REGULAR COUNCIL MEETING

The Regular Council Meeting was held on June 8, 2015 at 7:30 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson (arrived at 7:31 p.m.), 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 Captain Kelly II, Mr. Koenig, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 7:36 p.m.).

OPEN FORUM

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

Mr. Stanley Richardson, 126 Reese Street, Lincoln Park, advised that there was another shooting in his neighborhood on Friday, with a bullet going through a neighbor's window. He noted that the police came and took pictures and retrieved the bullet. Mr. Richardson stated that there were also problems with residents of the group home in the neighborhood, noting that someone threw a brick through a windshield then went through the group home busting windows. He advised that the person was arrested; however, people are getting tired of the situation. Mr. Richardson stated that he has complained to the group home director about these problems. At the request of Council President Slavin, Chairman Hutchison agreed to place this item on the June 22, 2015 Safety Advisory and Transportation Committee agenda for discussion.

Mr. Robert McNelis, 898 Wilson Drive, questioned how he could calculate the tax on his property using the new rate. Responding, Mr. Scott Koenig, City Manager, requested Mr. McNelis to leave his contact information and stated that he would call him to explain the calculation.

Mr. Alan Gaddis, 448 North State Street, advised that he and his wife attended the five (5) budget meetings and noted that the discussions were thoughtful as members considered the proposed budgets, its proposed tax increase, and its effects upon the citizens and upon the City itself. He stated that their tax, based upon the latest published rate, increased to 40.5 cents per hundred dollar assessment and would be $2.80 a day, just 46 cents a day more than what they pay now, or $1,022 per year. Mr. Gaddis stated that Council has chosen to submit a reasonable property tax rate increase instead of transferring money from an emergency fund that will be needed for an emergency in the future and that this choice will meet our needs for 2016 as Council explores additional income for fiscal year 2017. Mr. Gaddis thought that, instead of kicking the can down the road until things cost more, Council had made a wise choice.

The invocation was given by Mayor Christiansen, 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. Neil moved for approval of the Consent Agenda, seconded by Mr. Cole and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF MAY 26, 2015

The Minutes of the Regular Council Meeting of May 26, 2015 were unanimously approved by motion of Mr. Neil, seconded by Mr. Cole and bore the written approval of Mayor Christiansen.

CERTIFICATE OF APPRECIATION - DR. WILLIAM N. JOHNSTON AND MRS. SUSAN S. JOHNSTON

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

CERTIFICATE OF APPRECIATION

Presented to

Dr. William N. Johnston and Susan S. Johnston

The City of Dover extends its hand to you in thanks and appreciation for the outstanding contributions you made in giving so generously of your time, talents, and professional attention.

Your vision, energy, and dedication have greatly enhanced our community. We wish you all our best on your journey.

Mayor Christiansen presented the Certificate and two Dover Cups to Dr. Johnston, noting that from the day they arrived, Dr. and Mrs. Johnston became part of the community and their leaving now was plucking at the heart strings of many people in the City of Dover for the contributions they have made. Dr. Johnston thanked the Mayor and the City Council and stated that he and Mrs. Johnston had really loved being in Dover. He acknowledged that there are always issues and challenges that all organizations have; however, he recalled the accomplishments, such as the Wesley College streetscape and the acquisition of the Frear Building, which is now the Health Science Building at Wesley College. Dr. Johnston stated that it had been a privilege to be a resident of this area.

PROCLAMATION - FLAG DAY AND FLAG WEEK

The City Clerk read the following Proclamation into the record:

WHEREAS, the first official flag of the United States was adopted by the Second Constitutional Congress on June 14, 1777 and on August 3, 1949, Congress designated June 14th of each year as "National Flag Day" and requested that the President issue an annual proclamation calling for its observance; and

WHEREAS, on June 9, 1966 Congress requested that the President designate the week in which June 14th occurs as "National Flag Week" and call upon citizens to display the flag during that week; and

WHEREAS, on December 8, 1982, the National Flag Day Foundation was chartered to conduct educational programs and to encourage all Americans to pause for the Pledge of Allegiance on Flag Day; and

WHEREAS, Flag Day celebrates our nation's symbol of unity, devotion to freedom, and the equal rights of all.

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE do hereby proclaim June 14, 2015 as **FLAG DAY** and the week of June 14-20, 2015 as **FLAG WEEK** in the City of Dover and urge all residents to pause for the Pledge of Allegiance in honor of the Flag of the United States of America and to proudly display the flag in recognition of the beacon of hope that it has become for our country and for people all over the world.

PROPOSED RESOLUTION NO. 2015-10 - PROPOSING INCLUSION OF MAPLE GLEN INTO THE KENT COUNTY STORMWATER MAINTENANCE DISTRICT

The Kent County Levy Court, in conjunction with the Kent Conservation District, created a Stormwater Maintenance District program. New housing developments within the County's jurisdiction are required to enter into the District and existing developments can opt into the District. If those developments opting in are within a municipal corporation, consent from the governing body is required and a Resolution proposing inclusion must be adopted.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised that many developments with stormwater management facilities require the homeowners' association to manage their stormwater. She noted that many of those associations have found themselves somewhat ill equipped to be able to meet those responsibilities and stated that this is a great program to assist them.

Mrs. Townshend informed members that the subdivision of Maple Glen had requested inclusion in the Stormwater Maintenance District. She noted that, if included, the Kent Conservation District will perform the stormwater maintenance and Kent County will levy a charge for the service.

Mr. Hare moved for adoption of the Resolution, seconded by Mr. Hutchison and, by a unanimous roll call vote, Resolution No. 2015-10 was adopted, as follows:

A RESOLUTION PROPOSING INCLUSION OF MAPLE GLEN INTO THE KENT COUNTY STORMWATER MAINTENANCE DISTRICT

WHEREAS, pursuant to 9 Del. C. §5202 et. seq. and Chapter 187 §90.4.E.(1) of the Kent County Code, a Petition to extend the stormwater maintenance district for the area known as Maple Glen, lots 1 through 46 was submitted by a majority of the real property owners within the proposed district; and

WHEREAS, pursuant to Chapter 187 §90.4.E.(2) of the Kent County Code, the Kent Conservation District inspected the stormwater management facilities for the proposed stormwater maintenance district, identified required repairs, and developed an operation and maintenance plan; and

WHEREAS, all required repairs have been completed and inspected by the Kent Conservation District; and

WHEREAS, Chapter 187 §90.4.E.(7) of the Kent County Code requires that for subdivisions and land developments located within incorporated areas, the petition shall be accompanied by evidence of concurrence of the local governing body.

NOW THEREFORE BE IT RESOLVED:

1. That the proposed stormwater maintenance district expansion is adequate and appropriate; and
2. That all of the property owners within the district are benefitted directly or indirectly thereby; and
3. That it is in the public interest to extend the stormwater maintenance district in the manner proposed; and
4. That the stormwater maintenance infrastructure within Maple Glen, exclusive of that within Delaware Department of Transportation/City of Dover right-of-way, shall be maintained in accordance with the Operation and Maintenance Plan and that maintenance shall include regular minor and major maintenance as well as emergency repairs as needed, as defined by Chapter 187 §90.4.B of the Kent County Code; and
5. That the inclusion of Maple Glen within the Stormwater Maintenance District and the resulting infrastructure maintenance managed by the County shall take precedence over any homeowner obligation for stormwater management included in declarations of restrictions or similar development agreements. Any common open space or infrastructure within a community not maintained as part of a stormwater maintenance district shall remain the responsibility of the homeowners; and
6. Inclusion of Maple Glen within the Stormwater Maintenance District shall not exempt lot owners within the subdivision from participation in a stormwater utility should one by established by the City of Dover; and
7. That Dover City Council concurs with the extension of the Stormwater Maintenance District - Maple Glen.

ADOPTED: JUNE 8, 2015

PROPOSED RESOLUTION NO. 2015-11 - PROPOSING INCLUSION OF FOX HALL WEST ADDITION INTO THE KENT COUNTY STORMWATER MAINTENANCE DISTRICT

The Kent County Levy Court, in conjunction with the Kent Conservation District, created a Stormwater Maintenance District program. New housing developments within the County's jurisdiction are required to enter into the district and existing developments can opt into the district. If those developments opting in are within a municipal corporation, consent from the governing body is required and a Resolution proposing inclusion must be adopted.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised that the Fox Hall West Addition, an interior portion of Fox Hall West, had requested inclusion in the Stormwater Maintenance District. She noted that, if included, the Kent Conservation District will perform the stormwater maintenance and Kent County will levy a charge for the service.

Mr. Neil moved for adoption of the Resolution, seconded by Mr. Hosfelt and, by a unanimous roll call vote, Resolution No. 2015-11 was adopted, as follows:

A RESOLUTION PROPOSING INCLUSION OF FOX HALL WEST ADDITION INTO THE KENT COUNTY STORMWATER MAINTENANCE DISTRICT

WHEREAS, pursuant to 9 Del. C. §5202 et. seq. and Chapter 187 §90.4.E.(1) of the Kent County Code, a Petition to extend the stormwater maintenance district for the area known as Fox Hall West Addition was submitted by a majority of the real property owners within the proposed district; and

WHEREAS, pursuant to Chapter 187 §90.4.E.(2) of the Kent County Code, the Kent Conservation District inspected the stormwater management facilities for the proposed stormwater maintenance district, identified required repairs, and developed an operation and maintenance plan; and

WHEREAS, all required repairs have been completed and inspected by the Kent Conservation District; and

WHEREAS, Chapter 187 §90.4.E.(7) of the Kent County Code requires that for subdivisions and land developments located within incorporated areas, the petition shall be accompanied by evidence of concurrence of the local governing body.

NOW THEREFORE BE IT RESOLVED:

1. That the proposed stormwater maintenance district expansion is adequate and appropriate;
2. That all of the property owners within the district are benefitted directly or indirectly thereby; and
3. That it is in the public interest to extend the stormwater maintenance district in the manner proposed; and
4. That the stormwater maintenance infrastructure within Fox Hall West Addition , exclusive of that within Delaware Department of Transportation/City of Dover right-of-way, shall be maintained in accordance with the Operation and Maintenance Plan and that maintenance shall include regular minor and major maintenance as well as emergency repairs as needed, as defined by Chapter 187 §90.4.B of the Kent County Code; and
5. That the inclusion of Fox Hall West Addition within the Stormwater Maintenance District and the resulting infrastructure maintenance managed by the County shall take precedence over any homeowner obligation for stormwater management included in declarations of restrictions or similar development agreements. Any common open space or infrastructure within a community not maintained as part of a stormwater maintenance district shall remain the responsibility of the homeowners; and
6. Inclusion of Fox Hall West Addition within the Stormwater Maintenance District shall not exempt lot owners within the subdivision from participation in a stormwater utility should one by established by the City of Dover; and
7. That Dover City Council concurs with the extension of the Stormwater Maintenance District - Fox Hall West Addition; and

ADOPTED: JUNE 8, 2015

PROPOSED RESOLUTION NO. 2015-12 - PROPOSING VACATING AND ABANDONING HARMONY LANE

During the Regular Council Meeting of November 25, 2013, Resolution No. 2013-26 Vacating and Abandoning Harmony Lane was adopted. It was stipulated in the Resolution that "Abandonment shall be conditional upon completion of the site development plan and parcel consolidation plan. The proposed abandonment shall be void and of no effect if the site development plan and parcel consolidation plan are not approved and recorded on or before November 25, 2014." Subsequently, the abandonment expired and the developer of Walker Woods and Walker Woods II was in the process of completing the requirements for the abandonment. Resolution No. 2015-12 proposed vacating and abandoning Harmony Lane in order for the development to proceed as planned.

Mr. Sudler moved for adoption Resolution No. 2015-12 (*Exhibit #1*), seconded by Mr. Hare and carried by a unanimous roll call vote.

PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2015-02 - REZONING REQUEST FOR PROPERTY LOCATED AT 801 NORTH STATE STREET, OWNED BY 801 GOLD COAST, LLC (LUTHER D. SHANK III)

A public hearing was duly advertised for this time and place to consider the rezoning of property located at 801 North State Street, consisting of $1.943^{+/-}$ acres, owned by Gold Coast, LLC (Luther D. Shank III). The property is currently zoned RG-3 (Group Housing) and the proposed zoning is C-2A (Limited Central Commercial).

Mr. Sudler moved that the Final Reading of the proposed rezoning ordinance 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 February 9, 2015. On March 16, 2015, the Planning Commission deferred the public hearing and action on this item pending City Council's decision on Ordinance #2015-01. On April 13, 2015, the public hearing was scheduled for this time and place.)*

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 on April 13, 2015 City Council adopted Ordinance #2015-01 amending the 2008 Comprehensive Plan, as amended, to change the land use classification of this property from medium density residential to commercial. Mrs. Townshend advised that the current zoning is RG-3 (Group Housing), which allows townhouses, and the proposed zoning is C-2A (Limited Central Commercial). The intended use is mixed-use development.

Mrs. Townshend advised members that no members of the public spoke during the Planning Commission public hearing and the Planning Commission unanimously recommended approval of the proposed rezoning.

Public Hearing

Council President Slavin declared the public hearing open.

Mr. Stephen E. Smith of Baird Mandalas Brockstedt, LLC, representing the applicant, stated that he was available to answer any questions.

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

Mr. Hare moved for approval of the rezoning request. The motion was seconded by Mr. Sudler and, by a unanimous roll call vote, Council adopted Ordinance #2015-02, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 801 NORTH STATE 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 property described below from RG-3 (Group Housing Zone) to C-2A (Limited Central Commercial 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-3 (Group Housing) to C-2A (Limited Central Commercial) on that property located at 801 North State Street consisting of $1.943^{+/-}$ acres, owned by 801 Gold Coast, LLC (Luther D. Shank III). (Tax Parcel: ED-05-068.09-01-13.00-000; Planning Reference Z-15-01; 3rd Council District)

ADOPTED: JUNE 8, 2015

PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2015-08 - REZONING REQUEST FOR PROPERTIES LOCATED AT 605, 625, 635, 645, AND 655 BAY ROAD AND 400 HASLET STREET

A public hearing was duly advertised for this time and place to consider the rezoning of properties located at 605, 625, 635, 645, and 655 Bay Road and 400 Haslet Street, consisting of $80.02^{+/-}$ acres, owned by Blue Hen CC, LLC, Read Street, LLC, and Blue Hen Apt, LLC. The properties are currently zoned RM-2 (Medium Density Residence) Subject to SWPOZ (Source Water Protection Overlay Zone); SC-3 (Regional Shopping Center); and SC-3 (Regional Shopping Center) Subject to SWPOZ (Source Water Protection Overlay Zone) and the proposed zoning is SC-2 (Community Shopping Center) and RG-2 (General Residence) Subject to SWPOZ; SC-2 (Community Shopping Center); SC-2 (Community Shopping Center) and RG-2 (General Residence); SC-2 (Community Shopping Center) Subject to SWPOZ (Source Water Protection Overlay Zone); and RG-2 (General Residence).

Mr. Hutchison moved that the Final Reading of the proposed rezoning ordinance be acknowledged by title only, seconded by Mr. Sudler and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council Meeting of April 27, 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.

Mrs. Townshend advised members that no members of the public spoke during the Planning Commission public hearing and the Planning Commission unanimously recommended approval of the proposed rezoning.

Public Hearing

Council President Slavin declared the public hearing open.

Ms. Andrea Finerosky of Pettinaro Construction Company, representing the applicant, stated that they had worked very closely with the Planning Department to ensure that the plan was in compliance with all required regulations and that any site plan, should the rezoning be approved, would also be in compliance with all applicable regulations.

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

Mr. Neil moved for approval of the rezoning request, as recommended by the Planning Commission. The motion was seconded by Mr. Anderson and, by a unanimous roll call vote, Council adopted Ordinance #2015-08 (*Exhibit #2*).

REQUEST FOR EXTENSION - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 742 SLAUGHTER STREET, OWNED BY JOE BURDEN, JR.

During the Meeting of May 26, 2015 Council accepted staff's recommendations for 742 Slaughter Street, as follows: 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner within 10 days of the dates established by City Council; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or 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. Unit C is to be repaired or demolished by June 26, 2015 and Units and A and B are to be repaired or demolished by September 26, 2015.

During the Meeting of June 8, 2015, Council President Slavin stated that Dr. Burden had requested a time extension. Although there was no further appeal process for violations of the dangerous building ordinance, the nonconforming use status of the building housing units A and B was not considered in Council's previous approval, Mr. Slavin indicated that he would entertain a motion to reopen this matter for further discussion.

Mr. Sudler moved to reopen consideration of the violation of the dangerous building ordinance for 742 Slaughter Street. The motion was seconded by Mr. Anderson and failed by a roll call vote of

eight (8) no (Anderson, Neil, Lewis, Cole, Hosfelt, Hare, Hutchison, and Slavin) and one (1) yes (Sudler).

PUBLIC HEARING - ELECTRIC REVENUE FUND BUDGET

A public hearing on the Electric Revenue Fund Budget is required for compliance with City of Dover Electric Revenue Bonds Resolutions prior to adoption of the budget. Notice of the public hearing was properly advertised for this time and place.

Mr. Scott Koenig, City Manager, stated that the proposed Electric Fund budget for the Fiscal Year beginning July 1, 2015 through June 30, 2016 was included in the draft budget review and it proposed a rate increase. He noted that this was the public's opportunity to comment on the Electric Fund Budget, as presented.

Mr. Anderson noted that there was no proposed increase in the transfer from the Electric Fund to the General Fund. Mr. Koenig concurred that the transfer remained at $10M and that almost all facets of the utility are driven by the potential for purchased power, cash flow needs, and some increased expenses. He noted that these rate increases were necessary to have a healthy fund going forward.

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

No further action was taken. Council President Slavin noted that the First Reading of the Budget Ordinances would take place during the latter part of the meeting and that the Final Reading and adoption of the Ordinances were scheduled for the Regular Council Meeting of June 22, 2015.

SETTING OF ELECTRIC RATES AND TARIFFS

Mr. Scott Koenig, City Manager, advised that the consulting firm of Burns & McDonnell completed a cost-of-service study which analyzed the City's rate classifications included in the tariffs. He noted that the draft budget indicated the potential impact of various classifications that ranged from as low as 2.4 percent to increases of slightly over 3 percent. In the total utility bill, a majority of that increase is related to increasing the customer charges, which is a guarantee of revenue to the utility. Mr. Koenig stated that there is also a charge related to providing standby power to the Garrison Energy Center. When the Garrison Energy Center is up and running, it is providing its own power for lighting and the offices. If the facility is offline for maintenance or other reasons, then it will be purchasing power from the City of Dover related to light, the administrative offices, and security lighting. All those rate tariffs are considered in the proposed new tariffs.

Mr. Hutchison moved for approval of the proposed electric rates and tariffs, as recommended by staff. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

PRESENTATION - PLANNING AND INSPECTIONS AND RECREATION ANNUAL REPORT

The Department of Planning and Inspections and Recreation submitted their Annual Report to City Council during their Regular Meeting of June 8, 2015. Mrs. Ann Marie Townshend, Director of Planning and Community Development, provided a Power Point Presentation (***Exhibit #3***), depicting highlights of the report.

Mr. Lewis advised members that, during the Parks, Recreation, and Community Enhancement Committee meeting held earlier in the day, he requested information on how much money was collected in fines for the fiscal year under code enforcement. Mrs. Townshend stated that she would send her response to all members of City Council.

Noting that there were 277 vacant buildings in the City, Mr. Hutchison asked Mrs. Townshend if she felt that the laws and ordinances currently in place had allowed her and her staff to address these buildings as fast as they should. Responding, Mrs. Townshend stated that with the staff resources, they probably do. She indicated that increasing the fees would help because there are a lot of costs that the City carries. For instance, there are quite a few vacant buildings where the City is paying to have the grass cut and there are more and more administrative charges that are billed, which costs the City money. Mrs. Townshend stated that more stringent fees for the vacant buildings might encourage people to address them more quickly.

Responding to Mr. Hutchison, Mrs. Townshend stated that fees for commercial buildings over 10,000 square feet were raised last year. She noted that all other fees were set in 2006.

In response to Mr. Sudler, Mrs. Townsend stated that since they started the vacant building registry in 2006, over 1,400 buildings had been registered. She noted that staff did not really become proactive enforcing the registration until around 2011. Mrs. Townshend noted that the City is broken up geographically and each inspector previously was responsible for tall grass, vacant buildings, and housing inspections in their area. In 2011, the decision was made to take one (1) inspector and have them focus entirely on vacant buildings.

Mr. Sudler questioned whether there was a need for more inspectors. Responding, Mrs. Townshend stated that they could achieve more with more code enforcement officers; however, that comes with greater cost and they would be looking at more dangerous buildings, which would cost more money. Mrs. Townshend stated that she believed that they were doing a good job with the staff they had.

Mr. Sudler moved for acceptance of the 2015 Planning and Inspections and Recreation Annual Report, seconded by Mr. Neil and unanimously carried.

MONTHLY REPORTS - APRIL 2015

By motion of Mr. Neil, seconded by Mr. Cole, 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
Economic Development Office Report
Fire Chief's Report (*March and April*)
Police Chief's Report

2015/16 COMMITTEE APPOINTMENTS (DEFERRED DURING THE MEETING OF MAY 26, 2015)

By consent agenda, Mr. Neil moved for approval of the Committee appointments for 2015/2016. The motion was seconded by Mr. Cole and, by a unanimous roll call vote, the following appointments were made:

Parks, Recreation, and Community Enhancement Committee
M. Milford Caldwell, Jr. (Appointed by Council President)
Ann Baker Horsey (Appointed by Chairperson)

Utility Committee
Scott W. Cole (Appointed by Council President)

REAPPOINTMENT RECOMMENDED BY MAYOR CHRISTIANSEN - DOVER PUBLIC LIBRARY ADVISORY COMMISSION - LOIS J. DUNNING - FIVE (5) YEAR TERM TO EXPIRE JUNE 16, 2020

Mayor Christiansen recommended the reappointment of Mrs. Lois J. Dunning to serve on the Dover Public Library Advisory Commission for a five (5) year term to expire June 16, 2020.

By consent agenda, Mr. Neil moved for approval of the reappointment of Mrs. Lois J. Dunning to the Dover Public Library Advisory Commission, as recommended by Mayor Christiansen, seconded by Mr. Cole and carried by a unanimous roll call vote.

FIRST READING - PROPOSED ORDINANCE #2015-10 - NOTIFICATION OF TAX RATE INCREASE OVER THE ROLLED BACK TAX RATE [REQUIRED IN ACCORDANCE WITH 22 DELAWARE CODE SECTION 1105(B)]

Council President Slavin reminded the public that copies of proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office. Final action by Council on the proposed ordinance will take place during the Council Meeting of June 22, 2015.

Mr. Scott Koenig, City Manager, advised that this was the introductory ordinance prior to the budget discussion that sets the rollback rate. Mrs. Cheryl Bundek, City Assessor, indicated that, in total across the City, the assessed value of property went down slightly. The December 31, 2014 valuation was $3,191,130, 460 and, based on her calculations, the 2015/16 assessed value would be $3,103,526,891. Mr. Koenig stated that the tax rate would be increased from .3378 cents per $100 of assessed value to .3499 cents per $100 of assessed value to create a revenue neutral tax assessment.

Mr. Koenig advised that, through the budget process, Council arrived at a proposed tax rate for FY 2015/16 of 40.5 cents, or .4050 dollars, per $100 of assessed value for the estimated value of $3,050,321,691 of property. This creates an increase over the rollback tax rate of approximately 15.7 percent.

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

Ordinance #2015-10 - Notification of Tax Rate Increase Over the Rolled Back Tax Rate [Required in accordance with 22 Delaware Code Section 1105(b)]

FIRST READING - PROPOSED ORDINANCE #2015-11 - FISCAL YEAR 2015/2016 CITY OF DOVER BUDGET ORDINANCES

Council President Slavin reminded the public that copies of proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office. Final action by Council on the proposed ordinance will take place during the Council Meeting of June 22, 2015.

Mr. Scott Koenig, City Manager, stated that the draft ordinance identified the various components of the City Budget proposed for Fiscal Year 2015/16. He noted that when budget deliberations began several weeks ago, the total annual budget for the City of Dover was roughly $137M, of which approximately $41.8M was related to General Fund proposed spending across the City of Dover, and the General Fund is primarily supported by the property tax rate. Mr. Koenig stated that the FY 2015/16 General Fund budget, after the budget discussions, would be roughly $41.327M of spending, provided Council adopted the proposed draft budget. He noted that some of the major driving factors in this budget had been addressing resident concerns regarding public safety; street infrastructure; underground piping infrastructure, such as water and sewer; and power infrastructure related to electric lines and maintenance of the electric generating stations. Mr. Koenig also noted that many dollars were associated with the workforce, which is dedicated to providing a basic level of municipal services all across the City ranging from police, fire dispatch, sanitation, streets, code enforcement, financial management services, customer services– all facets of a full-service city that we, our residents, and our customers enjoy on a day-to-day basis.

Mr. Koenig advised that the proposed spending plan included increasing full-time employees from 347 to 360 full-time equivalents and increasing part-time staff from 78 to 93. He noted that some of the major General Fund drivers included the addition of new police officers to improve public safety, the addition of a proposed planner position in the Planning Department to address ordinances related to potential downtown redevelopment and rewriting the subdivision code, as well as to address service levels in the City.

Additionally, Mr. Koenig noted that there was also spending related to an increased allocation of operating expenses for the Fire Department, a street program that had climbed from $900,000 in FY 2014/15 to $1M in FY 2015/16, and improved funding related to water quality improvements or pipe replacement in the water system through the increased revenue being generated by the Garrison Energy Center or the Calpine Project. Mr. Koenig stated that the draft budget in the Water Fund anticipated roughly $1.6M in Water Fund revenues related to that facility. He indicated that notification was received earlier in the day that the facility is available for commercial operation. It was expected that revenue targets for FY 2015/16 related to the Garrison Energy Center would be met, which allowed a substantial increase in the transfer from the Water Sewer fund to the General Fund. Mr. Koenig noted that the transfer was roughly $500,000 in FY 2014/15 and it would climb to roughly $850,000 for FY 2015/16.

Mr. Koenig advised that there were no water and sewer rate increases in the proposed budget and the utility would remain constant at the current rate; however, with the proposed workforce of 360, healthcare costs would be a strain. He noted that healthcare costs for FY 2015/16 would be roughly 15.7 percent higher than FY 2014/15.

Mr. Koenig stated that this budget had two labor unions that are under contracts right now. It addressed non-bargaining staff in the final recommendations coming out of the budget hearings; however, there were two (2) labor contracts that had not been signed, one (1) related to the Fraternal Order of Police (FOP) and one (1) to the Dover Organization of Employees (DOE).

Mr. Koenig reminded members that expenses were reduced by approximately $944,000 during the budget review. He noted that revenue was also reduced by approximately $760,000 when the recommended tax rate was dropped from the 42 cents per $100 of assessed value to the current proposal of 40.5 cents per $100 of assessed value.

Mr. Koenig stated that there was an increase of roughly 3 percent in the electric rate classifications across the board. He noted that the rates vary, depending on the classification, and some were as low as roughly 2.4 percent while others were as high as 3 to 3.4 percent.

Mr. Koenig acknowledged the difficult work performed by members of Council, noting that they had been able to avoid General Fund tax increases in the past, and stated that the proposed increase over the rollback of 15.7 percent had been a difficult consideration for Council. He thanked members of Council for their consideration and City staff, Mrs. Mitchell in particular, for their assistance with preparing the budget.

Council President Slavin thanked Mr. Koenig and staff for their work and patience during the budget hearings over the last two (2) weeks. He also thanked Council members for rolling up their sleeves and getting the work done, noting that they had cut nearly $1M of expenses out of the proposed budget. Mr. Slavin also acknowledged the work of previous Councils. He noted that their work in changing budgets in the last seven (7) to eight (8) years was nothing short of extraordinary. Mr. Slavin stated that previous Councils went after the expense side of the budget and their work was part of the continuum of the current budget situation.

Council President Slavin stated that everyone felt that the economy would have rebounded a little bit stronger, and the economy appeared to be coming back; however, it was lagging for some of the City's traditional revenue streams. He acknowledged that no one loves the specter of raising taxes; however, it was a compromise and a deliberative process, and coming to consensus among nine (9) people in a public session is always a challenge. Mr. Slavin thought that they should all feel that they had done service to the process and had done the necessary heavy lift.

Responding to Mr. Sudler, Mr. Koenig stated that the negotiations between the City of Dover and the FOP were scheduled to get underway during the current week, noting that they had been delayed for administrative reasons not related to the City of Dover. He advised that he does not routinely seek the unions' opinions on the budget and stated that all of the information is available for them to review. Mr. Sudler stated that, as a former shop steward in the union for Delaware State University, it would not hurt to reach out to them and get their opinions to show good faith.

Mr. Neil questioned whether Mr. Koenig was any closer to an agreement with Calpine to purchase electricity, since they were scheduled to go online. Responding, Mr. Koenig stated that the station was commercially available for operation and was producing power to the grid. He noted that,

during a teleconference earlier in the day, the issue of whether the City will enter into a purchase power agreement with Calpine was related to regulatory issues that were being debated both at the national and regional levels.

Mr. Lewis asked if they were doing everything possible to determine areas in the budget where cost savings or reductions could be achieved. Responding, Mr. Koenig stated that staff had done a very good job of balancing the expectation of the City's citizens and customers with the need to make continuous improvements. He stated that, at the staff and department levels, every project is reviewed to see if they are getting the most for their money. Mr. Koenig advised that whenever there are open positions, they are evaluated to see if that position is appropriate for recruiting or if it should be modified. He stated that he thought the organization was doing everything possible to manage costs and had made a lot of progress on cost controls. Mr. Koenig advised that there were still some unknowns, such as the amount of Municipal Street Aid and Payments in Lieu of Taxes (PILOT) that would be received.

Mr. Koenig stated that the City's budget was healthy for many years because of a strong construction industry, and the economy had not recovered as quickly as they had hoped. He noted that the decline in building permit and transfer tax revenues over the last five (5) years had added to the gap in the General Fund and necessitated stabilizing revenues, whether from fees or taxes. Mr. Koenig indicated that looking at the tax rate was the most stable and fairest way to predict revenue and increase the baseline General Fund.

Mr. Koenig stated that if the gap to be closed were $100,000 to $150,000 or even $200,000, fees would probably be examined; however, because the gap was significant, upwards of $2M when the process started, there was really no way to close it with fines or fees. He advised that the City's workforce had been trimmed over the last five (5) years from 370 down to 347. The Police Chief felt that they needed 10 more officers to get a hold of the level and intensity of the activity associated with policing. Mr. Koenig noted that some members of Council had indicated that there was stress or decline in some service areas. Additionally, the road network declined significantly over the last few years because of very harsh winters and the size of the network was growing, which necessitates a robust road network spending plan. Mr. Koenig stated that there had been cuts in customer services and that had created concerns from an administrative level, such as if the bills were being collected and if customer concerns were being addressed. He felt that the proposed budget would help to achieve an acceptable level of service by reducing wait times related to electric, water, and sewer issues.

Mr. Koenig stated that the departmental budget requests were pared down before they were presented to Council, and Council had paired those requests further. He stated that he believed the proposed budget was fair for the citizens from a service delivery standpoint, for the workforce from an employer standpoint, from a capital project standpoint, and, as residents had stated, the proposed tax increase, almost across the board, was less than a dollar a day for the average person. Mr. Koenig stated that the cost of not providing these services, or maintaining the level of service, or losing control of infrastructure or service delivery would be significantly higher in the long run.

Mr. Koenig suggested, going forward, that fees be looked at, noting that they may not have been adjusted for 20 or more years. He also proposed advocating at the State level for potential additional revenue that same-sized municipalities in other parts of the country were benefitting from. He reiterated his belief that everything possible had been done to cut costs and maintain levels of service. Mr. Koenig noted that if a single line item were identified, this could be debated going forward.

Mr. Lewis requested that he be provided a cost containment punch list for the next five (5) years prior to June 22, 2015.

Mr. Lewis asked that he be provided the total amount of overtime paid prior to June 22, 2015. Responding, Mr. Koenig stated that overtime costs were provided on Page 80 of the draft budget. He noted that the projected overtime amount for all divisions across the City was $879,000 for FY 2015/16. Responding to Mr. Lewis, Mr. Koenig stated that he did not consider this a time management problem, noting that $45,000 of the $879,000 related to police overtime, which had been a stable number; $115,000 of it related to electric system overtime or transmission and distribution system overtime, a majority of which related to after hours or on call related to outages or running the utility. Mr. Koenig advised that a number of areas of the City had little to no budget associated with overtime, and each of those individual departments that had large overtime expenses could explain them. He also noted that previous year totals were: FY 2012/13 - $917,000; FY 2013/14 - $955,000; and currently, through April - $802,000. Mr. Koenig stated that escalation of labor costs also influences those totals. It was his opinion that overtime costs remained relatively flat, with a possible slight decrease, and, as with everything else, it needed to be managed but was not out of control.

Mr. Hare stated that he did not agree with the probable tax increase, nor did he think that everything that could be done had been. He stated that it was unknown if the health insurance program was the best that could be obtained and felt it could be reviewed for possible savings. Mr. Hare stated that it was unknown if the electric grid was going to continue to generate revenue or financial benefits beyond the next year or two (2), considering it was 56 years old and 40-year-old electric utilities were being retired. He felt that purchasing power from the new power plants should be researched. Mr. Hare also felt there was a need to look at the following: vacant properties; starting the budget process in January or February to allow more time for review; tax exempt properties; and a public safety fee that would apply to everyone. He noted that Delaware State University, which is tax exempt, was appraised at $245M, noting that Robbins Hose Company makes over 100 fire runs to the University per year and they do not pay taxes or make a donation to the Fire Department. Mr. Hare felt that tax exempt properties and other non-profits should donate something for the services they are receiving. Mr. Hare stated that he felt more police officers and the cadet program were needed; however, he felt those things would cost $8 to $10 a month instead of $1 a day. He stated that he did not see a $365 increase on any of the properties. Mr. Hare expressed the need to do a better job budgeting by starting earlier, getting involved by having every rock turned, and having all the facts to make an informed decision.

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

Ordinance #2015-11 - Fiscal Year 2015/2016 City of Dover Budget Ordinances

FINAL READING - PROPOSED ORDINANCE #2015-09, WITH STAFF AMENDMENT #1 (SA#1)

The First Reading of the Proposed Ordinance was accomplished during the Council Meeting of May 26, 2015.

Mr. Hutchison moved that the Final Reading of the proposed ordinance be acknowledged by title only, seconded by Mr. Hare and unanimously carried.

Chapter 62 - Law Enforcement, Article II - Police Department, Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing and Parking, Division 2 - Metered Parking, and Appendix F - Fees and Fines

Mr. Scott Koenig, City Manager, advised that the amendments clarify which laws are to be enforced; stipulate that the Police Chief selects the Deputy Police Chief; create a Police Chief Selection Committee; remove the special police section; establish the Police Cadet Program; bring the disposal of personal property held by the Police Department into compliance with existing policies and procedures; update traffic and vehicle fines, and simplify the language regarding violations and penalties, amending Appendix F - Fees and Fines to correspond with the language changes.

Responding to Mr. Sudler, Police Chief Paul Bernat stated that the area for the Cadet Program was expanded to anywhere that they would be useful within the City of Dover. Mr. Anderson, noting that there had been recent complaints about Silver Lake and Dover parks, asked if they could be utilized in some of the City parks. Chief Bernat indicated that they could.

Responding to Mr. Anderson, Chief Bernat stated that there is currently a code of conduct that applies to police officers. Mr. Anderson thought that it would be helpful to codify the code of conduct in case it was needed to dismiss someone for a conduct violation. Chief Bernat stated that he would look into it.

Mr. Sudler moved for adoption of the proposed ordinance, seconded by Mr. Anderson and, by a unanimous roll call vote, Council adopted Ordinance #2015-09, as follows:

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

That Chapter 62 - Law Enforcement, Article II - Police Department, of the Dover Code be amended to read as follows:

Sec. 62-31. - Generally.

(a) *Established*. There shall be a city police department, which shall preserve peace and order and, within the city limits, compel obedience to all city ordinances, state, and federal laws.

(b) *Officers*. The city council shall, upon adoption of the annual budget, designate the number and salaries of the individual police officers who shall comprise the police department. The police chief shall choose and appoint the deputy police chief and police officers.

Sec. 62-32. - Chief of police generally.

(a) *Designation*. A police chief selection committee comprised of the mayor, council president, chair of the safety advisory and transportation committee, city manager, and human resources director shall advise the mayor on the nomination of the police chief. The mayor shall nominate a duly qualified chief of police, whose appointment shall be effective upon confirmation by the city council. The chief of police shall be subject to removal at any time by the mayor, with the affirmative vote of two-thirds of the members elected to the city council, and in accordance with 11 Del. C. Ch. 93 - Police Chief Due Process.

(b) *Functions*. The chief of police shall have the authority to supervise and direct the police department and, pursuant to such authority, he shall promulgate police department rules and regulations, three copies of which are on file at the police department.

(c) *Reports*. The chief of police shall submit monthly reports to the city council giving the number of arrests and other pertinent information required by the city council.

Sec. 62-33. - Oath of police officers.

Every police officer, before entering upon his duties, shall be sworn by the mayor to perform his duties faithfully.

Sec. 62-34. - Enforcement of laws and ordinances.

It shall be the duty of each police officer to diligently inquire into the observance of the laws and ordinances within the city and, in case of a breach, to cause the offender to be legally proceeded against.

Sec. 62-35. - Authority to preserve order at fires.

The police department shall have the authority, upon an alarm of fire, to report to the scene of a fire to preserve order and render any assistance to the fire department that may be practical.

Sec. 62-36. - Disciplinary authority of chief of police.

(a) *Generally*. The chief of police shall have final disciplinary authority and responsibility within the police department, subject to appeals to the mayor, and shall promulgate and carry out such disciplinary procedures as may be needed within his command. The chief of police shall, where cause exists, have the authority to suspend from duty an employee for a period of time not to exceed 30 days, to reduce employees in rank or pay grade, to place employees on probation and to suspend such sanctions as the need arises, or to dismiss an employee from service.

(b) *Appeal*. Any employee so disciplined has the right to appeal, on the record, to the mayor.

(c) *Subpoenas*. The chief of police shall, for the limited purpose of compelling the appearance of witnesses before the professional standards board of the city police department, sitting for the purpose of affording due process to members of the city police department in disciplinary matters, have the power to issue subpoenas for that purpose.

Sec. 62-37. - Mayor to advise council of personnel changes.

The mayor shall advise the city council of any change in the personnel of the police department at the next regular city council meeting following the change.

(Code 1968, § 2-33; Code 1981, § 18-5.1)

Sec. 62-38. - Police cadet program.

(a) *Created; purpose*. Due to the continuing safety and security concerns expressed by merchants, patrons, and residents, city council has authorized the Police Cadet Program to maintain a more visible presence in the City of Dover. The city manager and police chief shall expand or contract the number of police cadets at their mutual discretion. The objectives of the Police Cadet Program are to:

1. Allow merchants to build a rapport with the police cadets, allowing the police cadets to understand their needs.
2. Provide additional patrols to curb loitering, alcohol violations and pan handlers.
3. Provide additional patrols to curb noise ordinance violations (loud music from vehicles).
4. Provide additional patrols to curb harassment complaints.
5. Provide additional patrols in the Dover Public Library.
6. Allow the police department to screen and vet the police cadets for future employment as Dover police officers.
7. Provide a feeling of safety to the downtown patrons, the downtown merchants, and the residents of the City of Dover.

(b) *Appointment*. The chief of police shall assign the authorized number of duly qualified individuals to the Police Cadet Program. The cadets shall be civilian employees of the police department and shall not be considered law-enforcement officers within the meaning of 11 Del. C. Ch. 92 - Law-Enforcement Officers' Bill of Rights.

(c) *Authority*. The police cadets shall have the authority to issue summonses for violations of any ordinance of the City of Dover. The police cadets shall not have the authority to enforce the Delaware Code or make arrests for violations of the Delaware Code.

(d) *Oath*. Every police cadet, before entering upon his or her duties, shall take an oath to faithfully perform his or her duties.

Sec. 62-39. - Sale of property.

(a) *Authorized*. The chief of police shall have the authority to dispose of personal property held by the police department for a period in excess of one year, which said personal property shall be unclaimed evidence, lost and found articles, confiscated articles and any other items of personal property which have come into the hands of the members of the police department and have been held for a period of one year, if the owner or owners of the same shall be unknown or said property has been unclaimed.

(b) *Disposal*. The chief of police shall dispose of the said property in accordance with the disposition policy and procedures as established by the City's Finance Department. The proceeds of said sale shall be retained by the City to be used solely for police pensions as established in Section 62-74(d).

Secs. 62-40-62-70. - Reserved.

BE IT FURTHER ORDAINED:

That Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing and Parking, Division 2 - Metered Parking, be amended to read as follows:

Sec. 106-163. - Use of meters required.

(a) *Payment*. Upon entering a parking meter zone when the parking meter regulations are in effect, the operator of a vehicle shall immediately make the required payment in U.S. currency by coin, cash, debit card, credit card, or other acceptable method of payment, in the parking meter situated at or near the parking space and operate the meter according to the instructions thereon. Failure to make the required payment shall result in a fine as provided for in Appendix F - Fees and Fines.

(b) *Payments accepted*. All parking meters shall be adjusted so that when properly operated, payments may be made at any time throughout the time range of the meters, with each payment permitting the vehicle to be parked in a metered parking space for a period as provided for in Appendix F-Fees and Fines.

(c) *Overtime parking*. It shall be unlawful for any person to allow a vehicle to remain parked in a parking meter zone for a period of time in excess of that prescribed in subsection (b) of this section for the particular payment. It shall be prima facie evidence of an overtime parking violation when the parking meter shall indicate by proper signal that the lawful parking period has expired.

(d) *Exceptions*. The use of parking meters shall not be required on Sundays and legal holidays.

Sec. 106-164. - Violations; penalties.

(a) *Generally*. Any person convicted of violating the provisions of this article or of aiding, abetting or assisting in the violation of said provisions shall be sentenced to pay a fine as provided for in Appendix F—Fees and Fines.

(b) *Enhanced civil enforcement authority*. If five or more violations of this article have been issued to a vehicle and those violations are more than 30 days past due, or if accumulated unpaid violations of this article exceed more than $100.00, the vehicle shall be subject to enhanced civil enforcement, as follows:

(1) Such vehicle found parked on any street in the city shall be immobilized by any police officer or parking enforcement employee of this city in such manner as to prevent its operation. Any vehicle so immobilized or impounded shall not be released to its lawful owner until all unpaid violations and applicable administrative fees issued to such owner have been discharged by payment in full, together with payment for the costs of immobilizing, releasing, and storing such vehicle. The owner shall sign a receipt for such vehicle. Payment for any such towing shall be in accordance with the towing costs outlined in the current agreement between the police department and the towing operator. If the vehicle is a tractor-trailer combination, the trailer may be released to an authorized agent if the tractor-trailer is immobilized pursuant to this section.

(2) In any case involving immobilization of a vehicle pursuant to this section, the police officer or parking enforcement employee shall place on such vehicle, in a conspicuous manner, notice sufficient to warn any individual that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.

(3) Any vehicle remaining immobilized and not released for 120 hours may be towed and impounded at the direction of a police officer or parking enforcement employee.

(4) Any person who unlawfully removes a device for immobilization of a vehicle shall be fined as provided for in Appendix F—Fees and Fines.

(5) Any person who tows or otherwise moves an immobilized vehicle without authorization by the chief of police or his designee shall be fined as provided for in Appendix F—Fees and Fines.

(c) *Cost*. No cost will be assessed if payment of the penalty as hereinbefore imposed is voluntarily paid without the necessity of a hearing before the proper official.

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, of the Dover Code be amended to read as follows:

Chapter 106—Traffic and Vehicles, Article III—Stopping, Standing and Parking, Division 1—Generally			
Sec. 106-135	Residential parking		
	Subsec. (i)(1)	Expiration; Two-hour parking	$20.00 fine or $15.00 if paid within 72 hours of issuance of such fine
	Subsec. (i)(2)	Expiration; Change of residence, etc.	$20.00 fine or $15.00 if paid within 72 hours of issuance of such fine
	Subsec. (m)	Violations; penalties	Any violation of this section not having a stated, specified penalty will result in a $20.00 fine or $15.00 if paid within 72 hours of issuance of such fine
Sec. 106-137	Parking areas for persons with disabilities		
	Subsec. (c)(3)	Signage; Fines	Failure to achieve compliance within 30 calendar days of the issuance of the notice of violation shall be subject to the fines set forth in subsection (f) of this section
	Subsec. (f)	Penalties	Whoever violates this section shall be fined not less than the minimum fine as defined in 21 Del. C. § 4183 at the time the violation occurred
Chapter 106—Traffic and Vehicles, Article III—Stopping, Standing and Parking, Division 2—Metered Parking			
Sec. 106-163	Use of meters required		
	Subsec. (a)	Failure to make the required payment in the parking meter	$20.00 fine or $15.00 if paid within 72 hours of issuance of such fine

	Subsec. (b)	Payments accepted	
		Each $0.25 coin	Permits the vehicle to be parked for a period of one hour
		Each $1.00	Permits the vehicle to be parked for the duration of the enforcement period of 8:00 a.m. to 5:00 p.m.
Sec. 106-164	Violations; penalties		
	Subsec. (a)	Generally; Each violation if paid within 24 hours from time summons giving notice of violation is issued	A fine of not less than $1.00 for each violation
	Subsec. (a)	Generally; Each violation if paid after expiration of 24 hours from time summons giving notice of violation is issued	$2.00 for each violation, if payment is made voluntarily prior to the time and date set forth in the summons
	Subsec. (a)	Fourth Violation; Each violation if paid within one hour from time summons giving notice of violation is issued	$1.00 for each such violation
	Subsec. (a)	Fourth Violation; Each violation if paid after expiration of one hour from time summons giving notice of violation is issued	$2.00 for each violation, if payment is made voluntarily prior to the time and date set forth in the summons
	Subsec. (a)	Fifth violation, etc.; Any person committing more than four violations within any 30-day period of the provisions of this division	$5.00 for each such violation, if payment is made voluntarily prior to the time and date set forth in the summons.
	Subsec. (b)(4)	Any person who unlawfully removes a device for immobilization of a vehicle.....	$500.00 fine for each violation

	Subsec. (b)(5)	Any person who tows or otherwise moves an immobilized vehicle without authorization by the chief of police or his designee	$500.00 fine for each violation
	Subsec. (c)	Cost. No cost will be assessed if payment of the penalty as hereinbefore imposed is voluntarily paid without the necessity of a hearing before the proper official	

ADOPTED: JUNE 8, 2015

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Sudler thanked the NAACP and the Dover Human Relations Commission for organizing and participating in the Stop the Violence event on Saturday. He noted that Council President Slavin and Councilman Anderson were there to represent the City of Dover. Mr. Sudler stated that he hoped that the rest of the Council members would participate in future events.

Mr. Hosfelt advised that the Bicentennial Neighborhood Watch Association would be meeting on Thursday, June 11, 2015 at the Dover Police Public Assembly Room at 7:00 p.m.

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

Meeting adjourned at 9:04 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of June 8, 2015, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Council-Minutes\2015\06-08-2015.wpd

Exhibits
Exhibit #1 - Resolution No. 2015-12 - Vacating and Abandoning Harmony Lane
Exhibit #2 - Ordinance #2015-08 - Rezoning Properties Located at 605, 625, 635, 645, and 655 Bay Road and 400 Haslet Street
Exhibit #3 - Presentation - Planning, Inspections, and Recreation 2014 Annual Report

City of Dover

MAYOR AND COUNCIL

COUNCIL RESOLUTION NO. 2015-12

A RESOLUTION VACATING AND ABANDONING A CERTAIN IMPROVED STREET SITUATED IN THE CITY OF DOVER.

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

Section 1. The Council of the City of Dover hereby vacates and abandons the following street:

Harmony Lane, as specified in Exhibits A and B to this resolution, being all that tract or parcel of land situate, lying and being in East Dover Hundred, Kent County, State of Delaware, and located on the north side of Walker Road and being more particularly described as follows: Beginning for the same at a point at the south easterly corner of the property hereon described; thence running by/with the north side of Walker Road, South 82 degrees 51 minutes 50 seconds West a distance of 110.14' to a point, thence running by/with the east side of "Tract A" an arc to the left with a radius of 25.00' and a length of 40.55' with a chord bearing of North 36 degrees 23 minutes 49 seconds East and a chord distance of 36.25' to a point, thence running by/with the east side of "Tract A" North 10 degrees 04 minutes 00 seconds West a distance of 160.78' to a point, thence running by/with the east side of Lots 1 through 7 an arc to the right with a radius of 199.43' and a length of 135.75' with a chord bearing of North 09 degrees 26 minutes 02 seconds East and a chord distance of 133.15' to a point, thence running by/with the east side of Lots 7 through 9, North 28 degrees 56 minutes 00 seconds East a distance of 40.00' to a point, thence running by/with the east side of Lots 9 and 10 an arc to the left with a radius of 107.99' and a distance of 88.58' with a chord bearing of North 05 degrees 26 minutes 04 seconds and a chord distance of 86.12' to a point, thence running by/with the east side of Lots 10 through 14, North 18 degrees 04 minutes 00 seconds West a distance of 66.35' to a point, thence running by/with east side of Lots 14 through 21 an arc to the right with a radius of 120.19' and a distance of 141.11' with a chord bearing of North 15 degrees 34 minutes 05 seconds East and a chord distance of 133.15' to a point, thence running by/with the south easterly side of Lots 21 through 27, North 49 degrees 12 minutes 00 seconds East a distance of 153.27' to a point, thence running by/with the Lots 27 through 35, an arc to the right with a radius of 50.00' and a distance of 203.44' with a chord bearing of South 14 degrees 14 minutes 06 seconds East and a chord distance of 89.44' to a point, thence running by/with the north side of Lot 35, an arc to the left with a radius of 50.00' and a distance of 46.36' with a chord bearing of South 75 degrees 45 minutes 54 seconds West and a chord distance of 44.72' to a point, thence running by/with north westerly side of Lots 35 through 39, South 49 degrees 12 minutes 00 seconds West and a distance of 73.27' to a point, thence running by/with the west side of Lot 39 an arc to the left with a radius of 60.19' and a distance of 70.67' with a chord bearing of South 15 degrees 34 minutes 05 seconds West with a chord distance of 66.68' to a point, thence running by/with the west side of Lots 39 and 40, South 18 degrees 04 minutes 00 seconds East a distance of 66.35' to a point, thence running by/with the west side of Lots 40 through 46, an arc to the right with a radius of 167.99' and a distance of 137.80' with a chord bearing of South 05 degrees 26 minutes 03 seconds West with a chord distance of 133.97' to a point, thence running by/with the west side of Lots 46 through 48, South 28 degrees 56 minutes 00 seconds West a distance of 40.00' to a point, thence running by/with the west side of Lots 48 through 52 an arc to the left with a radius

of 139.43' and a distance of 94.91' with a chord bearing of South 09 degrees 26 minutes 02 seconds West and a chord distance of 93.09' to a point, thence running by/with the west side of Lot 52 and "Tract B", South 10 degrees 04 minutes 00 seconds East a distance of 166.41' to a point, thence running by/with the south side of "Tract B" an arc to the left with a radius of 25.00' and a distance of 37.99' with a chord bearing of South 53 degrees 36 minutes 05 seconds East and a chord distance of 34.44' to the place of beginning, containing 52,756.46 sq. ft. ($1.21^{+/-}$ acres).

Section 2. Since no person has been deprived of property by the vacating and abandoning of the aforesaid street, no compensation is awarded.

Section 3. All costs of conveyance shall be borne by the property owners.

Section 4. Sixty feet (60') of the subject right of way will be conveyed to the properties specified herein. Abandonment shall be conditional upon completion of the site development plan and parcel consolidation plan. Ownership shall not be relinquished until such time as the parcel consolidation plan is recorded. Cross-access and public utility easements will be required for the existing wastewater pump station and associated force main infrastructure located therein. All stormwater, street, wastewater, and water infrastructure will be abandoned in conjunction with the abandonment of Harmony Lane. The City shall retain ownership of the existing pump station and associated force main only.

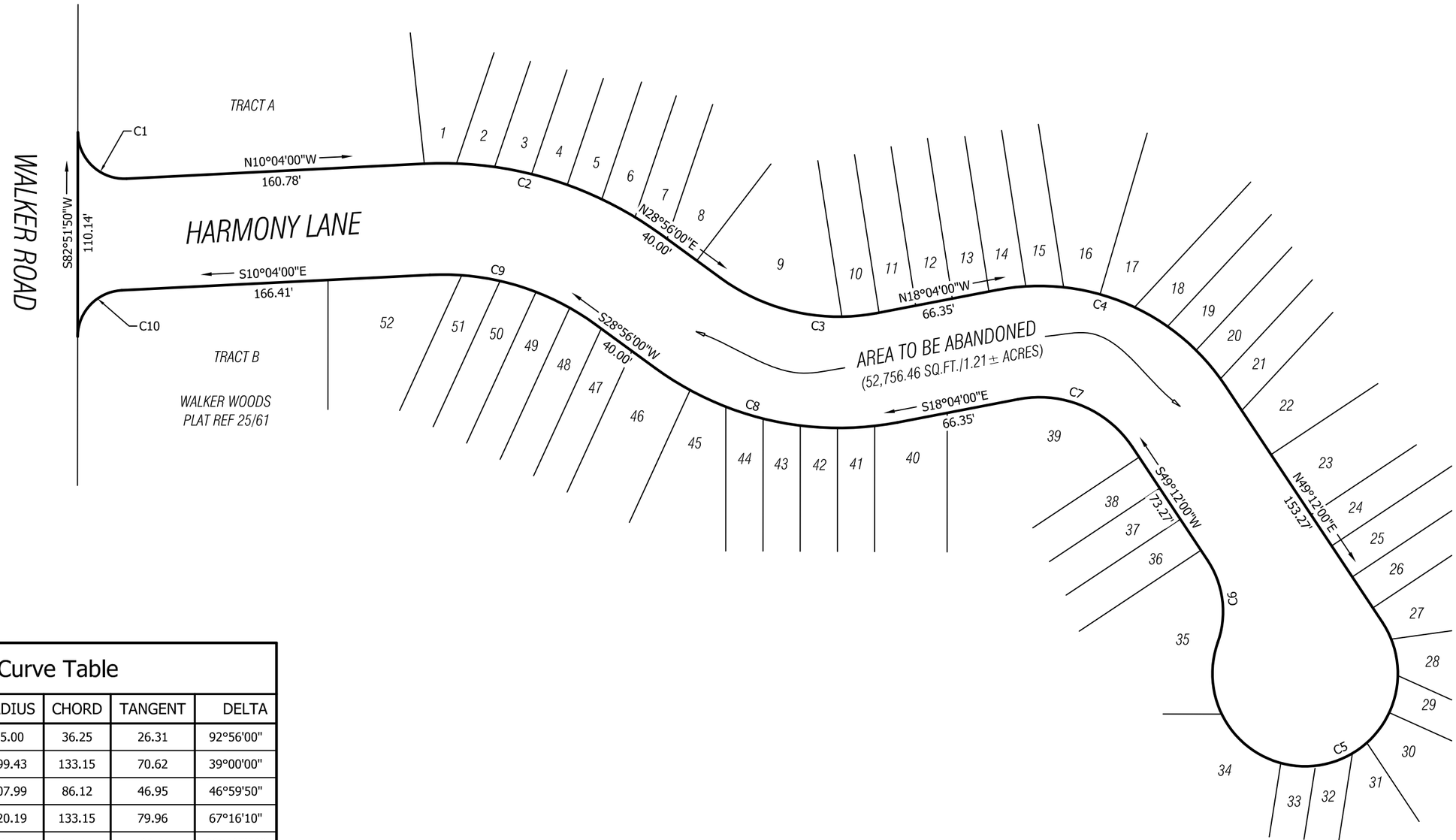
ADOPTED: JUNE 8, 2015

S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2015\ADOPTED\Resolution No. 2015-12 - Abandonment of Street - Harmony Lane.wpd

ROBIN R. CHRISTIANSEN
MAYOR

TIMOTHY A. SLAVIN
COUNCIL PRESIDENT

DE STATE GRID NAD 83



Curve Table					
CURVE	LENGTH	RADIUS	CHORD	TANGENT	DELTA
C1	40.55	25.00	36.25	26.31	92°56'00"
C2	135.75	199.43	133.15	70.62	39°00'00"
C3	88.58	107.99	86.12	46.95	46°59'50"
C4	141.11	120.19	133.15	79.96	67°16'10"
C5	203.44	50.00	89.44	100.00	233°07'50"
C6	46.36	50.00	44.72	25.00	53°07'50"
C7	70.67	60.19	66.68	40.04	67°16'10"
C8	137.80	167.99	133.97	73.04	46°59'50"
C9	94.91	139.43	93.09	49.38	39°00'00"
C10	37.99	25.00	34.44	23.75	87°04'10"

0 60 90 120

GRAPHIC SCALE
1 inch = 60 feet

REVISIONS
DATE | BY

EXHIBIT A

LOCATION: CITY OF DOVER
EAST DOVER HUNDRED ELECTION DISTRICT, KENT COUNTY, DELAWARE

SCALE	DATE	DISTRICT	MAP
1" = 60'	10/31/13	2-05	06718-01

DWG.	JOB NO.	DRAWN BY	PARCEL
S2016_EXHIBIT A	S2016	EDR	N/A

SURVEYING FORESTRY
PARKER & ASSOCIATES
ESTABLISHED 1977
SALISBURY MARYLAND 410-742-3115
CIVIL ENGINEERING INC. SITE PLANNING

EXHIBIT B

Harmony Lane Abandonment

Parcel ID	Parcel Address
ED05-067.18-01-12.00	135 HARMONY LN
ED05-067.18-01-47.00	1361 WALKER RD
ED05-067.18-01-41.00	52 HARMONY LN
ED05-067.18-01-52.00	55 HARMONY LN
ED05-067.18-01-42.00	48 HARMONY LN
ED05-067.18-01-38.00	64 HARMONY LN
ED05-067.18-01-54.00	63 HARMONY LN
ED05-067.18-01-39.00	60 HARMONY LN
ED05-067.18-01-40.00	56 HARMONY LN
ED05-067.18-01-53.00	59 HARMONY LN
ED05-067.18-01-51.00	51 HARMONY LN
ED05-067.18-01-28.00	104 HARMONY LN
ED05-067.18-01-26.00	112 HARMONY LN
ED05-067.18-01-24.00	120 HARMONY LN
ED05-067.18-01-63.00	123 HARMONY LN
ED05-067.18-01-22.00	128 HARMONY LN
ED05-067.18-01-13.00	139 HARMONY LN
ED05-067.18-01-66.01	1357 WALKER RD
ED05-067.18-01-65.00	131 HARMONY LN
ED05-067.18-01-25.00	116 HARMONY LN
ED05-067.18-01-61.00	115 HARMONY LN
ED05-067.18-01-44.00	40 HARMONY LN
ED05-067.18-01-49.00	43 HARMONY LN
ED05-067.18-01-45.00	36 HARMONY LN
ED05-067.18-01-33.00	84 HARMONY LN
ED05-067.18-01-55.00	67 HARMONY LN
ED05-067.18-01-37.00	68 HARMONY LN
ED05-067.18-01-23.00	124 HARMONY LN
ED05-067.18-01-27.00	108 HARMONY LN
ED05-067.18-01-64.00	127 HARMONY LN
ED05-067.18-01-30.00	96 HARMONY LN
ED05-067.18-01-60.00	87 HARMONY LN
ED05-067.18-01-31.00	92 HARMONY LN
ED05-067.18-01-18.00	144 HARMONY LN
ED05-067.18-01-17.00	148 HARMONY LN
ED05-067.18-01-19.00	140 HARMONY LN
ED05-067.18-01-16.00	152 HARMONY LN
ED05-067.18-01-15.00	147 HARMONY LN
ED05-067.18-01-20.00	136 HARMONY LN
ED05-067.18-01-21.00	132 HARMONY LN
ED05-067.18-01-14.00	143 HARMONY LN
ED05-067.18-01-58.00	79 HARMONY LN
ED05-067.18-01-34.00	80 HARMONY LN
ED05-067.18-01-57.00	75 HARMONY LN
ED05-067.18-01-35.00	76 HARMONY LN
ED05-067.18-01-43.00	44 HARMONY LN
ED05-067.18-01-50.00	47 HARMONY LN
ED05-067.18-01-32.00	88 HARMONY LN
ED05-067.18-01-59.00	83 HARMONY LN
ED05-067.18-01-29.00	100 HARMONY LN
ED05-067.18-01-62.00	119 HARMONY LN
ED05-067.18-01-48.00	39 HARMONY LN
ED05-067.18-01-56.00	71 HARMONY LN
ED05-067.18-01-36.00	72 HARMONY LN

CITY OF DOVER
ORDINANCE #2015-08

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTIES LOCATED AT 605, 625, 635, 645, AND 655 BAY ROAD AND 400 HASLET 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 and further specified in Exhibit A to this ordinance from the existing zoning classifications to the proposed zoning classifications specified in Exhibit B to this ordinance.

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 the existing to the proposed zoning designations as specified in Exhibit B to this ordinance on those properties located at 605, 625, 635, 645, and 655 Bay Road and 400 Haslet Street, on the east side of Bay Road and south of Blue Hen Boulevard between Bay Road and Haslet Street, consisting of $80.02^{+/-}$ acres and depicted in Exhibit A to this ordinance, owned by Blue Hen CC, LLC; Read Street, LLC; and Blue Hen Apt, LLC.
(Planning Reference Z-15-02; Council District: 2)

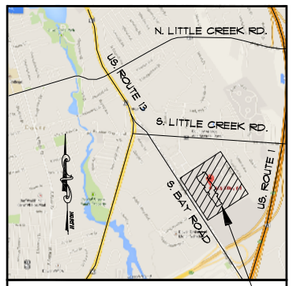
   Tax Parcels:
   ED-05-077.00-01-19.00-000; ED-05-077.00-01-19.02-000; ED-05-077.00-01-19.03-000; ED-05-077.00-01-19.04-000; ED-05-077.00-01-19.05-000; ED-05-077.00-01-19.06-000; ED-05-077.00-01-19.07-000; ED-05-077.00-01-19.08-000; ED-05-077.00-01-19.09-000; ED-05-077.00-01-01.00-000

ADOPTED: JUNE 8, 2015
S:\ORDINANCES\2015\ADOPTED\Ordinance #2015-08 - Rezoning 655 S. Bay Road - ADOPTED.wpd

Actions History
June 8, 2015 - Public Hearing/Final Reading by City Council
May 18, 2015 - Review by Planning Commission
April 27, 2015 - First Reading by City Council

EXHIBIT A

Ordinance #2015-08



VICINITY MAP NTS.

SITE

DATA COLUMN

1. OWNER: BLUE HEN APT, LLC
234 NORTH JAMES STREET
NEWPORT, DELAWARE 19804
999-0708

BLUE HEN CC, LLC
234 NORTH JAMES STREET
NEWPORT, DELAWARE 19804
999-0708

2. PARCEL	EXISTING ZONING	PROPOSED ZONING
2-05-07700-01-1900	SC-3	SC-2
2-05-07700-01-1902	SC-3	SC-2
2-05-07700-01-1903	SC-3	SC-2 / RG-2
2-05-07700-01-1904	SC-3	SC-2
2-05-07700-01-1905	SC-3	SC-2 / RG-2
2-05-07700-01-1906	SC-3	SC-2
2-05-07700-01-1907	SC-3	SC-2 / RG-2
2-05-07700-01-1908	SC-3	SC-2
2-05-07700-01-1909	RM-2	RG-2 / SC-2
2-05-07700-01-0100	RM-2	RG-2

3. AREA TO BE REZONED RG-2

4. AREA TO BE REZONED SC-2

HASLET STREET

BLUE HEN BLVD.

LONG ISLAND CT.

KIMBERTON CT.

KEARSNEY CT.

PLUMAGE CT.

PROPOSED ZONING: RG-2

LANDS N/F
BLUE HEN APT, LLC
2-05-07700-01-1900
D-3580-0110
ZONED: RM-2
2.99 ACRES ±

LANDS N/F
BLUE HEN APT, LLC
2-05-07700-01-0100
PLAT BOOK-106 PAGE-43
ZONED: RM-2
20.66 ACRES ±

PROPOSED ZONING LINE

EXISTING DAYCARE FACILITY

EXISTING STORM WATER MANAGEMENT POND

EXISTING WOODS

PROPOSED ZONING: SC-2

PROPOSED ZONING LINE

BLUE HEN CORPORATE CENTER

LANDS N/F
BLUE HEN CC, LLC
2-05-07700-01-1903
D-3580-0110
ZONED: SC-3
12.82 ACRES ±

LANDS N/F
BLUE HEN CC, LLC
2-05-07700-01-1905
ZONED: SC-3
23.16 ACRES ±

LANDS N/F
BLUE HEN CC, LLC
2-05-07700-01-1907
ZONED: SC-3
13.21 ACRES ±

LANDS N/F
BLUE HEN CC, LLC
2-05-07700-01-1902
ZONED: SC-3
1.41 ACRES ±

LANDS N/F
BLUE HEN CC, LLC
2-05-07700-01-1904
ZONED: SC-3
.93 ACRES ±

LANDS N/F
BLUE HEN CC, LLC
2-05-07700-01-1909
ZONED: SC-3
1.13 ACRES ±

LANDS N/F
BLUE HEN CC, LLC
2-05-07700-01-1906
ZONED: SC-3
.92 ACRES ±

LANDS N/F
BLUE HEN CC, LLC
2-05-07700-01-1908
ZONED: SC-3
3.08 ACRES ±

LANE
FIRE

PETTINARO

234 North James Street
Newport, Delaware 19804
(302) 999-0708

CONSULTANTS

JOB NO. BLUEHN-POD EXP
DRAWN BY: JRR/JFM
CHECKED BY: WTN
SCALE: 1"=80'
DATE: 3-31-15
CAD FILE: Z:\BlueHen\site\Rezoning\Site plan

REVISIONS

- -
- -

BLUE HEN SITE

PROPOSED REZONING

655 S. BAY ROAD
DOVER, DELAWARE 19901

SITE PLAN

DRAWING TITLE:

SITE - 01

DRAWING NUMBER:

Ordinance #2015-08 - EXHIBIT B

Parcel	Address	Parcel Size (acres)	Owner	Existing Zoning	Proposed Zoning
ED-05-077.00-01-19.09-000	605 Bay Road	2.69	Blue Hen CC, LLC	RM-2 (Medium Density Residence Zone) and subject to the SWPOZ (Source Water Protection Overly Zone)	SC-2 (Community Shopping Center Zone) and RG-2 (General Residence Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone)
ED-05-077.00-01-19.02-000	625 Bay Road	1.41	Read Street LLC	SC-3 (Regional Shopping Center Zone)	SC-2 (Community Shopping Center Zone)
ED-05-077.00-01-19.00-000	635 Bay Road	1.13	Blue Hen CC, LLC	SC-3 (Regional Shopping Center Zone)	SC-2 (Community Shopping Center Zone)
ED-05-077.00-01-19.06-000	645 Bay Road	0.92	Blue Hen CC, LLC	SC-3 (Regional Shopping Center Zone)	SC-2 (Community Shopping Center Zone)
ED-05-077.00-01-19.03-000	655 Bay Road	12.82	Blue Hen CC, LLC	SC-3 (Regional Shopping Center Zone)	SC-2 (Community Shopping Center Zone) and RG-2 (General Residence Zone)
ED-05-077.00-01-19.05-000	655 Bay Road	23.16	Blue Hen CC, LLC	SC-3 (Regional Shopping Center Zone)	SC-2 (Community Shopping Center Zone) and RG-2 (General Residence Zone)
ED-05-077.00-01-19.04-000	655 Bay Road	0.93	Blue Hen CC, LLC	SC-3 (Regional Shopping Center Zone)	SC-2 (Community Shopping Center Zone)
ED-05-077.00-01-19.07-000	655 Bay Road	13.21	Blue Hen CC, LLC	SC-3 (Regional Shopping Center Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone)	SC-2 (Community Shopping Center Zone) and RG-2 (General Residence Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone)
ED-05-077.00-01-19.08-000	655 Bay Road	3.09	Blue Hen CC, LLC	SC-3 (Regional Shopping Center Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone)	SC-2 (Community Shopping Center Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone)
ED-05-077.00-01-01.00-000	400 Haslet Street	20.66	Blue Hen Apt, LLC	RM-2 (Medium Density Residence Zone)	RG-2 (General Residence Zone)

Planning, Inspections & Recreation

2014 Annual Report

EXHIBIT #3
Regular Council Meeting of 06/08/2015

What We Do

- Planning, Zoning, Plan Review
- Building Inspections
- Fire Inspections, Investigations, Plan Review
- Licensing and Permitting
- Parks and Recreation – Athletic Leagues, Fitness Classes, Recreation Programming

2014 Highlights

- Garrison Oak Technical Park
  - Uzin Utz
  - Garrison Energy Center
  - Park Infrastructure





2014 Highlights



- Route 13 Redevelopment
  - Winner Ford and Winner VW
  - Uno's/Dover Litho Site
- Downtown Redevelopment
  - Family Dollar
  - Inner City Cultural League
  - Downtown Development District

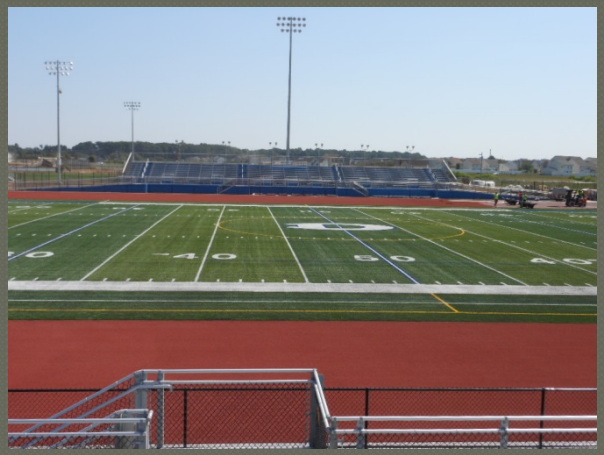




2014 Highlights
Opening of Dover High School

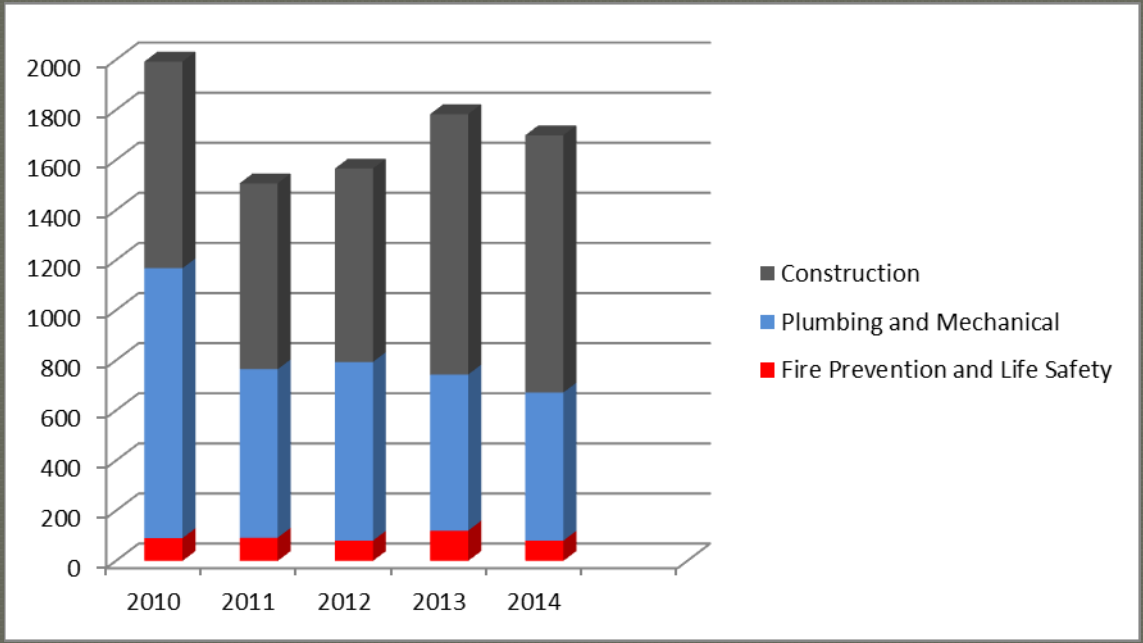






Building Permits

Permits Issued, 2010-2014

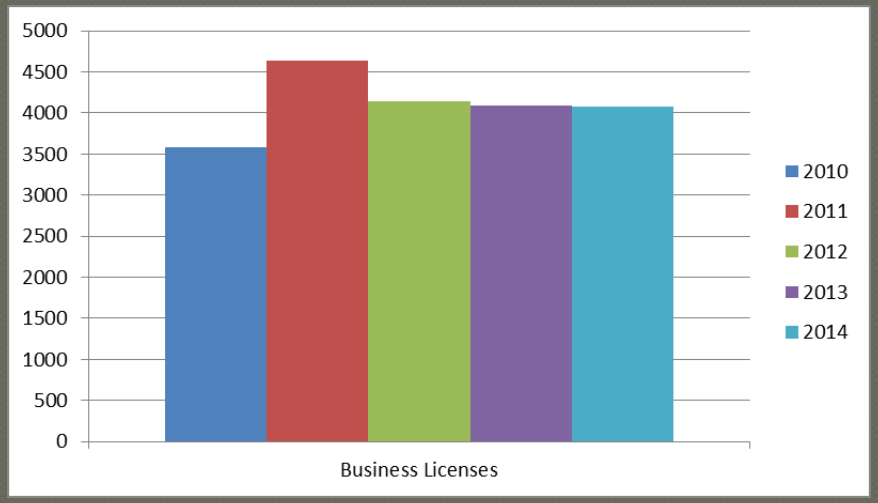


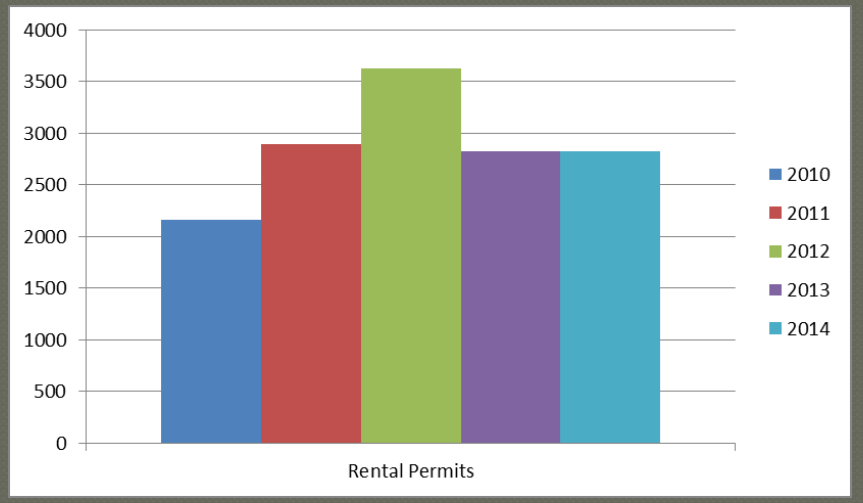
1,704 Building Permits Issued

New Home Construction:

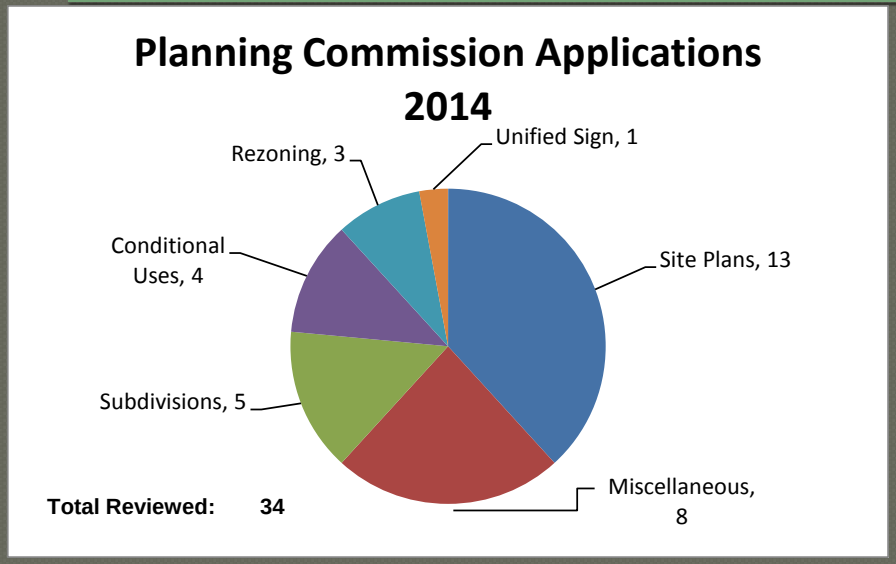
2011: 48
2012: 37
2013: 50
2014: 44

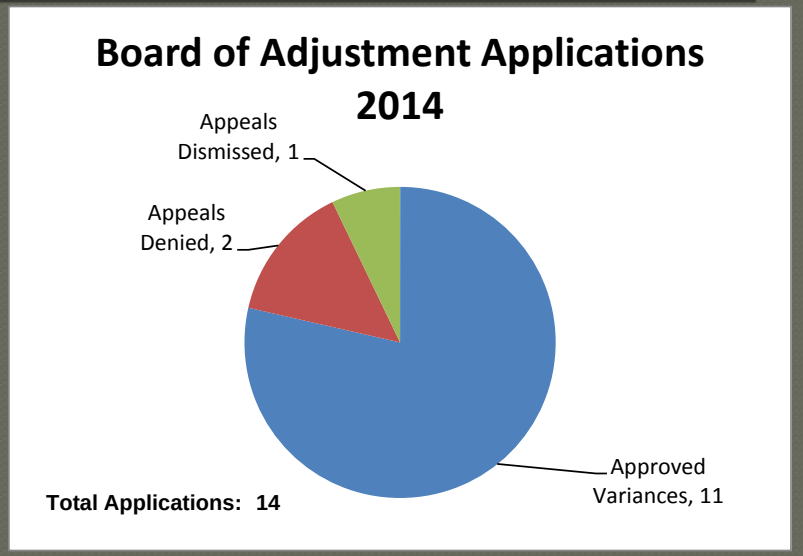
Rental Permits & Business Licenses

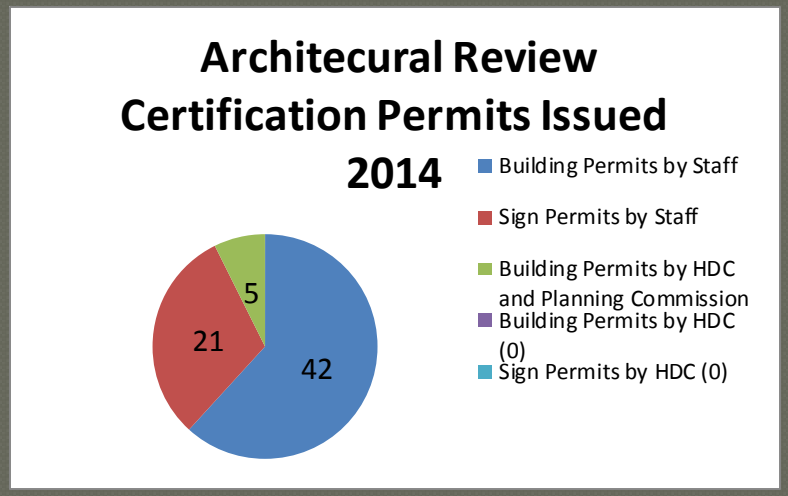




Planning Applications







Fire Marshal's Office

735 Inspections/Complaints Handled

- 379 Fire Code Inspections
- 77 Certificate of Occupancy
- 99 Administrative Walk Through Inspections
- 170 Life Safety Inspections

81 Fire Protection Permits

71 Fire Investigations

Fire Type	Number	Value of Loss
Accidental	44	$1,206,000
Incendiary	21	$171,600
Undetermined	6	$70,500
TOTAL	71	$1,448,100



Code Enforcement

Types of Inspections/Cases Entered	
Annual Rental Housing Inspections	398
Property Maintenance Exterior	560
Tall Grass and Weeds	924
No Valid Business License	108
No Valid Building Permit	79
Zoning	104
Dover City Ordinances	652
All Others	1182
Total	**4,007**



- 8,184 Inspections Performed
- 82% of Cases Staff Initiated

Vacant & Dangerous Buildings

- 277 Buildings Registered Vacant
- $104,000 Vacant Building Registration Fees
- 41 Active Dangerous Buildings
  - 8 Demolished by City of Dover
  - 4 Demolished by Others
  - 6 Repaired by Owners



Recreation

- 48,065 patrons & visitors were recorded in the John W. Pitts Recreation Center
- 3,000 (approx.) participated in our softball, field hockey, lacrosse and volleyball leagues
- 2,800 attended summer Concerts on the Green series
- Total FY14 revenues
  - $75,600 Leagues
  - $26,240 General Recreation
  - $18,600 Field/Building Rentals
  - $ 6,560 Trips
  - $ 13,500 Sports
  - $ 16,889 Camps



Recreation

- Bicycle & Pedestrian Plan
- Challenger Sports
- Indoor Field Hockey and Ladies Lacrosse
- Planning for Future Needs
  - Mallard Park Planning Process
  - Recreation Needs Assessment





Recreation













