LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on September 10, 2012 at 5:30 p.m. with Chairman Lynn presiding. Members present were Mr. Hare, Mr. Rushe, and Mr. Shevock. Mr. Anderson was absent. Members of Council present were Council President Leary, Mr. Bonar (arrived at 5:59 p.m.), and Mr. Perza (arrived at 5:36 p.m.; departed at 5:57 p.m.). Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Shevock moved for approval of the agenda as presented, seconded by Mr. Hare and unanimously carried.

Purchase of Police Department Parking Enforcement System

Police Chief James Hosfelt presented a request for approval of the sole vendor purchase of a new parking enforcement system for the Police Department from Cardinal Tracking, Inc., to be funded by the US Department of Justice, Office of Justice Programs, Justice Assistance Grant (JAG) Program, in the amount of $47,125.00, and State Aid to Local Law Enforcement (SALLE) Grant funds, in the amount of $2,875.00.

Chief Hosfelt explained that the system currently in use was obsolete and could not be updated to include the features needed to implement the recent changes incorporated by the City. He noted that, currently, data cannot be queried to allow retrieval of necessary information to support scofflaw (repeat/habitual offenders) reporting, which is vital to implementing the City's new Vehicle Immobilization law. The limitations of the current system do not permit the effective collection of unpaid debts. The new system allows for customized queries, which would enable the Department to retrieve data in almost any form; however, the old system does not have this capability. The new parking enforcement system would also update both the hardware and software components and eliminate the need to employ an outside collections agency. The new handheld computer units feature integrated cameras, eliminating the need for enforcement personnel to carry digital cameras, and the images would automatically flow with the violation data. A point-of-sale component in the Records Unit would allow for the immediate posting of payments to accounts. The cost also includes the conversion of current data, as well as on-site system set-up, installation and training.

Chief Hosfelt stated that Cardinal Tracking, Inc. would host the system; therefore, the City would not be required to purchase a server.

In response to Mr. Shevock, Chief Hosfelt stated that, unfortunately, the existing equipment could not be retrofitted to the new system. He stated that the current system would remain in use until all existing fines were paid and the new system would be used in parallel until that time.

In response to Mr. Hare, Chief Hosfelt confirmed that the existing equipment would not be discarded but kept as backup.

Mr. Lynn noted that, due to time constraints, staff requested that this matter be considered during the Council Meeting later in the evening.

Staff recommended approval of the sole vendor purchase of a new parking enforcement system for the Police Department from Cardinal Tracking, Inc.

Mr. Hare moved to recommend approval of staff's recommendation, seconded by Mr. Rushe and unanimously carried.

Transfer of Street Light Accounting to Electric Fund

Mrs. Donna Mitchell, Controller/Treasurer, reviewed correspondence received from Ms. Emilie Ninan, City of Dover Bond Counsel, dated August 24, 2012. She explained that it was the opinion of the Bond Counsel that attempting to charge for street lights through the Electric Fund could run the City in default of the bonds. Ms. Ninan recommended that the City transfer additional fundsfrom the Electric Fund, rather than charging individual customers for all of the street lights in the City of Dover.

In response to Mr. Lynn's question regarding the legality of charging through the Electric Fund, Mrs. Mitchell stated that it was the opinion of the Bond Counsel that the City would risk running in default of the Bond Covenants. Mrs. Mitchell explained that Ms. Ninan's correspondence indicated that the City could not provide for free electric in the Electric Fund and could be in default of bond covenants if this were attempted.

Mrs. Mitchell expressed her preference that the City use the electric transfer rather than a surcharge for street lights.

Mr. Lynn informed members that, during the Special Council Meeting - Budget Review session held on May 30, 2012, he proposed moving the street lights out of the General Fund into the Electric Fund to "free up" approximately $1M from the General Fund, thus reducing the budget deficits projected for the out years.

Mr. Lynn questioned if Mrs. Mitchell knew how the municipalities of Newark, Milford, Smyrna, New Castle, Seaford, Middletown, Clayton, and Lewes handle this issue. In response, Mrs. Mitchell stated that she contacted Smyrna, Middletown, and Newark but had not yet received a response from Newark. She stated that Smyrna allows the Electric Fund to absorb the street lights and does not charge the General Fund for the street lights or any municipal electric. Middletown has free meters, but this is not charged to individual departments or to the General Fund; the transfer is reduced by that amount. However, she stated that Smyrna and Middletown have no bond covenant restrictions because they are a part of Delaware Municipal Electric Corporation, Inc. (DEMEC); therefore, their bonds are covered through DEMEC, separate from the government. She explained that DEMEC is similar to an electric co-op; therefore, there are no bond covenants that restrict how electricity is charged.

In response to Mr. Shevock, Mrs. Mitchell stated that if the City were to be in default of the bond covenants, a suit could be filed by the bondholders and the City would have to pay the bonds.

Mr. Hare stated that he would prefer to wait to make a recommendation on this item until information could be provided by the other six (6) municipalities.

In response to Mr. Rushe, Mrs. Mitchell stated that she was unsure what municipalities the Bond Counsel consulted, although they were out of their client base. She indicated that Ms. Ninan discussed this matter with other attorneys to determine if they knew of any other municipalities using this method of allocation.

Mr. Leary expressed his thought that when credible opinions are received that indicate that the City may be running the risk of default on bonds, the discussion should stop. With heightened scrutiny from bond rating agencies, he stated his opinion that too much discussion of this issue was probably not a good thing. Although members relayed their desire to reach out to the other municipalities to determine how they handle this issue, it was Mr. Leary's opinion that an equal comparison could not be made and he felt that this was a moot point.

Mr. Perza thanked Mrs. Mitchell for following up on this issue and expressed his concurrence with Mr. Leary's statement.

Mr. Rushe moved to accept the recommendation of the Bond Counsel to use the provisions of 507A(e) of the resolution to transfer necessary funds to the general fund, (since) trying to get a general fund expense paid out of the electric fund in a different way runs the risk of bondholders claiming an event of default has occurred under the resolution and, ultimately, could result in acceleration of the bonds, seconded by Mr. Shevock, and unanimously carried.

Reduced Rates for All-Electric Homes in December, January, and February

During the Open Forum Segment of the April 9, 2012 City Council Meeting, Mr. Ted George, 77 Billings Drive, requested that members consider providing an electric rate discount during the months of December, January, and February for those customers with all-electric homes. During the Regular Council Meeting of July 9, 2012, City Council approved the recommendation of the Legislative, Finance, and Administration Committee that the proposal to reduce electric rates for all-electric homes be referred to staff for cost analysis and review.

Mr. Scott Koenig, City Manager, reviewed a memorandum regarding Reduced Rates for All-Electric Homes in December, January, and February dated September 4, 2012. He stated that he understood the interest in such a program, but that he could not support the request based on the current market conditions related to the City's Electric Utility. Mr. Koenig noted that the City's rate structure does not afford for this special classification of residential customers and the added staff burdens would not be beneficial to the remaining customers.

Mr. Shevock moved to not provide reduced rates for all-electric homes, as recommended by staff, seconded by Mr. Rushe and, by a vote of two (2) yes (Rushe and Shevock) and two (2) no (Hare and Lynn), the motion failed.

Mr. Hare stated that he was not opposed to the idea but requested more in depth information because he believed that there are a lot of people who heat with electric but use gas in their homes as well. He stated his opinion that this reduction should only be considered for City residents.

In response to Mr. Shevock's question regarding what constitutes an all-electric home, Mr. Koenig explained that determining this was part of the problem, since the current billing system does not distinguish between customers who have all-electric versus partial electric homes; therefore, staff would have to conduct investigations of all of these homes to determine if the customer would qualify for such a program. He expressed his belief that the City could not offer the reduction to only in-City customers, since the City has a uniform electric rate for all of its service territories, and offering the program to in-City customers would require distinguishing between that classification. He stated that, to his knowledge, the customer who requested consideration of this item was not an in-City customer.

Mr. Hare suggested, if this were approved, that customers would apply in the same manner that property owners apply for a tax exemption. The burden would be placed on each applicant to prove they have an all-electric home. If a cost were incurred because a member of staff was required to inspect the home, the customer would incur that cost to obtain the exemption. Responding, Mr. Koenig stated that staff could create such a program if this was Council's desire; however, he cautioned that when a house is built, there is no guarantee that conditions will remain the same because of renovations or changes in technology, noting that people "chase the market." He stated that market conditions have changed since the origin of this concept; therefore, this would not be a one-time issue but would need to be updated occasionally.

Mr. Hare stated his opinion that the program would not include a rate reduction; rather, customers would be required to apply and, based on square footage or the appropriate measurement, they would qualify for a credit during the three (3) specified months, and customers would have to reapply each year. Responding to Mr. Koenig, Mr. Hare confirmed that he was suggesting a program similar to the tax exemption program. He stated his feeling that this was an issue of fairness, since there are a number of people who have lived in Dover for many years and were told that they would have this opportunity, which was then taken away.

Mr. Lynn concurred with Mr. Hare; however, he understood the reasons behind Mr. Koenig's position as stated in the memo, due to staff resources being stretched so thin. However, he stated that he would like to see a more in-depth analysis to determine the cost, although he realized that it may be impossible to quantify how many houses would be affected by such a program at this point. Responding, Mr. Koenig stated that this could be quantified, but it would take a lot of "guess work."

Mr. Hare moved that the proposal to reduce electric rates for all-electric homes be referred back to staff for a more in-depth analysis, seconded by Mr. Lynn.

Mr. Shevock requested, if the proposal were referred back to staff, that staff determine the cost for the City to administer such a program (including whether an additional employee would be necessary) and the number of houses that would be involved, and provide a cost analysis to determine whether the program would be cost effective for the City, based on the additional cost to the City versus the savings that would be realized by the customers.

Mr. Hare expressed his opinion that a new employee should not be hired; rather, the City could contract out inspections and the applicant could incur the expense.

Mr. Hare and Mr. Lynn agreed to amend the motion to include Mr. Shevock's request.

The motion that the proposal to reduce electric rates for all-electric homes be referred back to staff for a more in-depth analysis, and that staff determine the cost for the City to administer such a program (including whether an additional employee would be necessary) and the number of houses that would be involved, and provide a cost analysis to determine whether the program would be cost effective for the City, based on the additional cost to the City versus the savings that would be realized by the customers, was carried unanimously.

Discussion - Renaming of Division Street as Martin Luther King, Jr. Boulevard
Mr. Lynn thanked members of the public for their attendance and interest.

Mr. Lynn stated that the proposal to change the name of Division Street to Martin Luther King, Jr. Boulevard had been under discussion for some time and that this issue was brought to his attention by the efforts of Mayor Carey as well as Senator Brian Bushweller.

Mr. Lynn expressed his concern with the current Code requirement that individuals must circulate a petition to secure the signatures of various land owners in order to begin the process of changing the name of a street. He stated that concerned citizens who want to change the name of a street could put hours of leg work and time in, and then come before Council and have the request "shot down" and have to start all over. He did not wish supporters to spend hours of time if their request would not garner the support that it needs.

Mr. Lynn stated that this was a two (2) part question; 1) should the City of Dover have a Martin Luther King, Jr. Boulevard, and (if so); 2) where it should be located. He felt that Division Street should be renamed Martin Luther King, Jr. Boulevard.

Mr. Lynn stated that in conversations with Mr. Nicholas Rodriguez, City Solicitor, Mr. Rodriguez opined that City Council could circumvent the petition portion of the street name change ordinance, since it was well within the City's purview to change the name of its own streets. Rather than having this group work to complete a petition, it was Mr. Lynn's thought to "just get it done," since this was an important issue that needed to be addressed.

Mr. Shevock questioned which sections of Division Street would be renamed. Responding, Mr. Hare stated that it was his understanding that the request was for the renaming to extend from Route 13 to Saulsbury Road.

Mr. Hare stated that he did not have a problem with the proposal but suggested another opportunity for public comment. He stated his opinion that this was an issue that was long overdue. He was aware that the community had previously discussed the possibility of renaming College Road; however, he was uncertain why that was not pursued.

Mr. Shevock questioned the ramifications this would have on the Delaware Department of Transportation (DelDOT) since Route 8 is a State road through the City. Responding, Senator Brian Bushweller stated that his office had contacted DelDOT regarding this specific question and DelDOT staff confirmed that the naming of streets in a City was up to the City and they have no role in this issue since the area in question is within the City limits.

Mr. Hare stated that the road would still be considered Route 8, as DuPont Highway is considered Route 13, and Senator Bushweller confirmed that the route markings would remain the same.

Mr. Shevock questioned who would be responsible for handling address numbering changes. Responding, Senator Bushweller stated that there are address numbering issues involved in a street renaming, for example, the 911 Center would have to be reprogrammed so that the correct address shows up when a call is received. Mr. Shevock stated that his concern was in regard to the post office refusing to deliver mail that was not properly addressed, which reportedly occurred in Sussex County. Senator Bushweller could not offer any guarantees but stated that he would be happy to be a part of the process in making sure that similar problem does not occur in Dover.

Senator Bushweller thanked Mr. Lynn for introducing this issue and allowing for public discussion. He stated that he was in attendance to reflect his personal support for the idea of renaming Division Street as Martin Luther King, Jr. Boulevard. He expressed his opinion that Martin Luther King, Jr. became a seminal figure in the development of our Constitutional republic and espoused the need for all Americans to enjoy the same rights, liberties, involvements, and access. He firmly believed that the capital city of the Delaware should have a street named after Martin Luther King, Jr. and stated that he had not heard from anyone who disagreed with that notion. It was his opinion that, given the significance of Martin Luther King, Jr. to our country, the street selected should be a significant street in the City, and as Division Street is located in the center of the City, he believed it to be a good choice. He indicated that his staff confirmed with the Division of Historical and Cultural Affairs and the Delaware Public Archives that there is no significant historical element to the name Division Street in Dover.

Mr. Lynn thanked Senator Bushweller for his support, and expressed his opinion that changing the name from Division Street to Martin Luther King, Jr. Boulevard symbolically carries great weight, and that simply changing the word “division” to recognize someone who preached unity was in and of itself symbolically powerful.

Mayor Carey concurred with Senator Bushweller's comments and expressed the importance of renaming Division Street. He reminded those present of Dr. Martin Luther King, Jr.'s concerns regarding education, and noted the presence of Booker T. Washington Elementary School, Central Middle School, Wesley College, and Elizabeth W. Murphey School in this area. He stated that this proposal meant a lot to the community and stated his support.

Mr. Lynn thanked Mayor Carey for his efforts regarding this matter.

Mr. Bonar felt that this change should have been accomplished 34 years ago. He noted that this roadway also encompasses East Division Street and Forrest Avenue within the City limits, and Forrest Avenue would soon be home to Dover High School, which is another plus from the educational standpoint of Dr. King's views. He stated that his initial reaction was not quite 100% enthusiastic because he would rather see Legislative Avenue renamed Martin Luther King, Jr. Avenue since that is where the laws of this State are made and, in his opinion, Dr. King had the greatest impact on social change and government in our country. However, given the fact that there has been discussion on changing Division Street, it was his suggestion that East Division Street and Forrest Avenue be included, from one end of the City to the other. He voiced his support for such a proposal.

Mr. Leary expressed his agreement with Mr. Lynn's opening comments and indicated he was heartened to see so many people in the Council Chambers for such an important subject. He requested that the Committee's motion encompass ample opportunity for public input.

On behalf of the Dover Human Relations Commission, Mr. Roy Sudler, Jr., Chairman, 57 Tallowick Lane, Dover, expressed support for the renaming Division Street to Martin Luther King, Jr. Boulevard. As a Fourth District constituent, Mr. Sudler expressed his hope that City Council would unanimously vote to make this change in the near future.

Reverend Michael Rogers, President, Interdenominational Ministerial Alliance (Dover vicinity), 118 Springfield Way, Dover, thanked the Mayor, Senator Bushweller, and Councilman Lynn for the opportunity to address this matter. He stated that this proposal had been discussed throughout the community for a long time, beginning with Pastor Rudolph Coleman, Mt. Zion A.M.E. Church, Dover, who initiated it between ten and fifteen years ago. He thanked members of the Committee for their comments and support and stated that this was an issue that he wanted to see come to fruition. Reverend Rogers informed members that the Interdenominational Ministerial Alliance, the Churches Association, and many groups from within the community have held several forums over the course of the past few months and asked that members call on them if there is anything they could do to move this matter forward.

Mr. Lynn thanked Reverend Rogers and Nelson Hill, President, White Oak/Towne Point Civic Association for bringing this matter to his attention during his attendance at a White Oak/Towne Point Community Outreach meeting.

Representative Donald Blakey, 956 Bison Road, Dover, Delaware, congratulated members for considering changing street that currently bears the name Division Street to Martin Luther King, Jr. Boulevard. He explained that dramatic changes had occurred in Dover since he moved here in the early 1950s, and that with this street name change, there may be a reversal in the character of the area, which he stated would be a "real bonus."

Mr. William T. Wilson, 838 Forest Street, Dover, expressed the honor he felt to be present. He stated that he had witnessed many changes in the City of Dover during his lifetime and faced trials and tribulations in regard to segregation, and was proud to hear the Committee "speak up" for renaming Division Street Martin Luther King, Jr. Boulevard.

Mr. Fred Tolbert, Vice Chairman, City of Dover Planning Commission, 35 Karen Place, expressed his full support for the renaming of Division Street to Martin Luther King, Jr. Boulevard, and read a statement into the record, as follows:

> The uniquely significant achievements of Reverend Martin Luther King has been acknowledged and memorialized with great pride around the world, including a Pulitzer Peace Prize. A large number of American cities and states have elected to memorialize the accomplishments of Reverend Martin Luther King and his leadership of the civil rights struggle. Unfortunately, the City of Dover, Delaware has not attempted to recognize the meaning of the civil rights struggle and Reverend Martin L. King's success, until this time, with leading America toward recognizing the real meaning of civil rights and equality. Dover, Delaware is the capital city of the First State and, as such, it should provide leadership for the State in the areas of governance, equality, and democratic beliefs and practices. The fact, to date, that the City of Dover has not officially recognized the accomplishments of Reverend Martin Luther King is unquestionably an unacceptable blemish on its record and should be corrected as quickly as possible, as this Committee is attempting to do. The renaming a portion of Division Street to honor the name of Reverend Martin Luther King is a very small way to honor such an internationally known hero and civil rights leader. In reality, it would be significantly more appropriate to name the new Dover library after Martin Luther King and/or to erect a memorial to him in a prominent place such as: 1) the front of the new library, 2) on Loockerman Street on the islands in front of City Hall, or 3) on The Green. These suggestions are offered not as an alternative to renaming Division Street but in addition to renaming Division Street. The action that Dover City Council takes on this issue is most important to all residents of the City and it will send a positive message to all that Dover, Delaware is finally approaching an area of progressive thinking that will be most beneficial to the City and all of its inhabitants.

Pastor Richard Avant, Calvary Baptist Church; President Emeritus of the Interdenominational Ministerial Alliance; and longstanding member of the Dover community, shared that his heart was lifted to see such support for this proposal from members of the Committee as well as the

community. In reference to Mr. Hare's earlier comments, he explained that Mayor Carey researched and developed the "College Road concept" which was discussed by members of the community; however, a consensus was reached that, due to the history involved in the naming of College Road, a different road should be selected in recognition of Martin Luther King, Jr. He stated that he was overwhelmed by the support shown by Senator Bushweller, Representative Blakey, and Mayor Carey, and that he would like to see this street renaming accomplished during his lifetime.

Mr. Theodore A. Hendricson, retired Air Force Lieutenant, shared a brief history regarding the freeing of slaves in Delaware.

Mr. Lynn acknowledged that, due to a prior obligation, Mr. Rushe had to excuse himself from the meeting but he asked Mr. Lynn to share his support for Martin Luther King, Jr. Boulevard and that, pursuant to his own research, he found that as of 2009, there were at least 730 cities, spanning 39 states, which had a Martin Luther King, Jr. Boulevard.

Dr. Wilma Mishoe, 353 Rita-Wilma Road, Dover, stated that she was glad to see such support in the audience from members of the Dover community. On behalf of herself and her sister, Reverend Rita Paige, she stated that she agreed with the comments of those who preceded her at the podium and was overjoyed by the opportunity that City Council had to write a new chapter in the history of Dover. She thanked the members of the Committee for their consideration.

Mr. Kenneth Roach, 816 Slaughter Street, Dover, stated that he was born and raised in Dover, Delaware and was overjoyed by the outpouring of community support for this proposal. He explained that Dr. Martin Luther King, Jr. "brought people together" and was always one of his heroes. He expressed his opinion that it was a great injustice that the capital of the First State did not have a street named after Martin Luther King, Jr. Mr. Roach thanked members of the Committee for their consideration of this matter.

Mr. Hare moved to recommend that a public hearing regarding this matter be set for Monday, October 8, 2012 at 7:30 p.m., seconded by Mr. Lynn.

Mr. Bonar requested that the language for the renaming of Division Street to Martin Luther King, Jr. Boulevard include Division Street from "City limit to City limit."

Mr. Hare moved to amend the motion to recommend that a public hearing regarding the renaming of Division Street as Martin Luther King, Jr. Boulevard be set for Monday, October 8, 2012 at 7:30 p.m. and that the language for the renaming of Division Street to Martin Luther King, Jr. Boulevard include Division Street from "City limit to City limit," seconded by Mr. Lynn and unanimously carried.

Mr. Lynn thanked the members of the public who came out in support of this proposal.

Mayor Carey thanked those present for their hard work thus far.

Mr. Hare moved for adjournment, seconded by Mr. Shevock and unanimously carried.

Meeting adjourned at 6:35 P.M.

Sean M. Lynn
Chairman

SML/TM/dd/js/mk
S:\AGENDAS-MINUTES-PACKETS\Committee-Minutes\2012\09-10-2012 LF&A.wpd