REGULAR COUNCIL MEETING

The Regular Council Meeting was held on August 10, 2015 at 7:30 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mrs. Townshend, Fire Chief Hall, Mr. Koenig, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was absent.

OPEN FORUM

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

Mrs. Joan Denney, 350 North State Street, stated that she is a retired medical administrator and, in the past 40 years, she has been a clerk to the United States Magistrate in the United States District Court, a town manager, a councilwoman, a police commissioner, and a planning commissioner. She noted that she is currently the Chair of the Board of Adjustment for Kent County. Mrs. Denney stated that her husband retired after 40 years of law enforcement and she is a Dover resident and taxpayer.

Mrs. Denney stated that this would be her first time before City Council in 30 plus years. She advised that she stumbled upon the proposed charter changes and, although she believes it is probably a well-intended document, in her opinion it would essentially be changing the form of government from a mayor and council to a city manager form of government. Mrs. Denney stated that she does not vote for a City Manager or the City Clerk; however, she does vote for the Mayor and Council people. She advised that they are the people she researches, relies on, and votes carefully for and she depends upon them to perform the duties and responsibilities for which they're elected, which is to oversee the City and the finances.

Mrs. Denney stated that she had previously submitted a letter and asked that it be read into the record; however, because the proposal was deferred, the letter wasn't read. Mrs. Denney suggested that consideration of Charter amendments should be done with front page new stories and keeping the rights of the taxpayers in mind. Mrs. Denney also suggested calling the International Association of Police Chiefs for direction in setting up a process which combines performance and testing so that those who serve our citizens so well and protect us so well can look forward to promotions within the ranks.

The invocation was given by Councilman Anderson, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

Mr. Hutchison moved for approval of the agenda, seconded by Mr. Sudler and unanimously carried.

Mr. Anderson requested that item #9 - Quarterly Review of Capital Investment Plan (CIP) (April, May, and June) (Pre-Audit), be removed from the Consent Agenda.

Mr. Lewis requested that item #12 - Reassignment of Planning Commission District Representation, be removed from the Consent Agenda.

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JULY 27, 2015

The Minutes of the Regular Council Meeting of July 27, 2015 were unanimously approved by motion of Mr. Neil, seconded by Mr. Anderson and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF JULY 27, 2015

The Minutes of the Special Council Meeting of July 27, 2015 were unanimously approved by motion of Mr. Neil, seconded by Mr. Anderson and bore the written approval of Mayor Christiansen.

PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2015-12 - REZONING REQUEST FOR PROPERTIES LOCATED AT 35 AND 39 NORTH NEW STREET

A public hearing was duly advertised for this time and place to consider the rezoning of properties located at 35 and 39 North New Street, consisting of 0.137+/- acres and 0.089+/- acres, owned by Robert and Erin Barrett and Erin L. Cooper, respectively. These properties are currently zoned RG-1 (General Residence) and the proposed zoning is RG-3 (Group Housing) (Tax Parcels: ED-05.076.08-05-39.00-000 and ED-05.076.08-05-40.00-000; Planning Reference Z-15-03; 4th Council District)

Mr. Hare moved that the Final Reading of Proposed Ordinance #2015-12 be acknowledged by title only, seconded by Mr. Hutchison and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council Meeting of June 22, 2015.)*

Planner's Review

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the petition to amend the zoning district and the findings and recommendations of the Planning Commission. She noted that the Planning Commission recommended approval of the rezoning request.

Mrs. Townshend noted that the subject property is located within the Downtown Development District and the townhouses proposed by the applicant are a housing style that is encouraged in Restoring Central Dover and the City's Downtown Development District implementation. She also advised that earlier in the evening, the Legislative, Finance, and Administration Committee reviewed proposed amendments to the General Residence Zone to allow for additional housing styles.

Public Hearing

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

Mr. Sudler moved for approval of the rezoning request, as recommended by the Planning Commission. The motion was seconded by Mr. Hare and, by a unanimous roll call vote, Council adopted Ordinance #2015-12, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTIES LOCATED AT 35 AND 39 NORTH NEW STREET

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

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of properties described below from RG-1 (General Residence Zone) to RG-3 (Group Housing Zone).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from RG-1 (General Residence) to RG-3 (Group Housing) on properties located at 35 North New Street, consisting of $0.137^{+/-}$ acres, owned by Robert and Erin Barrett, and 39 North New Street, consisting of $0.089^{+/-}$ acres, owned by Erin L. Cooper. (Tax Parcels: ED-05.076.08-05-39.00-000 and ED-05.076.08-05-40.00-000; Planning Reference Z-15-03; 4th Council District)

ADOPTED: AUGUST 10, 2015

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 128 SOUTH QUEEN STREET, OWNED BY JOE W. BURDEN, JR.

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 128 South Queen Street, owned by Joe W. Burden, Jr. Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that the structure is a two (2) story, wood-framed, single-family home, along with a small shed in the rear yard. The property was condemned as unfit for human occupancy on November 18, 2013. There were several areas of concern that the building may have structural issues with the foundation and settlement along the rear addition. Also, it was found at this time that the home was being operated illegally as a rooming house. On November 24, 2013, a full interior inspection was done on the home with numerous code violations found. Since that date, no interior inspection had been scheduled for code compliance. Currently the home was registered as a vacant building, with numerous outstanding code violations, and condemned as unfit for human occupancy. A building permit had been issued for repairs with the initial pre-drywall inspection on April 30, 2015, which failed. A follow-up inspection occurred on July 31, 2015 and passed. A final inspection had not been scheduled at this time.

Mrs. Townshend reviewed a presentation depicting the condition of the structure ***(Exhibit #1)***.

Staff recommended that City Council take the following action for property located at 128 South Queen Street: 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by September 10, 2015 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; and 4) order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Responding to Mr. Anderson, Mrs. Townshend stated that the property was condemned because it was a boarding house and there were also concerns with the back of the house settling. She noted that there was a structural report associated with the building permit. Mrs. Townshend advised that the owner had started some repairs and then it stopped until it was scheduled for the hearing before City Council. She requested that it be ordered repaired or demolished in order for the repairs to be completed.

Mr. Lewis asked how many times this property had been brought before City Council. Responding, Mrs. Townshend stated that it had not been brought before City Council before. She noted that staff had received neighbor complaints about the property in the past six (6) months, especially when it was used as a rooming house.

Responding to Mr. Lewis, Mrs. Townshend stated that the house was not boarded and it was in an area where they frequently find people in vacant houses for reasons that are less than honorable. She noted that although staff had not found people on this property, their experience had been that the vacant houses that are not being renovated are the houses where there are fires, drugs, and prostitution, so it was a safety concern.

Mr. Lewis asked why this property had not been brought before Council sooner, noting that there were 16 violations, it was being used as a boarding house, and it had been ongoing since 2000. Mrs. Townshend advised that staff brings dangerous buildings forward based on a variety of criteria, such as number of complaints and lack of repairs. She noted that there had been several property transfers over the years and staff did not find out it was being used as a rooming house until they started getting complaints and scheduled inspections in 2013. Mrs. Townshend advised that the 16 code enforcement cases since 2000 could include grass cutting, junk in the yard, or peeling paint and would not necessarily rise to the Council level. Once it was discovered that it was being used as a boarding house in 2013, the property was condemned and required to be restored to a single-family home. Mrs. Townshend advised that the property owner appealed to the Board of Adjustment; however, in 2014, Board of Adjustment upheld that it was a non-conforming use which had expired, and that the property needed to be converted.

Responding to Mr. Lewis, Mrs. Townshend stated that if the property is demolished, the City will place a lien that attaches to any property owned by that particular owner in Kent County. She noted that the amount of the lien would go on the tax bill and the cost can be recovered either by it being billed and paid, it being paid on the tax bill, or it being attached to a lien so that if this or any other property in the County which is held by the owner sells, the City would recover the cost.

Mrs. Townshend noted that after two (2) years of delinquent taxes, properties go to sheriff sale, and the City had acquired some properties through the sale. She advised that, earlier in the evening, the Legislative, Finance, and Administration Committee considered the sale of such properties through a bidding process in order for the City to recover costs. Mrs. Townshend noted that there had been cases where somebody else purchases the property through the sheriff's sale and the City recovers its costs.

Mr. Hosfelt asked how many vacant buildings Dr. Burden's property management group owns in the City. Mrs. Townshend advised that there are 33 registered vacant buildings owned by Dr. Burden. She noted that all of them have some degree of violations and some are in the queue to come before Council.

Mr. Hosfelt stated that his safety concerns included the residents and neighbors; City staff; the Police Department, that has to respond to vagrants or prostitutes; and the Fire Department that has to respond to a fire.

In response to Mr. Hosfelt, Mrs. Townshend stated that there are 380 vacant properties citywide.

Responding to Mr. Hutchison, Mrs. Townshend advised that the property is zoned RG-1 (General Residence Zone), which does not permit boarding houses or apartments.

Mr. Sudler asked when the City last corresponded with Dr. Burden in regard to the time frame in which he would complete the necessary corrective action. Mrs. Townshend advised that a notice of the public hearing was sent to Dr. Burden on July 17, 2015.

Mr. Sudler asked if Dr. Burden had contacted the City to advise how close they were to finishing or curing the violations. Mrs. Townshend responded that he had.

Responding to Mr. Sudler, Mrs. Townshend stated that, according to the structural engineer's report, the dwelling is sound.

Mr. Neil asked if Dr. Burden was behind on taxes. Mrs. Townshend stated that it was her understanding that Dr. Burden was current on his taxes, except for four (4) properties that were in the process of being transferred to a new owner. Mr. Scott Koenig, City Manager, advised that Dr. Burden had paid both FY15 and FY16 taxes on all these properties, except for the four (4) being transferred.

Council President Slavin declared the public hearing open.

Mr. Slavin advised that correspondence had been received from Mr. and Mrs. Rodney Baker in favor of declaring this property dangerous ***(Exhibit #2)***.

Dr. Joe Burden, Jr., 385 State College Road, stated that the property was still in probate; however, he was responsible for the properties. He advised that since the death of his father, Joe Burden, Jr., they had been proactively bringing the building into compliance with the 2009 International Building Code that is used by the City of Dover.

Dr. Burden stated that he received two (2) notices of violations in regards to the May 26, 2015 Council meeting, one (1) relating to 742 Slaughter Street and one (1) to 128 South Queen Street. He advised that they were threatened at the time that if they did not take proactive measures to repair these properties, they would be brought before City Council. Dr. Burden stated that they focused their attention on 128 South Queen Street, and the May 26, 2015 hearing on that property was delayed. Dr. Burden stated that he was notified by Mrs. Townshend that because there had been no correspondence since April 24, 2015, she would be bringing the property to City Council. Dr. Burden advised that 14 of the 24 code violations from 2013 had been corrected and they would be ready for the final inspection within the next week or so.

Dr. Burden stated that he felt he was continuously being targeted and harassed. He advised that he had put a lot of time, dedication, and commitment into 128 South Queen Street and he did not feel that it was a dangerous building. Dr. Burden requested City Council to take into consideration that they are proactively making repairs to 128 South Queen Street and are 90 to 95% complete.

Mr. Anderson thanked Dr. Burden for being current on his property taxes and noted that one of the reasons so many of Dr. Burden's properties were vacant was because he could not get rental permits because of the Clean Hands ordinance. Dr. Burden advised that they are proactively working to complete the Kirkwood Street and Queen Street projects and are in the process of selling some of their properties to Habitat for Humanity.

Mr. Anderson stated that Mrs. Townshend had been instructed by City Council to address the hundreds of vacant properties in the City and the concerns about prostitution and drug use in those properties. He suggested that Mrs. Townshend was not targeting anyone; however, because of the breadth of Dr. Burden's exposure, it may seem like he was being targeted.

Dr. Burden acknowledged that Mrs. Townshend had an obligation to the City of Dover and they respect her for what she does. He did, however, indicate his frustration with seeing other areas that have the same issues, noting that they document those violations and they do not seem to be addressed. Dr. Burden stated that they would like to be assured of equality across the board so they do not feel like they are being targeted.

Mr. Sudler also thanked Dr. Burden for satisfying his taxes as this helps the City of Dover and decreases the burden for all of the tax payers.

Responding to Mr. Sudler, Dr. Burden stated that he would be able to cure the property's defective conditions within one (1) week. He noted that they had to get the certificate of occupancy and had not put appliances in the building yet. Dr. Burden stated that he would be able to finish within 30 days. He advised that they had been trying to catch up financially from the income they lost while they were unable to get rental permits.

Mr. Hosfelt, noting that they were looking at a $36,167 loss, asked who would be responsible for that money. Responding, Mr. Koenig stated that there was currently $66,000 in demolition-related liens on the properties that Dr. Burden was proposing to sell to Habitat for Humanity. Earlier in the evening, the Legislative, Finance, and Administration Committee recommended allowing the property to transfer to Habitat for Humanity, who had a proposed sales contract. He explained that

the liens would transfer to Habitat with no objection by the City, and Habitat would pay the City approximately $30,000. Mr. Koenig noted that the balance of the lien would be forgiven. If that transaction did not happen, then the City would have to compel a sheriff's sale of the properties and there would be an additional administrative burden. Additionally, if they were sold at sheriff sale, the City may likely own those properties if Dr. Burden did not satisfy those liens.

Mr. Hosfelt stated that he took exception to Dr. Burden's comments about being targeted and harassed. He noted that if the City were targeting and harassing him, they would not be willing to accept the loss of the $36,000 that Dr. Burden owed. Mr. Hosfelt stated that the accusation was unfair and not appropriate.

Mr. Sudler stated that Dr. Burden showed good faith by satisfying the taxes, which were at least $80,000. He stated that he was not targeting Dr. Burden and he did not think that anyone else was either. Mr. Sudler stated that they need to work together for the betterment of the City of Dover.

With no one else present wishing to speak, the public hearing was closed.

Mr. Anderson stated that he would be voting against declaring the property dangerous because he did not believe that the building reaches that level and it was currently under repair.

Mr. Sudler stated that he would be voting in favor of staff's recommendation because he felt that Dr. Burden could have the defective conditions cured within the 30 days.

Mr. Hare stated that he would be voting in favor of the recommendation because Dr. Burden had said he could have it fixed in the timeframe.

Mr. Sudler moved that the structure located at 128 South Queen Street be declared a dangerous building and ordered that the property be demolished or repaired by September 10, 2015 in accordance with the process recommended by staff. The motion was seconded by Mr. Neil and carried by a roll call vote of eight (8) yes (Sudler, Neil, Lewis, Cole, Hosfelt, Hare, Hutchison, and Slavin), and one (1) no (Anderson).

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 669 WEST NORTH STREET, OWNED BY JOE W. BURDEN, JR.

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 669 West North Street, owned by Joe W. Burden, Jr.

Prior to her presentation, Mrs. Ann Marie Townshend, Director of Planning and Community Development, noted that the City of Dover received the coveted Downtown Development District (DDD) designation from the State of Delaware. Through the leadership of the National Council on Agricultural Life and Labor Research (NCALL), a number of stakeholders, including Mr. Sudler, Chief Bernat, and other representatives of the City, but most importantly, the stakeholders and the people who live in the City's downtown neighborhoods, had been part of the Restoring Central Dover plan. She noted that Councilman Hosfelt was one of the original members of the steering committee.

Mrs. Townshend advised that they had been working very hard to turn things around and to really change the downtown dynamic, noting that the stars were aligned and will never be aligned this way again. She emphasized the need to take advantage of this opportunity and advised that NCALL, Milford Housing Development Corporation, and Central Delaware Habitat for Humanity had made a significant commitment to the downtown by taking an even smaller area than the Restoring Central Dover area in the DDD and making a big impact by introducing a lot of new homes for home ownership. Mrs. Townshend advised that the City's Community Development Block Grant (CDBG) program was providing support for this initiative.

Mrs. Townshend advised that the Restoring Central Dover plan had recommended tough Code enforcement with a focus on safety. She reminded members that City Council had directed staff to strictly enforce the Code. Mrs. Townshend stated that it was not possible to be tough in Code enforcement and still allow some of these properties to continue to exist in the condition they are in because many of them, including a number of the properties owned by Dr. Burden, will deter home ownership.

Mrs. Townshend explained that the structure is a two (2) story, wood-framed single-family home. On March 13, 2015 the property was found to be vacant and was registered as a vacant building. During a follow-up inspection in April of 2015, numerous exterior code violations were found, including damage to the east rear foundation corner which was causing the wall and siding to buckle. City staff requested an structural engineer's report for the structure. On June 22, 2015, City staff observed renovations were being done to the property and a stop work order was placed on the structure. Following the submission of a structural engineering report, a renovations permit was issued on July 16, 2015. On July 23, 2015, City staff inspected the renovations work that had been completed and found that the work being performed was not compliant with requirements of the Building Code. A stop work order was again placed on the structure due to the significant deficiencies. Sealed drawings would be required before work could be reinitiated. Currently the structure was vacant with no utilities.

Mrs. Townshend reviewed a presentation depicting the condition of the structure ***(Exhibit #3)***. She noted that the structural engineering report, which was very lengthy, suggested that portions of the structure should be demolished and rebuilt. Mrs. Townshend advised that work began on rebuilding the front porch prior to obtaining a building permit. She noted that the decking and the joists on the porch run in the same direction instead of perpendicular, which did not provide structural support. She also noted that nothing was fastening the framing to the foundation, the posts installed on the front of the porch were sitting on the decking instead of the structural support, the header was not the proper size and was not fastened to the post correctly, and the porch was attached to the house with nails, which could pull away. Mrs. Townshend advised that none of the repairs met the building code requirements.

Staff recommended that City Council take the following action for property located at 669 West North Street: 1) declare this building and all accessory structures on this property dangerous; 2) order the property demolished by September 10, 2015 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structures if not completed by the

owner within 10 days of the date established by City Council; and 4) order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mr. Sudler asked if the building was structurally sound and if the permit indicated whether the deck was to be freestanding or connected to the building. Responding, Mrs. Townshend stated that it was a framed portion of the house, not a deck, and although the structural report indicated what needed to be removed and rebuilt, it did not provide drawings. She noted that most contractors know the basics of framing and footers.

Responding to Mr. Neil, Mrs. Townshend stated that if the structure were demolished, Dr. Burden would still own the property.

Council President Slavin declared the public hearing open.

Dr. Joe Burden Jr., 385 State College Road, stated that they received notice on June 17, 2015 that a structural engineer's report was needed within two (2) weeks. The report was submitted on July 2, 2015 and work was stopped before the building permit was obtained. He stated that the permit was delayed because Mrs. Townshend was on vacation and unable to review permit. Dr. Burden stated that he did not believe Mrs. Townshend's presentation was accurate in that the contractor did not use nails to secure the porch to the structure, but he used the wrong type of screws. Dr. Burden requested that he be permitted to continue work on the property and return with the structural engineer's report, which was very detailed, for Council's review.

Mr. Anderson asked what the results of the structural engineer's report were. Responding, Dr. Burden stated that they had to tear the floors out, remove parts of the house, and demolish the front porch, which they did. The structural engineer came back and reinspected after they finished the front porch and said everything was structurally sound. Dr. Burden advised that the structural engineer's letter did not indicate codes, so they met with him, he gave them a copy of the building code, and he went over the type of screws and everything they were supposed to use for the job.

Mr. Anderson asked what Dr. Burden's alternative plan to staff's recommendation for demolition was.

Mr. Hare, noting that Dr. Burden stated that he was 90-95% complete on the property previously considered, asked for the same estimate for this property. Responding, Dr. Burden stated that this property was approximately 30% complete; however, he would need an additional 120 days in order to provide the City with sealed drawings and complete the work.

Mr. Sudler offered Dr. Burden suggestions to assist him with using the proper building materials and methods. He noted that, as a builder, he could not say that the deck is a sound structure.

There being no one else present wishing to speak, the public hearing was closed.

Mr. Hosfelt moved that the structure located at 669 West North Street be declared a dangerous building and ordered that the property be demolished by September 10, 2015 in accordance with the process recommended by staff. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

MAYOR ROBIN R. CHRISTIANSEN VETO - MOTION ADOPTED BY CITY COUNCIL ON JULY 27, 2015 - TO AFFIRM CITY COUNCIL'S DECISION OF MARCH 23, 2015, TO MOVE THE ECONOMIC DEVELOPMENT OFFICE UNDER THE CITY MANAGER, WITH THE UNDERSTANDING THAT THIS MATTER WILL BE REVISITED IN SEPTEMBER, WHICH COULD LEAD TO A DIFFERENT ACTION

During their Regular Meeting of July 27, 2015, by a vote of seven (7) yes and two (2) absent (Anderson and Lewis), Council affirmed City Council's decision of March 23, 2015 to move the Economic Development Office under the City Manager, with the understanding that this matter would be revisited in September, which could lead to a different action.

On July 31, 2015, the City Clerk received an e-mail from Mayor Robin R. Christiansen disapproving the motion, which stated:

"Mr Tim Slavin
President of Council
City of Dover Delaware

Mr President,

After much consideration I am writing to inform you of my intention to veto the action of Council in regard to the Economic Development Office.

Since the inception of the full time mayor's office in1997,in addition to being the public's full time advocate at city hall it was that one of the other responsibilities that the Mayor be involved dailey in the marketing of our great city.

Subsequently, the Office of Economic Development was created and eventually assigned to the scope of the Mayor's responsibility .

Over the last year I have worked closely with the City Manager and Staff including the Economic Office. We have met with potential new businesses as well as existing ones to protect jobs currently we have in our community.

I believe that it is important for the Mayor to continue to be part of that function considering the current state of our economy here in Dover and Kent County. It is an important function for the Mayor to work not only on making our city safe, but to build our tax and employment base to allow us to grow and maintain the services that not only make our city attractive but deserved by our taxpayers.

Having said that we have a responsibility as Mayor and Council to our citizens to be deliberate in our actions not driven by personal conflict or hidden agenda. I look forward to working toward the changes necessary to make each of our respective Charter responsibilities ultimately in the best interest of the Citizens we all serve. I remain yours for a better Dover,

Robin R. Christiansen
Mayor, City of Dover"

Council President Slavin reminded members that they were provided a legal opinion on this matter, which was that the veto notice was not provided within seven (7) days of the March 23, 2015 Council action and, therefore, had no bearing.

City Solicitor Nicholas H. Rodriguez recommended that City Council accept Deputy City Solicitor Pepper's recommendation, if they wish to override the veto.

Responding to Mr. Lewis, Mr. Slavin advised that this item was on the agenda in order for City Council to communicate regarding the veto notice that was received.

Mr. Lewis wanted to know how much longer they were going to discuss this change of government, noting that it had been going on for a long time. Responding, Mr. Slavin stated that it was decided at the last meeting to hold a Special Council meeting on September 16, 2015 to discuss this issue. He noted that others, himself included, shared Mr. Lewis' frustration with this issue.

Mr. Neil reminded members that there were members who were not elected to City Council when those decisions were made. He thought that there was a lot of consideration needed and that they need to go out, do the work, and maybe solicit their constituents.

Mr. Anderson moved to accept Deputy City Solicitor Pepper's recommendation regarding the veto. The motion was seconded by Mr. Hare and unanimously carried.

Mr. Anderson stated that he believed the veto should have been made; however, it should have been made in March. He noted that he would definitely have supported it because there had been substantial progress with the Economic Development department since it was relocated under the Mayor. The goals had started being met, unemployment had gone down, business startups had gone up, and the industrial park had been better managed. Mr. Anderson thought it was a mistake at the time and he would love to sustain the veto; however, he agreed with the legal opinion. Mr. Sudler stated that he concurred with Mr. Anderson's comments, as did Mr. Lewis.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - JULY 27, 2015

The Safety Advisory and Transportation Committee met on July 27, 2015 with Chairman Hosfelt presiding.

Proposed 15 MPH Speed Limits for Alley Ways

During the Safety Advisory and Transportation Committee meeting of June 22, 2015, members considered 15-mph speed limits for alley ways and recommended referring this matter to Staff for review and recommendation to be followed up at the Committee's next monthly meeting. This recommendation was approved by Council during their Regular Meeting of July 13, 2015.

During the Safety Advisory and Transportation Committee meeting of July 27, 2015, Police Chief Paul Bernat advised members that a metro count survey had been conducted from June 29, 2015 through July 6, 2015 for the alley way between North State and North Bradford Streets, including the area from William Street to Columbia Street. He stated that the survey showed that 62 vehicles used the alley during that time, the highest recorded speed was 24 miles per hour, and the average speed was 12 mph. Chief Bernat stated that the Police Department believed that there was no need for a speed limit sign at this location. He indicated that if a driver was going faster than 25 mph, police officers would probably not be present when this occurred. Chief Bernat indicated that extra patrols could be done; however, he questioned whether or not there was a true speeding problem, stating that according to the data there was not.

Mr. Hutchison asked how a 15-mph speed limit would be enforced if it were implemented. Responding, Chief Bernat stated that, given that only 62 vehicles traveled this alley in a week compared to approximately 40,000 vehicles that travel on North State Street in a week, the alley would be less of a priority in terms of enforcement. However, he noted that putting up a 15-mph sign would create an awareness of the need to travel slower than the normal 25 mph.

In response to Mr. Keller, Chief Bernat stated that it was possible there would be more traffic in the alley during the school year.

Overview - Loockerman Street/Forest Street Improvements (Roundabout)

Mr. Scott Koenig, City Manager, reviewed the conceptual drawings for Loockerman Street and Forest Street Intersection Improvements. He advised members that this project was in the Delaware Department of Transportation (DelDOT) six (6) year plan, explaining that the City wished to make sure that it continued to be in this time frame since the City had received Downtown Development District (DDD) designation. Mr. Koenig stated that Staff believed that improving this corridor would be a benefit to the DDD and to the downtown area overall. He indicated that Century Engineering had prepared the conceptual drawings in approximately 2009 or 2010. Mr. Koenig advised that the intent was to potentially install a traffic circle at the intersection of South Kirkwood Street, Loockerman Street, Forest Street, and New Jerusalem Way to better manage that intersection and install plantings and landscaping along the corridor. He stated that this would improve access to various business and residential driveways progressing toward Route 8. Mr. Koenig noted

that some of the improvements had been accomplished over the last few years, for example, a light had been installed at the intersection of Loockerman and Division Streets.

Mr. Koenig stated that Staff believed that the City should pursue the aesthetic improvements of the proposed project, noting that overhead wires would be dropped underground and the project would also potentially include tying in the Clarence Street Extension to this corridor. He explained that a couple of public workshops had been conducted in connection with the project and the general consensus of those along the corridor was that this would be an improvement; however, there was also a desire that the project not affect businesses negatively. Mr. Koenig stated that DelDOT took comments as part of the public workshops; however, these comments were not reflected in the conceptual drawings.

Mr. Koenig stated that Staff's standpoint was that this is a project that the City should support as one of its higher priority projects when the annual transportation prioritization list is sent to the State, since this improvement would enhance the downtown area and help to continue to expand the downtown footprint into a few areas where it is currently under-marketed.

In response to Mr. Hosfelt regarding the time frame for the project, if approved, Mr. Koenig estimated that the project would take three (3) to six (6) years to complete because of the DelDOT planning process and the need to move the project through the capital plan. He reiterated that some of the improvements had been constructed, such as sidewalks on West Street with the redevelopment of the NAPA Auto Parts store and improvements at the Inner City Cultural League location. Mr. Koenig indicated that Staff would prefer that the installation of the traffic circle, landscaping in the area, and moving of the overhead wiring to underground be done all at once to reduce disruptions.

Mr. Vic Giangrant, owner and operator of Westside Car Wash, 805 Forest Street, stated that he thought the project would be a great improvement; however, he expressed the need to be aware of the traffic problem that Westside Car Wash creates on Forest Street. He explained that in the wintertime, when roads are salted, the car wash becomes very busy. Mr. Giangrant advised members that the traffic pattern for his business is mostly on the shoulder of Forest Street where there is parking. He noted that some of the conceptual drawings show "bump outs" into the street with trees, which he felt might present a traffic problem. Other than this feature, Mr. Giangrant felt that the project was a great idea. He indicated his desire not to make his customers angry or be a burden on the City of Dover Police Department, noting that traffic from his business can back up halfway to the railroad tracks. Mr. Giangrant explained that he employs approximately 40-45 people who work as fast as they can. He asked that this be taken into consideration and suggested starting the bump outs perhaps 50-60 yards past the car wash.

In response to Mr. Sudler regarding whether Mr. Giangrant's suggestion had been thought about in the development process, Mr. Koenig stated that he did not think it unreasonable to adhere to Mr. Giangrant's requests. Mr. Koenig advised members that Mr. Giangrant had attended one (1) of the workshops and had made similar comments at that time; however, these conceptual plans were first iteration plans and were not reflective of those comments. Mr. Koenig stated the desire to improve the corridor, but not at the expense at losing businesses. He felt that moving or omitting trees would be a minor component of the improvements, and Staff would be happy to accommodate that request since the benefits of having the business there and functioning far outweighed one (1) tree in the corridor.

Mr. Hutchison stated that he liked the idea of the roundabout, but was also very interested in protecting the width of the roadway so that it would not impede or interfere with the operation of the Westside Car Wash or any other business.

Mr. Koenig stated that if the project moves forward into design, all of those things would be taken into consideration in the final concept drawings. It was his belief that these drawings would have to go out for public review, which would provide an opportunity to comment again in the future.

Mr. Keller concurred that the drawings would probably be brought up two (2) or three (3) times at a public hearing, noting that there is always room for change.

Mayor Christiansen advised members that he belongs to the Dover-Kent County Metropolitan Planning Organization and indicated that the project would have to be approved by the MPO Technical Advisory Committee (TAC) and other groups before it comes to final fruition and comments would be taken by the MPO TAC.

Update - Ambulance Service Statistics

Mr. Scott Koenig, City Manager, advised members that Staff receives a monthly update from PrimeCare, LLC, the City's vendor for medical transport. He stated that these statistics would be included in the City Manager's report in the future. Mr. Koenig reviewed the information for June 2015. He stated that for more than a decade, discussions had been held about growth and annexation in the City and Staff was caught off guard, from a service delivery and service impact standpoint, by the number of ambulance calls, noting that they had probably doubled in number. Over the last two (2) or three (3) years calls had flattened out somewhat, but there was a steady increase in calls in the decade prior. Mr. Koenig explained that PrimeCare's services are supplemented by the volunteer services of the Camden-Wyoming and Cheswold Ambulance Services. The City makes donations to these organizations at the end of the fiscal year, and the amount of the donation is calculated based on the number of calls that they assisted the City with and is included in the budget. The donation basically reimburses these non-profit organizations for providing service in the City and had totaled roughly $15,000 per year over the last few years. Mr. Koenig informed members that the cost of the PrimeCare contract runs about $20,000 a month, noting that their activity is critical to the function of the City.

Briefing on Delaware Department of Transportation (DelDOT) Projects

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that updates were requested from the Delaware Department of Transportation (DelDOT) for projects that were put forward as transportation priorities in regard to the Capital Transportation Plan (CTP). She provided updates on these projects, as follows:

Garrison Oak Connector Road

No funding was proposed in the FY16 to FY21 CTP for this project which would connect White Oak Road to Route 8 to allow easy passage to the Route 1 on-ramp.

College Road Corridor Upgrades

No funding was being proposed in the FY16 to FY21 CTP for this project.

Construction of Sidewalks Within the Walk Zone Of The New Dover High School

DelDOT's sidewalk project at this location is complete; however, DelDOT would continue to work with the City and the Dover/Kent Metropolitan Planning Organization (MPO) to identify small improvements. Mrs. Townshend explained that there was a need for sidewalks along the south side of Route 8, and this had been brought up in the City's annual transportation prioritization listing to the State and had also been brought up through the MPO. Although sidewalks had been installed on the north side of Route 8, there was a lot of foot traffic from Dover High School to the McDonald's and the Wawa on Route 8. Mrs. Townshend advised members that many students walk along the shoulder and the travel lane or in residents' yards. Although DelDOT had indicated that their project was complete, Mrs. Townshend stated that the City was still trying to ensure that the south side of Route 8 is not forgotten.

Route 8 / Hazlettville Road Connector

No funding was proposed in the FY16 to FY21 CTP for this project.

US Route 13 Sidewalk Construction

The sidewalk connections on US Route 13 from South Court Street to Loockerman Street will be added to the Bicycle and Pedestrian Improvement Program and should be complete in the next few years. No other capital projects are planned in this area.

Crawford Carroll Avenue Extension

This project would connect Crawford Carroll Avenue from its current ending point, just north of the Lowe's Home Improvements on north Route 13, to the Delaware State Campus. Funding for preliminary engineering was shown in FY 16 and FY 17 in the current CTP, funding for right-of-way acquisition was shown in FY 18 and FY 19, and funding for construction was shown in FY 20 and FY 21.

Kenton Road Corridor Upgrades

Funding for preliminary engineering was shown in FY 16 and FY 17 in the current CTP. Funding for right-of-way acquisition was shown in FY 18 and FY 19. Funding for construction was shown in FY 20.

Kings Highway / Route 13 Intersection Improvements
No funding was being proposed in the FY16 to FY21 CTP for this project.

Loockerman Street /Forest Street Improvements (Roundabout)
Noting that this item was discussed by Mr. Scott Koenig, City Manager, earlier in the meeting during consideration of Item #2 - Overview - Loockerman Street/Forest Street Improvement (Roundabout), Mrs. Townshend advised members that funding for preliminary engineering was shown in FY 17 and FY 18, funding for right-of-way acquisition was shown in FY19, and funding for construction was shown in FY 20 and FY 21.

US Route 13 Service Road Corridor
No funding was being proposed in the FY16 to FY21 CTP for this project.

Transportation Improvement District
Mrs. Townshend noted that DelDOT and City Staff had been working together and meeting on a regular basis to develop land use scenarios related to the Transportation Improvement District (TID). She explained that a traffic study was being done with respect to the TID for the Route 13 and Bay Road corridor through the entire City. It was planned that improvements could be done at once, rather than each developer having to study large segments of the roadway over and over again, and potentially being responsible for improvements that would be well beyond the scope of their individual project. Mrs. Townshend advised that a fee would be associated with any projects in this area and would contribute toward these improvements. She stated that once the TID plan is complete, the improvements identified in the plan would be prioritized for the Capital Transportation Plan. Mrs. Townshend noted that modeling for the project was getting closer to completion.

Traffic Calming - North State Street / Traffic Calming - Independence Boulevard
Mrs. Townshend indicated that a meeting was held at the end of June to discuss traffic calming in the areas of North State Street and Independence Boulevard. She noted that the meeting included the Mayor, the Chief of Police, other City officials, and representatives from DelDOT. Mrs. Townshend stated that DelDOT had funding available for the planning, outreach, and design aspects of traffic calming in these two areas. She indicated that the City was in the process of providing members for a working group that would work on this project. Mrs. Townshend stated that this item was added to the agenda so that the Committee could have the opportunity to discuss how members wanted to proceed in terms of representation in the working group.

Mr. Slavin stated that word was put out to the North State Street and Independence Boulevard community groups, respectively, to present the names of three (3) potential members who would be part of the working group, and the idea was to bring this to the Committee. He indicated that the working groups were different in nature than the Safety Advisory and Transportation Committee.

Mr. Shelton asked if funding had been put aside from DelDOT for the College Road corridor between McKee and Kenton Roads. He noted there are no sidewalks on that road, which has a lot of activity, with runners, bikes, and children. Responding, Mrs. Townshend indicated that the City had listed this area as one (1) of its transportation priorities with the State; however, DelDOT had indicated that they do not have funding allocated. She expressed her opinion that the City should keep pressing for this.

In response to Mr. Sudler, Mrs. Townshend stated that she was not aware of any other sources of income or funding to speed up transportation priorities. She indicated that all federal transportation funds that come to Delaware come through the Department of Transportation and projects are funded with both state and federal funds.

Mr. Sudler asked if Staff had thought about asking Senator Brian Bushweller and Rep. Sean Lynn for assistance. Responding, Mrs. Townshend stated that the State Bond Bill Committee and DelDOT spent a significant effort during this past legislative session looking at ways to fund transportation improvements, noting that available funding was limited and they were doing the best they can with what they have.

In response to Mr. Hosfelt's request for clarification regarding the sidewalks around Dover High School, Mrs. Townshend explained that originally there was no money for any of the sidewalk construction around the school, until approximately 12 months before it opened. Through the efforts of Senator Bushweller; Governor Markell; Anne Visalli, Director of the Office of Management and Budget; and DelDOT staff, approximately $700,000 was found to acquire easements and install sidewalks on the north side of Route 8. Without that, students from Cranberry Run, Heatherfield, Heatherfield East, and Marsh Creek would all have had to be bused to school, because there would have been no safe way for them to walk. DelDOT paid for the design, acquisition cost, and the construction of that sidewalk, as well as the construction of the HAWK signal so that the students could cross the road. Mrs. Townshend advised that a sidewalk gap study was done by the Dover/Kent County MPO which identified all the gaps, including those on the south side of Route 8. It was determined that the north side was the higher priority, because if there were sidewalks on the south side of the road, there would still be a need to bus the students across the street; therefore, the north side was done, and the south side was not. She stated that Mifflin Road was also identified as an important gap as many kids walk from the high school to the Pitts Center to play basketball and there are no sidewalks on this road. Mrs. Townshend informed members that the City had continued to emphasize that the project is not complete just because there are sidewalks on the north side. She indicated that she, along with the MPO staff, participated in a bicycle and pedestrian assessment of Route 8 with the Federal Highway Administration (FHA) more than six (6) weeks ago, and members observed students leaving the school, walking on the south side of the road, and crossing at locations other than the HAWK signal. It was her belief that the FHA would be making a report back to DelDOT about the need to improve safety in that area.

In response to Mr. Sudler regarding the cost of the improvements needed at College Road, Mrs. Townshend advised that the project had not gotten to the point of an estimate. She indicated that a study conducted several years ago examined what needed to be done in a general way but never got to any type of a design, noting the difficulty of obtaining a cost estimate without a design.

Responding to Mr. Sudler as to whether consideration had been given to reaching out to the Delaware State University board of trustees to see if they would be willing to donate financial resources to help initiate this exterior infrastructure improvement, Mrs. Townshend indicated that this had not been done, noting that this is a DelDOT road and this would be DelDOT's decision. She stated that Staff could certainly make that connection and start those discussions. Mrs. Townshend noted the possibility; however, she stated that Staff's experience had typically been that unless these types of projects are required as part of transportation improvements through a development project, the landowners prefer not to contribute.

Mr. Hutchison asked if a letter had been written, signed by the Mayor and Council President, outlining the City's concerns pertaining to the sidewalk on the south side of Route 8. Responding, Mrs. Townshend stated that a transportation prioritization memo was sent to the Secretary of Transportation last year and this project was detailed in the text of the memo. It was her recollection that she sent an email to the Secretary recently, but had not heard anything back, other than the previous report that DelDOT had given the City that the project was complete. Mrs. Townshend reiterated that the most recent report stated that the project on the north side was complete and DelDOT will continue to work with the City and the MPO on the other necessary fixes. She stated her belief that DelDOT realizes that while a portion is complete, the entire job is not done.

Mr. Richard Hudson, 23 Freedom Drive, Bicentennial Village, expressed his concern, with respect to traffic calming at Independence Boulevard, that a few individuals were pushing for this street calming and stated the need to look at safety on that street. He indicated that there were no speed limit signs on Independence Boulevard between Forrest Avenue and Walker Road but there was a 25 mph speed limit sign coming off Walker Road. Mr. Hudson stated that, coming off Forrest Avenue, there are commercial properties on the right and left and behind that an open retention pond, noting that there is almost 1,300 feet before there is a stop sign and there are two (2) houses with small children. Mr. Hudson stated he would like to see some stop signs, perhaps children playing signs, or temporary radar signs put up before trying to block off the street. He stated that this is an arterial street with an 80-foot right-of-way, so it appeared to be a wide open street and suggested that warnings be put there.

Mr. Hudson expressed his concern that the names of those put forward for the working group were three (3) individuals of a minority group and were not representative of the whole. He stated that a petition was circulated which indicated that people did not want the street blocked off. He requested that members look at the concerns of all residents, not just a select few.

For clarification, Mr. Slavin stated that the calming that was being considered was exactly what Mr. Hudson had talked about and would consist of a series of signs or other measures, other than closing the road. Mr. Slavin did not believe that closing the road was being looked at, noting that DelDOT has a catalog of options to calm traffic.

In response to Mr. Sudler, Mr. Hudson stated that he was in favor of putting up signs and warnings and against blocking the road off. He indicated that the minority group that he mentioned previously wanted to block off the road, similarly to what was done in the area of the Camden Wal-Mart. Mr. Hudson indicated that at a recent meeting, the vast majority did not want the road closed off.

By consent agenda, Mr. Neil moved for acceptance of the Safety Advisory and Transportation Committee Report, seconded by Mr. Anderson and carried by a unanimous roll call vote.

CORRECTION TO PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - MARCH 9, 2015

Members were provided a corrected Parks, Recreation, and Community Enhancement Committee Report for March 9, 2015.

By consent agenda, Mr. Neil moved for acceptance of the corrected Parks, Recreation, and Community Enhancement Committee Report of March 9, 2015. The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote.

MONTHLY REPORTS - JUNE 2015

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

City Assessor's Report
City Manager's Report
City Planner's Report
Controller/Treasurer's Budget Report (Pre-Audit)
Economic Development Office Report
Fire Chief's Report
Police Chief's Report

QUARTERLY REVIEW OF CAPITAL INVESTMENT PLAN (CIP) (APRIL, MAY, AND JUNE) (PRE-AUDIT)

Members were provided the Quarterly Report for the Capital Investment Plan as of June 30, 2015.

Mr. Anderson stated that he believed it was very important for the public to understand the status of the major projects that are underway using approximately $30M of their money and requested a brief summary.

Mr. Scott Koenig, City Manager, stated that the report tracks all of the City's General Fund, as well as the Water/Sewer and Electric Fund projects. He noted that staff had done a very good job over the last couple of years catching up on a very large backlog of projects. The street program projects

were catching up, a number of community transportation fund projects had been closed out, they had been able to work on several partnership projects including the Inner City Cultural League and the Solid Rock Baptist Church, as well as improvements related to community transportation funds. Mr. Koenig advised that a number of items in the report had been completed, indicating that there may still be some close-out paperwork related to finishing up contracts, but construction was complete. Mr. Koenig advised that a number of the projects that were indicated as "in progress" could be vehicle or equipment deliveries that spanned over the fiscal year because of a delay in ordering or excess time related to the vendor preparing the equipment for delivery. Mr. Koenig stated that a number of multi-year projects were in progress and would be shown in the Capital Plan.

Mr. Koenig advised that the Garrison Oak Project is discussed in a general perspective at the Utility Committee meetings. He noted that four (4) Garrison Oak related projects are expected to be completed toward the end of the summer or in this calendar year, as follows: 1) street and drainage construction; 2) water system construction; 3) sanitary sewer or pump construction, and 4) water tower construction. Mr. Koenig stated that the final project was the 69KV line relocation. He noted that there was a steep incline in capital spending related to the technical park and that construction was winding down.

Mr. Koenig advised that Public Works projects included construction of a large production well for the City and Inflow and Infiltration (I&I) projects that affected a number of residential subdivisions. He noted that there would be street paving projects in the future.

Mr. Koenig advised that Electric projects included the Horsepond Road substation, which came in under the revised budget, a large upgraded electric system related to the Energizer expansion, and the General Scott Switchgear project, which was moving forward.

Mr. Koenig reiterated that staff has done a very good job of moving these projects forward and improving budget management issues. He advised that there would always be challenges with Capital Project spending because it is hard to determine what bidders will submit. He stated that he was very proud of his staff and the report showed the progress that had been made over the last 12 months related to Capital Project delivery.

Mr. Anderson, noting that there had been pointed criticisms in the past with regard to bidding, stated that the progress that had been made should also be just as public. He noted that there had been real reform and real progress and he congratulated Mr. Koenig on the improvements.

Responding to Mr. Anderson, Fire Chief Mark Hall stated that they had received fire radios and were waiting for air packs, which should be delivered any time. He noted that the air packs were being delivered to larger cities first.

The Quarterly Report for the Capital Investment Plan as of June 30, 2015 (Pre-Audit) was accepted by unanimous consent.

REVISED PROPOSAL FOR DISPOSITION OF CITY OWNED LAND – PROPERTY LOCATED AT 24 NORTH NEW STREET

Mr. Scott Koenig, City Manager, reminded members that, during the Regular Council meeting of June 22, 2015, City Council declared 16 South Queen Street, 18 South Queen Street and 24 North

New Street as excess property and authorized the City Manager to negotiate the final sale price of both 16 and 18 South Queen Street with Central Delaware Habitat for Humanity. The final sale price on 16 and 18 South Queen Street was increased from $5,000 per lot to $6,600 per lot.

In addition, the City Manager was authorized to dispose of 24 North New Street using the "Standard Method of Disposition". While preparing the sealed bid package for 24 North New Street, Habitat for Humanity submitted an amended offer to purchase the property and increased their offer from $5,000 to $10,500. This offer was confirmed by a letter received on July 27, 2015. The current lien amount on this property was $35,908.46, as previously indicated, and the assessed land value was $11,000. Habitat for Humanity cited long-term home ownership, expanded housing partnerships, and shared goals related to Strong Neighborhood Housing and the Restoring Central Dover Plan as the benefits of entering into a purchase contract with them.

Mr. Koenig advised that there was a subsequent meeting with several board members of Habitat for Humanity and City staff to discuss the overall comprehensive strategy of Habitat for Humanity, the partnership with National Council on Agricultural Life and Labor Research (NCALL), and Milford Housing Development Corporation. He noted that Habitat for Humanity had secured four (4) other properties on North New Street and had the ability to make a significant impact on home ownership in this block of North New Street. Mr. Koenig stated that he believed that this property transfer would help the City meet the goals of home ownership, as well as revitalization, in this portion of the Downtown Development District.

Responding to Mr. Sudler, Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that Mary Bessie Brokenbough was the previous owner.

Mr. Sudler stated that he had been receiving concerns from his constituents about the trashy condition of the area around Fulton and New Streets and suggested that they should do a walkthrough or try to clean the area up before they try to sell it to increase the selling price.

Staff recommended, based on the amended purchase offer amount of $10,500 and the information contained in the correspondence dated July 27, 2015, authorizing the City Manager to sell the property located at 24 North New Street to Central Delaware Habitat for Humanity without seeking additional bids. The write-off amount for this transaction would be $25,408.46.

Mr. Hare moved for approval of staff's recommendation, seconded by Mr. Anderson and carried by a unanimous roll call vote.

APPOINTMENTS RECOMMENDED BY MAYOR CHRISTIANSEN - DOWNTOWN DOVER PARTNERSHIP BOARD OF DIRECTORS

Mayor Christiansen requested the following appointments to the Downtown Dover Partnership Board of Directors:

> Robert E. Clark II (President of Wesley College) (to fill the unexpired term of Dr. William Johnston - term to expire May 2017)
>
> Mitchell May (Undesignated Representative/Commercial Property Owner) (to fill the unexpired term of Gerald Street - term to expire May 2017)

By consent agenda, Mr. Neil moved for approval of the appointments to the Downtown Dover Partnership Board of Directors, as recommended by Mayor Christiansen. The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote.

REASSIGNMENT OF PLANNING COMMISSION DISTRICT REPRESENTATION - BOBBY JONES (TERM TO EXPIRE JUNE 2017) FROM FIRST (1ST) DISTRICT TO AT-LARGE AND KATHLEEN STILL (TERM TO EXPIRE JUNE 2016) FROM AT-LARGE TO FIRST (1ST) DISTRICT

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised that the First District Planning Commission member, Bobby Jones, recently moved from the First (1st) District to the Second (2nd) District. She also advised that the At-Large Planning Commission member, Kathy Still, lives in the First (1st) District. Mrs. Townshend, noting that Dr. Jones was a very valuable member of the Planning Commission, stated that she discussed this situation with Dr. Jones, Mayor Christiansen, and Deputy City Solicitor Pepper and Mr. Pepper's opinion was that the two (2) seats could be changed so that Dr. Jones could serve At-Large and Ms. Still could serve representing the First (1st) District, where she lives.

Responding to Mr. Lewis, Mrs. Townshend stated that the members would simply switch their representation assignments and, to her knowledge, it had not been done before.

Mr. Lewis stated that he had no objection to the reassignment; however, he requested a more detailed explanation on the agenda or in the meeting packet in the future.

Mr. Neil moved for approval of the reassignment of the Planning Commission district representation of Bobby Jones from the First (1st) District to At-Large and Kathleen Still from At-Large to the First (1st) District. The motion was seconded by Mr. Anderson and unanimously carried.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Slavin wished a happy 40th wedding anniversary to Cindy and Robin Christiansen, our Mayor and First Lady, and stated that the happiness and joy of their marriage was echoed in the happiness and joy of their children and their grandchildren, and it was a truly wonderful moment to see on Facebook for a truly wonderful family here in Dover.

Mr. Hosfelt stated that, as Chairman of the Safety Advisory and Transportation Committee, he was notified earlier in the evening that CF Schwartz had made a $500 donation to the Dover Police Department to help with their ongoing efforts to fight violent crime. He wanted to share his appreciation with CF Schwartz.

Mr. Hutchison wished Council President Slavin a happy birthday.

Mr. Anderson announced that the Economic Summit for Kent County would be held at Delaware Technical and Community College on September 22, 2015 and further information was available on Eventbrite or DelTech's website.

Mr. Sudler announced that a walkthrough had been scheduled for Simon Circle, Liberty Court, and Lincoln Park on August 22, 2015 to look at the exterior infrastructure to see what kind of improvements the City could help with in the community.

Mr. Sudler thanked the 350 to 400 Fourth (4th) District residents, Councilman Anderson, and 17th District Senator Brian Bushweller, who came out to celebrate his election as Councilman.

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

Meeting adjourned at 9:07 P.M.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of August 10, 2015, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
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Exhibits
Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 128 South Queen Street
Exhibit #2 - Correspondence in Favor of Declaring 128 South Queen Street a Dangerous Building - Baker
Exhibit #3 - Presentation - Violation of Dangerous Building Ordinance - 669 West North Street

EXHIBIT #1
Regular Council Meeting of 08-10-2015

Violation of Dangerous Building Ordinance 128 S Queen St

Planning & Inspections Department

Dover, Delaware

August 10, 2015

128 S Queen St
Case History

- 16 code enforcement cases since 2000
  - Exterior code violations – replace gutters/soffits
  - Numerous grass violations – Zoning violations
  - Interior violations – electrical – structural issues
- Registered as vacant by the city on May 23, 2014
- Condemned by City Staff on November 18, 2013 due to the home being used as an illegal rooming house and structural concerns for the rear 2nd story room over the porch.
- The rental license was suspended on November 19, 2013.

Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*















































Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property repaired or demolished by **September 10, 2015** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause the demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

EXHIBIT #2
Regular Council Meeting of 08-10-2015

RE: 128 South queen Street

July 22, 2015

I Rodney + Tina Baker Opposed that the house number 128 be reopen We live right Across the Street from this home. This house in unsafe to live in. The traffic flow Gs Completly stopped. NO more prositiutuin or drug dealer hanging on the Corner Across the Street. Its be Very quait And able to enJoy Sitting on our porch Without Seeing all What happening Across the Street. Our Grands also can Enjoy been out Side now. We believe the problem Will Start up Again me it reopens. Please keep it Shut down →

RECEIVED
JUL 24 2015
OFFICE OF THE CITY CLERK

for good of the Neighbor hood
and Safety of the Children.

Thank you
Mr. & Mrs. Rodney Baker

OFFICE OF THE CITY CLERK
OCT 31 2012
RECEIVED

EXHIBIT #3
Regular Council Meeting of 08-10-2015

Violation of Dangerous Building Ordinance 669 W North Street

Planning & Inspections Department

Dover, Delaware

August 10, 2015

669 W North St
Case History

- 17 code enforcement cases since 2001
  - Exterior code violations – junk/debris
  - Flaking paint, deteriorated wall siding
  - Numerous grass violations
- The utilities were terminated on February 14, 2012
- Registered as vacant by the city on April 13, 2015
- City Staff inspected the exterior of the structure on April 9, 2015 and requested that a structural engineers report be provided for the home. The rear east corner foundation was settling and causing the wall and siding to buckle.

Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*


STOP


STOP



































Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property to be demolished by **September 10, 2015** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause the demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.