

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on October 10, 2016 at 8:12 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hosfelt, Mr. Hare (arrived at 8:15 p.m.), and Mr. Hutchison (departed at 8:36 p.m., and returned at 8:39 p.m.).

Council staff members present were Police Chief Bernat, Mr. Koenig, Mrs. Townshend, Fire Chief Carey, Deputy City Solicitor Pepper, and Mrs. McDowell. Mrs. Mitchell was absent. Mayor Christiansen was also present (departed at 8:39 p.m. and returned at 8:43 p.m.).

OPEN FORUM

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

Mr. Harry Miller advised that he was the developer and builder of Wild Meadows, which was started in the late 1990s. He stated that he was present to represent 223 homeowners of Wild Meadows regarding Ordinance #2016-16, which had recently been passed. Mr. Miller felt that the ordinance was nothing more than a selectively imposed tax increase approved by the sponsors and Council. Mr. Miller believed that it imposed two (2) new fees or taxes, \$25 dollars for the landowner and \$45 dollars for each homeowner. He stated that they now pay a real estate tax on the land, and each homeowner pays a tax, in addition to these two (2) new taxes; therefore, there was a total of four (4) taxes for all of the homeowners present tonight. Mr. Miller estimated that, between what he and the homeowners pay, almost a quarter million dollars of taxes goes to the City. He estimated that over \$3M in taxes had been collected by the municipality over the last 15 years, without providing any government services to the residents of Wild Meadows. Mr. Miller stated that there is no snow removal, road repair, or maintenance, and all services provided there are paid for by individual residents themselves.

In response to Mr. Slavin, Mr. Miller acknowledged that they do receive police and fire services.

Mr. Miller felt that Council had mandated more services than had been provided in the past, based on their understanding of the new code. He stated that the new code was very vague and they did not understand some areas of it at all. Mr. Miller referred to the maintenance of all the utility services, including electric, gas, water, and sewer, up to the houses, stating that this was something they had not done before, as well as certain landscaping within each individual homeowner's lot. Mr. Miller stated that they would now have to give out receipts and billing. Due to the new ordinance that had been imposed, he advised that he was unclear about whether office personnel must be available five (5) or seven (7) days per week. He indicated that they were unsure if they would have to hire one (1) or two (2) full-time people, plus part-time people when employees are sick, absent, or on vacation. Mr. Miller stated that they will have to pay more in payroll taxes; benefits; payroll, bookkeeping, and accounting services, and would have to hire another accountant to do invoicing and receipts. He noted that there would be unforeseen costs, such as purchasing desks, computers, and office equipment and possibly even service vehicles, since it was stated that there would have to be service 24 hours per day. Mr. Miller estimated that the total expense to individual homeowners would be between \$800 and \$1,000 more per year, per home, and he felt this

was unfair. Mr. Miller requested that the members consider repealing the ordinance and hold a round table discussion to enact an ordinance that would make sense for the homeowners and constituents who live in the community.

Mr. Neil stated that Mr. Miller had placed the community up for sale in August 2015 and questioned if it was still for sale. Responding, Mr. Miller stated that this was a business decision and not what they were here to discuss tonight. Mr. Neil stated that this would affect the homeowners who were present, since they would not have to pay if the property was sold. In response Mr. Miller stated that the discussion was about Ordinance #2016-16.

Mr. Neil explained that there had been a public hearing regarding the ordinance, but no one had represented Mr. Miller's company at the public hearing. If they had been represented, Mr. Neil believed that the round table discussion Mr. Miller requested could have been held.

Mr. Miller stated that he was contacted by a young gentleman from the City staff six (6) months or a year ago who asked him some questions about manufactured housing at Wild Meadows. Mr. Miller and another gentleman had met with this staff member and tried to answer his questions. During the meeting they tried to help him by completing a survey, which they had difficulty understanding. He had believed that if there were other issues or concerns, the City would have given him the courtesy of contacting him. Mr. Miller noted that he does not read the newspaper to find out what is or is not being passed. He had seen videos of other meetings where there were round table discussions with business owners regarding potential ordinances, and he felt that it was unfair that they were not given this courtesy.

Mr. Neil noted that the public hearing was publicized and questioned if they check to see what is publicized and goes on with the City. Responding, Mr. Miller stated that he does not check the newspaper daily and thought the homeowners would have mentioned this if they knew about it.

Mr. Neil pointed out that Wild Meadows homeowners already pay for a lot of the services, noting that \$1M in gross income goes to Mr. Miller's company every year to pay for the services he had referred to. He indicated that certain parts of the ordinance could be changed, such as the language regarding shrubs and the number of employees and hours, and the entire law would not have to be removed. Mr. Neil suggested that Ms. Colleen Ostafy, who is a lifestyle coordinator at Wild Meadows but also takes care of settlements when houses are sold, could be present to perform some services referenced. He stated that the financial aspects were already being handled, by people in the community who were being paid, as well as by December Corp., Mr. Miller's management company in Downingtown, Pennsylvania. Referring to a letter received by some residents of Wild Meadows from Mr. Miller earlier in the day, Mr. Neil stated that Mr. Miller's comments were not correct. He explained that there would absolutely be additional fees, but not taxes. Mr. Neil stated that this was legal language and that lawyers often disagree, and that is why there are arbitration and courts. Mr. Neil noted that the original arbitration that occurred in 2015 was still involved. Mr. Neil believed that the key part of the ordinance was Chapter 26 - Businesses, Article II, Section 66-5(c)iii, which states that "Repeated failure to perform the required duties shall be cause to take action upon an owner's land lease community operator license in accordance with the provisions of Chapter 26 - Businesses, Article II, Section 26-59." He stated that anything else within the ordinance can be

changed if it is found to be incorrect or if it adds additional fees, because Mr. Neil believed that there should not be additional fees when owners collect over \$1M gross.

Mr. Robert Valihura, Jr., Michael P. Morton, PA explained that he serves as counsel for Wild Meadows and that he had talked to Mr. Nicholas Rodriguez, City Solicitor, about their concerns regarding the preemption of Ordinance #2016-16 by State law. In their view, State law trumped this statute, which was illegal on all terms, and the City had the right to put a license in but not to legislate against the things that were being mandated with respect to manufactured housing in the City of Dover. Mr. Valihura stated that they will bring a lawsuit if the ordinance is not repealed. He believed that there was a better way to handle this matter, by proceeding in a consensus building manner, as the General Assembly does when it addresses manufactured housing. Mr. Valihura advised members that he had served in the General Assembly for 10 years, and during five (5) of those years he served as the manufactured housing chairperson. He stated that major bills like this were addressed by bringing all the sides together, not based on what might have been in the newspaper, but on reaching out and getting the parties to participate in the process to make sure that every voice was heard. Mr. Valihura requested that the legislation be repealed and that the City begin the consensus building process immediately, rather than having to spend limited tax dollars on a lawsuit, which would also cost the homeowners in the community. Mr. Valihura believed that it was not the intent of Council to impose an additional tax on homeowners by forcing costs to be put on them. He explained that the legislation that is in place, the Rent Justification Act, which the Supreme Court today had stated was rent control, allowed for the passing these costs on. Mr. Valihura stated that this was a fact and that costs would be imposed on the homeowners. He reiterated his request to repeal the legislation and asked that everyone work together to get something that would work for the community.

Mr. Neil asked if Mr. Valihura is paid from December Corp. or Bob Meadows, LLC. Responding, Mr. Valihura advised that he was not at liberty tonight to state how he is paid, stating that this was not what they were present to talk about.

Mr. Neil asked if it was possible that the rent paid by the Wild Meadows homeowners pays Mr. Valihura and would pay for the lawsuit that he was going to undertake. Responding, Mr. Valihura stated that the lawsuit would be on behalf of the manufactured housing communities in Dover. He stated that they had been retained by four (4) communities and were prepared to move forward. Mr. Valihura stated that he was not prepared to discuss how payment would be split this evening.

Mr. Neil stated his belief that, basically, rent money pays Mr. Valihura. Responding, Mr. Valihura advised that the cost would have to be assessed by each of the community owners in a way that they want to do so.

Mr. Paul McDonnell, 123 Kurt Drive, President, Wild Meadows Homeowners Association, advised members that he was present last month to speak in favor of Ordinance #2016-16 when it was voted on by Council. He felt that the manufactured home communities could benefit from the involvement of the City and their ability to manage and enforce the laws by using the facilities that were provided for in this ordinance. Mr. McDonnell also felt that absentee landlords should not be tolerated and that the ordinance made the landowner, rather than the tenant, responsible for tracking payments.

He indicated that this is beneficial so that late payments can be attributed where they belong, noting that people should not be penalized for being on time. Mr. McDonnell stated that receipts were specified in the ordinance for a reason. He acknowledged that there may be some additional costs and expressed willingness to help to reduce those charges; however, he was not in favor of surrendering to the will of management by putting up with their stipulations on how homeowners live their lives. Mr. McDonnell felt that changes in regard to maintenance of shrubbery belonged in the ordinance, noting that obstructed driveways and stop signs are quality of life and safety issues. He believed that it may not be in the best interest of the community to leave this to those who may be part-time or elderly residents. Mr. McDonnell felt that the ordinance addressed real and specific issues and should go forward.

Responding to Mr. Neil, Mr. McDonnell stated that he had heard that there were 223 homes in Wild Meadows. He advised that homeowners association currently has 178 paid, active members, representing virtually 95% of what they estimate to be about 185 occupied homes. Mr. McDonnell stated that rest are in the course of sale or otherwise vacant. He stated that husbands and wives do not pay two (2) separate memberships. Membership is by household, and each owner is a member. Mr. McDonnell stated that paid members have the right to vote on issues and participate in homeowner activities, but everyone is a member of the corporation.

Mr. Eric Abernathy, 436 West Duck Creek Road, Clayton, Delaware stated that he is a strong advocate for homelessness and the building of tiny homes. He stated that he had been homeless in the past and knew the plight of homeless people. Mr. Abernathy stated that help had been requested at each of the Open Forums he had attended. He believed that homelessness in Delaware and in the area was getting out of hand. Mr. Abernathy expressed frustration that there were people with nowhere to go, and when they found somewhere, these places were being taken away from them and they had to move elsewhere. He felt that the homeless were being pushed away from the downtown area, stating this was also a problem in the County. Mr. Abernathy indicated that advocates for the homeless were trying to find help and had already been able to do things that people had said could not be done. He stated that they would continue pushing forward because they were doing God's work, were working seven (7) days a week to help those in need, even though they did not have all the resources they needed. Mr. Abernathy stated that there were people present who were willing to help the homeless, and some were even taking them into their homes, but he wanted to know when they were going to get some help.

Ms. Karen Massey, 10 Michelle Drive, advised members that she lives in the Wild Meadows community, which is an extremely wonderful place to live. She indicated that she had moved in at a bad time, noting that she had received notification that homeowners would be responsible for some of the changes made in Ordinance #2016-16. Ms. Massey could not understand the need for full-time people in a building that is totally empty most of the time, except for people who are having a good time there. She felt that the ordinance should be repealed, or that people should sit down and find out if residents could pay less money for rent and live the kind of lives they would like to live as people aged over 55. Ms. Massey believed that she was in the middle of a situation that she had nothing to do with, noting that she had to pay more taxes to the City of Dover than she paid to North Carolina. Ms. Massey indicated that she was unhappy about increases in rental costs that would be passed on to homeowners by the company who is forced to make these changes. She felt it was

unfair that the homeowners would have to pay the price, and stated that the ordinance should be repealed until a better solution could be found among all parties involved.

Ms. Alexis Simms stated that she is a resident of Dover and advised members that the homeless and their advocates would continue to come to these meetings. She asked why the City was trying to fine Victory Church \$100 for helping the homeless. Ms. Simms expressed frustration that the City would not give the homeless a place to stay but did not want her to live in a camper.

Mr. Slavin clarified that the City was not the source of the \$100 fine that Ms. Simms referenced. Responding, Ms. Simms stated that, regardless, Victory Church was being fined \$100. She advised members that it was 62 degrees that day and there were millions of homeless people. Ms. Simms doubted that those present would go home, turn their heat off, and lie on the floor with a blanket, but if they did, she felt they might change their minds about the homeless. She stated that although the City receives millions of dollars, nothing was being done for the homeless. Ms. Simms stated that they would keep coming back to every meeting until something was done.

Mr. Richard Harmond, Dover, stated that he had been actively homeless for six (6) years and, although he had recently obtained a better support system, he needed more help. He indicated that he had been in and out of the hospital due to health problems, and other homeless people were going through the same thing. Mr. Harmond explained that, while living on the street, he had been beaten up, was unable to get the rest he needed, and became unable to focus. He stated that this led to depression and weight gain, noting that he now weighs 510 lbs. Mr. Harmond explained that it was difficult to find help when he was smaller, but now it is even more difficult. He indicated that he was speaking for other people, as well as himself, noting that homeless people have died from exposure. Mr. Harmond agreed with Ms. Simms that members had nice homes to go to and could take showers, noting that he had gone days, weeks, and years without taking a shower. He felt that if members were in the shoes of the homeless, they would view this situation differently. Mr. Harmond expressed frustration when people say that there is help out there, since he had been calling the Delaware Help Line (2-1-1) for three (3) months straight; however, they were doing nothing for him. He indicated that Pastor Aaron Appling's mother was his advocate and had been helping him to fill out paperwork, go to various doctors, and try to get help from the State, but they had not been able to find help. Mr. Harmond stated that without Pastor Appling, he probably would have died, since he was on his last bit of breath when he went to Pastor Appling's church. With Pastor Appling's assistance, Mr. Harmond was admitted to the hospital. He informed members that homeless people are often put out of hospitals because it is believed that they are just going there to sleep; however, this is not the case. He advised that the homeless are human and belong in a nice house, acknowledging that some of them make mistakes. Mr. Harmond believed that members were aware of systems and resources to help fix the homeless. He stated that there were a million excuses not to help someone, but felt that we could all do better by trying to fix the situation.

Pastor Aaron Appling, Victory Church, 2648 Sharon Hill Road, called on those present to raise their hands if they were homeless or had recently been homeless, and many people raised their hands. He thanked Ms. Simms and Mr. Harmond for their bravery in speaking about their situations. Pastor Appling noted that Ms. Simms is blind, suffering from lupus, pregnant, and homeless, and Mr. Harmond has a medical condition and weighs 510 lbs. He stated that they had been tirelessly working to find them help and had been unable to do so, having called a number that they were

provided for three (3) months without finding a place for Mr. Harmond. Pastor Appling stated that they had been helping Mr. Harmond in the back of their church for the last three-and-a-half months because they feared his death, but were not staffed or capable of doing this and were only doing so because he had no place to go. They were desperately trying to find a place and were now starting to have a little success. Pastor Appling indicated that they were also trying to find a suitable place for Ms. Simms, who has an income of \$700 per month, but there was no affordable housing in the City or County. He advised that, if help was not received, Ms. Simms would be sheltered at one place or another by the State, who would send Child Services out and split the family up, but they would not provide adequate help to keep the family together.

Speaking as a pastor and on behalf of his church, Pastor Appling indicated that they were 100% on the side of those in the community who were suffering most. He advised that, as a community leader, he represented over 1,000 members of the community, and informed members that over 5,000 people had signed a petition on behalf of the homeless. Pastor Appling felt that the moral compass was broken since people who were suffering drastically in the City were being pushed aside. He stated that the time had come to not just say what is politically correct, but to actually start helping them. Pastor Appling informed members that for the last six (6) months to a year, his church had worked seven (7) days per week and provided over 150 meals every day. He advised that they provide meals twice per day and also pick up 14 to 40 people every night and take them back to the church for showers, food, and community. Pastor Appling advised that they receive no State, federal, or City funding for these efforts, and they were not asking for money but were performing a civil service. He asked what would happen to those people if the church stopped helping them, noting that if they were left in dire straits, there could be an uprising. Pastor Appling informed members that they were asking for more from the City's leaders, stating that members' responsibility was to not just to those who have money. He indicated that he had seen members ask questions of organizations that have money and pay taxes, but no questions were being asked of Mr. Harmond and Ms. Simms, who represent a real constituency. Pastor Appling commended Councilmen Anderson and Slavin for having reached out to them, but he indicated that if members were unable to represent the least in the community, then they were unfit to represent anyone.

Dr. Patricia Morris stated that she is a new resident of Dover, having only been here for six (6) months, and she almost became homeless, but by the grace of God, she did not. She explained that she had been homeless in San Diego after losing her son to heart failure, her house to a fire, and being forced from a job making \$80,000 per year. Dr. Morris stated that she is now earning minimum wage, and had seen how much Victory Church was doing to help the homeless. Dr. Morris pointed out that there are many megachurches that do not do as much for the homeless as this church did. She advised that she had called some of the help numbers that Pastor Appling had referred to because she was trying to get help when she first moved here. Dr. Morris applied for jobs for a year and had never gotten an interview in her field at the various colleges in the community.

Dr. Morris advised members that people become homeless when there is no help, and noted that others had joined the church to provide help. She indicated that there should be more avenues to assist churches to get through to facilities and places for the homeless. Dr. Morris believed that the church was doing the work that the Lord had for them to do and the work of the kingdom that other churches were not doing. She was unsure if members would pay attention if all of these churches

started coming forward and suggested joining together in unity to get everyone to help. Dr. Morris informed members that she was working at Royal Farms, when she had a degree in education and 25 years' experience. She believed that Dover has little cliques that only want to hire their people, stating that she was told by an institution that they only hire their kind, although she did not know what this meant. Dr. Morris indicated that she was present to support helping the homeless in the community.

Mr. Hutchison asked if funding was available from the State of Delaware to address the issue of the homeless. Responding, Mayor Christiansen stated that, although the State of Delaware does have funds, the City of Dover does not receive this funding. He indicated that the 2-1-1 system, through the Department of Health and Social Services, is the repository of those funds, which to his knowledge, go mostly to New Castle County.

Mr. Hutchison questioned if the City of Dover receives anything to address this issue. In response, Mayor Christiansen advised that the programs in place in the City, such as the Mayor's Challenge to End Veterans Homelessness, Code Purple, individual church programs, and the Dover Interfaith Mission for Housing, operate through their own funding and grants. He indicated that homelessness was not a new issue. Mayor Christiansen stated that he understood the concerns of Pastor Appling and the speakers; however, he felt that it was not correct to say that the City of Dover was not doing anything to help the homeless. He noted many members of this Council had participated in helping the homeless, and continued to do so through serving meals and giving to the individual mechanisms in place.

Mayor Christiansen believed that the real issue that Ms. Simms and Pastor Appling had was with Kent County, who was levying the fines, and he suggested taking this issue to the County. He felt that the City was well aware of the plight of the homeless in the community. Mayor Christiansen stated that the Salvation Army and many churches throughout the City were taking this issue very seriously and had been in the trenches for longer than the last six (6) to nine (9) months, and he felt compelled to stand in their defense.

Mayor Christiansen expressed the desire to speak with Dr. Morris following the Open Forum, stating that he would like to find out which institution told her that they only hire their own and why this was said to her.

Responding to Councilman Sudler's question regarding what financial support the City of Dover provides from the budget to Code Purple and the concerns of the homeless, Mayor Christiansen advised that the City of Dover expends no taxpayer dollars toward Code Purple. He explained that there had been individual support and the mustering of support from churches throughout the community, who had opened up their churches as sanctuaries on evenings when the temperature goes below 32 degrees, serving hot meals and a place to stay for the 12 or 13 hours that they are able to staff. He reiterated that no City of Dover monies go into any of the operations that take care of the homeless.

Mr. Anderson agreed with the Mayor that there were no direct City funds for homelessness; however, funds in excess of \$30,000 were directed by the City through Community Development Block Grant (CDBG) funding to help with this situation. He acknowledged that the problem is huge.

He explained that it is not that the City does not put place priority on addressing this problem, but unfortunately, the City is limited to expending only 15% of what the City receives in CDBG funding. Mr. Anderson agreed that, as Ms. Simms had stated, there was a severe shortage of housing for the disabled. He had noticed that the waiting lists now seemed worse than ever before, and he felt that this matter definitely needed to be included in comprehensive planning.

Ms. Vanell Dodd informed members that she had lived in the State for over 30 years and was a homeless mother of three (3), with grandchildren, etc. Since Ms. Dodd had been in Dover, there had not been any help for the homeless at all. Referring to previous comments, she stated that people could call 2-1-1 all day, and sometimes they respond, sometimes they do not. Ms. Dodd stated that there was only one (1) homeless shelter in Dover for women and asked where they were supposed to go. Referring to several other homeless individuals present, including her niece, Ms. Simms, she indicated that she calls these individuals her kids. She indicated that she had sat in front of City Hall and the Mayor's Office many nights in the freezing rain with some of these kids, who had nowhere to go. Ms. Dodd explained that she had laid on the ground with them just to make sure that they felt safe and had someone that knew how it was to be homeless. She advised members that if they stood outside in her shoes for just one (1) night to understand how cold it is or watch those kids cry or try to figure out what kind of meals they were going to have that day, members would understand what it is to be homeless. Ms. Dodd thanked the Mayor, Mr. Anderson, Pastor Appling and everyone for all that they were doing, indicating that there was nothing that the homeless can do for themselves, since they do not have homes. She stated that some of these individuals do not choose to be homeless, but there are no jobs and the rent is a little too high. Ms. Dodd advised members that she had worked with Mr. Burden on fixing up some of the houses in Dover, and still nothing had been done. She believed that houses could be made into homeless shelters or rented to some of the people who were trying to work, noting that some of the homeless are educated. Ms. Dodd felt that we all share and bleed the same blood and are supposed to be family. She questioned why there were so many problems with homelessness, stating that she felt like crying because she believed that everybody in America should have a home and a place to stay. Ms. Dodd questioned why there is no help where we live and why help is offered to other states.

Mr. Slavin noted that the City lost one of its truly great citizens with the passing of Harry Hettinger this past week and asked that members please join in a moment of silence.

The invocation was given by Bishop Thomas L. Holsey, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mr. Sudler moved for approval of the agenda, seconded by Mr. Neil and unanimously carried (Hare absent).

Mr. Anderson requested that item #5-B - City Manager's Report (July and August), be removed from the Consent Agenda.

Mr. Sudler moved for approval of the Consent Agenda, as amended, seconded by Mr. Neil and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF SEPTEMBER 26, 2016

The Minutes of the Special Council Meeting of September 26, 2016 were unanimously approved by motion of Mr. Sudler, seconded by Mr. Neil and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF SEPTEMBER 26, 2016

The Minutes of the Regular Council Meeting of September 26, 2016 were unanimously approved by motion of Mr. Sudler, seconded by Mr. Neil and bore the written approval of Mayor Christiansen.

CERTIFICATE OF APPRECIATION - FRIENDS OF OLD DOVER

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

CERTIFICATE OF APPRECIATION

presented to

The Friends of Old Dover for contributing their labor time, and energy to clear weeds and debris from Constitution Park on September 24, 2016, and for their continued efforts to restore the appeal of this significant cultural and historical landmark.

Your public service and selflessness have increased the quality of life for the residents of the City of Dover.

October 10, 2016

On behalf of the Mayor and Council, Mayor Christiansen presented the Certificate of Appreciation to Mr. Larry Josefowski, President of the Friends of Old Dover. Mayor Christiansen noted that the Friends of Old Dover were going to play a very important role in the City's 300th Birthday, which would be kicking off at Dover Days 2017.

Mr. Josefowski shared the Friends of Old Dover's appreciation for the City's recognition. He informed members that Constitution Park is one of the City's smaller parks; however, it is one of the most used sites, noting that it is located near almost every significant downtown location. Mr. Josefowski stated that the condition of the park was brought to the attention of the Friends of Old Dover by Mr. Tom Smith, and he spearheaded the effort for the cleanup. He advised that a large amount of weeds and debris had been removed from the park; however, there was a lot more work to be done, including power washing; repairs to the mortar, electrical system, and lights; and work on the holly bushes. Mr. Josefowski indicated that the Friends of Old Dover looked forward to possible assistance from the City of Dover, which had been mentioned by Council President Slavin.

CERTIFICATE OF CONGRATULATIONS - DELAWARE STATE UNIVERSITY 125TH ANNIVERSARY

On behalf of the Mayor and Council, Mayor Christiansen and Councilman Sudler presented Dr. Harry Williams, President of the University; Dr. Victor Santos, Director of Government and

Community Relations; and University alumni and staff members in attendance with the following Certificate of Congratulations:

CERTIFICATE OF CONGRATULATIONS

presented to

Delaware State University on its 125th Anniversary

Delaware State University was established as the State College for Colored Students on May 15, 1891 by the Delaware General Assembly and, in its first year, enrolled a dozen students and offered five courses of study.

Through great determination, persistence, visionary leadership, and the demonstration of academic excellence, the College obtained university status in 1993, when Governor Thomas Carper signed legislation renaming the institution Delaware State University. The University is now a fully accredited, vibrant institution with a reputation for distinguished scholarship, enrolling more than 4,500 students and offering over 51 baccalaureate, 25 master's, and five doctoral degree programs through 21 academic departments and five distinct colleges.

Delaware State University has been recognized by the Association of Public and Land-Grant Universities as "1890 University of the Year" twice in recent years, and is ranked fourth among the nation's Historically Black Colleges and Universities. Throughout its history, the University has been a cornerstone of the Dover community, offering access and educational opportunities to diverse populations from Delaware, the nation, and the world.

The City of Dover extends its sincere congratulations.

October 10, 2016

Dr. Williams thanked members of Council for the incredible opportunity to recognize Delaware State University. He stated that the University started as a state college for colored students 125 years ago in 1891 and 125 years later, it is a full-fledged university. Dr. Williams advised that the college started with 12 students and three (3) faculty members on the Loockerman Plantation, and the Loockerman home is still standing there. He informed members that today, the University has a robust enrollment of over 4,500 students, 200 faculty members, 800 staff members, and over 19,000 distinguished alumni around the world.

Dr. Williams stated that he would pass the certificate of congratulations on to the board of trustees. He noted that they were blessed to have board member Dr. Wilma Mishoe in attendance, and informed members that her father was the seventh president of Delaware State University, inherited the University in 1960, and served with distinction for over 27 years.

Dr. Williams recognized others in attendance, including Dr. Mishoe's sister; the national president of the alumni association, Michelle Davis; members of the Kent County Alumni Association; and the Marshalls, who are the Hornets' number one fans, were inducted into the hall of fame, and wear their rings with a great deal of pride.

Dr. Williams noted that this was a great honor and thanked the City for supporting Delaware State University. He stated that they are a family, feel a part of this community, and are blessed to be here. Dr. Williams thanked everybody who had been a part of helping Delaware State become the University it is today.

Dr. Williams noted that Delaware State University's homecoming would be held this Saturday, October 15, 2016, and the parade would be marching straight down Loockerman Street.

Mr. Slavin noted that, with the adoption of the Consent Agenda earlier in the meeting, Reverend Rita Mishoe Paige was appointed to the Dover Human Relations Commission, and thanked her for her service.

PRESENTATIONS - 2016 MAYOR'S ARTS AWARDS

The Mayor's Arts Award was established to recognize the importance of the arts in Dover and to honor groups and individuals who have made outstanding contributions to the artistic and cultural light of our great City. The award honors visual and performing artists, arts educators, arts organizations, arts volunteers, and supporters of the arts. The recipients of this prestigious award exemplify excellence, inspire the community with their artistic pursuit, and insure a cultural legacy for future generations. Mayor Christiansen presented the 2016 Mayor's Arts Awards, as follows:

Jack and Jeffrey Kidner

Brothers Jack and Jeffrey Kidner formed a bluegrass ensemble known as Road 599 when they were quite young. The ensemble, a string bass and fiddle, performs regularly for local and regional events. Since that time, they have excelled in many competitions and have taken first place prizes in the Delmarva Folk Hero Contest and the National League of American Pen Women, Youth Artistic Excellence Competition.

The brothers are high school juniors at the time of their nomination. In addition to their musical talents, both are good students and play lacrosse and are active in their church.

Responding to Mayor Christiansen, Mr. Jack Kidner shared that he and his brother always had an interest in music growing up and decided to name their group after the road that their grandfather lived on. He explained that their grandfather would take them down to Sam Yoder's barn in Greenwood, where they would listen to a group called Little Roy Lewis and the Lewis Family play the bluegrass style music that they liked.

Mr. Jeffrey Kidner thanked the Mayor and members of Council for the award.

Michael Kosior

Mr. Michael Kosior is a percussionist who plays drums in several different bands, is active in the school marching band, and provides accompanying percussion for a variety of community activities

and events. He participates in drama productions and has performed in several shows at the Schwartz Theater. He is a good student and a member of the basketball team.

Mr. Kosior shared that he loves to play the drums and plays them every day, noting that he is in several bands. He stated that playing the drums is a lot of fun, he really enjoys doing it, and is glad that he is able to do it for the City.

Mayor Christiansen noted that Mr. Kosior had previously served very well on the City of Dover Youth Advisory Committee.

Inner City Cultural League

The Inner City Cultural League was founded in 1990 as a community artistic/cultural resource. The Sankofa African Dance Company, the Sankofa String Orchestra, and the Don-Del Theater Program are three (3) of the longstanding arts programs which provide for an experience in the arts for young people and an introduction to the arts genre of African and African American culture for the community at large. These three (3) programs have thrived through the years, led by volunteers and supported by family and friends.

Mayor Christiansen noted that former Councilman Reuben Salters founded this group, which continues to be long playing, long dancing, and probably one of the greatest cultural treasures in the City. He presented the award to former Councilman Salters' daughter, Mrs. Stroud, and Ms. Denise Hicks Barnes, Executive Director of the Inner City Cultural League.

Mrs. Stroud thanked the Mayor and members of Council and shared her and the Inner City Cultural League's appreciation for the City of Dover. She announced that there would be a string orchestra concert at the new cultural arts center on October 30, 2016 at 6:00 p.m.

Dr. James Wilson

Dr. James Wilson has worked the past six (6) years to promote and strengthen the arts in Dover through his work with Wesley College, the Delaware Choral Society, the Kent Chamber Choir, and the Wesley United Methodist Church. Dr. Wilson has built the music program at Wesley College from the ground up, and now approximately 20% of all Wesley students participate in one or more of its courses. Dr. Wilson is the first person to bring a fully-staged opera to Dover with the production of Amahl and the Night Visitors at the Schwartz Theater.

He is an accomplished soloist who has performed in a variety of locales up and down the East Coast. In addition to his role as a college professor, he is also a band conductor. His resume spans many years.

English Country Dancers

The English Country Dancers is a longstanding (four (4) decades) group of community-minded citizens who restored an historic art form of 18th and 19th century country dance. The troupe holds monthly English Country Dances, as well as dances on New Year's Eve and 12th Night. They perform publicly at the 18th Century Market Fair, A Day in the Life of the John Dickinson Plantation, Old Dover Days, First Night, the Delaware Agricultural Museum, Woodburn, and

numerous venues around Delmarva and the Mid-Atlantic states. They lead a variety of workshops and dances to teach the art and craft of dancing to community members.

Ms. Karen Smith, Dover English Country Dancers President, thanked Winfried and Edith Mroz and Alex and Rosemary Apostolina, who founded the Dover English Country Dancers in 1979, and all of the individuals who had continued the tradition since then. She announced that the group would be performing at the Dover Market Fair on November 5, 2016 in front of the State House, and invited everyone to attend to learn about their heritage and English Country Dancing. Ms. Smith noted that our forefathers danced as part of their daily activity, George Washington was reputed to be an excellent dancer, and there is no reason that everyone cannot join the Dover English Country Dancers there.

PROCLAMATION - NATIONAL COMMUNITY PLANNING MONTH

The City Clerk read the following Proclamation into the record:

WHEREAS, change is constant in every community and affects all of us, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be involved in making choices that determine the future of their community; the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in plan development and plan implementation; and

WHEREAS, the American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our communities and environment; and

WHEREAS, the 2016 theme is “Civic Engagement” which underscores the necessity of engaging the public, elected officials, and key leaders in discussions that shape the future of our community;

NOW THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim the month of October 2016 as **NATIONAL COMMUNITY PLANNING MONTH** in the City of Dover, and encourage all citizens to join me in recognizing the participation and dedication of the members of the City of Dover Planning Commission and the valuable contributions made by community and regional planners and our partner agencies at the State and county level, and extend our heartfelt thanks for the continued commitment to public service by these professionals and private citizens.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that on the third Monday of each month, the City’s community planners and the Planning Commission meet to review all of the development applications, and those members have really made the City what it is today. She stated that the City has had a very diverse, representative

Planning Commission, and it had truly been a pleasure to work with the wonderful people on the Commission, as well as Council, to bring the vision to reality.

**COUNCIL COMMITTEE OF THE WHOLE REPORT -
SEPTEMBER 27, 2016**

The Council Committee of the Whole Meeting was held on September 27, 2016 at 6:00 p.m., with Council President Slavin presiding (departed at 7:00 p.m. and returned at 7:03 p.m.). Members of Council present were Mr. Anderson (arrived at 6:20 p.m.), Mr. Sudler (departed at 7:01 p.m.), Mr. Neil (arrived at 6:15 p.m.), Mr. Cole (arrived at 6:09 p.m.), Mr. Hosfelt, Mr. Hare, and Mr. Hutchison. Mr. Lewis and Mayor Christiansen were absent. Civilian members present for their Committee meetings were Mr. Keller and Mr. Shelton (*Safety Advisory and Transportation*), and Mr. Shevock and Dr. Stewart (*Legislative, Finance, and Administration*).

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee met with Councilman Hosfelt presiding.

Request for Four-Way Stop Sign - Wyoming Avenue and Westview Terrace

Mr. Scott Koenig, City Manager, advised members that Second District Councilman William F. Hare received a petition from area residents interested in the potential installation of a four-way stop condition at the intersection of Wyoming Avenue and Westview Terrace. The engineering staff in the Department of Public Works determined that a four-way stop was justified at this location based on the current Manual on Uniform Traffic Control Devices (MUTCD). In addition, Mr. Koenig indicated that there had been consistent speeding complaints on this section of road. Speed monitoring signs had been installed previously, but the dangerous conditions had persisted. He stated that staff had no objections to the request and had made preparations for the installation of the four-way stop at the referenced intersection. Mr. Koenig explained that, after roadside message boards were placed to alert motorists to the upcoming stop installation, several complaints and/or concerns were voiced by area residents regarding the planned installation. This item was placed on the Committee agenda to receive public comment and final direction on the request.

Mr. Koenig informed members that Wyoming Avenue was scheduled for the FY 17 paving program and would be paved by the end of the fiscal year, noting that bids for the program were scheduled for consideration by Council during their meeting scheduled for October 10, 2016. He explained that there is also potential for a change in traffic volumes in this area related to the opening of the West Dover Connector. Mr. Koenig indicated that although this bypass would not really reduce speeding, it may reduce the total number of cars traveling through the area, at least in the short term. He stated that staff's recommendation was that the four-way stop condition meets the technical merits and, if public comment is favorable, staff would prepare to install the signs either now or after the paving project; however, if the

testimony indicates that they would like to wait, staff is prepared to wait until a future date to install the signs.

Staff recommended the installation of a four-way stop condition at the intersection of Wyoming Avenue and Westview Terrace; however, final action should consider any public testimony received at the committee meeting.

Referring to the MetroCount Traffic Executive Speed Bin Chart, Mr. Hare stated that approximately 31,000 cars, or a rough average of 3,100 cars per day, traveled Wyoming Avenue in a 10-day period, according to this police survey. Approximately 19.4% of the traffic was traveling between 35 and 60 miles per hour (m.p.h.). Mr. Hare indicated that Police Chief Paul Bernat had stated that there was a speeding problem on Wyoming Avenue. Mr. Hare noted that he had been out on a day when the police were issuing tickets and they had already issued six (6) tickets by 12:30 p.m, when Mr. Hare had to leave.

Deputy Police Chief Marvin Mailey stated that the speed limit in the area was 25 m.p.h. He reviewed the MetroCount Traffic Executive Speed Bin Chart, explaining that there were 9,390 vehicles, or 29.8%, at 25 to 30 m.p.h.; 13,433, or 42.7%, at 30 to 35 m.p.h.; 4,776, or 15.2%, from 35 to 40 m.p.h.; and 1,055, or 3.2%, at 40 to 45 m.p.h.

Mr. Hosfelt stated that the majority of vehicles were traveling between 30 and 40 m.p.h.

Deputy Chief Mailey stated that the Police Department had been conducting enforcement in this area. He noted that traditionally police officers allow 15 m.p.h. over the speed limit in the City of Dover; however, this area had been a concern over several years, officers had been out there periodically, and officers had restricted the speed to 10 m.p.h. over the limit and were stopping vehicles on that basis. Deputy Chief Mailey stated that officers were continuing to see more cars in the area and stopping more traffic, and they would continue to do so.

Mr. Anthony DePrima, 575 Westwood Drive, stated that he had lived in the Woodbrook neighborhood for 25 years and had never had a problem getting onto or crossing Wyoming Avenue due to high speeds or high volume, unless there was a bicycle race going on. He did not deny that there was speeding in the area, stating that there had been speeding since he moved there, as well as a law enforcement presence. Mr. DePrima indicated that the speeds and the volumes do not cause a problem for accessing the street or crossing it. He stated that he opposed a stop sign at Westview Terrace and Wyoming Avenue, believing that it was an unnecessary inconvenience that would not work for the goal that was being established. Mr. DePrima explained that he had talked to a number of his neighbors who indicated that they did not understand the proposal and did not see a problem. He asked if those neighbors could stand and provide their names and addresses, and the following individuals did so: Mr. Jeramie Forbes, 524 Westwood Drive;

Mr. Don Stein, 522 Woodsedge Road; Mr. Tom Bursler, 523 Westwood Drive; Mr. Jeff Buttillo, 551 Westwood Drive; Mr. Jerry Abrams, 1110 Woodsedge Road; Mr. Ralph Taylor, 1017 Westview Terrace; and Mrs. Marsha Lees; 1014 Westview Terrace. *(City Clerk's Office Note: The petition requesting the installation of stop signs on the east-west intersection of Wyoming Avenue and Westview Terrace included the signatures of Mr. Ralph Taylor and Mrs. Marsha Lees.)*

Mr. DePrima stated that he had not obtained a petition, although he believed he could have done so since many people felt the same way that he did. He explained that he travels this road several times a day and felt that the proposed stop sign would be a nuisance to the approximately 3,000 people who would have to stop there every day, according to the traffic count cited. In addition, Mr. DePrima stated that one (1) of his neighbors pointed out that there are times when several cars stopped at the red light on Governors Avenue are all released when the light turns green. He felt that when these cars reach the proposed stop sign, they will each have to stop repeatedly as they wait for the cars in front of them to cross the four-way stop. Mr. DePrima reiterated that a four-way stop would not help the problem. He had analyzed the traffic study and believed it was flawed because the eastbound flasher on Wyoming Avenue was not working during the study, he had never seen it working, and it was still not working. Mr. DePrima believed that these types of flashing signs are effective and that speeds in the study were a little higher because the flasher was not functioning.

Mr. DePrima stated that, in terms of the volume of traffic, if the number of cars counted were compressed into an 18-hour period, they would equate to three (3) cars per minute, or one (1) car passing every 20 seconds on average. He felt that sitting at a stop sign for an average of 20 seconds would feel like a long time to drivers. Mr. DePrima stated that, when looking at the numbers in the study, the majority of cars were actually traveling between 25 and 35 m.p.h., and the average speed was 31 m.p.h.

Mr. DePrima felt that a four-way stop would not be an effective control because stop signs are safety control rather than speed control devices. He noted that there was not a safety problem at this location, stating that Chief Bernat had brought up this point with him, and there was not a record of accidents at this location. Mr. DePrima advised that a stop sign only affects the speeds in front of the sign as cars are starting to slow, and a car going between 30 and 35 m.p.h. requires between 110 and 140 feet to come to a stop. Outside of this range, there would still be a speeding problem. He stated that Mr. Hare had advised him that people were having a hard time getting out of their driveways; however, Mr. DePrima explained that there were only two (2) driveways within 150 feet of the stop sign, since residents on the north side of the road exit out onto an alley. He also believed that traffic volumes would decrease once the West Dover Connector opens. Mr. DePrima noted that cars were traveling from the south of Dover up State Street and Governors Avenue, making a left turn onto Wyoming Avenue and a right turn onto New Burton Road to go work at Playtex,

Dover High School, or General Foods, and this would definitely change when the Connector is complete.

Mr. DePrima reiterated that a four-way stop was not an effective speed control measure and this was not a safety issue. As a solution he recommended fixing the eastbound flasher, which had not worked since he could remember, and bringing back enforcement to the levels that were there before the flashers were installed. Mr. DePrima stated that his neighbors agreed that enforcement had left once the flashers were installed, and the motorcycle policemen that had been a standard had gone away, probably because the business went away. He noted that Chief Bernat had advised him that he had instructed traffic units to drop the standard for tickets from 15 m.p.h. over the speed limit to 10 m.p.h. over, which Mr. DePrima felt was a good move. He believed that bringing enforcement back, giving out tickets, and fixing the flasher would result in slower speeds. Mr. DePrima stated that if there continued to be a problem after the West Dover Connector was finished, measures should be considered that are designed to slow traffic over the whole length of the road. He indicated that there are many kinds of traffic calming measures, noting that Council was discussing one (1) such measure on State Street, and suggested not treating just a 300-foot section of the road but the whole road if enforcement does not work.

Ms. Laura Hauss, 1155 Yearsley Drive, stated that she travels down Wyoming Avenue at least 10 times per day and she is opposed to the proposed stop sign. She advised that she was not opposed to stop signs in general, and noted that 30 years ago she had petitioned the City of New York to upgrade an intersection with poorly placed stop signs to a four-way flasher, although they did not do this until there was a fatal accident. Ms. Hauss believed that the current situation was the opposite of the problem in New York City since people would not expect a stop sign in this location, and there would probably be accidents where there had not been any previously. She stated that many people start speeding around the corner from New Burton Road and suggested that this would be a good place to address the problem, rather than in the middle of Wyoming Avenue. Ms. Hauss indicated that there are several accidents each year on State Street and Wyoming Avenue and she had never seen any measures to address this situation. She did not think a four-way stop would address the problem of those having trouble getting out of their driveways because it would produce a line of cars waiting, noting that the intersection is especially busy in the morning rush hour and this would make their problem worse.

Ms. Elizabeth Hauss, 1155 Yearsley Drive, stated that she was against the stop sign and agreed with Mr. DePrima's comments. She indicated that she had lived there most of her life and is an avid runner who crosses this intersection twice on her daily runs, but had rarely waited to cross because the traffic moves so smoothly. Ms. Hauss did not see the benefit of a stop sign because this is a safety feature, not a speed feature. She felt that the petition with 30 people in support of the measure was completely irrelevant if it was not determined how many people were against it, and questioned if everyone in the area had been surveyed to see who was opposed.

Ms. Hauss advised that she had seen much more dangerous intersections throughout Dover that do not get any attention, and questioned if this was because they were not a special interest. She noted that there had been numerous fatal pedestrian accidents on State Street and Governors Avenue that had not been addressed, yet the intersection being discussed somehow warranted taxpayers' money. Ms. Hauss believed that the overpass would decrease traffic and eliminate those people who are speeding when trying to get to work. She stated that she was unsure why action was being taken now, noting that the problem may go away once the overpass is complete. Ms. Hauss believed that the people who are speeding were most likely not from the neighborhood, since people have more respect for their own neighborhoods in most cases. Ms. Hauss stated that she opposed the four-way stop overall, but would definitely like to see what happens after the overpass is in.

Mrs. Marsha Lees, 1014 Westview Terrace, thanked those who time the lights at Governors Avenue and State Street, stating that this is a great rotation. She advised that this allows traffic to go through efficiently late at night and this intersection was one of the best in Dover. Mrs. Lees advised that she was against the stop sign at Wyoming Avenue and Westview Terrace. She felt that Wyoming Avenue was as wide as Webb's Lane, which is a 35 m.p.h. street and, even though it has a school operating at times, it is a straight and efficient shot between Governors Avenue and New Burton Road. It was her opinion that the speed limit should be 35 m.p.h. on Wyoming Avenue and that speed bumps would be more effective for speed control because people are more worried about their cars than about the issues of time. Mrs. Lees indicated that she had lived in Atlanta and Denver and had been involved in City matters, traffic, and safety, and the engineers that she spoke to agreed that stop signs were not for speed control. She also favored waiting until the new Connector goes in.

Mrs. Debbie Grinstead, 320 Wyoming Avenue, informed members that she and her husband, Alan, had lived at this location for almost 15 years. She stated that when they first moved there, there were hardly any children on the street or in the neighborhood; however, there were now numerous children. Mrs. Grinstead stated that speeding had gotten progressively worse, and she had made calls about this on numerous occasions. She advised that they now have grandchildren and are very concerned, noting that it is a beautiful neighborhood with sidewalks, but there is constant speeding on the road. Mrs. Grinstead stated that those who oppose the stop sign do not live on Wyoming Avenue. She indicated that she would be more than happy to wait for a car, noting that she was almost hit today when backing out of her driveway prior to the arrival of a police officer who was monitoring speed. Mrs. Grinstead stated that she did not care about herself getting hit but was concerned about the children and safety in the neighborhood. She was grateful that no children or animals had been hit but questioned if it would have to come to that. Mrs. Grinstead acknowledged that a stop sign may not stop every occurrence; however, she felt that it would at least slow traffic down to the point where cars would not start off again and reach 60 m.p.h. before reaching the next stop between New Burton Road and Governors Avenue. Mrs. Grinstead stated that members could

opt for speed bumps if they chose. She explained that she and her husband observe speeding constantly while sitting on their porch, especially on weekends when police patrol does not seem to be as strong and there is drag racing down the street. Mrs. Grinstead suggested putting the stop sign in and removing it if the bypass takes traffic away, stating that if everyone was worried about taxpayer money, she would pay for the stop sign. She indicated that she did not want to see someone's child hurt because a few people were inconvenienced by stopping for an average time of 20 seconds.

Mr. Richard Cook, 516 Wyoming Avenue, stated that he had seen the traffic and the scofflaws on Wyoming Avenue increase dramatically. He stated that he did not agree with everything that had been said about the speed and statistics. Mr. Cook noted that the speed limit was 25 m.p.h., but those who drive at 30 m.p.h. or less comprised 37.9% of the traffic and approximately 62% were driving faster than that. He noted that almost 20% drive between the speeds of 35 and 60 m.p.h., and one (1) out of every five (5) cars on Wyoming Avenue was exceeding the speed limit by at least 10 m.p.h.

Mr. Cook referred to Mr. DePrima's comment that only two (2) driveways back out onto Wyoming Avenue near the intersection and informed members that one (1) of those driveways was his and there were two (2) additional driveways on the other side of Westview Terrace. He stated that if members wanted to change the speed limit, they should do that; however, if they wanted public safety, they must find a way to allow people to live on the street and not be concerned about whether a feral cat or a child chasing a ball into the street would be hit. Mr. Cook stated that a way must be found to slow traffic down. He advised members that the idea of a stop sign would be to provide a temporary pause between New Burton Road and Governors Avenue about midway. He indicated that it would not matter where the sign was, noting that it could be at Westview Terrace or Sunset Terrace, but Monroe Terrace would be a little too close to Governors Avenue to have any effect. Mr. Cook indicated that the two (2) electronic speed indicator signs installed on Wyoming Avenue cost a lot of money and were supposed to warn people of the 25 m.p.h. speed limit. He agreed that the sign on the west end of Wyoming Avenue had been out of operation for a while and was unsure why. Mr. Cook believed that the presence of the speed sensor signs was an admission by the City that there was a problem and stated that something should be tried to alleviate the problem. He felt that the police presence absolutely works because people see the police and slow down, noting that some people have applications on their phones that advise where the police are, which lets them know to slow down. Mr. Cook stated that the problem is with these people who know they are breaking the law and noted that this is a high-traffic road.

Mr. Cook advised that tonight was the first time that he had heard that there was consideration of paving the road and believed that making it smoother would exacerbate the problem. He did not feel it was an inconvenience to stop at a stop sign, noting that stopping while traveling 25 m.p.h. does not take a lot of time,

although traveling at higher speeds would require more braking and more time. Mr. Cook indicated that there was also a lot of cell phone use. He asked members to seriously consider this safety issue.

Mr. Ralph Taylor, 1017 Westview Terrace, stated that his neighborhood is fantastic, mature, and involved, and his neighbors socialize, have block parties, and do things together. He felt that this was a great place to live and raise kids. Mr. Taylor stated that the neighborhood was in transition and, since it is an area where young people with children can afford to live, families were coming in. Since there were more children, he felt it important to be conscious of children and the school bus situation. Mr. Taylor advised that he lives one (1) house from the corner and traffic moves at a really good clip, day in and day out. Mr. Taylor believed that the morning school buses were a legitimate concern and police officers must be there to see exactly what is going on. He stated that when he was previously serving as motorcycle policeman, he knew that he would not have to wait long at the corner of Wyoming Avenue and Westview Terrace before issuing tickets because there were many speeders there, including his neighbors. Mr. Taylor understood that the bypass would be coming and suggested that a compromise would be to review the study when the bypass is complete. He felt that the opening of the West Dover Connector was a legitimate point; however, from an eyewitness point of view, Mr. Taylor believed that the intersection was dangerous and a stop sign was needed and would be welcomed to slow people down. Mr. Taylor stated that he had observed a car that left the Oktoberfest last Saturday and traveled at an estimated speed of 65 or 70 m.p.h. down Wyoming Avenue, with a driver that was probably intoxicated. He felt that cars must be slowed down. He stated that children and families with legitimate concerns must be taken care of in the interim, and this could be later reviewed and the traffic pattern changed.

Mr. Ray Hebert, 515 Wyoming Avenue, informed members that the speeding in the area is awful. He explained that he can look out his front window and observe cars going by at 45 or 50 m.p.h. Mr. Hebert indicated that the police were there earlier in the day and cars were slowing down; however, as soon as the police leave, speeds increase. He agreed with Mr. Cook that many people have a phone application that identifies where police are and they slow down so they will not get caught. Mr. Hebert believed this was a safety issue and estimated that some cars travel 60 or 65 m.p.h. He felt that installing a stop sign would slow people down and did not feel this would be an inconvenience. Mr. Hebert noted that some of the neighbors who spoke lived on Westview Terrace, not Wyoming Avenue, so they do not see the traffic going by. He stated that he had seen school buses traveling down the road at an estimated 40 m.p.h. and screeching to a halt at Wyoming Avenue and Westview Terrace to let off children. Mr. Hebert indicated that this was a problem the City was aware of and had addressed before, and police could not be there all of the time. He believed that a stop sign would work since a stop sign had been placed on South Bradford Street, where he lived previously, and had slowed traffic.

Responding to Mr. Hosfelt, Mr. Koenig stated that he would look into the eastbound flasher. Mr. Koenig stated that the West Dover Connector was estimated to be completed in late spring or early June of 2017, in approximately eight (8) to nine (9) months.

Mr. Slavin advised that this issue was reminiscent of a speed problem experienced on Spruance Road, a wide road in the Third District, where a stop sign was installed and the speeding problem continued. He indicated that two (2) measures can be taken to slow speeding: 1) changing things physically with the road, or 2) make it expensive for people to speed so that recidivism does not occur. Mr. Slavin informed members that Spruance Road was a wide road where no one parked on either side because they had parking in front of the houses. The road was striped both down the center and with parking areas. Mr. Slavin indicated that this changed the entire field of vision for those coming down the road and caused them to slow down. He wondered if design might address the situation on Wyoming Avenue, and if there was an opportunity for striping or embedding reflectors in the road with the repaving contract. In response, Mr. Koenig indicated that this was a possibility, noting that a similar technique was used on Independence Boulevard by putting a double yellow line down the center, which provided a visual means of slowing down the traffic. He thought there was probably enough room on Wyoming Avenue to paint a center line and a white line along the edge of the parking bay to recognize it as on-street parking. Mr. Koenig stated that a number of techniques could be used as the paving is being done, noting that he did not expect this to happen before the end of the calendar year because of the timing of the contract.

Mr. Slavin asked if an alternate to the bid for the striping could be requested from the same company that does the striping, to obtain an idea of the costs. Responding, Mr. Koenig stated that the cost on Independence Boulevard was just under \$5,000 and estimated that this addition to the Wyoming Avenue project would be approximately in the \$4,000 to \$5,000 range.

Mr. Slavin requested Deputy Chief Mailey to speak to Chief Bernat about creating special enforcement districts for speeding within the City so that a ticket would be issued as well as a City of Dover citation. Mr. Slavin indicated that this was previously discussed in regard to North State Street and Independence Boulevard and Chief Bernat had stated that he would research this issue. Mr. Slavin stated that this would place added fines for speeding because there would be a violation of the City of Dover ordinance as well and would indicate to a speeder that this was a costly error.

Regarding enforcement, Mr. Slavin advised Deputy Chief Mailey that there had been many comments from residents about enforcement and felt that they needed to see enforcement more frequently. Mr. Slavin acknowledged that when speed limits are enforced in neighborhoods, invariably someone who has complained about the speeding receives a ticket for speeding, and he cautioned those present to be careful.

Mr. Cole moved to table this matter, seconded by Mr. Sudler.

Mr. Hutchison stated that a very serious issue of public safety had been raised, and he felt that an alternative was needed to address the immediate issue, although maybe not with a stop sign. He believed that something must be done to address safety concerns due to speeders, noting that the Police Department could not be expected to be there on a regular basis. Mr. Hutchison did not have an issue with tabling the matter, but reiterated the need to address safety.

Mr. Cole indicated that he was open to amending the motion. Responding, Mr. Anderson stated that a motion to table cannot be amended. Mr. Cole stated that he was open to stipulations.

Mr. Hare stated that he was not opposed to tabling this matter because there was a speeding problem acknowledged by the City and some good suggestions to address it. He stated that he had not heard any reason not to have the stop sign, other than that it would be a nuisance and an inconvenience, and had not heard anything from a safety aspect. Mr. Hare questioned whether to wait for accidents or someone being hit before doing something.

Mr. Sudler asked if the initiator of the motion would be open to a friendly amendment. He stated that he would like to not only defer this matter but also request that the City Manager, or the appropriate division, repair the flashing light immediately, as a temporary fix to somewhat address the issues related to speeding. Mr. Sudler thought that the light could be restored back to where it was at once, to have something in place, until the City does the study.

Mr. Slavin advised members that there was a motion to table, which is not open for discussion. He asked the maker of the motion to withdraw the motion entirely.

Mr. Cole withdrew the motion to table the matter.

Mr. Cole moved to defer this matter until the October meeting, when staff will have recommendations as to some alternatives to meet the safety needs and concerns of the neighborhood. The motion was seconded by Mr. Anderson.

Mr. Neil apologized for arriving late to the meeting due to being involved in an accident in the library parking lot. He stated that he was impressed by the number of people who signed the petition and felt it imperative to do something for those with a legitimate complaint. Mr. Neil noted that there had been an issue of speeding on North State Street and that speeding was a problem in the City. He was unsure if some of the devices discussed for North State Street, with the help of the Delaware Department of Transportation (DelDOT), could be applied here. He noted that there were a number of devices that could be used to slow traffic that might be examined.

Mr. Keller stated that what had struck him was the issue of children, which he could appreciate as a grandfather. Acknowledging that it would not take much time to defer this matter, he felt that the sooner action was taken the better. Mr. Keller stated that he had gone out to the area and talked to some of the people. He noted that there were already sign poles in place and asked how long it would take to put up a couple of signs. Mr. Keller stated that he was ready to have signs put up right now and did not believe members should table this matter.

Mr. Hutchison stated that a new traffic device now in place on northbound North State Street had not been there very long and was very impressive. He explained that when approached, the device lights up and, if the driver is over the speed limit, it flashes and does a good job in slowing people down. Mr. Hutchison indicated that those kinds of devices should be considered.

Mr. Hare stated that he had seen devices in Virginia that flash when a driver is over the speed limit and take a picture. He asked if this was possible in Dover. Responding, Mr. Koenig advised that this technology existed but was not yet authorized at the State level. He indicated that the State legislature had denied this technology in 2010 or 2011.

Mr. DePrima noted that the study was flawed because the flasher was not working and requested that Council fix the flasher and redo the counts. Responding, Mr. Hare stated that the flasher did not have anything to do with the study, noting that two (2) cords were put across the street and the flashers did not count cars. Mr. DePrima stated his point was that the flashers work to slow traffic. He advised that everyone had acknowledged that it is helpful to have the flasher in place; however, for the entire study, the flasher was not working, so people were not getting the message to slow down. Mr. DePrima suggested fixing the flasher and running the study again, so that it would not be flawed.

Ms. Elizabeth Hauss questioned if a stop sign had ever been taken down. Noting that it had been mentioned that there were people drag racing, she stated that drag racers do not care about stop signs and would run through them, hurting someone at the stop sign who was casually looking right or left and not down the road at the speeder. She felt that if there was no four-way stop, drivers would be looking further down the road to see these potentially hazardous people. Ms. Hauss believed that putting up a stop sign would cause more accidents. She questioned how many accidents would have to occur for the City to remove the stop sign. Referring to the petition, Ms. Hauss stated that she could find 30 people to sign a petition saying that a unicorn should be President; however, this was irrelevant if it was not shown how many people were opposed, and that had not been done. She felt that it would be a different matter if the entire area was surveyed and the majority of the people in the neighborhood wanted the four-way stop.

Mr. Hosfelt stated that there was a motion on the floor to defer this matter for one (1) month to gather more information from staff and the Police Department. He assumed

that the Police Department could conduct a study with properly working flashers on both ends of Wyoming Avenue within a month, and more information could be gathered to make a better decision. Mr. Hosfelt noted that there was a similar situation on Independence Boulevard in the First District, and striping had significantly reduced the speed. He advised that Independence Boulevard is similar to Wyoming Avenue because it is a cut-through or shortcut, and residents of that road seemed very happy with the results. Mr. Hosfelt noted that additional speed calming measures would be taken in that area.

In response to Mr. Sudler, Mr. Hosfelt stated that the original motion was to defer the whole matter for one (1) month to obtain further information.

Mr. Anderson stated that repairing the flasher was part of the motion to defer. Responding, Mr. Hosfelt stated that that was normal, routine maintenance which Mr. Koenig had already agreed to do. Mr. Hosfelt indicated that the motion on the floor was to defer this matter for one (1) month and gather more information from staff, and this motion had been seconded.

As a point of order, Mr. Sudler stated that he did not think that the motion was read according to his understanding that the flashing lights were to be fixed as a directive from the Committee to Mr. Koenig. He stated that he knew that Mr. Koenig said that he would do that; however, he did not think it was added in the motion. Mr. Sudler asked if this was part of the initial motion, and requested that the motion be read for the record.

At the request of Mr. Sudler, Chairman Hosfelt requested Mr. Cole to restate his motion for clarification. Responding, Mr. Cole stated that the motion was to defer the whole matter for one (1) month pending the completion of the flashing lights to better collect the information for the speed determination. Mr. Anderson confirmed that he seconded the motion.

The Committee deferred the whole matter for one (1) month pending the completion of the flashing lights to better collect the information for the speed determination.

Mr. Slavin thanked the community for coming out, stating that he was pleased to see people interested in safety in their neighborhood and expressed confidence that a solution would be reached together, whether through a stop sign, striping, enforcement, or all of these strategies. He urged those present not to let themselves be divided by whether or not a stop sign is installed, stating that what was important was that the community was united in their desire for a safer community. Mr. Slavin assured them that Council was willing to take measures to achieve this.

LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held with Chairman Hare presiding.

Annual Review of Investment Policy

Mrs. Donna Mitchell, Controller/Treasurer, advised that an annual review of the City of Dover Investment Policy Statement had just been completed. She stated that staff reviewed changes recommended by Public Financial Management, Inc. (PFM), the City's investment advisory firm, and some of PFM's recommendations were incorporated into the policy amendments. Mrs. Mitchell indicated that many of the proposed amendments were administrative, such as changes in the names of rating agencies. She stated that a more significant change was the lowering of credit ratings from AA to A to enhance returns and provide more investment choices. In addition, referring to Section 8.8 of the Policy, Asset Backed Securities, Mrs. Mitchell explained that PFM recommended the addition of these securities, which include auto-loan receivables, credit card receivables, home equity loans, and manufactured housing loans. She indicated that she initially had some hesitation about including investments that include these types of notes; however, she reviewed the State's investment policy and found that this would mirror their policy. Mrs. Mitchell stated that she was comfortable adding these securities to the portfolio, as a single issuer was only a small portion of the City's portfolio and could not exceed 5%.

Staff recommended approval of the proposed changes to the Investment Policy Statement.

The Committee recommended approval of the proposed changes to the Investment Policy Statement, as recommended by staff.

By consent agenda, Mr. Sudler moved for approval of the Revised Investment Policy Statement (*Exhibit #1*), seconded by Mr. Neil and carried by a unanimous roll call vote.

Discussion of Duties and Assignments of City Personnel

During the Council Committee of the Whole/Legislative, Finance, and Administration meeting of July 26, 2016, members discussed the Duties and Assignments of City Personnel and deferred this matter until members had all the information they needed. During their meeting of August 23, 2016, the Committee deferred this item until September 27, 2016.

Mr. Slavin reminded members that this agenda item stemmed from discussions during the 2016 Budget Review. It was his belief that members wanted to discuss the Planning and Inspections Department/Parks and Recreation Department cluster. Noting that Mrs. Ann Marie Townshend, Director of Planning and Community Development was not present, Mr. Slavin suggested that it might be best to defer this discussion.

Mr. Anderson noted that Mr. Sudler was not present either because he had to leave for an appointment.

The Committee deferred this matter until the next Council Committee of the Whole/Legislative, Finance, and Administration Committee meeting.

Designing and Expanding Recruitment for City Committees, Commissions, and Boards

During the Council Committee of the Whole/Legislative, Finance, and Administration Committee meeting of August 23, 2016, members considered Designing and Expanding Recruitment for City Committees, Commissions, and Boards. Members deferred this matter until September 27, 2016 to allow the ideas to be solidified, Mr. Lewis and Mr. Anderson to review and refine it further, and for Mrs. Sass and the City Clerk's Office to work together.

Mrs. Kay Sass, Public Affairs and Emergency Management Coordinator, stated that she had reviewed the information pertaining to committees, commissions, and boards with the City Clerk's Office. She noted that at the previous meeting, she had suggested that social media postings of vacancies could be distributed through five (5) or six (6) postings starting at 10 to 12 weeks prior to applications being due, with repostings at six (6) to eight (8) weeks, two (2) to four (4) weeks, three (3) to five (5) days, and on the final date of the acceptance of applications. Mrs. Sass explained that she and the City Clerk are the individuals who are authorized to post on social media for the City and could cover this responsibility. She stated that they also believed that a link could be placed on the main page of the City website showing the listing of available committees, the openings, and the application. Mrs. Sass expressed her hope that each member had an opportunity to review the application that was proposed at the previous meeting, which she felt was a big improvement from the current application. She noted that it was much more thorough and requested information from applicants that should result in a diverse selection of individuals from across the City. Mrs. Sass explained that, when creating the application, Mrs. Traci McDowell, City Clerk, compared different applications, including those from Newark and the State of Delaware, and the best portions were incorporated in the proposed City application. It was Mrs. Sass's opinion that there were benefits to having laymen on committees, noting that some people approach matters by considering their financial impact, some by the time management impact, and others by the impact on the community as a whole. She expressed her hope that members would be open to not limiting an applicant because they did not believe that they were a subject matter expert. Mrs. Sass felt that everyone could offer something and felt it important to keep an open mind, noting that there are subject matter experts on staff that could help to clarify matters. She encouraged all individuals to apply and personally felt that committees should not be limited but should reflect the community as a whole.

Mr. Hutchison expressed his compliments regarding the proposed application and questioned how long applications remain on file after submission. Responding, Mrs. McDowell stated that applications are kept forever.

Dr. Stewart noted that she had not been present when this was previously discussed and asked whether the goal was to obtain more applicants, more qualified applicants, or more diverse applicants. Responding, Mr. Anderson stated his belief that the City was not hearing from enough people and indicated that he had been approached by

people who wanted to be involved in the City but were unsure how to do so, what positions were available, or were hearing about openings too late. He explained that he wanted to make the process simple so that individuals could go to one (1) place to see openings and how to apply. Mr. Anderson stated that the goal for the application was to provide useful information for members to review. He indicated that applications are currently not distributed unless requested. Mr. Anderson noted that if someone applies and is not chosen for a committee, their application would provide useful information that would allow them to be considered for different opportunities. He expressed the desire to get more people involved and to provide a pool of individuals that can be contacted to fill other vacancies. Mr. Anderson noted that it would also be helpful to be able to provide an explanation when asked about why someone was chosen and to be able to state, for example, that they had some background or interest, or that they were the only applicant. He stated that there are vacancies that have existed for years as a result of the current process, and he felt this illustrated that information was not getting distributed since there are frequently people who state they want to serve.

Mr. Neil stated his belief that people do not realize that they have an opportunity to serve and volunteer their time, and that opening up the pool for committees would give them an opportunity to become involved in government. He noted that Councilman Lewis was not present this evening but had previously suggested requiring training through the Delaware League of Local Governments (DLLG). Mr. Neil stated that it was difficult to find people who are interested enough in the City to volunteer their time and effort. He felt that they should not be discouraged by imposing requirements, which would close more doors than it would open. Mr. Neil suggested bringing individuals in, letting them experience what is here, and allowing them to go to staff and Council to understand aspects of government. He felt that staff had done a marvelous job in heading up this effort and providing a form to allow for a greater pool of people.

Mrs. Sass clarified that information had always been available on the website for all of the openings that had existed and that it was not a matter of this not being there for the public. She stated that sometimes it is a matter of people not being interested, and suggested that perhaps another way must be found.

Mr. Anderson disagreed, stating that he was aware of existing vacancies that were not reflected on the website. Responding, Mrs. Sass stated that the City had just converted to a new website and the priority was to make sure that meeting minutes and agendas required by law were posted. She noted that there would be several weeks of correcting errors found throughout the entire site. Mr. Anderson stated that he had looked at the website earlier in the day and all the vacancies were not listed. For example, he noted that the listing for the Dover Human Relations Commission (DHRC) was not current and that Mr. Kenneth Roach was still listed as the Fourth District Representative, although this position was vacant. Mr. Anderson noted that another committee listing was not current, although he could not recall what it was.

Mr. Hare stated that there were vacancies on the DHRC in the First and Fourth Districts and noted that it was incumbent on Council members to encourage people to get involved and make recommendations for committees. He asked if Mr. Anderson had made recommendations for the Fourth District. Responding, Mr. Anderson stated that he had not made a recommendation yet; however, he had reached out to people who were considering applying.

Mr. Hare stated that a vacancy on the Compensation Commission was about to be filled. He expressed his belief that requiring committee members to be trained through the DLLG might be counterproductive, noting that these were not high-paid positions but volunteer opportunities, and putting restrictions on them might discourage applicants. Mr. Hare agreed with the application process and having vacancies listed.

Mrs. Sass advised that staff would be happy to start promoting openings if Council was ready and wanted staff to do so.

Mr. Slavin stated that the reason for the discussion was to develop a wide expanse of diverse candidates with deep, varied backgrounds. He indicated that better information was also needed to vet candidates. Mr. Slavin stated that Councilman Lewis had raised this issue. As someone with responsibility of making many of these appointments, Mr. Slavin stated that he had not been calling members to tell them that there were vacancies and request names, noting that the process was not as simple as just thinking about who would do well in a position. He explained that he had run into roadblocks, noting that in some cases individuals were already serving on other boards or commissions at the State or County level. In addition, Mr. Slavin noted that an individual's appointment must be vetted by their employer to make sure there are no conflicts of interest, and they must go through the City's Clean Hands Ordinance. He stated that some boards require residence by district, and some do not. Mr. Slavin advised that it is not a simple process of penciling in names on rosters and obtaining appointees. He indicated that some are volunteer positions and others offer a meager amount of pay, and that people work a lot these days, often working varied hours, leaving those who work Monday through Friday from 9:00 a.m. to 5:00 p.m. few and far between. Mr. Slavin stated that Council would continue to work at this.

In regard to training, Mr. Slavin felt there should be an onboarding process for new appointees to any committee, commission, or assignment, similar to the process that a full-time or part-time employee goes through. He asked that the City Clerk's Office or the Human Resources Director look at this process and provide members with an overview of what that process involves. Mr. Slavin stated that he was not convinced that sending these individuals to another organization for training would fit the City's needs, noting that he was unsure what training Mr. Lewis was proposing that they be sent to. Mr. Slavin believed that useful information would include how meetings are run, how to access information on the City's website, who appointees can call within the City, and what resources are available to them. He noted that a huge portion of

the training would be related to Freedom of Information Act (FOIA) laws so that people would be grounded when they walk in the door.

Mr. Hare recalled that, in the 1990s, one-hour workshops were held for newly-appointed committee members, and explanations were provided about FOIA rules, etc. He agreed with this approach, rather than sending members elsewhere for training.

Mr. Slavin stated that it may be cheaper to bring a resource in to train all appointees in one (1) place, rather than sending them elsewhere.

Referring to page 4 of the proposed application, Mr. Shevock questioned why it would be desired to have applicants indicate if they or a relative have a disability, and to describe their disability, gender, and ethnicity. He noted that providing this information was optional; however, he questioned what it had to do with working on a committee. Responding, Mrs. Sass indicated that it would be up to members' discretion whether this should be included; however, she advised that this was included to make sure that the committees, commissions, and boards represent a true snapshot of the Dover community. She explained the desire to ensure that minorities include various groups such as African-Americans, women, and Indians. Mrs. McDowell stated her belief that these questions came from the State and probably dealt with obtaining someone with the experience needed for a particular committee. She noted that, in creating the new application, there was a lot of discussion about diversity and the makeup of committees. Mrs. McDowell noted that staff could not say what the races or nationalities of current members were because they never ask. Mr. Slavin explained that these questions reflect standard information gathering required by Equal Employment Opportunity (EEO) practices. He stated that this information is optional, but the City would try to capture it to show that its recruitment process is fair.

Mr. Neil suggested including a statement that the City does not discriminate under any circumstances in regard to ethnicity, gender or disability. He also expressed the importance of making sure that the disabled can get into the City's facility. Mr. Neil noted that there could be difficulty because it is not very convenient for someone in a wheelchair to come into the Council Chambers to serve on a committee, and allowances may have to be made.

Mr. Anderson felt it was a good suggestion to add that the City provides equal opportunity and does not discriminate on any lawful basis.

Mr. Slavin indicated that the discussion had pivoted and was now addressing EEO policies. He advised that he, Mr. Scott Koenig, City Manager, and Mrs. Kim Hawkins, Human Resources Director, had discussed this approximately two (2) weeks ago. Mr. Slavin stated that had noticed that when he clicked on the EEO policy statement on the old City website, it indicated that it was "under construction," and he was unsure what had caused this. He informed members that

he had asked Mrs. Hawkins to prepare a full briefing on what the City's policy is, what its goals are, where the City is vis-a-vis those goals, and what strategies are in place with recruitment and hiring. Mr. Slavin indicated that he believed that some of his questions had been shared with members of Council. He stated that this matter was scheduled for consideration during the Council Committee of the Whole/Legislative Finance, and Administration Committee's second meeting in October. Mr. Slavin expressed his opinion that the EEO statement should go on everything that the City has, not just hiring-related information.

Mr. Anderson agreed with Mr. Slavin and stated his hope that members would review the report prepared by Dr. Bobby Jones related to recruitment that Council passed and enacted, which he felt had fallen a little by the wayside. *(City Clerk's Office Note: During their Regular meeting of February 13, 2012, Council accepted the Legislative, Finance, and Administration Committee's recommendation that the Minority Recruitment Committee (MRC) Report be referred to staff for a report back to the Committee within 60 days. During their Annual meeting of May 14, 2012, Council accepted the Implementation Plan for the Minority Recruitment Committee Recommendations, as recommended by the Legislative, Finance, and Administration Committee.)*

The Committee recommended acceptance of staff's recommendation.

By consent agenda, Mr. Sudler moved for approval of the Committee's recommendation, seconded by Mr. Neil and carried by a unanimous roll call vote.

Members were provided "Proposed Recommendations for Advancing a more effective Recruitment Process for City Commissions, Committees and Boards", as submitted by Councilman Lewis. Referring to this document, Mr. Anderson noted that most of the five (5) recommendations it included had been implemented.

The Committee recommended that the five (5) points submitted by Councilman Lewis be adopted, with division of the question between point #4 and point #5, and that point #5 be voted upon separately.

At the request of Mr. Anderson, Mrs. McDowell read "Proposed Recommendations for Advancing a more effective Recruitment Process for City Commissions, Committees and Boards" into the record.

Referring to the recommendation regarding advertising and publishing vacancies, Mrs. Sass advised members that she had absolutely no problem doing the social media and website postings; however, she explained that she did not have an advertising budget and suggested that this recommendation be rephrased. Responding, Mr. Anderson stated that it would be up to members to come up with the money to advertise and it was not for Mrs. Sass to be concerned with. He noted that the recommendation was to "advertise/publish" and did not mandate advertising; therefore, a press release could be issued and would have no cost.

Responding to Mr. Neil, Mr. Anderson stated that advertising would not necessarily mean paid advertising.

By consent agenda, Mr. Sudler moved for approval of the Committee's recommendation for adoption of "Proposed Recommendations for Advancing a more effective Recruitment Process for City Commissions, Committees and Boards" points #1 - #4. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

The Committee deferred consideration of "Proposed Recommendations for Advancing a more effective Recruitment Process for City Commissions, Committees and Boards" point #5, related to the requirement of training for board, committee, and commission appointees, until the next meeting of the Council Committee of the Whole/Legislative, Finance, and Administration Committee, and to recommend that the City Clerk's Office and the Human Resources Director come back with an explanation of the onboarding process for new appointees.

By consent agenda, Mr. Sudler moved for approval of the Committee's recommendation, seconded by Mr. Neil and carried by a unanimous roll call vote.

Mr. Hare questioned if this would relate to members of committees, commissions, and boards attending DLLG training. Responding, Mr. Slavin stated that this question would be deferred until members determine what can be taught in-house.

By consent agenda, Mr. Sudler moved for acceptance of the Council Committee of the Whole Report, seconded by Mr. Neil and carried by a unanimous roll call vote.

MONTHLY REPORTS - AUGUST 2016

By motion of Mr. Sudler, seconded by Mr. Neil, the following monthly reports were accepted by consent agenda:

City Assessor's Report
City Planner's Report
Controller/Treasurer's Budget Report
Fire Chief's Report
Police Chief's Report

Mr. Anderson, referring to the Human Resources section of the City Manager's Report (July and August), indicated that there was a breakdown of the progress that had been made which relates to minority recruitment and asked what the breakdown was for full- and part-time employment. He requested that the City Manager provide this information at a future meeting.

Mr. Slavin indicated that members would be briefed on the City's efforts regarding Equal Employment Opportunity (EEO) during the Council Committee of the Whole Meeting scheduled for October 25, 2016 and noted that perhaps Mr. Scott Koenig, City Manager, and Mrs. Kim Hawkins, Human Resources Director, could answer those questions at that time. Responding, Mr. Anderson thought that would be appropriate.

Mr. Sudler moved for acceptance of the City Manager's Reports for July and August. The motion was seconded by Mr. Anderson and unanimously carried.

ACCEPTANCE OF PROPOSAL - SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) MASTER HARDWARE/SOFTWARE REPLACEMENT - SOLE SOURCE VENDOR

Mr. Scott Koenig, City Manager, reviewed a sole source vendor quote for replacement of the Supervisory Control and Data Acquisition (SCADA) Master Station software. He informed members that the Master Station receives all of the analog data, door alarms, and manages the controls for all of the City's electrical substations and wastewater lift stations. Mr. Koenig stated that the Master Station is comprised of dual host servers, dual operator consoles, paging systems, a web server, two (2) firewalls for DMZ, and one (1) remote access/support firewall. He noted that the Master Station also allows the operators to modify and control the City's electrical grid remotely, thus reducing the amount of time outages affect customers and residents. Mr. Koenig advised that if this purchase is not made from the qualified sole source vendor, the City would be forced into a position of completely overhauling all of the existing monitoring equipment in all the City's substations and lift stations to be compatible with the new software selection. He stated that selection of another vendor will significantly increase the cost of the proposed project. Mr. Koenig informed members that the requested expenditure amount includes \$114,370 for the Master Station software replacement and associated training for two (2) personnel who are tasked with the day to day maintenance of the SCADA system.

Mr. Koenig stated that additional expenditures will be required to complete the project; however, these costs are included in the overall project budget of \$150,000. He advised that the City's current equipment will soon reach the end of its life expectancy, noting that the system runs continuously (twenty-four (24) hours per day, seven (7) days per week) to monitor and track anomalies in the electrical and wastewater systems. Mr. Koenig stated that the additional firewalls will be required to conform to upcoming implementations of North American Electric Reliability Corporation (NERC) Critical Infrastructure Protection (CIP) Cyber Security Standards.

Mr. Koenig stated that staff recommended purchasing the SCADA Master hardware and software from the sole source vendor, Siemens Energy, Inc. for \$114,370.

Mr. Hare moved for approval of staff's recommendation. The motion was seconded by Mr. Cole and carried by a unanimous roll call vote.

EVALUATION OF BIDS - SOUTH NEW STREET WATER MAIN REPLACEMENT

Mr. Scott Koenig, City Manager, reminded members that the Fiscal Year 2017 Capital Improvement Plan includes a project called Water Quality Improvements. He stated that staff identified the need for upgrading the existing four-inch (4") water main located in South New Street, between Loockerman Street and Water Street, explaining that the existing undersized main was installed in approximately 1960 and is made of unlined cast iron pipe. Mr. Koenig informed members that this project will replace this main with a new eight-inch (8") cement lined ductile iron pipe water main, which will provide City of Dover customers with improved water quality, increased system reliability, and improved fire protection.

Mr. Koenig stated that the bid was advertised to the public as an Invitation to Bid in accordance with the City's purchasing policy by the City's Purchasing Agent under ITB #17-0002PW and bids were opened on July 27, 2016. He reminded members that the original bids were brought to Council, but were rejected. Mr. Koenig advised that a second Invitation to Bid was advertised in accordance with the City's purchasing policy by the City's Purchasing Agent under ITB #17-0009PW and bids were opened on September 22, 2016. He stated that the City received bids from Aztech Contracting, Inc.; Eastern States Construction Services, Inc., and Gateway Construction. Mr. Koenig noted that staff reviewed the submissions and found that the Aztech Contracting, Inc. bid met all requirements for the qualification of the project.

Mr. Koenig stated that staff recommended awarding the contract to Aztech Contracting, Inc. for the City of Dover New Street Water Main Replacement Project, bid #17-0009PW, for the amount of \$246,593.37.

In response to Mr. Hosfelt, Mr. Koenig confirmed that two (2) bids were received with the first bid submission. He stated that the original evaluation of bids included Aztec Contracting, Inc. in the amount of \$206,088.60; however, they were deemed non-responsive because they did not fill out all of the correct paperwork to make their bid responsive. The second bid received with that first bid submission was from Teal Construction, Inc. in the amount of \$292,500, which was staff's original recommendation to Council. Mr. Koenig reminded members that during their Regular Meeting of August 22, 2016, Council rejected the bids and opened the project for another bid solicitation. He stated that the project was rebid shortly thereafter.

Mr. Hosfelt asked if the rebid included the same project guidelines. Responding, Mr. Koenig stated that there were some minor changes to questions that were part of the original bid documents, but the same exact project parameters were in the rebid.

Mr. Sudler asked what minor changes were made from the initial bid solicitation to the second bid solicitation which may have driven a higher cost. In response, Mr. Koenig stated that he did not think that any of the changes drove a higher cost in the bid documents. He explained that there were questions asked during the review period and answered as part of addendums in the first bid package, and those answers became incorporated into the project documents for the second bid, so that there were no unanswered questions in the original project scope that was sent out for the second bid. Responding to Mr. Sudler, Mr. Koenig stated that he did not know what those questions were.

Mr. Neil stated that the original bid was obviously about \$40,000 less but it was incomplete. He asked if Mr. Koenig was satisfied that the amount was complete in terms of the second bid by Aztech. In response, Mr. Koenig stated his understanding that the bid documentation that was not complete was not related to the bid sheet, explaining that they did not turn in all of the project support documentation the first time. He stated that staff was satisfied that the documentation that was submitted this round was complete and met the qualifications of bid review.

In response to Mr. Neil, Mr. Koenig reiterated that the base bid from the lowest responsive bidder who answered all the questions in the initial bid solicitation was \$292,500.

Mr. Anderson moved for approval of staff's recommendation to award the contract to Aztech Contracting, Inc. for the City of Dover New Street Water Main Replacement Project, bid #17-0009PW, for the amount of \$246,593.37, seconded by Mr. Neil.

Mr. Sudler moved to suspend the rules to allow for public discussion from the constituent in the audience, seconded by Mr. Lewis and unanimously carried.

Ms. Denise Hicks Barnes asked if the New Street Water Main Replacement Project would include any road repair in the area, stating that those roads are really bad and it would be awesome if repair was included. Responding, Mr. Koenig stated that the \$246,000 expense would only include the replacement of the water main, explaining that the paving of the road, including concrete rehabilitation, would be proposed about a year after the water main project is complete, so that there is time for the gravel to settle.

Mr. Anderson stated that he was pleased to support this particular option, indicating that he thought the taxpayers were definitely well served by the Council saving approximately \$45,000, which could go towards other desperately needed projects. He noted that the City has a number of projects to deal with, including water projects and water piping.

The motion for approval of staff's recommendation to award the contract to Aztech Contracting, Inc. for the City of Dover New Street Water Main Replacement Project, bid #17-0009PW, for the amount of \$246,593.37 carried by a unanimous roll call vote.

EVALUATION OF BIDS - FY 2017 STREET AND ALLEY PROGRAM

Mr. Scott Koenig, City Manager, informed members that, in concurrence with the City of Dover's Capital Investments Plan, it is proposed to rehabilitate various pavement and concrete sections throughout the City of Dover during Fiscal Year 2017. He stated that the total length of scheduled street repaving is approximately 1.72 miles (9,075 linear feet). Along with repaving, this project includes installing 59 inlet protections, removing and replacing approximately 430 linear feet of type I curb, 3,190 linear feet of type III curb & gutter, 230 linear feet of type III modified curb with 2' pan, 13,390 square feet of 6" driveway apron, 21,325 square feet of 4" concrete flatwork, 1,800 square feet of 4-inch concrete flatwork, 15 catch basin frame and head, and 170 linear feet of concrete valley gutter. Mr. Koenig advised that concrete work also consists of installing 129 linear feet of new type III curb & gutter, 10,300 square feet of new 4" concrete flatwork, 460 square feet of new 6" driveway apron, and installation of 385 square feet of detectable truncated domes. He noted that other items included in this project were 1,020 linear feet of double yellow solid striping, 1,900 linear feet of single yellow dash striping, 150 square feet of stop bar, 1,920 square feet of crosswalk bars, and 1 "SCHOOL" marking. Mr. Koenig stated that the proposed locations included in the proposed scope of work to be completed under the FY 2016 Fall Street & Alley Program were Delaware Avenue (District 3), Buck Drive (District 3), Wyoming Avenue (District 2), Mockingbird Avenue (District 2), Lincoln Street (District 4), and North West Street Alley (District 4).

Mr. Koenig informed members that bids were opened on Wednesday, September 21, 2016, and two (2) contractors submitted unit price bids for the proposed work to be performed. He stated that, based on the proposed quantities, staff was recommending awarding the contract to George & Lynch, Inc. of Dover, Delaware, using the without prevailing wage amount of \$1,317,651.10 identified in

the bid tabulation. Mr. Koenig advised that George & Lynch, Inc. was determined to be the low bidder and their previous work with the City was found to be satisfactory. He stated that it was staff's opinion that the bid represents the fair market value, and their qualifications are in accordance with the requirements of the project.

Mr. Koenig stated that, as of October 5, 2016, the total available funding for the program was \$1,037,600. He advised that this included \$825,000 in City funds and \$112,600 in signed Community Transportation Fund agreements, with an additional \$100,000 of committed Community Transportation Funds. Mr. Koenig informed members that the City is going to continue to seek additional funding from area legislators. He stated that the contract documents allow for the City to alter the estimated quantities by up to 25%; therefore, the contract can be adjusted to match the available funding.

Mr. Koenig stated that staff recommended awarding a unit price contract, based upon bid #17-0008PW for the FY-2017 Street and Alley Program to George & Lynch, Inc. using the non-prevailing wage unit prices for each work item submitted. The current value of the contract is \$1,037,600 based on the current available funding. Actual quantities and locations will be adjusted to match the available funding. Work will be performed in strict accordance to the bid specifications. The final value of the contract will be based upon the final available funding in accordance with the contract language.

Mr. Anderson noted that some of the streets listed were some of the worst streets in the City when it comes to repair. He asked if these streets were chosen on the basis that they are in the most need of repair or based on the length of time since they were last resurfaced. Responding, Mr. Koenig explained that there are various criteria that go into the selection. He stated that these are some of the worst street lengths; however, he noted that Buck Drive, for example, was an area where the City replaced the sewer line about a year and a half ago. Mr. Koenig explained that, as indicated during the discussion of the previous item, Evaluation of Bids - South New Street Water Main Replacement, the City wants to come back about a year after these major capital improvements, and finish off the paving sections, so that the road is essentially new from visibility and driving standpoints. Mr. Koenig advised members that staff tries to look throughout the City and balance the program as much as possible. He stated that the FY16 program had a significant amount of expense in the First District, and a number of Community Transportation Funds were identified in that district. Mr. Koenig explained that staff matches up the ratings of the system, the capital plan related to water and sewer rehabilitation, as well as available funding from area legislators and tries to hit as many of those marks as possible, and that is how this program was laid out.

Mr. Hare moved for approval of staff's recommendation to award a unit price contract, based upon bid #17-0008PW for the FY-2017 Street and Alley Program to George & Lynch, Inc. using the non-prevailing wage unit prices for each work item submitted. The current value of the contract is \$1,037,600 based on the current available funding. Actual quantities and locations will be adjusted to match the available funding. Work will be performed in strict accordance to the bid specifications. The final value of the contract will be based upon the final available funding in accordance with the contract language. The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote.

APPOINTMENT RECOMMENDED BY COUNCIL PRESIDENT SLAVIN - HUMAN RELATIONS COMMISSION - REVEREND RITA MISHOE PAIGE - FOURTH DISTRICT (TO FILL THE UNEXPIRED TERM OF JANE HICKS) - TERM TO EXPIRE FEBRUARY 2017

Council President Slavin recommended the appointment of Reverend Rita Mishoe Paige to serve on the Human Relations Commission representing the Fourth District (to fill the unexpired term of Jane Hicks) for a term to expire February 2017.

By consent agenda, Mr. Sudler moved for approval of the appointment of Reverend Rita Mishoe Paige, as recommended by Council President Slavin. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

CITY MANAGER'S ANNOUNCEMENTS

Mr. Scott Koenig, City Manager, advised that the City had begun the fall 2016 water system flushing and would be flushing the water system Sunday through Thursday night for the next three (3) weeks, noting that the City tries to post where the system flushing will be on the City's website. He asked that any water quality concerns be addressed to either the Department of Public Works or the City Manager's Office, and that all questions be directed to the City Manager's Office.

Mr. Koenig reminded members that several months ago, Council authorized the repair of sewer in North State Street. He announced that the City would be holding a community meeting and notice had been sent to area residents and interested parties. Mr. Koenig stated that the meeting would be held at Longwood Hall, Room 104, 21 North Bradford Street, on October 13, 2016, at 7:00 p.m. to go over the construction schedule and inform the neighbors of the City's expectations in regard to interruptions during this project. He explained that there will be traffic diversions and some night work involved, and the City is trying to do everything possible to get the work lined up with the community needs and the schedules for area events.

Mr. Koenig reminded everyone that leaf collection starts next week and the City will be in full operations for leaf collection as of Monday, October 17, 2016.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Sudler reminded constituents that a meeting in regard to Dover Park is forthcoming and will be announced at the second meeting this month.

Mr. Sudler congratulated Reverend Rita Mishoe Paige, his aunt, for being appointed to the Dover Human Relations Commission, noting that he thought she would do a great job in the Fourth District. He stated that he was very proud of her and what she had done thus far. Mr. Sudler indicated that he thought Reverend Paige had a lot to offer and would be a great asset and that he was looking forward to her sharing her skills and abilities with the City.

Council President Slavin wished a belated Happy Birthday to Councilman Sudler.

Mr. Neil stated that tomorrow night marks the holiest day of the Jewish New Year and hoped the members of Council would join him in wishing the members of the Jewish faith an easy fast, starting tomorrow night during their prayers through Wednesday.

Mr. Cole recognized the City's Parks and Recreation Department, explaining that his two (2) children have been in various programs out there, his son is in the soccer program right now, and he has heard nothing but positives from the parents. Mr. Cole stated that the City has a first rate facility, and commended everyone for their good work.

Mr. Hosfelt announced that the Delaware Department of Transportation (DelDOT) would be holding a public workshop to solicit public input on the proposed improvements to Kenton Road between State Route 8 and Chestnut Grove Road. He stated that the public workshop is scheduled for October 24, 2016 at the Dover High School cafeteria and the public is invited to attend anytime between 4:00 p.m. and 7:00 p.m.

Mr. Anderson reminded everyone of the upcoming homecoming parades, noting that Dover High School's was scheduled for Friday evening, and Delaware State University's was scheduled for Saturday. He congratulated each of those organizations for their great partnerships in this community. Mr. Anderson also congratulated Capital School District on their Super Senator Day, which happened last Saturday. He thanked the District for engaging the community in regard to the needs of families.

Mr. Anderson thanked Senator Bushweller and Representative Carson for their work with Community Transportation Funds and encouraged other legislators to do the same.

Mr. Slavin also thanked Representative Bennett, noting that she was in attendance during this evening's meeting and is a big supporter of the City of Dover.

Mr. Lewis moved for adjournment, seconded by Mr. Neil and unanimously carried.

Meeting adjourned at 9:06 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of October 10, 2016, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM

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Exhibits

Exhibit #1 - Revised Investment Policy Statement

City of Dover, DE

Investment Policy Statement



Dated October 10, 2016

1.0 Governing Authority

It is the policy of the City of Dover to invest public funds under its control in a manner that will provide the highest investment return consistent with the maximum safety of principal, while meeting cash flow needs of the City. The investment program shall conform to all state and local statutes governing the investment of public funds.

2.0 Scope

This Investment Policy Statement (the “Policy”) applies to all financial assets of the City of Dover for which the City retains direct or indirect daily control. Funds for which the City has retained outside fund manager(s) shall also be governed by this Policy or, in the case of bond proceeds, related governing bond documents.

2.1 Accounts

2.1.1 Cash and Liquidity Accounts: The majority of the City’s cash balance available for investment is maintained in the cash and liquidity accounts. These accounts will be managed and invested by investment managers, selected by the City Council through competitive bid, in order to maximize the return to the City while, at the same time, providing for safety of principal and sufficient liquidity for the City to meet its cash needs. The City will manage its short-term investments to ensure sufficient liquidity and prevent their premature sale for the purpose of covering expenditures. Short-term investments should mature at face value in sufficient amounts to meet any liquidity needs.

2.1.2 Reserve Cash (Intermediate) Account: To the extent cash is not expected to be needed on short notice, the City shall invest such funds in the Reserve Cash Account. This fund shall be managed and invested by an investment manager or managers, selected by the City Council after a competitive bid, in order to maximize the return on said money to the City while providing for the safety of principal.

All of the City of Dover’s funds are accounted for in its Comprehensive Annual Financial Report. Those funds to which this Policy applies include (excluding the Deferred Compensation Plan and Pension Trusts):

2.2 Funds

2.2.1 General Fund

2.2.2 Capital Project Funds

2.2.3 Special Revenue Funds

2.2.4 Enterprise Funds

2.2.5 Internal Service Funds

2.2.6 Any new fund created by the City Council, unless specifically exempted

3.0 Objectives

The primary objectives of the City of Dover’s investment activities, in order of importance shall be:

3.1 Safety

Preservation of principal is the foremost objective of the investment program. To attain this objective, funds shall be diversified among securities of high credit quality and liquidity, so that risk of loss of principal is minimized.

3.2 Liquidity

The City's investments shall be made for such periods as to enable the City to meet all operating requirements that may be scheduled or reasonably anticipated.

3.3 Return on Investments

A goal of the investment program shall be to maximize investment return within the constraints of Sections 3.1 and 3.2.

4.0 Delegation of Authority

Authority to manage the City of Dover's investment program is derived from this Policy, which is approved by City Council, and "Dover Code, PART I, Subpart A, Article II, Section 17" (attachment B) which states in part that "The Controller/Treasurer shall be the custodian of all of the City funds."

The City's Controller/Treasurer shall:

- 1) Review this Policy annually and recommend changes, if any, to City Council;
- 2) Be charged with implementing the Policy, and may delegate authority to make investments to an investment advisor. The Controller/Treasurer shall be responsible for all investment transactions and shall establish controls to regulate the activities of the investment advisor, if any.
- 3) Ensure that records of the City's investment activities are kept for ten-years.

5.0 Prudence, Ethics and Conflicts of Interest

Any official of the City or investment advisor/manager empowered to make investments on behalf of the City of Dover shall comply with the following:

5.1 "Prudent Person" Rule

Investment decisions shall be made with the judgment and care which persons of reasonable intelligence, under circumstances prevailing at the time the investment is made, would exercise in the management of their own investments assuming that their objectives are those shown in Section 3.0 of this policy.

5.2 Ethics and Conflict of Interest

The delegate authorized to make City investments shall act at all times in an ethical manner, and shall not engage in activity that could impair or be perceived to impair their ability to make impartial investment decisions. They shall disclose to the Mayor and City Council any material interests in financial institutions with which the City has financial dealings, and which may be related to the performance of the investment program. Employees and officers shall refrain from undertaking personal investment transactions with the same individual(s) with whom business is conducted on behalf of the City.

6.0 Authorized Institutions and Dealers

All broker/dealers that desire to become qualified for investment transactions with the City shall meet the following:

1. Primary dealers and regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule)
2. Capital of at least \$25,000,000 or capital of \$5,000,000 for firms incorporated in the State of Delaware
3. Registered as a dealer under the Securities Exchange Act of 1934
4. Member of the Financial Industry Regulatory Authority (FINRA)
5. Registered to sell securities in the State of Delaware
6. Engaged in the business of effecting transactions in U.S. government, federal agency, and corporate securities for at least five (5) consecutive years

To the extent the City utilizes the services of an outside Investment Advisor, it shall be the responsibility of the Investment Advisor to maintain an approved list of brokers.

7.0 Safekeeping and Custody

To ensure that securities are deposited in an eligible financial institution prior to the release of funds, all trades of marketable securities will be executed by delivery vs. payment (“DVP”).

Further, all securities will be held by an independent third-party custodian, in the name of the City, and evidenced by safekeeping receipts in the City’s name. The custodian shall provide daily confirmation of held securities as well as a monthly transactions and holdings report.

8.0 Authorized Investments and Trading of Securities

The Controller/Treasurer or authorized delegate may invest only in the types of securities listed below. The maximum stated maturity of any security shall be limited to 10 years at settlement, unless otherwise stated. The maximum average maturity of the portfolio shall be seven years. For asset backed and Agency mortgage backed securities, the maximum maturity shall be defined as the weighted average life (“WAL”). WAL is a convention that estimates the expected weighted amount of time, in years, for the principal amount of an issue to be fully paid. For Agency mortgage backed securities, WAL shall be limited to 10 years, measured at the settlement date, provided by Bloomberg Financial Markets. For asset backed securities, the average life must not exceed two years, except for such securities that are subject to periodic reset of coupon or interest rate - - these may have an average life not to exceed three years.

8.1 United States Government Securities

Marketable securities issued by the U.S. Government and supported by the full faith and credit of the U. S. Treasury either by statute or an opinion of the attorney general of the United States. The maximum maturity shall be limited to 10 years. Up to 100% of the portfolio may be invested in this sector.

8.2 Government Agency Securities

Debt securities issued by government-sponsored enterprises (“GSE”), federal agencies, federal financing banks, and instrumentalities of the U.S. Government. The maximum maturity shall be limited to 10 years. Up to 50% of the portfolio may

be invested in this sector, with a maximum of 20% in any one issuer.

8.3 Certificates of Deposit and Time Deposits

8.3.1 Domestic Institutions: Issued or endorsed by a domestic bank, or a savings and loan association, organized and supervised under the laws of the United States and denominated in U.S. dollars; provided, however, that deposits are fully insured or guaranteed by the Federal Deposit Insurance Corporation (“FDIC”).

If not insured by the FDIC:

- The banking institution must have assets of not less than \$5 billion; and
- Issuers must have a short-term rating in the highest category by Standard & Poor’s, Moody’s, or Fitch and a long-term rating of at least the “A” category by Standard & Poor’s, Moody’s, or Fitch.

The maximum maturity of any investment in this sector shall be limited to 10 years at trade settlement. This sector shall not exceed 25% of the total portfolio. No single issuer shall exceed 5% of the City’s portfolio.

8.3.2 Delaware-Domiciled Institutions: Issued by or endorsed by any bank or savings association domiciled in the State of Delaware and organized and supervised under federal or State of Delaware banking laws which does not meet the requirements of Section 8.3.1 hereto; provided, however, that:

- For each of the latest two years, the bank or association has had a return on total average assets of 0.50% or greater and an average capital ratio (defined as total equity capital to total assets) of at least 1 to 20, or the instrument is secured as set forth in Section 9, “Collateralization of City Deposits,” hereto; and
- Not more than the lesser of \$10 million or 25% of an issuer’s total equity capital, may be invested in any one issuer. (Investments due to mature in one business day may be excluded from the computation of this percentage.)
- The Board expressly affirms that, consistent with these guidelines, Delaware banks and savings associations should be considered as a source of investment.
- The maximum stated maturity of any investment in this sector shall be limited to 10 years at time of purchase. This sector shall not exceed 20% of the total portfolio. No single issuer shall exceed 5% of the City’s portfolio.

8.4 Corporate Debt Instruments

Such instruments include commercial paper bankers’ acceptances, and non-convertible senior debt securities (bonds and debentures).

8.4.1 Corporate securities must be denominated/issued in US dollars. Many foreign corporations issue debt/securities in the US market, in US dollars.

8.4.2 No single issuer shall exceed 5% of the City’s portfolio.

8.4.3 Commercial Paper shall be limited to a final maturity of 270 days. This

sector shall not exceed 25% of the total portfolio. Issuers shall be rated in the highest short-term category by Standard & Poor's, Moody's, or Fitch.

8.4.4. Bankers' Acceptances shall be limited to a final maturity of 365 days. This sector shall not exceed 25% of the City's Portfolio. Issuers shall be rated in the highest short-term rating by Standard & Poor's, Moody's, or Fitch.

8.4.5 Corporate bonds and debentures shall be limited to a final maturity of 10 years. This sector shall not exceed 50% of the total portfolio. Issuers shall hold a long-term rating of at least the "A" category by S & P, Moody's, or Fitch.

8.5 Repurchase Agreements

The underlying collateral shall consist of U.S. government and/or GSE securities provided, however, that:

8.5.1 All repurchase agreements must be governed by a written master repurchase agreement;

8.5.2 Agreements will be entered into only with respect to underlying securities in which the investment manager may otherwise invest as described above, and only with a recognized U.S. Government/broker or a bank which meets the requirements set out under paragraph Section 8.3.1 or 8.3.2 above;

8.5.3 In the case of repurchase collateral held in book-entry form in the Federal Reserve System, all deliveries of securities must be made, for the transfer thereof, through the Federal Reserve book-entry system to the account designated by the investment manager for such purpose. Securities held in certificated form must be delivered to the investment manager or a custodian as directed by the investment manager.

8.5.4 Any collateral employed under this paragraph shall be counted towards the applicable maximum limits set forth within these guidelines for such type of investment, and such collateral shall be valued at market at not less than 103 percent of the maturity value of the agreement and marked-to-the-market as requested by the investment manager.

8.5.5 Repurchase agreements shall be limited to a maximum maturity of 90 days from date of purchase. This sector shall not exceed 50% of the total portfolio. No single issuer shall exceed 25% of the City's portfolio.

8.6 Registered Investment Companies (Money Market Funds)

No single fund shall exceed 25% of the City's portfolio. Money market funds shall be rated AAA by Standard & Poor's. A current prospectus must be obtained before investing in any money market fund, and current holdings reports must be maintained at least each month.

8.7 Mortgage-Backed Securities

Mortgage-backed securities issued by the following: Government National Mortgage Association (GNMA), Federal National Mortgage Association (FNMA) or Federal Home Loan Mortgage Association (FHLMC). This sector, combined with the asset backed security sector, shall not exceed 10% of the total portfolio.

8.8 Asset Backed Securities

These investments include auto loan receivables, credit card receivables, home equity loans, and manufactured housing loans. These can be fixed or floating rate and must be rated in the highest long-term category by Standard & Poor's, Moody's, or Fitch. This sector, combined with the mortgage-backed security sector, shall not exceed 10% of the City's portfolio. No single issuer shall exceed 5% of the City's portfolio.

8.9 Municipal Obligations

Taxable and tax-exempt securities issued by state and local governments and public authorities in the United States. The maximum stated maturity of any investment in this sector shall be limited to 10 years at time of purchase. This sector shall not exceed 30% of the City's portfolio. No single issuer shall exceed 5% of the City's portfolio. Issuers shall be rated in at least the "A" category by Standard & Poor's, Moody's, or Fitch. Additionally, Issuers in the short term market (under one year) shall be rated at a minimum of "mig-1" or "sp-1" for Moody's and S&P.

8.10 State of Delaware Investments Pool

8.10.1 Delaware Local Government Investment Pool (DELGIP) -The investment in this pool is permitted in relation to the City's cash flow and the guidelines set forth by the State of Delaware. The investment in this pool will not exceed 25% of the total funds available and will be monitored by the City's Finance Department on a monthly basis.

8.10.2 Delaware Local Government Retirement Investment Pool (DEL RIP) The investment in this pool is permitted in relation to the City's Post-Retirement Benefits Fund. The investment in this pool will not exceed 25% of the total funds available and will be monitored by the City's Finance Department on a monthly basis.

8.11 Trading Securities

The Controller/Treasurer is hereby authorized to sell securities prior to their stated maturity date in the following circumstances:

1. A security with declining credit may be sold prior to its maturity to minimize loss of principal;
2. A security swap may be executed if it would improve the quality, yield, or target duration of the portfolio;
3. Securities may be sold to provide needed liquidity.

8.12 Internal Control on such transactions

8.12.1 An investment report will be provided to the Council on a quarterly basis.

8.12.2 All investment reporting documents will be provided to the independent auditors.

8.12.3 Investment records will be kept by the City for ten (10) years.

8.12.4 The trading shall not involve any hedge, derivatives and/or borrowing funds for trading purposes.

A summary of permitted investments is below:

Investment Type	Sector Limit	Issuer Limit	Maturity Limit	Credit Quality Minimum
United States Government Securities	100%	100%	10 Years	N/A
Government Agency Securities	50%	20%	10 Years	N/A
Mortgage-Backed Securities	Combined 10% limit	N/A	10 Year WAL	N/A
Asset Backed Securities		5%	2 Year WAL	Highest long-term rating by Fitch, Moody's or S&P
Municipal Obligations	30%	5%	10 Years	Long-term rating of at least "A" by S&P, Moody's, or Fitch For issuers in short term market, rating of at least "mig-1" or "sp-1" for Moody's & S&P
FDIC-Insured Deposits	25%	5%	10 Years	N/A
Certificates of Deposit and Time Deposits (not insured by FDIC)	25%	5%	10 Years	Highest short-term rating by Fitch, Moody's or S&P. Long-term rating of at least "A" by S&P, Moody's, or Fitch
Delaware-Domiciled Institutions	20%	5%	10 Years	N/A
Commercial Paper	25%	5%	270 Days	Highest short-term rating by Fitch, Moody's or S&P
Bankers' Acceptances	25%	5%	365 Days	Highest short-term rating by Fitch, Moody's or S&P
Corporate Bonds and Debentures	50%	5%	10 Years	Long-term rating of at least "A" by S&P, Moody's, or Fitch
Repurchase Agreements	50%	25%	90 days	N/A
Registered Investment Companies (Money Market Funds)	100%	25%	N/A	AAAm by S&P
Delaware Local Government Investment Pool	25%	N/A	N/A	N/A
Delaware Local Government Retirement Investment Pool	25%	N/A	N/A	N/A

9.0 Collateralization of City Deposits

If the City deposits funds in any financial institution, those funds will be subject to the

following collateralization requirements. The financial institution shall:

- 9.1** Collateralize the City's daily ledger balance(s) if, for any quarter during the most recent eight quarters the bank has not met both of the following two criteria:
- Return on total average assets of 0.50 percent or greater.
 - Average capital ratio (total equity to total assets) of 5.00 percent or greater.
- 9.2** If either criterion in paragraph 9.1 is not satisfied collateral must be pledged and shall consist of one or more of the following securities:
- U.S. Government securities
 - U.S. Government agency securities
 - Federal Home Loan Board letters of credit
 - State of Delaware securities
 - Mortgage backed securities as referenced in Section 8.7
 - Securities of a political subdivision of the State of Delaware with a Moody's rating of "A" or better
- 9.3** Ensure that the securities pledged as collateral (except for Federal Home Loan Board letters of credit) have a market value equal to or greater than 102 percent of the ledger balance(s) in the account(s) marked to market each day.
- 9.4** Ensure that securities pledged as collateral are housed at the Federal Reserve Bank or a mutually agreed upon third party depository. (The trust department of the winning vendor will not be acceptable.)
- 9.5** Provide reports on a monthly basis to the City Finance Department detailing the collateral pledged.
- 9.6** Provide a Call Report (Consolidated Report of Condition and Income, FFIEC 031) on a quarterly basis to the City Finance Department.

10.0 Policy Considerations

If securities owned by the City are downgraded by either Standard & Poor's or Moody's to a level below the quality required by this Policy, it shall be the City's policy to review the credit situation and make a determination as to whether to sell or retain such securities in the portfolio.

If a security is downgraded two grades below the level required by the Policy, the security shall be sold immediately.

If a security is downgraded one grade below the level required by this Policy and matures within 6 months, the security may be held to maturity. The Controller/Treasurer may determine to sell the security if it is determined that there is a probability of default prior to maturity.

If a decision is made to retain a downgraded security in the portfolio, its presence in the portfolio will be monitored and reported monthly to the Controller/Treasurer.

11.0 Internal Controls

The Controller/Treasurer is responsible for establishing and maintaining an internal control

structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The Controller/Treasurer shall also establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following:

- Control of collusion
- Separation of transaction authority from accounting and recordkeeping
- Custodial safekeeping
- Prohibition of physical delivery securities
- Clear, written delegation of authority to subordinate staff members
- Written confirmation of transactions for investments and wire transfers

12.0 Performance Standards

The City of Dover's investment decisions shall be made with the objective of obtaining a rate of return commensurate with the investment risk constraints and the cash flow needs. On a quarterly basis, the Controller/Treasurer shall compare the City's portfolio against the

Merrill Lynch 0-5 Year U.S. Treasury Index, in terms of time-weighted total return and average duration for the period under review.

13.0 Reporting

At the end of each calendar quarter, the Controller/Treasurer will submit a report of all quarter-ending investments to the Mayor and City Council. Reports shall include the following:

- Listing of individual securities held as of last day of reporting period, sorted by sector
- Par, market, and amortized cost values of each security
- Coupon, current yield, and final stated maturity date of each security

14.0 Investment Policy Adoption

The City of Dover's investment policy will be adopted by the City Council after review and recommendation of the Legislative and Finance Committee. The policy will be reviewed at least once every year by the Legislative and Finance Committee, which is charged with considering the existing policy and any recommendations to modify the policy. Any modifications to the policy must be approved by the City Council.

LEGEND

1. Original approval by City Council - November 14, 1988
2. Revised policy approved by City Council - March 7, 2005
3. City Council Approved with No Changes – April 14, 2008
4. Revised policy approved by City Council – July 25, 2011
5. Revised policy approved by City Council – August 12, 2013.
6. Revised policy approved by City Council – September 8, 2014
7. Revised policy approved by City Council – October 10, 2016

ATTACHMENT A

GLOSSARY

AGENCIES: Federal agency securities, otherwise known as “Government Sponsored Enterprises.”

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large denomination CD's are typically negotiable.

BANKERS ACCEPTANCE: A short-term credit investment which is created by a non-financial firm and whose payment is guaranteed by a bank.

COLLATERAL: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

COMMERCIAL PAPER: An unsecured obligation issued by a corporation or bank to finance its short-term credit needs. Maturities typically range from one (1) to 270 days.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR): The official annual report for the City of Dover. It includes five combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and a detailed Statistical Section.

CORPORATE BONDS: A debt security issued by a corporation based in the United States of America. Such bonds usually have a par value of \$1,000, have a term maturity, and are traded on a major exchange.

DEALER: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns, in an attempt to limit risk.

FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to \$250,000 per deposit.

FEDERAL FUNDS RATE: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL HOME LOAN BANKS (FHLB): The institutions that regulate and lend to savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks vis-a-vis member commercial banks.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae): Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FMHM mortgages. The term "passthroughs" is often used to describe Ginnie Mae's.

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

LOCAL GOVERNMENT INVESTMENT POOL (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

MARKET VALUE: The price at which a security is trading and could presumable be purchased or sold.

MATURITY: The date upon which the principal or stated value of an investment becomes due and payable.

MORTGAGE-BACKED SECURITIES (MBS): An investment instrument that represents ownership of, and is backed by, an individual interest in a pool of mortgages such as those issued by Ginnie Mae or Freddie Mac. Principal and interest from the individual mortgages is used to pay principal and interest on the MBS.

MUNICIPAL NOTES AND BONDS: Securities issued by a state, city, or local government to finance operations or special projects.

PRUDENT PERSON RULE: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody

state--the so-called legal list. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

QUALIFIED PUBLIC DEPOSITORIES: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

RATE OF RETURN: A measure of worth, either at security or aggregate portfolio level, over a period of time. There are many return conventions, including but not limited to yield to maturity at cost, yield to maturity at market, yield to worst, time weighted total return, dollar weighted total return.

REPURCHASE AGREEMENT (RP OR REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money, that is, increasing bank reserves.

REVERSE REPURCHASE AGREEMENT: The purchase of a security by a dealer with the agreement to sell it back to the seller at a fixed price at a later date. Typically used by owners of securities to finance short-term needs without having to liquidate the security.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

TIME DEPOSITS: A savings account or CD held for a fixed term or with the understanding that the customer can withdraw only by giving advanced notice.

TREASURY BILLS: A short-term (less than one year) non-interest bearing discount security issued by the U.S. Treasury department to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

TREASURY BOND: Long-term U.S. Treasury securities having initial maturities of more than 10 years.

TREASURY NOTES: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months or one year.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1: also called net capital rule and net capital ratio.

Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

VARIABLE RATE MASTER DEMAND NOTES: A floating rate security with initial maturities and indexed rates chosen by the investor. The interest rate is adjusted periodically, usually off a standard such as that prevailing on a Treasury Bill or the prime interest rate.

YIELD: The rate of annual income return on an investment, expressed as a percentage.

INCOME YIELD is obtained by dividing the current dollar income by the current market price for the security.

NET YIELD or YIELD TO MATURITY is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.