



Fort DuPont Redevelopment and Preservation Corporation
Board of Directors Meeting

December 14, 2022
8:30 a.m.
Delaware City Public Library
250 5th Street
Delaware City DE 19706

AGENDA

1. Call to Order
2. Roll Call
3. Approval of Minutes
 - a. November 9, 2022
4. Treasurer's Report
 - a. Financial Report
5. Committee Reports
 - i. Design and Historic Preservation Committee
6. Executive Director's Report
7. New Business
 - a. Re-affirmation of Entranceway solution (Action Item 2022-12.14.01)
 - b. Freedom of Information Act Policy (Action Item 2022-12.14.02)
 - c. Action Item 2022-12-14.01 Memorandum of Understanding with Delaware City (Action Item 2022-12.14.03)
8. Delaware City updates
9. Public comment
10. Executive Session

11. Actions to be voted upon from Executive Session (if applicable)
 - a. Potential action on Independent Accountants' Report on Applying Agreed-Upon Procedures
12. Next meeting date: January 11, 2023 8:30 a.m.
13. Adjourn

Please note: Pursuant to 29 Del. C 10004(e)(2), this Agenda may be changed to include additional items including executive sessions or to delete items that arise at the time of the meeting.

Potential executive session pursuant to 29 Del. C. 10004(b)(9) ("Personnel matters in which the names, competency and abilities of individuals employees...are discussed.")

Potential executive session pursuant to 29 Del. C. 10004(b)(2) ("discussions regarding sales or leases of real property) and 29 Del C. 10004 (b)(6) (discussion of the content of documents, excluded from the definition of "public record," where such discussion may disclose the contents of such documents).

Potential executive session pursuant to 29 Del. C. 1004 (b)(4) ("Strategy sessions, including those involving legal advice or opinion from an attorney-at-law...") and 29 Del. C. 10004(b)(6) (discussion of the contents of documents, excluded from the definition of "public record," where such discussion may disclose the contents of such documents.

FORT DUPONT REDEVELOPMENT AND PRESERVATION CORPORATION
BOARD OF DIRECTORS MEETING

The Fort Dupont Redevelopment and Preservation Corporation Board of Directors meeting was held at the Delaware City Fire Hall, 815 5th Street, on November 9, 2022 with Chair John McMahon presiding. Board members present were Ms. Ruth Ann Jones (Controller General of the State of Delaware), Dr. Courtney Stewart (Office of Management and Budget), Mr. David Edgell (Office of State Planning Coordination), Mr. Kurt Forman (Delaware Prosperity Partnership), Mr. David Baylor (Delaware City Manager), Mr. Kevin Whitaker (Resident of Delaware City), Mr. Michael Graci (Resident of Fort DuPont), Mr. Douglas Eriksen (Resident of Delaware City), and Ms. Wendy Rogers (Resident of Fort DuPont). Secretary Shawn Garvin (Department of Natural Resources and Environmental Control (DNREC) and Mr. Rony Baltazar-Lopez (Department of State) were absent.

Staff members present were Mr. Tim Slavin – Executive Director and Ms. Pam Scott of Saul Ewing Arnstein and Lehr LLP.

Members of the public present to speak were Jack Guerin, Tim Dilliplane, and Tim Konkus.

CALL TO ORDER

Chair McMahon called the Fort DuPont Redevelopment and Preservation Corporation (FDRPC) Board of Directors meeting to order at 8:35 a.m.

AGENDA

Chair McMahon advised that there would not be an Executive Session.

INTRODUCTION OF NEW BOARD APPOINTEES

Ms. Rogers and Mr. Forman introduced themselves and briefly provided their background information.

APPROVAL OF MINUTES – OCTOBER 12, 2022

Mr. Whitaker moved for approval of the minutes of October 12, 2022. The motion was seconded by Dr. Stewart and unanimously carried.

TREASURER’S REPORT

Financial Report

Mr. Bert Scogletti, Treasurer, explained that pages 1 and 2 of the report were a summary of the detail, column F represents the expenditures approved through October 31, 2022, column H represents the numbers adopted, and column I represents the current status. He noted that the major road improvements and the sale of the former executive director’s residence were not reflected in the report. Mr. Scogletti reviewed the FY 2023 Budget as of October 31, 2022 (Exhibit 1) and noted the following:

- Page 3, line 54 shows a drawdown of \$750,000 – a second drawdown of \$750,000 was taken after October 31, 2022 and is not reflected in the report.
- Page 3, line 76 shows the back billing for utilities.

- Page 3, lines 79 and 92 are a reminder that there were two revenue assumptions – the sale of a lot on Officers Row and receipt of revenue for the sale of historic tax credits for the duplexes.
- Page 5, lines 173 and 174 shows expenditures for the marina, which will be reimbursed.
- Page 5, line 186 shows expenditures for the Tilton Building.
- Page 5, line 188 shows expenditures for the renovations to the duplexes.
- Page 5, lines 197 and 198 show expenditures for the DNREC maintenance shop and archive building.
- Page 6, line 225 shows the expenditure of approximately 1/3 of the maintenance/lawn care budget.
- Page 6, line 229 shows the budget for snow and ice removal.
- Page 6, line 240 shows the repayment of \$100,000 to the reserve account.

By unanimous consent, the report was accepted.

COMMITTEE REPORTS

Executive Committee

Chair McMahon advised that the Executive Committee met on October 4, 2022 with no action taken. The minutes of that meeting were approved by the Executive Committee and were provided to Board members for their meeting of November 9, 2022.

Design and Historic Preservation Committee

Chair McMahon advised that Mr. Doug Eriksen agreed to chair the Design and Historic Preservation Committee. Mr. Eriksen introduced himself and briefly provided his background information.

EXECUTIVE DIRECTOR'S REPORT

Mr. Tim Slavin, Executive Director, reviewed the Executive Director Monthly Report (Exhibit 2) and noted the following project updates:

Marina Village

The Marina Village project received a favorable recommendation from the Delaware City Planning Commission for a Special Use Permit. This matter will now move to Delaware City Council for consideration. Mr. Slavin thanked the Planning Commission for a very thoughtful and content rich presentation with questions from the audience.

Branch Canal – Revetment Project

The U.S. Army Corp of Engineers (USACE) Cultural Unit had minor issues with the revetment project that Mr. Slavin feels can be resolved. The Corp will be issuing a notice on the permitting once resolved.

Branch Canal – Transfer of Ownership

In 2018, language was approved by Congress and signed into law by then President Trump which allowed the U.S. Army Corp of Engineers (USACE) to transfer the 5th Street Bridge to DelDOT and the Branch Canal to the Fort Dupont Redevelopment and Preservation Corporation. The transfer of the Branch Canal requires the approval of the Governor of Delaware.

DelDOT provided a draft Environmental Assessment for the proposed transfer of ownership of the two parcels currently owned by USACE. The Environmental Assessment may continue as one document; however, it will be necessary to de-couple the two actions and deal with them separately. The FDRPC Board of Directors has not been briefed on the issue, nor has any position been taken about receiving the ownership of the Branch Canal.

NAI Emory Hill Property Management Contract

NAI Emory Hill formally began their contract as property managers for the residential leases maintained by FDRPC on November 1, 2022. They have provided the listing documents for 1303 Officers Row (the home of the former executive director) and they will be listing the four remaining lots on Officers Row. There will be unanticipated income for the Corporation.

Theater

Three or four walking tours of the theater have been conducted and there is a lot of interest in a working group to restore the building. The Friends of Fort Dupont, a 501(c)(3), was previously established with an EIN and tax-exempt status; however, it was never activated as a corporation. The Friends of Fort Dupont can be key to attracting private funding and leveraging the funding received.

Recreational and Park Areas

The Corporation had previously contracted with the Hitchcock Design Group for park planning. The designs are fairly far along; however, there was little, if any, input from the community. Hitchcock has been invited to convene two half day meetings in January or February to provide an update and to hold a workshop for the community.

Canal District

The finish coat of asphalt is scheduled to be applied the following week. Notices will be hand delivered to each building advising them about parking while the work is being completed.

Delmarva Power has been onsite installing light poles and lamps.

The asphalt finish coat on Old Elm Avenue has been delayed until spring.

FREEDOM OF INFORMATION ACT (FOIA) DRAFT POLICY

Mr. Tim Slavin, Executive Director, advised that the Freedom of Information Act Policy is required by Delaware Code and that legal counsel, Ms. Pam Scott of Saul Ewing Arnstein and Lehr LLP, prepared the draft policy (Exhibit 3). Ms. Scott reviewed the draft policy, noting that further amendments to the draft would be necessary to comply with House Substitute #1 to HB 293, which was recently signed by the governor. She advised that an amended policy would be provided for review.

Mr. Slavin advised that the policy would be presented for adoption at the December board meeting.

ENTRANCEWAY TO FORT DUPONT

Mr. Tim Slavin, Executive Director, advised that the Fort Dupont Redevelopment and Preservation Corporation (FDRPC) is required to make improvements to the entranceway at Fort DuPont (Route 9 and Old Elm Avenue) to address capacity and safety issues. He advised that these improvements will allow

issuance of additional building permits, noting that the FDRPC is currently nearing its cap of building permits without further improvements. Mr. Slavin noted that the project is time sensitive due to the 18-month closure of the St. George's bridge beginning in the Spring of 2023. He advised that Route 9 will be the alternate route during the bridge closure, which will prohibit any major construction work on Route 9.

Mr. Slavin reviewed the four options that were considered for the entranceway solution, as follows:

1. Do Nothing option. This option was eliminated because of the need for additional building permits.
2. Signal at Route 9 and Old Elm Avenue. This option was eliminated because of concerns raised by the U.S. Army Corps of Engineers (USACE) and DelDOT over concerns of traffic backing up on the Reedy Point Bridge.
3. Roundabout. This was accepted by FDRPC and DelDOT as the preferred alternative in 2019. The project was successfully bid and awarded to A-Del construction. Communication by FDRPC to the local community was deficient and resulted in the project being paused in December 2021.
4. Right In Right Out alternative. This alternative was studied by Verdantas at the request of FDRPC. The alternative included the raising of Old Battery Lane under the Reedy Point Bridge to raise the road out of the flood zone. This would result in a finished grade of 11 feet. The geotechnical study completed by Verdantas and issued on October 1, 2022 concluded that raising the roadbed to a level out of the flood zone would have a negative effect on the existing piers of the Reedy Point Bridge. As such, this would not be supported by the USACE.

Mr. Slavin advised that the roundabout is the only viable option. He noted that FDRPC staff met with Delaware City Fire Chief Allan Mackenzie and President Wally Poppe. Both Chief Mackenzie and President Poppe stated that they have maintained concerns about the roundabout as a solution to the entranceway and have identified a list of items that they would like assurances on. Mr. Slavin stated that they are preparing a response to the list of items and will meet with the Fire Company again. Additionally, he will present the roundabout option as an informational item to Delaware City Council in December.

Mr. Slavin stated that item is presented for informational purposes only, pending further dialogue with the community. A recommendation from staff will be presented at the December 2022 board meeting.

FISCAL YEAR 2024 REQUEST FOR FUNDING

Mr. Tim Slavin, Executive Director, stated that this funding request to the State of Delaware includes the following items:

- \$2.5 million in ongoing funding to be dedicated to infrastructure upgrades, the continued preservation of historic structures, maintenance, and upkeep of campus buildings, and funding for administration.
- \$750,000 toward restoration at the historic Fort DuPont Theater. The Theater is one of the most unique structures at Fort DuPont having served members of the military as a venue for entertainment. Consistent with its original use, we envision the theater to serve as a resource for local community and arts groups to provide programming and arts events for the Delaware City community. The Corporation has provided resources to stabilize the exterior of this facility over the past year. The requested funding would be applied to interior renovations. The Corporation will also work to secure private funding for this effort.

- \$1.0 million to complete the restoration of the historic Chapel. When complete, the Chapel will serve as a community center for meetings, events, and social gatherings. The Corporation has invested in restoring the exterior of the facility and completing necessary site work around the base of the structure. The requested funds will complete renovations to the exterior and interior as well as for constructing a small addition.

Mr. Baylor moved for approval of the request for funding in the amount of \$4.25 million. The motion was seconded by Mr. Graci and unanimously carried.

DELAWARE CITY UPDATES

Branch Canal

Mr. David Baylor, City Manager – Delaware City, advised that the Branch Canal issue still needs to be resolved. He stated that the transfer of the canal was requested by the former executive director without the city's knowledge and the city does not have the financial resources to manage a waterway, nor should that be the city's responsibility. Mr. Baylor noted that there is concern over the future ownership and control of the waterway. It was his understanding that the former executive director wanted control of the waterway, which would have been detrimental to Delaware City. Mr. Baylor suggested that the Branch Canal should be turned over to, and managed by, the State. He noted that the city would like to be seen as a partner with absolute authority and some say in what happens with the waterway. Mr. Baylor indicated that the legal teams for Delaware City and the Fort Dupont Redevelopment and Preservation Corporation (FDRPC) should be involved in discussions regarding ownership and maintenance of the canal to provide the Governor with a full vetting of the issue before they make that decision.

Mr. Graci asked what area of the canal was being considered for transfer. Responding, Mr. Baylor advised that the canal from the bridge to the Delaware River was being considered for transfer.

Mr. Whitaker questioned how either Delaware City or Fort Dupont could afford the maintenance on the canal. Mr. Slavin advised that each would be responsible for their side of the bank. He stated that there were still many unknowns about the proposed transfer.

5th Street Bridge

Mr. Baylor stated that Delaware City has no issue with DelDOT controlling the 5th street bridge and regulating the roadway; however, the city feels it should have some say because the road runs through Delaware City.

Roundabout

Mr. Baylor requested that they pay attention to the Polktown residents during the roundabout process and to ensure that they are provided sufficient access to Route 9 during construction. He advised that Polktown is an historically black area in Delaware City and it should be properly recognized as such.

Mr. Baylor expressed concern about the roundabout between two bridges and the traffic the location may generate. Responding to Mr. Whitaker, Mr. Slavin noted that the roundabout would be elevated to eliminate the dip in the roadway. He also advised that the roundabout would physically restrict traffic speed.

PUBLIC COMMENT

Mr. Jack Guerin of FightDECORruption.com stated that he was still hoping the Board would review the RV campground project. He noted the following concerns:

- The viability of a campground at this location
- The lack of market or economic analysis
- The amount of the sale price of the property and the resources of the buyer to complete the sale
- The lands of both the campground and Lennar projects are protected by the state and federal governments and he was not aware of any progress toward removing the protections
- The former lack of due diligence prior to the start of projects

Mr. Tim Dilliplane, Chair of the Delaware City Planning Commission, complimented Mr. Tim Slavin, FDRPC Executive Director, for his open and informative method of management.

Mr. Tim Konkus complimented Mr. Slavin and the new management team on the fair, open, and honest way that the meetings are now being conducted.

NEXT MEETING DATE

The next meeting is scheduled for December 14, 2022 at 8:30 a.m.

ADJOURNMENT

Mr. Baylor moved for adjournment, seconded by Mr. Whitaker and unanimously carried.

Meeting Adjourned at 9:25 a.m.

Exhibits

Exhibit 1 - Draft Fiscal Year 2023 Budget

Exhibit 2 - Executive Director Monthly Report

Exhibit 3 – Draft Freedom of Information Act Policy

	A	B	C	D	F	H	I	J
1	Fort DuPont Redevelopment and Preservation Corporation							
2	FY 2023 Budget							
3						FY 2023 as of	FY 2023 Budget	(Over)/under
4	11/7/2022					10/31/22	(adopted)	budget
5								NOTES
6	SUMMARY OF REVENUE & EXPENSES							
7	REVENUE							
8	Balance Forward					\$ 250,000	\$ 250,000	\$ -
9	State Appropriation					\$ 750,000	\$ 2,250,000	\$ 1,500,000
10	Round-A-Bout & Polktown Funding					\$ -	\$ -	\$ -
11	Bike Path & Levee					\$ -	\$ -	\$ -
12	Rental Income					\$ 66,104	\$ 378,907	\$ 312,803
13	Real Estate Sales					\$ -	\$ 120,000	\$ 120,000
14	Grants					\$ -	\$ -	\$ -
15	Historic Tax Credits					\$ -	\$ 185,000	\$ 185,000
16	Bank Loans							
17	OBL Duplexes					\$ 367,497	\$ 623,426	\$ 255,928
18	Marina					\$ -	\$ -	\$ -
19	Total Revenue					\$ 1,433,601	\$ 3,807,333	\$ 2,373,731
20								
21	EXPENSES							
22	Office Expenses					\$ 10,331	\$ 72,000	\$ 61,669
23	Marketing Expenses					\$ 3,170	\$ 61,500	\$ 58,330
24	Payroll & Benefits					\$ 227,719	\$ 695,411	\$ 467,692
25	Insurance - Liability					\$ 63,655	\$ 93,131	\$ 29,476
26	Professional Fees							
27	Engineering					\$ 76,852	\$ 475,000	\$ 398,148
28	Architectural					\$ 240	\$ 10,000	\$ 9,760
29	Legal & Accounting					\$ 62,318	\$ 300,000	\$ 237,682
30	Other					\$ -	\$ 8,500	\$ 8,500
31	Fees-Other							
32	Bank, Permits & Historic Tax Credits					\$ 10,880	\$ 18,500	\$ 7,620
33	Improvements					\$ 730,350	\$ 1,223,426	\$ 493,075
34	Property Acquisition					\$ -	\$ -	\$ -
35	Demolition					\$ -	\$ -	\$ -
36	Special Events					\$ -	\$ -	\$ -
37	Environmental					\$ 40,158	\$ 50,000	\$ 9,842
38	Site Utilities					\$ 66,907	\$ 150,000	\$ 83,093
39	Common Area Maintenance					\$ 86,175	\$ 382,500	\$ 296,325
40	Debt Expense							
41	Applied Principal & Interest					\$ 27,729	\$ 64,344	\$ 36,615
42	DMHEF Repayment					\$ -	\$ 9,996	\$ 9,996
43	FDRPC RLF Repayment					\$ -	\$ -	\$ -
44	WSFS - Vehicle Loan					\$ 5,924	\$ 17,771	\$ 11,847
45	OBL Duplexes - Applied Bank					\$ 8,219	\$ 53,100	\$ 44,881

	A	B	C	D	F	H	I	J	
1	Fort DuPont Redevelopment and Preservation Corporation								
2	FY 2023 Budget								
3						FY 2023 as of	FY 2023 Budget	(Over)/under	NOTES
4	11/7/2022					10/31/22	(adopted)	budget	
46		Marina			\$ -	\$ -	\$ -		
47	Total Expense					\$ 1,420,626	\$ 3,685,179	\$ 2,264,553	
48	Income over Expense					\$ 12,975	\$ 122,154	\$ 109,179	
49									

	A	B	C	D	F	H	I	J
1	Fort DuPont Redevelopment and Preservation Corporation							
2	FY 2023 Budget							
3						FY 2023 as of	FY 2023 Budget	(Over)/under
4	11/7/2022					10/31/22	(adopted)	budget
								NOTES
50	DETAILED REVENUE & EXPENSES							
51								
52	REVENUE							
53	Balance Forward					\$ 250,000	\$ 250,000	\$ -
54	State Appropriation					\$ 750,000	\$ 2,250,000	\$ 1,500,000
55	Round-A-Bout & Polktown Funding					\$ -	\$ -	\$ -
56	Bike Path & Levee					\$ -	\$ -	\$ -
57	Rental Income							
58	#15					\$ 5,760	\$ 17,280	\$ 11,520
59	#25 (1306 Officers Row)					\$ 14,800	\$ 42,000	\$ 27,200
60	#39 (1303 Officers Row)					\$ -	\$ -	\$ -
61	#42					\$ 11,600	\$ 30,360	\$ 18,760
62	#43					\$ -	\$ 34,800	\$ 34,800
63	#45 (1308 Officers Row)					\$ 7,800	\$ 46,800	\$ 39,000
64	#36					\$ -	\$ 8,000	\$ 8,000
65	OBL Duplexes					\$ -	\$ 20,000	\$ 20,000
66	OMB					\$ -	\$ 9,315	\$ 9,315
67	DNREC					\$ -	\$ 10,500	\$ 10,500
68	#18 Paint Shop					\$ -	\$ 8,400	\$ 8,400
69	Storage					\$ -	\$ 3,600	\$ 3,600
70	Special Events							
71	Special Events					\$ 5,150	\$ 6,700	\$ 1,550
72	Common Area Maintenance Fees							
73	Commercial					\$ -	\$ -	\$ -
74	Lawncare (state agencies)					\$ -	\$ 16,040	\$ 16,040
75	Snow/Ice (state agencies)					\$ -	\$ 25,112	\$ 25,112
76	Utilities					\$ 12,639	\$ 100,000	\$ 87,361
77	Misc Rental Income					\$ 8,355	\$ -	\$ (8,355)
78	Real Estate Sales							
79	Officers Row - Ph1A					\$ -	\$ 120,000	\$ 120,000
80	Canal District-Ph 1D-Rockwell					\$ -	\$ -	\$ -
81	Old Elm Towns					\$ -	\$ -	\$ -
82	Grassdale					\$ -	\$ -	\$ -
83	Marina Village Towns					\$ -	\$ -	\$ -
84	Marina Village Infrastructure					\$ -	\$ -	\$ -
85	Grants					\$ -	\$ -	\$ -
86	Historic Tax Credits							
87	BUILDING 15					\$ -	\$ -	\$ -
92	OBL Duplexes					\$ -	\$ 185,000	\$ 185,000
93	Chapel					\$ -	\$ -	\$ -
94	Building 30 - DNREC Archive					\$ -	\$ -	\$ -
95	Bank Loans						\$ -	\$ -
96	OBL Duplexes					\$ 367,497	\$ 623,426	\$ 255,928
97	Marina					\$ -	\$ -	\$ -
98	Total Revenue					\$ 1,433,601	\$ 3,807,333	\$ 2,373,731
99								
100	EXPENSES							
101	Office Expenses							
102	Museum					\$ -	\$ 5,000	\$ 5,000

	A	B	C	D	F	H	I	J
1	Fort DuPont Redevelopment and Preservation Corporation							
2	FY 2023 Budget							
3						FY 2023 as of	FY 2023 Budget	(Over)/under
4	11/7/2022					10/31/22	(adopted)	budget
								NOTES
103		Computer Support			\$ -	\$ 2,500	\$ 2,500	
104		Office Supplies			\$ 3,070	\$ 15,000	\$ 11,930	
105		Travel			\$ -	\$ 2,500	\$ 2,500	
106		Meals and Entertainment			\$ -	\$ 2,000	\$ 2,000	
107		Utilities-Office			\$ 362	\$ 5,000	\$ 4,638	
108		Phone/Internet-Office			\$ 4,376	\$ 7,500	\$ 3,124	
109		Repairs & Maintenance			\$ 1,315	\$ 5,000	\$ 3,685	
110		Discretionary Expenses			\$ -	\$ 2,500	\$ 2,500	
111		Equipment and Furnishings			\$ -	\$ 20,000	\$ 20,000	
112		Uniforms			\$ 1,208	\$ 5,000	\$ 3,792	
113		Marketing Expenses						
114		Advertising & Promotion			\$ 15	\$ 24,000	\$ 23,985	
115		Graphics/Branding/Messaging			\$ -	\$ 2,500	\$ 2,500	
116		Marketing Collateral			\$ -	\$ 10,000	\$ 10,000	
117		Website & Social Media			\$ 3,155	\$ 25,000	\$ 21,845	
118		On line Site/Bldg Video			\$ -	\$ -	\$ -	
119		Payroll Expenditures						
120		401k			\$ 3,698	\$ 10,000	\$ 6,303	
121		Health			\$ 29,436	\$ 84,000	\$ 54,564	
122		Payroll Tax Expense			\$ 16,224	\$ 44,327	\$ 28,104	
123		Salaries & Wages			\$ 177,767	\$ 554,084	\$ 376,317	
124		Payroll Services (ADP)			\$ 596	\$ 3,000	\$ 2,404	
125		Insurance						
126		General Liability			\$ 13,446	\$ 13,446	\$ -	
127		Flood			\$ -	\$ -	\$ -	
128		Property			\$ 19,893	\$ 45,000	\$ 25,107	
129		Builders Risk			\$ -	\$ 3,610	\$ 3,610	
130		Workers Comp			\$ 4,916	\$ 14,000	\$ 9,084	
131		Auto & Equipment			\$ 13,603	\$ 13,000	\$ (603)	
132		Pension			\$ -	\$ 150	\$ 150	
133		Business Owners			\$ 3,747	\$ 1,410	\$ (2,337)	
134		D&O			\$ 8,050	\$ 1,320	\$ (6,730)	
135		E&O			\$ -	\$ 1,195	\$ 1,195	
136		Professional Fees						
137		Engineering						
138		Campground			\$ -	\$ -	\$ -	
139		Marina Village			\$ 1,500	\$ 200,000	\$ 198,500	
140		Master Planning			\$ 10,837	\$ 50,000	\$ 39,163	
141		Canal District			\$ -	\$ -	\$ -	
142		Roads/Utilities			\$ 7,887	\$ 100,000	\$ 92,113	
143		Bike Path & Amenities			\$ 18,943	\$ -	\$ (18,943)	
144		Survey			\$ -	\$ 10,000	\$ 10,000	
145		Geotechnical			\$ 17,056		\$ (17,056)	
146		Round-a-bout & Polktown Rd			\$ 13,063	\$ 25,000	\$ 11,937	
147		Subdivisions			\$ -	\$ 15,000	\$ 15,000	
148		OBL Duplexes			\$ 685	\$ 15,000	\$ 14,315	
149		Section 6f			\$ -	\$ 10,000	\$ 10,000	
152		Recreation Amenities			\$ 1,850	\$ 50,000	\$ 48,150	
153		Branch Canal			\$ 210	\$ -	\$ (210)	
154		Misc Engineering			\$ 4,822	\$ -	\$ (4,822)	

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1	Fort DuPont Redevelopment and Preservation Corporation							
2	FY 2023 Budget							
3					FY 2023 as of	FY 2023 Budget	(Over)/under	NOTES
4	11/7/2022				10/31/22	(adopted)	budget	
155	Architectural				\$ 240	\$ 10,000	\$ 9,760	
156	Legal				\$ 58,868	\$ 250,000	\$ 191,132	
157	Accounting				\$ 3,450	\$ 50,000	\$ 46,550	
158	Association				\$ -	\$ 6,000	\$ 6,000	
159	HR				\$ -	\$ 2,500	\$ 2,500	
160	Fees-Other							
161	Bank				\$ 1,469	\$ 4,000	\$ 2,531	
162	Historic Preservation & Tax Credits				\$ -	\$ 9,500	\$ 9,500	
163	Permit/Escrow Fees				\$ 9,411	\$ 5,000	\$ (4,411)	
164	Improvements							
165	Officers Row							
166	Roads/Utilities				\$ -	\$ -	\$ -	
167	Blg 45				\$ 175	\$ -	\$ (175)	
168	Canal District							
169	Shore Stabilization				\$ -	\$ -	\$ -	
170	Chapel				\$ -	\$ -	\$ -	
171	Roads/Utilities/SWM				\$ 12,468	\$ -	\$ (12,468)	
172	Marina Village District							
173	Marina				\$ 16,219	\$ -	\$ (16,219)	
174	Marina Village Infrastructure				\$ -	\$ -	\$ -	
175	Wingate Road				\$ -	\$ -	\$ -	
176	Theater District							
177	Building 15				\$ -	\$ -	\$ -	
178	PX Building				\$ -	\$ -	\$ -	
179	Theater				\$ 826	\$ -	\$ (826)	
180	Maple Ave				\$ -	\$ -	\$ -	
181	FDRPC Office				\$ -	\$ -	\$ -	
182	Quartermaster District							
183	Roads/Utilities				\$ -	\$ -	\$ -	
184	New Roofs on 42 & 43				\$ -	\$ -	\$ -	
185	Barracks District							
186	Tilton Building				\$ 8,030	\$ -	\$ (8,030)	
187	Barracks Admin Building				\$ 5,090	\$ -	\$ (5,090)	
188	Duplexes on OBL				\$ 322,927	\$ 623,426	\$ 300,499	
189	Brady Road				\$ -	\$ -	\$ -	
190	Old Battery Lane - Road/Utilities				\$ 2,587	\$ -	\$ (2,587)	
191	Battery Row District							
192	#9 Residence				\$ -	\$ -	\$ -	
193	#10 Residence				\$ -	\$ -	\$ -	
194	Reeves Farm District							
195	Infrastructure				\$ -	\$ -	\$ -	
196	DNREC Maintenance Shop				\$ 5,009	\$ 500,000	\$ 494,991	
197	POW Building				\$ 575	\$ -	\$ (575)	
198	#30 DNREC Archive				\$ 295,348	\$ 100,000	\$ (195,348)	
199	FDRPC Maintenance Shop				\$ -	\$ -	\$ -	
200	Other							
201	Utilities				\$ -	\$ -	\$ -	
202	DNREC Magazine				\$ -	\$ -	\$ -	
203	Old Elm				\$ -	\$ -	\$ -	

	A	B	C	D	F	H	I	J
1	Fort DuPont Redevelopment and Preservation Corporation							
2	FY 2023 Budget							
3					FY 2023 as of	FY 2023 Budget	(Over)/under	NOTES
4	11/7/2022				10/31/22	(adopted)	budget	
204			Round-a-bout		\$ 45,517	\$ -	\$ (45,517)	
205			Polktown Rd		\$ -	\$ -	\$ -	
206			Bike Path/Park Amenities		\$ -	\$ -	\$ -	
207			Park & Recreation Amenities		\$ 6,000	\$ -	\$ (6,000)	
208			Batteries		\$ -	\$ -	\$ -	
209			Landscaping		\$ -	\$ -	\$ -	
210			Pumphouse		\$ -	\$ -	\$ -	
211			Community Garden		\$ 701	\$ -	\$ (701)	
212			Signage		\$ -	\$ -	\$ -	
213			Misc Improvements		\$ 8,879	\$ -	\$ (8,879)	
214	Property Acquisition				\$ -	\$ -	\$ -	
215	Demolition				\$ -	\$ -	\$ -	
216	Environmental							
217			Soil Analysis		\$ 40,158	\$ 50,000	\$ 9,842	
218	Special Events							
219			Special Events		\$ -	\$ -	\$ -	
220	Site Utilities							
221			Electric & Gas		\$ 56,344	\$ 85,000	\$ 28,656	
222			Tilton			\$ 50,000	\$ 50,000	
223			Water/Sewer/Trash		\$ 10,563	\$ 15,000	\$ 4,437	
224	Common Area Maintenance							
225			Maintenance/Lawn Care		\$ 44,607	\$ 125,000	\$ 80,393	
226			Storm Water Management		\$ 3,065	\$ 30,000	\$ 26,935	
227			Pest Control		\$ 1,045	\$ 5,000	\$ 3,955	
228			Fire & Security Monitoring		\$ 526	\$ 20,000	\$ 19,474	
229			Snow & Ice Removal		\$ -	\$ 20,000	\$ 20,000	
230			Building Repairs		\$ -	\$ 25,000	\$ 25,000	
231			Road Repairs		\$ -	\$ 5,000	\$ 5,000	
232			Landscape Maintenance		\$ 27,431	\$ 75,000	\$ 47,569	
233			Equipment Expense		\$ 7,101	\$ 40,000	\$ 32,899	
234			Auto		\$ 144	\$ 15,000	\$ 14,856	
235			Supplies		\$ 18	\$ 15,000	\$ 14,982	
236			Utilities		\$ 2,239	\$ 7,500	\$ 5,261	
237	Debt Expense							
238			Officers Row - Applied Loan 0380		\$ 27,729	\$ 64,344	\$ 36,615	
239			DMHEF Repayment		\$ -	\$ 9,996	\$ 9,996	
240			FDRPC RLF Repayment		\$ -	\$ -	\$ -	
241			WSFS - Vehicle Loan		\$ 5,924	\$ 17,771	\$ 11,847	
242			OBL Duplexes - Applied Bank Loan 0810		\$ 8,219	\$ 53,100	\$ 44,881	
243			Marina		\$ -	\$ -	\$ -	
244	Total Expense				\$ 1,420,626	\$ 3,685,179	\$ 2,264,553	
245	Income over Expense				\$ 12,975	\$ 122,154	\$ 109,179	



Executive Director Monthly Report
For the period September 1, 2022 to September 30, 2022
October 4, 2022

Our board meeting will be held on November 9, 2022 at 8:30 a.m. at the **Delaware City Fire Hall**. Board packets will be distributed via email (as a pdf attachment) on November 4, 2022.

- **Entranceway.**
 - The report from Verdantas covering the geotechnical evaluation of the proposed “right in/right out” option has been received. Verdantas analyzed three alternatives: Alternative 1 would add 8-9 feet of additional fill and result in a finished grade of 11 feet above existing conditions; Alternative 1A would add 5-6 feet of additional fill and result in a finished grade of 8 feet above existing conditions; and the Base Design would add 2-3 feet of additional fill and result in a proposed finished grade of 5 feet above existing conditions.
 - Alternative 1 and 1A are not recommended by Verdantas because of the impact each would have on the existing piers for the Reedy Point Bridge.
 - The roundabout entranceway is now the only viable option for the necessary improvements.
 - An action item will be presented to the Board for information purposes at the November 9, 2022 meeting.
 - September 2022 report: FDRPC is awaiting the findings of the study by Verdantas on the “Right In, Right Out” option. The key finding is what impact this option may have on the piers supporting the Reedy Point Bridge. Note: Without resolution on the entranceway issue, FDRPC will effectively be capped on the number of new permits. Additionally, in response to requests from residents of Fort DuPont, two open issues related to the Roundabout option have been explored: access/egress to the campus during construction, and access/egress by emergency vehicles along the Promenade. A resolution for both of these issues have been identified and will be discussed at the October 24, 2022 meeting on Marina Village (see earlier item).

- **Branch Canal issues.**

- **Bank revetment project.** A meeting was held (via Webex) with Nicole Minnibach of the U.S. Army Corps of Engineers, and Gwen Davis and Sarah Carr of the State Historic Preservation Office. Concerns were raised by the SHPO about possible effects of the staging areas proposed for the project. In order to address these issues, a map was prepared combining three layers: proposed revetment plan, existing conditions, and areas of concern identified in the cultural resources study conducted previously. A follow-up on site meeting is planned for later in November 2022.
 - This project is eligible for a grant of up to 90% reimbursable costs from the Federal Emergency Management Agency. Verdantas is preparing the application on behalf of Fort DuPont.
- **Proposed transfer of owners from U.S. Army Corps of Engineers (USACE).** DelDOT has sent a draft Environmental Assessment for the proposed transfer of ownership of two parcels currently owned by USACE: the Fifth Street Bridge to DelDOT, and the Branch Canal to FDRPC. The authority was granted to the USACE by Congress in the Water Resources Development Act of 2018. (Note: Language included in the law provides for the transfer of ownership of the canal to be approved by the Governor of Delaware.)
 - The Environmental Assessment was non-controversial as the action being proposed (transfer of ownership) did not disrupt any existing land conditions. The document will continue to USACE and for public comment.
 - Tim Slavin stated to DelDOT that while the Environmental Assessment may continue as one document, it will be necessary to de-couple the two actions and deal with them separately. He stated that the FDRPC Board of Directors has not been briefed on the issue, nor has any position been taken about receiving the ownership of the Branch Canal.

- **Marina Village.**

- September 2022 report: A public meeting sponsored by FDRPC was held on October 24, 2022 with 48 people in attendance. FDRPC has requested that the item be included for discussion and possible action by the Planning Commission at their meeting of November 7, 2022.

- **Property Management contract underway on November 1, 2022.** NAI Emory Hill formally began their contract as property management contractor for the residential leases maintained by FDRPC. New leases were offered to 9 of the 10 current lessees with new market rates for rent established. Current lessees were offered a one-time step-up to market rate, which resulted in a 50% step-up from January 1 to June 30 2023, and then the full market rate effective July 1, 2023.

- **DNREC Archive building and DNREC Maintenance Shop.**
 - FDRPC is working with DNREC to complete the necessary permitting. An Environmental Covenant was signed by Tim Slavin on October 26, 2022 and transmitted to DNREC. Mobilization can not occur until these plans are approved by DNREC.
 - September 2022 report: The brownfield investigation for exterior work to the DNREC Archive building has been approved and now proceeds to a study. Water, sewer, handicap ramp, and parking lot are on hold until approvals are issued by DNREC. The Stormwater and Sediment (S&S) plan has been approved and signed off by DNREC for the DNREC Maintenance building. FDRPC has sent plans to prospective contractors for bids. Construction is expected to mobilize in late October/early November.
- **Executive Committee meeting.** The Executive Committee met on November 1, 2022.
- **Design and Historic Preservation Committee.** The next meeting of the Design and Historic Preservation Committee is scheduled for Wednesday November 16th at 4:00 p.m.

Community Interaction

- **Delaware City Council meetings.** Tim Slavin attended the October 16, 2022 meeting of the Delaware City Council and gave a brief update on projects at Fort DuPont.

On the Horizon

- **Potential action items at November 9, 2022 Board of Directors meeting.** There are potential action items for consideration at the November 9, 2022 Board of Directors meeting. There will be an executive session at the November 9, 2022 meeting.

Other

- **Cyber attack on Fort DuPont information assets.** On October 12-13 the Fort DuPont website was the target of a cyber attack which denied our use of the site. A police report was issued by the Delaware City Police Department. The damage was contained and repaired and no personal data was exploited. FDRPC has now contracted with Tech Impact for a wholesale conversion of information technology assets to a new system.

Fort DuPont Redevelopment And Preservation Corporation
Freedom of information Act (“FOIA”) Policy

Part 1 - Purpose

The purpose of this policy is to set forth the procedures for responding to requests from the public for “public records”. The Corporation is a “public body” as that term is defined in 29 *Del. C.* §10002(k), and, as such, is subject to the provisions of the Delaware Freedom of Information Act (“FOIA”). All “public records”, as that term is defined in 29 *Del. C.* §10002(o), shall be open and subject to disclosure to the Requesting Party, except if the information is specifically exempt from disclosure as set forth in 29 *Del. C.* §10002(o).

Part 2 – Definitions

The following words and terms, when used in this policy, shall have the following meaning unless the context clearly indicates otherwise:

(1) “Corporation” means the Fort DuPont Redevelopment and Preservation Corporation.

(2) “FOIA” means the Delaware Freedom of Information Act as established pursuant to Title 29, Chapter 100 of the Delaware Code.

(3) “FOIA Coordinator” shall mean _____, or their designee.

(4) “FOIA Request” or “Request” means a request to inspect or copy a Public Record pursuant to the provisions of 29 *Del. C.* §10003 and in accordance with

this policy.

(5) “FOIA Request Form” means the form approved by the Corporation upon which requests for Public Records can be made, attached hereto as Exhibit “A”.

(6) “Public Record” shall have the meaning set forth in 29 *Del. C.* §10002(o).

(7) “Requesting Party” means the party filing a FOIA Request.

Part 3 – Records Request, Response Procedures and Access

A. FOIA Coordinator

The Corporation shall designate a FOIA Coordinator who shall serve as the point of contact for FOIA Requests and coordinate the Corporation’s responses thereto. The FOIA Coordinator shall be identified on the Corporation’s website and the Corporation shall provide the name and contact information for the FOIA Coordinator to the Attorney General’s Office. The Corporation shall update this information on its website and with the Attorney General’s Office within twenty (20) business days of any change in the FOIA Coordinator or their contact information. The FOIA Coordinator may designate other employees to perform specific duties and functions hereunder.

The FOIA Coordinator shall maintain a document which tracks all FOIA Requests. For each FOIA Request, the document shall include, at a minimum, the Requesting Party’s contact information, the date the Corporation received the FOIA Request, the Corporation’s response deadline, the date of the Corporation’s response

(including reasons for any extension), the names, contact information and dates of correspondence with individuals contacted in connection with the FOIA Request, the dates of review by the Corporation, the names of the individuals who conducted such reviews, whether documents were made available, the amount of copying and/or administrative fees assessed, and the date of final disposition. Attached hereto as Exhibit “B” is the form to be used for tracking FOIA Requests.

B. Form of Request

All FOIA Requests shall be made in writing and submitted to the Corporation in person, by email or by facsimile to the FOIA Coordinator. FOIA Requests should be submitted using the FOIA Request Form attached as Exhibit “A” to this policy; however, any FOIA Request that contains the required information and otherwise conforms to this policy shall not be denied solely because the request is not made using the approved form.

All FOIA Requests shall adequately describe the records being requested in sufficient detail to enable the Corporation to locate such records with reasonable effort. The Requesting Party shall be as specific as possible when requesting records. To assist the Corporation in locating the requested records, the Corporation may request that the Requesting Party provide additional information known to the Requesting Party, such as the types of records being sought, dates, parties to correspondence, and the subject matter of the requested records.

Note that any records over _____ years old may be located in off-site storage

and will be subject to a retrieval fee. The Requesting Party shall be provided with a written cost estimate of such retrieval fees prior to retrieving such records. Records retrieved from storage will be kept on site for review for ten (10) business days before being returned to storage.

C. Method of Filing FOIA Request

FOIA Requests may be made to the Corporation by mail, in person, by email or by facsimile. Copies of the FOIA Request Form may be obtained from the Corporation either via the Corporation's website (www.ftdupont.org) or by contacting the Corporation at 302-838-7374.

D. Corporation Response to FOIA Requests

The Corporation will respond to a FOIA Request within fifteen (15) business days after receipt thereof, either by providing access to the requested records, denying access to the records or parts thereof, or by advising that additional time is needed because the Request is for voluminous records, records that will require extended research to locate or legal advice is required. If access cannot be provided within fifteen (15) business days, the Corporation shall cite one of the reasons hereunder why more time is needed and provide to the Requesting Party a good faith estimate of how much additional time is required to respond to the request.

If a Request is denied, in whole or in part, the response shall indicate the reasons for the denial.

Prior to disclosure, records may be reviewed by the Corporation to ensure that

those records or portions of records deemed nonpublic may be removed pursuant to 29 *Del. C.* §10002(o) or any other applicable provision of FOIA.

Copies of records requested can be picked up at the Corporation's offices, emailed (if available electronically) or sent via facsimile with no charge. If the Requesting Party requests that the records be mailed via Postal Service, the Requesting Party shall be responsible for the cost of mailing.

E. Request for Email Records

Requests for email records shall be fulfilled by the Corporation from its own records if doing so can be accomplished by the Corporation with reasonable effort. If the Corporation determines that it cannot fulfill all or any portion of such request, and such request pertains to the Corporation, the Corporation will reach out to the appropriate state or local agency to obtain and provide such email records.

F. Hours of Review

The Corporation shall provide reasonable access for reviewing Public Records during regular business hours (9:00 a.m. to 5:00 p.m.). Appointments will be scheduled at a mutually convenient time for the Requesting Party and the Corporation. If photocopies are desired, the specific records must be identified by tabbing the pages. If less than twenty (20) pages are to be copied and personnel are available to do so, copies will be made while the Requesting Party waits for them.

G. Fees.

(a) If paper records are provided to the Requesting Party, photocopying fees

shall be as follows:

(i) Standard Sized, Black and White Copies/Printouts: The first twenty (20) pages will be provided free of charge. The charge for copying standard sized, black and white Public Records for copies over and above 20 shall be \$0.10 per single sided sheet (\$0.20 for a double-sided sheet). This charge applies to copies of the following standard size: 8.5" x 11", 8.5" x 14" and 11" x 17".

(ii) Standard Sized, Color Copies/Printouts: An additional charge of \$1.00 per sheet will be assessed for all color copies or printouts for standard sized copies and \$1.50 per sheet for larger copies.

(iii) Oversized Black and White Copies/Printouts: The charge for copying oversized Public Records shall be \$2.00 per 18" x 22" sheet and \$3.00 per 24" x 36" sheet. The charge for copying documents larger than 24" x 36" shall be \$ 1.00 per square foot. Over-sized documents that the Corporation is not capable of reproducing will be sent off-site and the Requesting Party will be charged the costs incurred.

(iv) Oversized Color Copies/Printouts: An Additional charge of \$1.50_ per sheet will be assessed for all color copies or printouts for oversized copies.

(v) Electronically Generated Records: Charges for copying records maintained in an electronic format will be calculated by the material costs involved in generating the copies (including but not limited to DVD, CD, or

other electronic storage costs) and administrative costs.

(b) Administrative Fees shall be as follows:

(i) Administrative fees shall be assessed for requests requiring more than one hour of staff time to process. Charges for administrative fees may include staff time associated with processing FOIA Requests, including but not limited to, identifying records, monitoring file reviews and generating computer records. Administrative fees shall not include any cost associated with the Corporation's counsel's review of whether any portion of the requested records is exempt from FOIA.

(ii) For requests that require more than one hour of staff time, the Corporation shall provide a written cost estimate of such fees to the Requesting Party, listing all charges expected to be incurred in retrieving such records, prior to responding to any request that would require Requesting Party to incur administrative fees. Upon receipt of the estimate, the Requesting Party may decide whether or not to proceed with the Request.

(iii) Administrative fees will be billed to the Requesting Party per quarter hour. These charges will be billed at the current hourly pay rate (pro-rated for quarter hour increments) of the lowest paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this Section F, including, but not limited to, copying fees.

(c) Payment of all fees shall be due no later than the time the records are released to the Requesting Party. The Corporation may require pre-payment of all fees prior

to performing any services. The Corporation accepts cash or check payable to “Ft. DuPont Redevelopment and Preservation Corporation”. There is a return check fee of thirty-five dollars (\$35.00).

(d) Requesting Parties who do not reschedule or cancel appointments to view files at least one full business day in advance of the appointment may be subject to the charges incurred by the Corporation in preparing the requested records.

This FOIA policy is hereby adopted by the Board of Directors of the Ft. DuPont Redevelopment and Preservation Corporation on this ____ day of _____ 2022.

John McMahon
Chair

Exhibit A

Request for Public Records Form

NAME OF REQUESTOR: _____

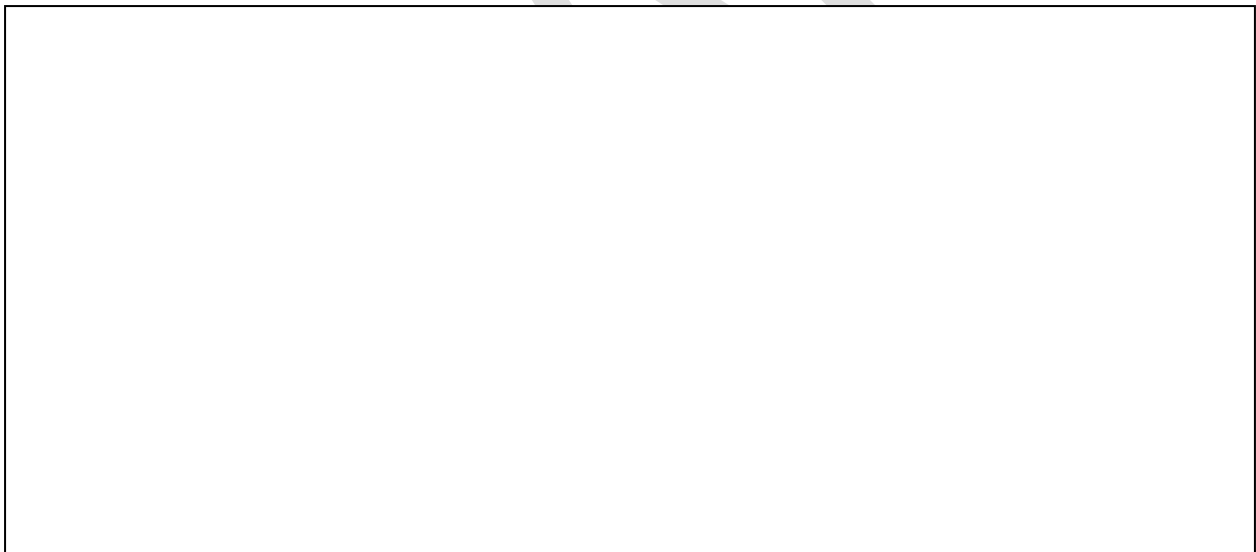
DATE OF REQUEST: _____

MAILING ADDRESS OF REQUESTOR: _____

PHONE: _____

EMAIL: _____

RECORDS REQUESTED: (Be as specific as possible, providing a description of the types of records, dates, parties to correspondence, subject matter, etc. The public body will do its best to assist you in identifying the records sought).



There may be costs involved in responding to your request. Refer to the Corporation's policy for information about costs and access to records.

PLEASE CONTACT ME IF COSTS WILL BE GREATER THAN: \$ _____

Within 15 business days from receipt of your request the Corporation must either provide you with access to records, deny your request or state that additional time is needed.

EXHIBIT "B"

FOIA TRACKING FORM (For internal use only)

FOIA REQUEST NUMBER: _____

CONTACT INFORMATION (where a response may be sent):

Name of Requesting Party: _____

Address: _____

City, State, Zip: _____

Phone: (h) _____ (w) _____ (cell) _____

Fax No. _____ Email: _____

Date Corporation received FOIA Request: _____

Date response due to Requesting Party: _____

Date Corporation reviewed FOIA Request: _____

Names of individuals, if any, with whom Corporation corresponded to respond to FOIA Request:

Names of those who reviewed FOIA Request on behalf of Corporation: _____

Were documents made available for review? _____ If so, when? _____

Fees assessed for copying/administrative services: _____

Date Corporation provided a response to Requesting Party: _____

Date of final disposition of FOIA Request: _____



Executive Director Monthly Report
For the period November 1, 2022 to November 30, 2022
December 1, 2022

Our board meeting will be held on December 14, 2022 at 8:30 a.m. at the **Delaware City Library.** Board packets will be distributed via email (as a pdf attachment) on December 7, 2022.

- **Entranceway.**

- Discussion about the proposed roundabout entranceway has been held with the City Council, the Delaware City Fire Department, the City Manager, and individual citizens. Additionally, both Sen. Poore and Rep. Minor-Brown have been briefed on the project. Verdantas has been working with DelDOT on the pre-construction activities; the construction schedule has not been published as of this writing but the anticipated date is no later than December 20, 2022. The construction calendar calls for 90 days to completion of project., weather and materials permitting. I will be appearing before the City Council on December 12, 2022 to answer any remaining questions about the project.

- **Branch Canal issues.**

- **Canal bank revetment project.** A meeting was held (via Webex) with Nicole Minnibach of the U.S. Army Corps of Engineers, and Gwen Davis and Sarah Carr of the State Historic Preservation Office. Concerns were raised by the SHPO about possible effects of the staging areas proposed for the project. In order to address these issues, a map was prepared combining three layers: proposed revetment plan, existing conditions, and areas of concern identified in the cultural resources study conducted previously. A follow-up on site meeting is planned for later in November 2022.
 - This project is eligible for a grant of up to 90% reimbursable costs from the Federal Emergency Management Agency. Verdantas is preparing the application on behalf of Fort DuPont.

- **Proposed transfer of owners from U.S. Army Corps of Engineers (USACE).** DelDOT is proceeding with the issuance of the Environmental Assessment (EA) for public comment. The EA will be issued by the Army Corps of Engineers. DelDOT is aware that FDRPC has again stated that it is silent (at this time) on the issue of the transfer of ownership of the Branch Canal.
- **Marina Village.**
 - The Delaware City Planning Commission unanimously approved the special use permit for the proposed Marina Village project. The application now goes before the City Council in January 2023.
- **DNREC Archive building and DNREC Maintenance Shop.**
 - FDRPC is working with DNREC to complete the necessary permitting. An Environmental Covenant was signed by Tim Slavin on October 26, 2022 and transmitted to DNREC. Mobilization can not occur until these plans are approved by DNREC.
 - September 2022 report: The brownfield investigation for exterior work to the DNREC Archive building has been approved and now proceeds to a study. Water, sewer, handicap ramp, and parking lot are on hold until approvals are issued by DNREC. The Stormwater and Sediment (S&S) plan has been approved and signed off by DNREC for the DNREC Maintenance building. FDRPC has sent plans to prospective contractors for bids. Construction is expected to mobilize in late October/early November.
- **Design and Historic Preservation Committee.** The next meeting of the Design and Historic Preservation Committee is scheduled for Wednesday December 14, 2022 at 4:00 p.m
- **FDRPC Strategic Planning.** Proposals have been invited from the University of Delaware Institute for Public Administration and the Delaware Alliance for Nonprofit Advancement for strategic planning facilitation.
- **Deputy Director search.** The search for a candidate for the position of Controller/Deputy Director continues. FDRPC contracted with search firm Plancers, Inc. for services.
- **OMB Hearing.** Tim Slavin represented FDRPC at the budget hearing conducted by the Office of Management and Budget (OMB) for the Governor's Recommended Budget for FY 24. The request from FDRPC included:

- \$2.5M in ongoing funding to be dedicated to infrastructure upgrades, the continued preservation of historic structures, maintenance, and upkeep of campus buildings, and funding for administration.
- \$750.0 toward the restoration of the historic Fort DuPont Theater.
- \$1.0M to complete the restoration of the historic Chapel.
- Additionally, FDRPC included reference to the canal bank revetment project. Federal funding from FEMA is being sought for this project.

ACTION FORM

December 14 2022	Action Item: 2022-12.14.01
Subject:	Entranceway re-affirmation
Related project:	None
Prepared by:	Tim Slavin
Expenditure Req'd:	None
Amount Budgeted:	N/A
Funding Source/Code	N/A
Recommended Action:	Re-affirmation of the roundabout option as the entranceway solution.
Background and Analysis:	The FDRPC is required to make improvements to the entranceway at Fort DuPont (Route 9 and Old Elm Ave.). These improvements will allow additional building permits to be issued. FDRPC is currently nearing the cap of the building permits it is permitted to have without any further improvements. Four options were considered for the entranceway solution: 1. Do Nothing option. This was eliminated because of the need for additional building permits. 2. Signal at Route 9 and Old Elm Ave. This was eliminated because of concerns raised by the U.S. Army Corps of Engineers (USACE) over the specter of traffic backing up on the Reedy Point Bridge. 3. Roundabout. This was accepted by FDRPC and DelDOT as the preferred alternative in 2019. The project was successfully bid and awarded to A-Del construction. Communication by FDRPC to the local community was deficient and resulted in the project being paused in December 2021.

	4. Right In Right Out alternative. This alternative was studied by Verdantas at the request of FDRPC. The alternative included the raising of Old Battery Lane under the Reedy Point Bridge to raise the road out of the flood zone. This would result in a finished grade of 11 feet. The geotechnical study completed by Verdantas and issued on October 1, 2022 concluded that raising the roadbed to a level out of the flood zone would have a negative effect on the existing piers of the Reedy Point Bridge. As such, this would not be supported by the USACE. (Note: FDRPC will raise the roadbed to a proposed finish grade of five feet, which will eliminate the risk of the roadbed being flooded during minor flooding events.) FDRPC staff met with Delaware City Fire Chief Allan Mackenzie and President Wally Poppe. Both Chief Mackenzie and President Poppe stated that they have maintained concerns about the roundabout as a solution to the entranceway. The concerns of the DCFC were noted as follows: ● DCFC maintains the position that a roundabout will present safety issues to the community. ● DCFC asked FDRPC for the following: ○ Confirmation that the width of the circle accommodates fire trucks, ambulances, and tractor trailers. ○ Description of the signal and lighting at the roundabout. ○ Description of the signage and lighting coming northbound from the Reedy Point Bridge. ○ Description of the signage and lighting coming southbound into the roundabout from the city. ○ Assurances that the state is addressing the safety requirements in the design. ○ Confirmation that egress during construction is available for the largest of fire trucks of DCFC. ○ Confirmation that DCFC will still have access to canal bank and Polktown Road during construction.
	All of the concerns raised by the Delaware City Fire Department have been addressed to mutual satisfaction. The contractor for the project is available to begin the project in late December 2022. DelDOT has approved the revisions to the plan, which include allowing for egress through the front entrance during the entire period of construction.

	City Council has been briefed at their monthly meetings. FDRPC has met the conditions of the February 8, 2022 letter from Delaware City to FDRPC.
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	Both state legislators have been briefed on this project.
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ACTION FORM

December 14, 2022	Action Item: 2022-12.14.02
Subject:	Freedom of Information Act Policy
Related project:	None
Prepared by:	Pam Scott
Expenditure Req'd:	None
Amount Budgeted:	N/A
Funding Source/Code	N/A
Recommended Action:	Approval of the Freedom of Information Act Policy.
Background and Analysis:	This policy will govern all requests for information from FDRPC under the Delaware Freedom of Information Act.

Fort DuPont Redevelopment And Preservation Corporation
Freedom of information Act (“FOIA”) Policy

Part 1 - Purpose

The purpose of this policy is to set forth the procedures for responding to requests from the public for “public records” and to set forth the requirements of the Corporation pertaining to its meetings. The Corporation is a “public body” as that term is defined in 29 *Del. C.* §10002(k), and, as such, is subject to the provisions of the Delaware Freedom of Information Act (“FOIA”). All “public records”, as that term is defined in 29 *Del. C.* §10002(o), shall be open and subject to disclosure to the Requesting Party, except if the information is specifically exempt from disclosure as set forth in 29 *Del. C.* §10002(o). Any “meeting” of the Corporation, as that term is defined in 29 *Del. C.* §10002(j) shall be open to the public, except for those which are closed to the public pursuant to 29 *Del. C.* §10004(b), (c) and (d).

Part 2 – Definitions

The following words and terms, when used in this policy, shall have the following meaning unless the context clearly indicates otherwise:

(1) “Corporation” means the Fort DuPont Redevelopment and Preservation Corporation.

(2) “FOIA” means the Delaware Freedom of Information Act as established pursuant to Title 29, Chapter 100 of the Delaware Code.

(3) “FOIA Coordinator” shall mean _____, or their

designee.

(4) “FOIA Request” or “Request” means a request to inspect or copy a Public Record pursuant to the provisions of 29 *Del. C.* §10003 and in accordance with this policy.

(5) “FOIA Request Form” means the form approved by the Corporation upon which requests for Public Records can be made, attached hereto as Exhibit “A”.

(6) “Meeting” means the formal or informal gathering of a quorum of the members of the Corporation for the purpose of discussing or taking action on public business.

(7) “Public Business” means any matter over which the Corporation has supervision, control, jurisdiction or advisory power.

(8) “Public Record” shall have the meaning set forth in 29 *Del. C.* §10002(o).

(9) “Requesting Party” means the party filing a FOIA Request.

Part 3 – Records Request, Response Procedures and Access

A. FOIA Coordinator

The Corporation shall designate a FOIA Coordinator who shall serve as the point of contact for FOIA Requests and coordinate the Corporation’s responses thereto. The FOIA Coordinator shall be identified on the Corporation’s website and the Corporation shall provide the name and contact information for the FOIA

Coordinator to the Attorney General's Office. The Corporation shall update this information on its website and with the Attorney General's Office within twenty (20) business days of any change in the FOIA Coordinator or their contact information. The FOIA Coordinator may designate other employees to perform specific duties and functions hereunder.

The FOIA Coordinator shall maintain a document which tracks all FOIA Requests. For each FOIA Request, the document shall include, at a minimum, the Requesting Party's contact information, the date the Corporation received the FOIA Request, the Corporation's response deadline, the date of the Corporation's response (including reasons for any extension), the names, contact information and dates of correspondence with individuals contacted in connection with the FOIA Request, the dates of review by the Corporation, the names of the individuals who conducted such reviews, whether documents were made available, the amount of copying and/or administrative fees assessed, and the date of final disposition. Attached hereto as Exhibit "B" is the form to be used for tracking FOIA Requests.

B. Form of Request

All FOIA Requests shall be made in writing and submitted to the Corporation in person, by email or by facsimile to the FOIA Coordinator. FOIA Requests should be submitted using the FOIA Request Form attached as Exhibit "A" to this policy; however, any FOIA Request that contains the required information and otherwise conforms to this policy shall not be denied solely because the request is not made

using the approved form.

All FOIA Requests shall adequately describe the records being requested in sufficient detail to enable the Corporation to locate such records with reasonable effort. The Requesting Party shall be as specific as possible when requesting records. To assist the Corporation in locating the requested records, the Corporation may request that the Requesting Party provide additional information known to the Requesting Party, such as the types of records being sought, dates, parties to correspondence, and the subject matter of the requested records.

Note that any records over _____ years old may be located in off-site storage and will be subject to a retrieval fee. The Requesting Party shall be provided with a written cost estimate of such retrieval fees prior to retrieving such records. Records retrieved from storage will be kept on site for review for ten (10) business days before being returned to storage.

C. Method of Filing FOIA Request

FOIA Requests may be made to the Corporation by mail, in person, by email or by facsimile. Copies of the FOIA Request Form may be obtained from the Corporation either via the Corporation's website (www.ftdupont.org) or by contacting the Corporation at 302-838-7374.

D. Corporation Response to FOIA Requests

The Corporation will respond to a FOIA Request within fifteen (15) business days after receipt thereof, either by providing access to the requested records, denying

access to the records or parts thereof, or by advising that additional time is needed because the Request is for voluminous records, records that will require extended research to locate or legal advice is required. If access cannot be provided within fifteen (15) business days, the Corporation shall cite one of the reasons hereunder why more time is needed and provide to the Requesting Party a good faith estimate of how much additional time is required to respond to the request.

If a Request is denied, in whole or in part, the response shall indicate the reasons for the denial.

Prior to disclosure, records may be reviewed by the Corporation to ensure that those records or portions of records deemed nonpublic may be removed pursuant to 29 *Del. C.* §10002(o) or any other applicable provision of FOIA.

Copies of records requested can be picked up at the Corporation's offices, emailed (if available electronically) or sent via facsimile with no charge. If the Requesting Party requests that the records be mailed via Postal Service, the Requesting Party shall be responsible for the cost of mailing.

E. Request for Email Records

Requests for email records shall be fulfilled by the Corporation from its own records if doing so can be accomplished by the Corporation with reasonable effort. If the Corporation determines that it cannot fulfill all or any portion of such request, and such request pertains to the Corporation, the Corporation will reach out to the appropriate state or local agency to obtain and provide such email records.

F. Hours of Review

The Corporation shall provide reasonable access for reviewing Public Records during regular business hours (9:00 a.m. to 5:00 p.m.). Appointments will be scheduled at a mutually convenient time for the Requesting Party and the Corporation. If photocopies are desired, the specific records must be identified by tabbing the pages. If less than twenty (20) pages are to be copied and personnel are available to do so, copies will be made while the Requesting Party waits for them.

G. Fees.

(a) If paper records are provided to the Requesting Party, photocopying fees shall be as follows:

(i) Standard Sized, Black and White Copies/Printouts: The first twenty (20) pages will be provided free of charge. The charge for copying standard sized, black and white Public Records for copies over and above 20 shall be \$0.10 per single sided sheet (\$0.20 for a double-sided sheet). This charge applies to copies of the following standard size: 8.5" x 11", 8.5" x 14" and 11" x 17".

(ii) Standard Sized, Color Copies/Printouts: An additional charge of \$1.00 per sheet will be assessed for all color copies or printouts for standard sized copies and \$1.50 per sheet for larger copies.

(iii) Oversized Black and White Copies/Printouts: The charge for copying oversized Public Records shall be \$2.00 per 18" x 22" sheet and \$3.00

per 24" x 36" sheet. The charge for copying documents larger than 24" x 36" shall be \$ 1.00 per square foot. Over-sized documents that the Corporation is not capable of reproducing will be sent off-site and the Requesting Party will be charged the costs incurred.

(iv) Oversized Color Copies/Printouts: An Additional charge of \$1.50_ per sheet will be assessed for all color copies or printouts for oversized copies.

(v) Electronically Generated Records: Charges for copying records maintained in an electronic format will be calculated by the material costs involved in generating the copies (including but not limited to DVD, CD, or other electronic storage costs) and administrative costs.

(b) Administrative Fees shall be as follows:

(i) Administrative fees shall be assessed for requests requiring more than one hour of staff time to process. Charges for administrative fees may include staff time associated with processing FOIA Requests, including but not limited to, identifying records, monitoring file reviews and generating computer records. Administrative fees shall not include any cost associated with the Corporation's counsel's review of whether any portion of the requested records is exempt from FOIA.

(ii) For requests that require more than one hour of staff time, the Corporation shall provide a written cost estimate of such fees to the Requesting Party, listing all charges expected to be incurred in retrieving such records, prior to responding to any request that would require Requesting Party to incur administrative fees. Upon receipt

of the estimate, the Requesting Party may decide whether or not to proceed with the Request.

(iii) Administrative fees will be billed to the Requesting Party per quarter hour. These charges will be billed at the current hourly pay rate (pro-rated for quarter hour increments) of the lowest paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this Section F, including, but not limited to, copying fees.

(c) Payment of all fees shall be due no later than the time the records are released to the Requesting Party. The Corporation may require pre-payment of all fees prior to performing any services. The Corporation accepts cash or check payable to “Ft. DuPont Redevelopment and Preservation Corporation”. There is a return check fee of thirty-five dollars (\$35.00).

(d) Requesting Parties who do not reschedule or cancel appointments to view files at least one full business day in advance of the appointment may be subject to the charges incurred by the Corporation in preparing the requested records.

Part 4 – Conduct of Meetings

A. Public Meetings

Public meetings will be publicly advertised by way of the posting of an agenda as required by the provisions of 29 *Del. C.* §10004(e). Minutes of public meetings will be maintained pursuant to the provisions of 29 *Del. C.* §10004(f). The Corporation may call for an executive session upon affirmative vote of a majority of

members present at a meeting of the Corporation and otherwise pursuant to the provisions of 29 *Del. C.* §10004(c) and (e), to discuss those matters set forth in 29 *Del. C.* §10004(b).

B. Public Comment

The public will be provided the opportunity to comment on matters related to the Corporation at such time as set forth on the agenda for the public meeting. Public comment will be limited to three (3) minutes per person and a total of ten (10) persons during any public meeting. The Corporation reserves the right to reduce the time for comment if the comment is repetitive to something that has already been said by another member of the public. The Corporation also reserves the right to remove any person from a public meeting who is willfully and seriously disruptive of the conduct of such meeting, or persons who attempt to make personal attacks against any member of the Board of the Corporation or any member of staff of the Corporation.

This FOIA policy is hereby adopted by the Board of Directors of the Ft. DuPont Redevelopment and Preservation Corporation on this ____ day of _____ 2022.

John McMahon
Chair

Exhibit A

Request for Public Records Form

NAME OF REQUESTOR: _____

DATE OF REQUEST: _____

MAILING ADDRESS OF REQUESTOR: _____

PHONE: _____

EMAIL: _____

RECORDS REQUESTED: (Be as specific as possible, providing a description of the types of records, dates, parties to correspondence, subject matter, etc. The public body will do its best to assist you in identifying the records sought).

There may be costs involved in responding to your request. Refer to the Corporation's policy for information about costs and access to records.

PLEASE CONTACT ME IF COSTS WILL BE GREATER THAN: \$_____

Within 15 business days from receipt of your request the Corporation must either provide you with access to records, deny your request or state that additional time is needed.

EXHIBIT "B"

FOIA TRACKING FORM (For internal use only)

FOIA REQUEST NUMBER: _____

CONTACT INFORMATION (where a response may be sent):

Name of Requesting Party: _____

Address: _____

City, State, Zip: _____

Phone: (h) _____ (w) _____ (cell) _____

Fax No. _____ Email: _____

Date Corporation received FOIA Request: _____

Date response due to Requesting Party: _____

Date Corporation reviewed FOIA Request: _____

Names of individuals, if any, with whom Corporation corresponded to respond to FOIA Request:

Names of those who reviewed FOIA Request on behalf of Corporation: _____

Were documents made available for review? _____ If so, when? _____

Fees assessed for copying/administrative services: _____

Date Corporation provided a response to Requesting Party: _____

Date of final disposition of FOIA Request: _____

Fort DuPont Redevelopment And Preservation Corporation
Freedom of information Act (“FOIA”) Policy

Part 1 - Purpose

The purpose of this policy is to set forth the procedures for responding to requests from the public for “public records” [and to set forth the requirements of the Corporation pertaining to its meetings.](#) The Corporation is a “public body” as that term is defined in 29 *Del. C.* §10002(k), and, as such, is subject to the provisions of the Delaware Freedom of Information Act (“FOIA”). All “public records”, as that term is defined in 29 *Del. C.* §10002(o), shall be open and subject to disclosure to the Requesting Party, except if the information is specifically exempt from disclosure as set forth in 29 *Del. C.* §10002(o). [Any “meeting” of the Corporation, as that term is defined in 29 Del. C. §10002\(j\) shall be open to the public, except for those which are closed to the public pursuant to 29 Del. C. §10004\(b\), \(c\) and \(d\).](#)

Part 2 – Definitions

The following words and terms, when used in this policy, shall have the following meaning unless the context clearly indicates otherwise:

- (1) “Corporation” means the Fort DuPont Redevelopment and Preservation Corporation.
- (2) “FOIA” means the Delaware Freedom of Information Act as established pursuant to Title 29, Chapter 100 of the Delaware Code.
- (3) “FOIA Coordinator” shall mean _____, or their

designee.

(4) “FOIA Request” or “Request” means a request to inspect or copy a Public Record pursuant to the provisions of 29 *Del. C.* §10003 and in accordance with this policy.

(5) “FOIA Request Form” means the form approved by the Corporation upon which requests for Public Records can be made, attached hereto as Exhibit “A”.

(6) “Meeting” means the formal or informal gathering of a quorum of the members of the Corporation for the purpose of discussing or taking action on public business.

(7) “Public Business” means any matter over which the Corporation has supervision, control, jurisdiction or advisory power.

(8) ~~(6)~~ “Public Record” shall have the meaning set forth in 29 *Del. C.* §10002(o).

(9) ~~(7)~~ “Requesting Party” means the party filing a FOIA Request.

Part 3 – Records Request, Response Procedures and Access

A. FOIA Coordinator

The Corporation shall designate a FOIA Coordinator who shall serve as the point of contact for FOIA Requests and coordinate the Corporation’s responses thereto. The FOIA Coordinator shall be identified on the Corporation’s website and the Corporation shall provide the name and contact information for the FOIA

Coordinator to the Attorney General's Office. The Corporation shall update this information on its website and with the Attorney General's Office within twenty (20) business days of any change in the FOIA Coordinator or their contact information. The FOIA Coordinator may designate other employees to perform specific duties and functions hereunder.

The FOIA Coordinator shall maintain a document which tracks all FOIA Requests. For each FOIA Request, the document shall include, at a minimum, the Requesting Party's contact information, the date the Corporation received the FOIA Request, the Corporation's response deadline, the date of the Corporation's response (including reasons for any extension), the names, contact information and dates of correspondence with individuals contacted in connection with the FOIA Request, the dates of review by the Corporation, the names of the individuals who conducted such reviews, whether documents were made available, the amount of copying and/or administrative fees assessed, and the date of final disposition. Attached hereto as Exhibit "B" is the form to be used for tracking FOIA Requests.

B. Form of Request

All FOIA Requests shall be made in writing and submitted to the Corporation in person, by email or by facsimile to the FOIA Coordinator. FOIA Requests should be submitted using the FOIA Request Form attached as Exhibit "A" to this policy; however, any FOIA Request that contains the required information and otherwise conforms to this policy shall not be denied solely because the request is not made

using the approved form.

All FOIA Requests shall adequately describe the records being requested in sufficient detail to enable the Corporation to locate such records with reasonable effort. The Requesting Party shall be as specific as possible when requesting records. To assist the Corporation in locating the requested records, the Corporation may request that the Requesting Party provide additional information known to the Requesting Party, such as the types of records being sought, dates, parties to correspondence, and the subject matter of the requested records.

Note that any records over _____ years old may be located in off-site storage and will be subject to a retrieval fee. The Requesting Party shall be provided with a written cost estimate of such retrieval fees prior to retrieving such records. Records retrieved from storage will be kept on site for review for ten (10) business days before being returned to storage.

C. Method of Filing FOIA Request

FOIA Requests may be made to the Corporation by mail, in person, by email or by facsimile. Copies of the FOIA Request Form may be obtained from the Corporation either via the Corporation's website (www.ftdupont.org) or by contacting the Corporation at 302-838-7374.

D. Corporation Response to FOIA Requests

The Corporation will respond to a FOIA Request within fifteen (15) business days after receipt thereof, either by providing access to the requested records, denying

access to the records or parts thereof, or by advising that additional time is needed because the Request is for voluminous records, records that will require extended research to locate or legal advice is required. If access cannot be provided within fifteen (15) business days, the Corporation shall cite one of the reasons hereunder why more time is needed and provide to the Requesting Party a good faith estimate of how much additional time is required to respond to the request.

If a Request is denied, in whole or in part, the response shall indicate the reasons for the denial.

Prior to disclosure, records may be reviewed by the Corporation to ensure that those records or portions of records deemed nonpublic may be removed pursuant to 29 *Del. C.* §10002(o) or any other applicable provision of FOIA.

Copies of records requested can be picked up at the Corporation's offices, emailed (if available electronically) or sent via facsimile with no charge. If the Requesting Party requests that the records be mailed via Postal Service, the Requesting Party shall be responsible for the cost of mailing.

E. Request for Email Records

Requests for email records shall be fulfilled by the Corporation from its own records if doing so can be accomplished by the Corporation with reasonable effort. If the Corporation determines that it cannot fulfill all or any portion of such request, and such request pertains to the Corporation, the Corporation will reach out to the appropriate state or local agency to obtain and provide such email records.

F. Hours of Review

The Corporation shall provide reasonable access for reviewing Public Records during regular business hours (9:00 a.m. to 5:00 p.m.). Appointments will be scheduled at a mutually convenient time for the Requesting Party and the Corporation. If photocopies are desired, the specific records must be identified by tabbing the pages. If less than twenty (20) pages are to be copied and personnel are available to do so, copies will be made while the Requesting Party waits for them.

G. Fees.

(a) If paper records are provided to the Requesting Party, photocopying fees shall be as follows:

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(iii) Oversized Black and White Copies/Printouts: The charge for copying oversized Public Records shall be \$2.00 per 18" x 22" sheet and \$3.00

per 24" x 36" sheet. The charge for copying documents larger than 24" x 36" shall be \$ 1.00 per square foot. Over-sized documents that the Corporation is not capable of reproducing will be sent off-site and the Requesting Party will be charged the costs incurred.

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(b) Administrative Fees shall be as follows:

(i) Administrative fees shall be assessed for requests requiring more than one hour of staff time to process. Charges for administrative fees may include staff time associated with processing FOIA Requests, including but not limited to, identifying records, monitoring file reviews and generating computer records. Administrative fees shall not include any cost associated with the Corporation's counsel's review of whether any portion of the requested records is exempt from FOIA.

(ii) For requests that require more than one hour of staff time, the Corporation shall provide a written cost estimate of such fees to the Requesting Party, listing all charges expected to be incurred in retrieving such records, prior to responding to any request that would require Requesting Party to incur administrative fees. Upon receipt

of the estimate, the Requesting Party may decide whether or not to proceed with the Request.

(iii) Administrative fees will be billed to the Requesting Party per quarter hour. These charges will be billed at the current hourly pay rate (pro-rated for quarter hour increments) of the lowest paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this Section F, including, but not limited to, copying fees.

(c) Payment of all fees shall be due no later than the time the records are released to the Requesting Party. The Corporation may require pre-payment of all fees prior to performing any services. The Corporation accepts cash or check payable to “Ft. DuPont Redevelopment and Preservation Corporation”. There is a return check fee of thirty-five dollars (\$35.00).

(d) Requesting Parties who do not reschedule or cancel appointments to view files at least one full business day in advance of the appointment may be subject to the charges incurred by the Corporation in preparing the requested records.

Part 4 – Conduct of Meetings

A. Public Meetings

Public meetings will be publicly advertised by way of the posting of an agenda as required by the provisions of 29 Del. C. §10004(e). Minutes of public meetings will be maintained pursuant to the provisions of 29 Del. C. §10004(f). The Corporation may call for an executive session upon affirmative vote of a majority of

members present at a meeting of the Corporation and otherwise pursuant to the provisions of 29 Del. C. §10004(c) and (e), to discuss those matters set forth in 29 Del. C. §10004(b).

B. Public Comment

The public will be provided the opportunity to comment on matters related to the Corporation at such time as set forth on the agenda for the public meeting. Public comment will be limited to three (3) minutes per person and a total of ten (10) persons during any public meeting. The Corporation reserves the right to reduce the time for comment if the comment is repetitive to something that has already been said by another member of the public. The Corporation also reserves the right to remove any person from a public meeting who is willfully and seriously disruptive of the conduct of such meeting, or persons who attempt to make personal attacks against any member of the Board of the Corporation or any member of staff of the Corporation.

This FOIA policy is hereby adopted by the Board of Directors of the Ft. DuPont Redevelopment and Preservation Corporation on this ____ day of _____ 2022.

John McMahon
Chair

Exhibit A

Request for Public Records Form

NAME OF REQUESTOR: _____

DATE OF REQUEST: _____

MAILING ADDRESS OF REQUESTOR: _____

PHONE: _____

EMAIL: _____

RECORDS REQUESTED: (Be as specific as possible, providing a description of the types of records, dates, parties to correspondence, subject matter, etc. The public body will do its best to assist you in identifying the records sought).

There may be costs involved in responding to your request. Refer to the Corporation's policy for information about costs and access to records.

PLEASE CONTACT ME IF COSTS WILL BE GREATER THAN: \$ _____

Within 15 business days from receipt of your request the Corporation must either provide you with access to records, deny your request or state that additional time is needed.

EXHIBIT "B"

FOIA TRACKING FORM (For internal use only)

FOIA REQUEST NUMBER: _____

CONTACT INFORMATION (where a response may be sent):

Name of Requesting Party: _____

Address: _____

City, State, Zip: _____

Phone: (h) _____ (w) _____ (cell) _____

Fax No. _____ Email: _____

Date Corporation received FOIA Request: _____

Date response due to Requesting Party: _____

Date Corporation reviewed FOIA Request: _____

Names of individuals, if any, with whom Corporation corresponded to respond to FOIA Request:

Names of those who reviewed FOIA Request on behalf of Corporation: _____

Were documents made available for review? _____ If so, when? _____

Fees assessed for copying/administrative services: _____

Date Corporation provided a response to Requesting Party: _____

Date of final disposition of FOIA Request: _____

Document comparison by Workshare Compare on Monday, November 7, 2022
2:59:52 PM

Input:	
Document 1 ID	iManage://62790-dms.imanage.work/FirmDMS/40450565/1
Description	#40450565v1<FirmDMS> - Fort DuPont FOIA Policy
Document 2 ID	iManage://62790-dms.imanage.work/FirmDMS/40450565/2
Description	#40450565v2<FirmDMS> - Fort DuPont FOIA Policy
Rendering set	-

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	14
Deletions	3
Moved from	0
Moved to	0
Style changes	0
Format changes	0
Total changes	17

ACTION FORM

December 14, 2022	Action Item: 2022-12.14.03
Subject:	Memorandum of Understanding with Delaware City
Related project:	None
Prepared by:	David Baylor
Expenditure Req'd:	None
Amount Budgeted:	N/A
Funding Source/Code	N/A
Recommended Action:	Approval of the Memorandum of Understanding.
Background and Analysis:	This proposed MOU will extend the jurisdiction of the Delaware City Police Department to all streets within Fort DuPont for the purposes of policing, parking enforcement, and emergency services. These services will be provided at the same level as all other streets within Delaware City.

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is made by and between the Fort DuPont Redevelopment and Preservation Corporation ("FDRPC") and the City of Delaware City ("City") (individual a "Party" and collectively the "Parties").

WHEREAS, the FDRPC was established pursuant to 7 *Del. C.* § 4733 for the purpose of exercising essential governmental functions within the Fort DuPont Complex ("Complex"); and

WHEREAS, the FDRPC has developed a redevelopment plan which includes the development of single-family homes, condominiums, retail businesses, vacation amenities and parks and recreational areas ("the Redevelopment Plan"); and

WHEREAS, pursuant to the Redevelopment Plan for the Complex, the FDRPC recorded its Amended Declaration of Covenants, Conditions, Agreements, Restrictions and Licenses, amendments dated June 19, 2020 and recorded July 7, 2020 in Instrument No. 20200707-0055721, which govern the conduct of persons within the Fort DuPont Complex ("Declaration"); and

WHEREAS, the Complex lies within the geographical boundaries of Delaware City as set forth in, *inter alia*, Section 1-02 of the Charter of Delaware City; and

WHEREAS, the Mayor and Council of Delaware City have well established procedures in place for comprehensive community response within the City limits which is performed by qualified, experienced and trained personnel for the purpose of responding to emergencies, addressing citizen concerns, controlling traffic flow,

policing traffic violations, responding to criminal complaints, and generally addressing the needs of the citizens of Delaware City, among other things; and

WHEREAS, the Delaware City Police Department (“DCPD”) has jurisdiction throughout the City to enforce the laws of Delaware City and the State of Delaware as set forth in, *inter alia*, Section 10-01 of the Charter of Delaware City; and

WHEREAS, the Board of Directors of the FDRPC herein agree that continuity of public safety, policing and emergency services is important and necessary for the citizens of the City; and

WHEREAS, the City has responsibility for maintaining streets within the geographical boundaries of the City that have been constructed in conformance with the Delaware Department of Transportation standards and dedicated to the City; and

WHEREAS, some streets in Fort DuPont preexisted the annexation of Fort DuPont into the City, and to date, no streets in Fort DuPont have been dedicated to any government entity, including the City, and are considered private streets;

WHEREAS, the City and Fort DuPont desire to establish a protocol whereby the City can provide full police services while in the process of accepting the dedication of the private streets in Fort DuPont; and

WHEREAS, nothing in this MOU shall preclude the FDRPC from enforcing its rules and regulations as outlined in the recorded Declaration and its accompanying exhibits;

NOW, THEREFORE, the City and the FDRPC hereby agree as follows:

1. The City accepts a dedication of the dominion and control of all currently existing Fort DuPont Complex streets and right-of-ways for the sole purpose of providing police, parking enforcement, and emergency services in the same manner in which it currently provides policing, parking enforcement, and emergency services to all streets within the geographical boundaries of Delaware City.

2. The FDRPC is required to design and improve streets within the Complex, and agrees to build all new streets and right-of-ways, and all improvements to the streets and right-of-ways, according to the specifications of the Delaware Department of Transportation, except that, for those streets and right-of-ways for which compliance with the Code would cause the loss of historical designation, as determined by the State Historical Preservation Office (“SHPO”) or a comparable agency, the FDRPC shall be eligible to apply for a waiver of said requirements from the Delaware Department of Transportation. Anything in this agreement notwithstanding, it is agreed that FDRPC retains control over the design and location of the roads in the Complex, so long as the design and location of roads meet Delaware Department of Transportation standards, until dedication of the streets and right-of-ways to the City.
3. The City shall accept dedication of each newly built street or right-of-way within the Complex, upon confirmation that each street has been constructed in conformance with standards promulgated by the Delaware Department of Transportation.
4. Fort DuPont shall fully dedicate the streets and right-of-ways within the Complex to the City upon completion and inspection that confirms the street and right-of-ways have been in conformance with Delaware Department of Transportation standards for each newly constructed street or right-of-way to be built in the Complex. At the same time as the streets are dedicated, the FDRPC shall dedicate, and the City shall accept dedication of, all stormwater management facilities associated with the streets upon confirmation that these facilities have been constructed in conformance with Delaware Department of Transportation standards.
5. The City agrees, on the date of dedication of any street or sets of streets, to assume ownership and control, and provide snow removal, associated storm water management maintenance, and maintenance and

upkeep of all streets within the Fort DuPont Complex which are specifically dedicated to the City.

6. Upon the dedication and granting of ownership of all the streets and right-of-ways in the Complex to the City for a given subdivision or area, the FDRPC Board of Directors shall revisit the current process of accessing common area maintenance fees and recommend any changes which the Board deems appropriate in light of the reduction of services required to be performed by the FDRPC.
7. Until such time as streets in the Complex are dedicated to the City, the FDRPC shall be responsible for maintenance, snow removal, and associated stormwater management associated with the streets not otherwise dedicated. During such time when some but not all streets in the Complex are dedicated to the City, the FDRPC and the City shall coordinate snow removal operations.
8. This MOU shall be effective immediately upon approval by the Mayor and Council of the City of Delaware City, upon approval of the Fort DuPont Board, and upon signatures of the City Manager of Delaware City and the Executive Director of Fort DuPont.
9. This MOU may be amended with the written, mutual consent of both the City Council of the City of Delaware City and the Board of Directors of the FDRPC.

In witness, following approval by the Fort DuPont Redevelopment and Preservation Corporation Board and the City Council of Delaware City this MOU is effective on this 15th day of ~~December~~, 2022.

Timothy Slavin, Executive Director
Fort DuPont Redevelopment and
Preservation Corporation



David L. Baylor, City Manager
Delaware City, Delaware