Dr. Martin Luther King should get together and put up a nice memorial, not just a street or a flyer by a street name. He advised members that there was a nice plot where the police officers park near the railroad tracks and he felt that this would be one (1) possible location for such a memorial, where people could sit on the grass and tell their children about Dr. King. He felt that donations could be received from black and white individuals. Mr. Fogell expressed his opinion that those who want a memorial should sacrifice.

Former City Councilman Reuben Salters, 109 Bertrand Drive, stated that he had heard a lot of dialogue about the changing of the name and was both dismayed and encouraged by the comments. He expressed his opinion that "we, as good citizens of Dover" would find a way to come to fruition with this project. He indicated that many suggestions had been made. Mr. Salters noted that one (1) individual suggested that advocates pay for a memorial; however, he felt that Dr. King had already paid. As law-abiding citizens with great hearts, he felt that if everyone looked deep into their hearts and souls and thought about what Dr. King did for our nation and world, that the conclusion would be reached that no price was to great to be paid. Mr. Salters felt that "we did not give our life, our honor, we have given nothing but words." He noted that history changes and depends on who is writing it. He reminded members that Mr. Perza stated that Duke of York Street was named in the 1930s, which he felt was not a long time ago, and that Washington, D.C. was not always Washington, D.C. He felt that history changes all the time and that it was time to start a new chapter in Dover. Mr. Salters suggested that if Mr. Perza's suggestions were not followed that the $18M library could be named after Dr. King.

Mr. Lynn noted that one (1) additional speaker would be allowed.

Pastor Richard Avant, Calvary Baptist Church, stated that he had worked with Council over the last 30 years and that 20 years ago he and the Mayor considered changing the name of a street to Martin Luther King Street or Boulevard. At that time, petitions were obtained and the project was ready to move forward, and he suggested Scarborough Road as it had not yet been built; however, 20 years later nothing had been done. Rev. Avant stated that a proposal had been made and Council made a counterproposal through Mr. Perza, and proponents liked that proposal. He stated the desire to get the project accomplished. He noted that the matter had been talked about for a long time and that

everyone would never come to agreement and that Mr. Perza's plan presented the least amount of problems with no businesses involved. He felt that it was a waste of time to talk about Forrest Avenue if Mr. Perza's proposal were to be moved forward. Rev. Avant stated that he appreciated everything that had been done and was looking forward to moving ahead with the new proposal.

Mr. Lynn expressed his pride in being a member of the Committee and in Mr. Perza's accomplishment in bringing different ideas together. He read the following statement into the record:

> *I have been asked by many since the inception of this debate about why I feel so passionately about the issue, and why the City of Dover, with so many other concerns, feels the need to worry itself with changing the name of one of its oldest streets. I was first introduced, and became intrigued by, the issue of renaming a street to honor to Dr. Martin Luther King, Jr., Blvd., when I heard a presentation on the topic at a Towne Point/White Oak Community Homeowners Association Meeting.*
>
> *Listening to the presentation that evening under the fluorescent lights of the 'lunch room' in Towne Point Elementary, I quickly realized that, to my Constituents, particularly my African-American Constituents, that this street renaming held significantly more import to their community, the essence of social justice, and their sense of self and worth than merely honoring Dr. Martin Luther King, Jr.*
>
> *As in all things, I began to research the topic. First, how have other communities dealt with the renaming of streets to honor Dr. King? How have these efforts been received? What are the costs and inconveniences experienced by the individuals and businesses located on those streets? My research led me to Dr. Derek Alderman, Ph.D., a Professor at the University of Tennessee, currently head of Department of Geography, who describes himself as "a cultural and historical geographer interested in public memory, popular culture, and heritage tourism in the U.S." and whose work "focuses on the rights of African Americans to claim the power to commemorate the past and shape cultural landscapes as part of a broader goal of social and spatial justice." Reading Dr. Alderman's work, together with my first-hand experience meeting with my Constituents, confirmed that this issue represents more than a commemorative street renaming, but is, in the words of Dr. Alderman, "a practice of increasing importance to racial and ethnic minorities in the U.S. as they seek ways to recognize their past achievements and struggles and, in turn, to establish their current legitimacy." Dr. Alderman suggests that more than 900 streets have been commemorated to Dr. King in the United States, across 40 states and the District of Columbia.*
>
> *My constituents maintain that the renaming of such an important road in the City of Dover is a testament to the City's commitment to social justice, and affirmation of the sacrifices, trials and tribulations endured by the African-American community. Dr. Alderman, in his research, concluded that the renaming of major thoroughfare is representative of a "city's commitment to recognizing King's legacy" and that "by asking residents and business owners to change their mailing address, proponents*

seek to make King's memory visible and personal to a larger cross section of the community."

The Committee recommended setting a public hearing before City Council on December 10, 2012 to consider Councilman Perza's proposal to rename Court, Duke of York, and William Penn Streets as Martin Luther King Street, to rename Capital Drive as Court Street, and for the alley currently named Court Street to remain Court Street, and to consider the placement of plaques of dedication to William Penn and the Duke of York on the respective streets and the proposed renaming of the Dover Public Library in honor of Dr. Martin Luther King, Jr.

Mr. Shevock indicated that he felt that the proposal should be presented and voted on in sections to include Court Street; Court, Duke of York, and William Penn Streets; or the Dover Public Library.

Mr. Hare agreed with Mr. Shevock. He reiterated that he had no objection to renaming Court Street itself and felt that these issues should be considered separately with two (2) separate hearings.

Mr. Anderson pointed out that once the public hearing was held, Council could choose which proposal to pass, could adopt neither or both if they wished to, or could amend the proposal. He felt that there were many avenues that Council could take; however, this was the next step to "keep the ball rolling."

Mr. Shevock noted that if these options could be put forward to Council as separate proposals and if this were part of the motion, he could support the motion.

Mr. Lynn stated that the motion had already been voted on.

Mr. Hare requested that when this matter is considered before Council that enough time be allowed so that everyone can be heard.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation to set a public hearing before City Council on December 10, 2012 to consider Councilman Perza's proposal to rename Court, Duke of York, and William Penn Streets as Martin Luther King Street, to rename Capital Drive as Court Street, and for the alley currently named Court Street to remain Court Street, and to consider the placement of plaques of dedication to William Penn and the Duke of York on the respective streets and the proposed renaming of the Dover Public Library in honor of Dr. Martin Luther King, Jr., seconded by Mr. Lynn and carried by a unanimous roll call vote (Williams absent).

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

EVALUATION OF BIDS - HVAC MAINTENANCE AND REPAIR CONTRACT

Mr. Scott Koenig, City Manager, advised members that the Department of Public Works maintains blanket contracts with contractors that are required to perform services for the City through the Department. These contracts are established in accordance with the purchasing policy and are often priced as "time, materials and equipment" type contracts and may exceed $25,000 annually. He

explained that this contract would provide HVAC maintenance and repair to City buildings/facilities and includes provisions for regular and emergency call-out services. The facilities included under this contract include the following: the Electric Administration Building, equipment at the McKee Power Plant necessary for utility SCADA services, seventeen (17) substations, Weyandt Hall, City Hall, 710 William Street, Dover Park, the John W. Pitts Center, the Water Treatment Plant and the Puncheon Run Pump Station. Although provided as an option, the library would be excluded from the contract at this time.

Staff recommended awarding the HVAC Maintenance and Repair Contract to the low bidder, Progressive Mechanical Services, Inc., in the amount of $43,950 and in accordance with the rates bid.

Responding to Mr. Anderson, Mr. Koenig stated that he did not have information regarding the location of the Progressive Mechanical Services, Inc. headquarters on hand; however, indicated his belief that they did not have a local office, otherwise they would have received a local vendor preference deduction on the bid evaluation. He stated that none of the bidders took the local vendor discount in the evaluation process. Mr. Koenig informed members that the vendor that was currently being utilized was a local vendor; however, they are no longer providing these services.

In response to Mr. Anderson, Mr. Koenig stated that the impact on service calls resulting from the vendor not having a local office was evaluated as part of the conditions of the contract and that there was a requirement for a response time of two (2) hours or less.

(Clerk's Office Note: Following the meeting, Mr. Koenig provided an email response to Mr. Anderson's questions stating that Progressive Mechanical Services, Inc. indicated on the bid form that their main office was located in New Castle, Delaware and that their website also indicated a Dover address; however, the vendor did not request any local vendor consideration for the bid evaluation. Given the rates indicated in the bid, Progressive Mechanical Services, Inc. would still have been the low bid if the local vendor preference had been applied. In response to Mr. Anderson's question regarding response time, Mr. Koenig stated that the bid documents did not identify a specific response time required as he originally indicated; however, the City's standard has been two (2) hours or less to respond for emergency calls, and given the New Castle, Delaware office location and information from the Progressive Mechanical Services, Inc. website indicating they maintain a Dover, Delaware presence, City staff will confirm their ability to respond in two (2) hours or less.)

Mr. Hare moved for approval of staff's recommendation, seconded by Mr. Bonar and carried by a roll call vote of six (6) yes (Anderson, Perza, Bonar, Hare, Hutchison, Leary), one (1) no (Lynn), and one (1) absent (Williams).

EVALUATION OF BIDS - ROBBINS HOSE STATION 2 RAMP UPGRADE

Mr. Scott Koenig, City Manager, indicated that staff has been working with the Robbins Hose Fire Company on their request for the rehabilitation of their ramp at Station 2, located on the corner of Walker Road and Dover-Kenton Road. He stated that the rehabilitation would include replacing the existing concrete pad with a new, reinforced concrete slab and installing a new, reinforced concrete pad in an existing grassed area. The additional concrete area would provide fire apparatus increased maneuverability on the property, which could reduce impedance to the flow of traffic. He stated that

the Department of Public Works created bid documents and worked with the Community Transportation Fund (CTF) Division of the Delaware Department of Transportation (DelDOT) to acquire the proper funding from local legislators for this project.

Although three (3) bids were initially received, Mr. Koenig stated that Kent Construction withdrew their bid in the amount of $40,043.50, on November 1, 2012, and although a bid was received from Donald E. Reisinger in the amount of $74,200, information required for the bid was not submitted (calculations that would indicate that the concrete slab could meet the load requirements of the fire apparatus) and therefore the bidder was found non-responsive.

City staff reviewed the bid package submitted by George & Lynch, Inc., in the amount $85,823 and found it to be free of math errors and/or discrepancies. In addition, staff reviewed the contractor's qualification information, which included a list of recently completed projects similar in scope to the Robbins Hose Station 2 Ramp Upgrade project, as well as their financial statement, and found all information to be adequate. George & Lynch, Inc., qualified for a 3% reduction of their evaluated bid.

Staff recommended awarding a construction contract to George & Lynch, Inc., in the amount of $85,823, for the construction of the Robbins Hose Station 2 Ramp Upgrade.

Responding to Mr. Anderson, Mr. Koenig stated that Kent Construction requested that their bid be withdrawn since it did not include the cost of concrete; therefore, they could not perform the contract for the stated amount of money.

In response to Mr. Perza, Mr. Koenig stated that Kent Construction could not be requested to resubmit a bid to include the cost of concrete since the bid results were now public.

Responding to Mr. Anderson, Mr. Koenig stated that staff was anticipating costs for this project to be in the $100,000 range and considered $85,823 to be a good bid.

Mr. Bonar moved for approval of staff's recommendation, seconded by Mr. Lynn and carried by a unanimous roll call vote (Williams absent).

REAPPOINTMENTS RECOMMENDED BY MAYOR CAREY - ST. JONES GREENWAY COMMISSION - THREE (3) YEAR TERMS TO EXPIRE DECEMBER 31, 2015

Mayor Carey recommended the appointment of Mr. James Burcham and Mr. Michael P. Mercer to serve on the St. Jones Greenway Commission for three (3) year terms to expire December 31, 2015.

Mr. Bonar moved for approval of the appointments of Mr. James Burcham and Mr. Michael P. Mercer, as recommended by Mayor Carey. The motion was seconded by Mr. Lynn and carried by a unanimous roll call vote (Williams absent).

ELECTION OF OFFICERS - ROBBINS HOSE COMPANY - YEAR 2013 FIRE LINE OFFICERS

The Fire Line Officers of the Robbins Hose Company are elected annually on the third Monday of November. Members were provided the results from the November 19, 2012 Robbins Hose Company Election for consideration as follows:

Fire Chief	-	Patrick W. West *(unopposed)*
Deputy Fire Chief	-	Matthew E. Carey *(unopposed)*
First Assistant Fire Chief	-	David C. Carey *(unopposed)*
Second Assistant Fire Chief	-	Mark A. Hall, II *(unopposed)*
Third Assistant Fire Chief	-	Carl S. Troubetaris, Sr. *(unopposed)*
Fourth Assistant Fire Chief	-	Duane A. Reeder
First Fire Line Captain	-	Benjamin P. Smetana *(unopposed)*
Second Fire Line Captain	-	William C. Kelly, II *(unopposed)*

By consent agenda, Mr. Bonar moved for acceptance of the Fire Line Officers for Robbins Hose Company for the Year 2013 as submitted, seconded by Mr. Lynn and carried by a unanimous roll call vote (Williams absent).

FIRST READING - PROPOSED ORDINANCE #2012-23

Council President Leary reminded the public that copies of the proposed ordinance were available at the entrance of the Council Chambers or could be obtained from the City Clerk's Office and that final action by Council on the proposed ordinance would take place during the Council Meeting of December 10, 2012.

Mrs. Donna Mitchell, Controller/Treasurer, indicated that Proposed Ordinance #2012-23 was the first budget ordinance being submitted for consideration to amend the City's current FY13 Budget. She reviewed the changes as reported to the Legislative, Finance, and Administration Committee during their meeting of November 13, 2012 (reported earlier during this meeting).

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

PROPOSED ORDINANCE #2012-23 - FY13 BUDGET REVISIONS

COUNCIL MEMBERS ANNOUNCEMENTS

Council President Leary stated that Mr. Bonar would be celebrating a birthday in the near future and wished him a happy birthday.

Council President Leary reminded everyone that the Special Fourth District Election would be held on the following day, November 27, 2012. He stated that the polling place would be the Elk's Lodge at 200 Saulsbury Road, and that the polls would be open from 7:00 a.m. to 8:00 p.m.

Council President Leary also made the following announcements:

The 2012 Capital Holiday Celebration is scheduled for Wednesday, November 28, 2012. The event begins at 5:00 P.M. with a children's craft area inside the Dover Public Library (assisted by the Alpha Kappa Alpha Sorority, Inc. - Emerging Youth Leaders). Free hot chocolate will be provided by Kiwanis Club of Dover, cookies by the Heritage at Dover Assisted Living Community, and a performance by the Dance Conservatory.

The tree lighting ceremony will begin at 6:00 P.M., followed by Christmas Caroling by Dover area schools and Dover dignitaries beginning at 6:15 P.M.

At 6:40 P.M. Santa will arrive in a fire truck and will lead a stroll to Winter Wonderland and the Santa House at Loockerman Way Plaza at 6:45 P.M.

The celebration will conclude with a live performance at Loockerman Way Plaza featuring Reverend Norman Hutchins and the Frontline Ministries Choir.

Downtown Dover Partnership's Home for the Holidays Parade is scheduled for Saturday, December 1, 2012 beginning at 12 noon at Spence's Bazaar on South Queen Street in Dover; line-up for participants is at 10:30 A.M. Mr. and Mrs. Claus will be there to visit with children from 1:30 - 3:30 P.M. and merchants will be holding open houses from 10 A.M. - 4 P.M. There will also be musical entertainment and a gingerbread scavenger hunt from 1:30 - 3:30 P.M.

Those with questions or who need additional information can call 678-2940 or visit the Downtown Dover Partership's website at www.downtowndoverpartnership.com.

Mr. Bonar noted that earlier during the meeting, by consent agenda, Council accepted the Robbins Hose Company Fire Line Officers elected to serve during 2013. He relayed appreciation to Fire Chief Jack Fortney for his tenure as Fire Chief. Mr. Bonar noted that Mr. Fortney also serves as a police officer for the Dover Police Department and commended him for a job well done.

By unanimous consent, the meeting was adjourned at 7:57 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of November 26, 2012, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
S:\AGENDAS-MINUTES-PACKETS\Council-Minutes\2012\11-26-2012.wpd

Exhibit
Exhibit #1 - Sworn Statement and Witness Observations of Record - Mr. EShed Alston

RECEIVED
NOV 26 2012
OFFICE OF THE CITY CLERK

SWORN STATEMENT AND WITNESS OBSERVATIONS OF RECORD

1.Be it understood CITY OF DOVER AND CITY COUNSEL and to whom it may concern. I EShed Alston **AM NOT PROMOTING ANY RACIAL RIOTS in the City of Dover**. Although I am in fact raising the same legitimate and valid issue of uninvestigated lynchings of Black male city of Dover residents and the abduction of a live witness as a real documented racially identifiable events and documentation of law enforcements failure to investigate significant social threat against the disinfranchized Black at risk public welfare and hate crime concerns as others who have alteria motives predicated on social unrest..I absolutely **WILL NOT** be painted by the CITY OF DOVER AND CITY COUNSEL or anyone else with the same stupidity brush of racial ignorance and of racial intolerance inherent in some biased COUNSEL members such as Sean Lynn and Nicholas Rodriguez have exhibited which are also the same twisted racially motivated shared traits of ignorance in those who in fact and in function are apparently advocating and are apparently in fact fermenting public riots inherently a real racial **WAR ON THE HORIZON** in the City of Dover promoted and sponsored by Dr. Issa and his noted associates presented on his **WAR ON THE HORIZON** website expressing there noted inaccurate provocative inflammatory racist and incendiary views.

2. I am in no way associated or connected to the **WAR ON THE HORIZON** website. The purpose of the site is to solicite money for Dr. Issa's self promotion and any false statements made by his colleages or associates on that website are due to him and to them

3. In plain language I am not promoting riot or violent social unrest of any kind. In plain language to date I have over 209 days of picketing in and around the City of Dover alone and with others and in 33 years there has never been one confrontation with police ever.

ESHED ALSTON

So help me **GOD** I swear these facts are true

NOTARY

Came before me this 26th day of Nov. 2012

LILY L. BOYER NOTARY PUBLIC MY COMMISSION EXPIRES ON 10-05-14 STATE OF DELAWARE

WRITTEN NOTICE OF INTENT TO FILE CIVIL SUIT TO THE CITY OF DOVER AND FINAL WRITTEN LEGAL NOTICE IN MEMORANDUM OF RECORD OF NOTICE AND SWORN WITNESS STATEMENT AND AFFIDAVIT OF RECORD OF STATED INTENT

RECEIVED
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1. Be it understood Sean Lynn Nicholas Rodriguez and the City of Dover and the City Counsel that after **2** attempts and after **2** written NOTICES to the "CITY" the established and settled and formal legal doctrine of written legal notice of intent was repeatedly made and was ignored by the Cities two named attorneys Sean Lynn and Nicholas Rodriguez.

2. Whereas having made repeated WRITTEN LEGAL NOTICE OF INTENT although given and ignored in ignorance by the Counsels attorneys named nevertheless the City by and through the two named attorneys Sean Lynn and Nicholas Rodriguez have also been served clear and legally sufficient written LEGAL NOTICE of intent to file Civil suit.

3. It is stated as intent herein to have them both disbarred for demonstrating and irrefutably incompetent bad judgment since it is aparent neither was aware of the clear setttled and established Civil Right of Free Speech in America and or the predicate in the Bill of Rights of absolute individual Liberty for and to ALL citizens regardless of race or of color which are facts and circumstances a competent lawyer would or should know.

4. Unobstructed **FREE SPEECH IS A CIVIL RIGHT**. **RIGHTS** absolutely are NOT PRIVILEGES artificially controlled by the City of Dover under racist circumstances or in particular to **CIVIL RIGHTS** arbitririally circumvented by two incompetent counsels.

5. The City has been fully briefed and the noted parties have shown no good faith or actions and all attempts at mitigation of damages prior to filing of suit were unsucessful

6. Be advised and take particular **LEGAL NOTICE** City of Dover and the 2 named lawyers upon filing of suit in the appropriate legal forum a complete documentation of all witnesses and their written evidentiary statements will be furnished for identification.

ESHED ALSTON

So help me **GOD** I swear these facts are true

NOTARY

Came before me this 26th day of Nov. 2012

LILLY L. BOYER
NOTARY
PUBLIC
MY COMMISSION
EXPIRES ON
10-05-14
STATE OF DELAWARE