REGULAR COUNCIL MEETING
AGENDA

MAY 26, 2015 - 7:30 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 P.M.)

THE "OPEN FORUM" SEGMENT IS PROVIDED TO EXTEND THE OPPORTUNITY TO THE GENERAL PUBLIC TO SHARE THEIR QUESTIONS, THOUGHTS, COMMENTS, CONCERNS, AND COMPLAINTS. DISCUSSION OF ANY ITEM APPEARING ON THE AGENDA AS A PUBLIC HEARING IS PROHIBITED DURING THE OPEN FORUM AS AN OPPORTUNITY WILL BE PROVIDED DURING CONSIDERATION OF THAT ITEM. CITIZEN COMMENTS ARE LIMITED TO THREE (3) MINUTES. COUNCIL IS PROHIBITED FROM TAKING ACTION SINCE THEY ARE NOT IN OFFICIAL SESSION; HOWEVER, THEY MAY SCHEDULE SUCH ITEMS AS REGULAR AGENDA ITEMS AND ACT UPON THEM IN THE FUTURE.

INVOCATION BY BISHOP THOMAS L. HOLSEY

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN HARE

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

THOSE ITEMS ON THE COUNCIL AGENDA WHICH ARE CONSIDERED ROUTINE AND NON-CONTROVERSIAL SHALL BE MARKED WITH AN ASTERISK (*) AND WILL BE ACTED UPON BY A SINGLE ROLL CALL VOTE OF THE COUNCIL. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A MEMBER OF COUNCIL SO REQUESTS, IN WHICH EVENT THE MATTER SHALL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED A SEPARATE ITEM.

* 1. **ADOPTION OF MINUTES**
   - **A. SPECIAL COUNCIL MEETING OF MAY 4, 2015**
   - **B. ANNUAL COUNCIL MEETING OF MAY 11, 2015**

2. **PROCLAMATION - NEUROSCIENCE NURSES WEEK**

3. **WAIVER REQUEST FOR LENGTH OF DEAD-END STREET (CUL-DE-SAC) AND ABANDONMENT OF RECORDED RIGHT-OF-WAY - NORTHGATE CENTER**

   (*PLANNING COMMISSION RECOMMENDED APPROVAL OF THE SUBDIVISION WAIVER OF THE MAXIMUM LENGTH OF A DEAD-END STREET ASSOCIATED WITH NORTHGATE CENTER PARCEL CONSOLIDATION PLAN AND RIGHT-OF-WAY ABANDONMENT*)

4. PUBLIC HEARINGS - VIOLATIONS OF THE DANGEROUS BUILDING ORDINANCE

(STAFF RECOMMENDS: 1) DECLARING THESE BUILDINGS AND ALL ACCESSORY STRUCTURES ON THE PROPERTY DANGEROUS; 2) ORDERING THE PROPERTIES REPAIRED OR DEMOLISHED BY JUNE 26, 2015 BY THE OWNER OR EQUITY OWNER AT THEIR OWN RISK; 3) ORDERING THE BUILDING INSPECTOR TO CAUSE THE REPAIR OR DEMOLITION OF THE STRUCTURES IF NOT COMPLETED BY THE OWNER WITHIN 10 DAYS OF THE DATE ESTABLISHED BY CITY COUNCIL; 4) ORDERING 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.)

A. PROPERTY LOCATED AT 742 SLAUGHTER STREET, OWNED BY JOE BURDEN, JR.

B. PROPERTY LOCATED 222 REED STREET, OWNED BY UNION AME CHURCH

* **5. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - MAY 11, 2015**

A. PROPOSED ORDINANCE #2015-09 AMENDING 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 (SEE ITEM #13-A)

(COMMITTEE RECOMMENDED ADOPTION OF ORDINANCE #2015-09)

B. THIRD BUDGET AMENDMENT - RATE STABILIZATION FUND

(COMMITTEE RECOMMENDED APPROVAL OF THE PROPOSED THIRD AMENDMENT TO THE BUDGET ORDINANCE)

C. EVALUATION OF PROPOSAL - INVESTMENT BANKING CUSTODY SERVICES

(COMMITTEE RECOMMENDED AWARDING THE INVESTMENT CUSTODY SERVICES TO WILMINGTON TRUST FOR A THREE (3) YEAR PERIOD TO START THE DATE OF CONTRACT AND MAY BE RENEWED OR EXTENDED FOR TWO (2) ADDITIONAL TWO (2) YEAR PERIODS BY MUTUAL CONSENT AND APPROVAL OF CITY COUNCIL)

* **6. REVENUE REPORT AS OF APRIL 2015**

7. SETTING OF PUBLIC HEARING - ELECTRIC FUND BUDGET

(STAFF RECOMMENDS THAT A PUBLIC HEARING BE SET FOR JUNE 8, 2015 AT 7:30 P.M.)

* **8. 2015/16 COMMITTEE APPOINTMENTS - COUNCIL PRESIDENT (**DEFERRED DURING THE ANNUAL MEETING OF MAY 11, 2015**)**

A. CITY CHAPLAINS

B. CIVILIAN PENSION PLAN - BOARD OF TRUSTEES

C. COMPENSATION COMMISSION

D. CONSTRUCTION CODE APPEALS COMMITTEE

E. LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

F. OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST FUND BOARD

G. PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

H. POLICE PENSION PLAN - RETIREMENT COMMITTEE

I. SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

J. UTILITY COMMITTEE

* **9. 2015/16 MISCELLANEOUS APPOINTMENTS - COUNCIL PRESIDENT (**DEFERRED DURING THE ANNUAL MEETING OF MAY 11, 2015**)**

- **A. CENTRAL DELAWARE CHAMBER OF COMMERCE - LIAISON MEMBER**
- **B. CITY/COUNTY COMMITTEE (LIAISON TO KENT COUNTY)**
- **C. KENT COUNTY TOURISM BOARD OF DIRECTORS - VOTING LIAISON MEMBER**
- **D. KENT ECONOMIC PARTNERSHIP BOARD OF DIRECTORS - VOTING LIAISON MEMBER**

* **10. APPOINTMENTS RECOMMENDED BY COUNCIL PRESIDENT SLAVIN** (DEFERRED DURING THE ANNUAL MEETING OF MAY 11, 2015)

- **A. PRESIDENT'S COUNSEL ON PUBLIC/PRIVATE PARTNERSHIPS AND THE FUTURE OF CITY HALL, WEYANDT HALL, FORMER DOVER LIBRARY, AND OTHER CITY PROPERTIES** (*COUNCIL PRESIDENT SLAVIN REQUESTS THAT THE RESIDENT MEMBERSHIP BE INCREASED BY ONE MEMBER*)
  - **A-1. JAMES L. HUTCHISON, SR. (CHAIR)**
  - **A-2. DAVID L. ANDERSON**
  - **A-3. FRED A. NEIL**
  - **A-4. KENNETH CLENDANIEL**
  - **A-5. JOSEPH MCDANIEL**
  - **A-6. KEVIN MITTEN**
  - **A-7. ADAM PERZA**
  - **A-8. SCOTT KOENIG**
  - **A-9. DONNA MITCHELL**

* **11. 2015/16 COMMITTEE APPOINTMENTS - MAYOR** (DEFERRED DURING THE ANNUAL MEETING OF MAY 11, 2015)

- **A. COMPENSATION COMMISSION**
- **B. DOWNTOWN DOVER PARTNERSHIP BOARD OF DIRECTORS**
- **C. PROPERTY MAINTENANCE BOARD OF APPEALS**

* **12. REAPPOINTMENTS - RECOMMENDED BY MAYOR CHRISTIANSEN**

- **A. PLANNING COMMISSION - THREE (3) YEAR TERMS TO EXPIRE JUNE 1, 2018**
  - **A-1. MICHAEL J. AMBRUSO, SR. - SECOND DISTRICT**
  - **A-2. THOMAS HOLT - SECOND DISTRICT**
  - **A-3. DEAN HOLDEN - THIRD DISTRICT**

13. FIRST READING - PROPOSED ORDINANCE #2015-09, WITH STAFF AMENDMENT #1 (SA#1)
THE FIRST READING IS OFFERED ON THE FOLLOWING PROPOSED ORDINANCE. FINAL ACTION BY COUNCIL WILL TAKE PLACE DURING THE SECOND READING OF THE ORDINANCE ON JUNE 8, 2015. COPIES OF ALL PROPOSED ORDINANCES ARE AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS OR CAN BE OBTAINED FROM THE CITY CLERK'S OFFICE.

- **A. #2015-09, WITH STAFF AMENDMENT #1 (SA#1), AMENDING 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**
  (LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

14. FINAL READING - PROPOSED ORDINANCE #2015-07

THE FIRST READING OF THE PROPOSED ORDINANCE WAS ACCOMPLISHED DURING THE COUNCIL MEETING OF MAY 11, 2015. COPIES OF THE PROPOSED ORDINANCES ARE AVAILABLE AT THE ENTRANCE OF THE COUNCIL CHAMBERS.

A. PROPOSED ORDINANCE #2015-07 AMENDING CHAPTER 46 - FIRE PREVENTION AND PROTECTION, ARTICLE IV - PUBLIC OCCUPANCIES, SECTION 46-162 - SPRINKLER REQUIREMENTS AND SECTION 46-171 - FIRE ALARM IN PLACE OF ASSEMBLY

15. COUNCIL MEMBERS' ANNOUNCEMENTS

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SPECIAL COUNCIL MEETING

A Special Council Meeting was held on May 4, 2015 at 6:00 p.m. with Council President Bonar presiding. Members present were Mr. Anderson, Mr. Dixon, Mr. Slavin, Mr. Hare, and Mr. Hutchison. Mr. Perza and Mrs. Williams were absent.

Council staff members present were Deputy Police Chief Mailey, Mr. Koenig, Mrs. Townshend, Mr. Rodriguez, and Mrs. McDowell. Mayor Christiansen and Councilmen-Elect Cole, Lewis, and Neil were also present.

The invocation was given by Reverend Theodore Henderson, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

OATH OF OFFICE

The Honorable William L. Witham, Jr., Resident Judge - Superior Court, administered the Oath of Office, as follows:

Council - Third District - Fred A. Neil

By unanimous consent, there was a brief recess to take photographs of Councilman Neil.

Meeting recessed at 6:06 p.m. and reconvened at 6:08 p.m.

Council President Bonar welcomed Councilman Neil to the Chamber, stating that his service would be different than it was in Baltimore when serving as Mayor William Donald Schaefer's press aide. He stated that he was very proud of Mr. Neil, noting that Mr. Neil had worked very had for his community and for people in the Third District. From his personal experience with Mr. Neil, Mr. Bonar stated that he is dedicated, tenacious, and the type who gets the job done.

COUNCIL PRESIDENT CANDIDATES - OPENING STATEMENTS

Council President Bonar stated that, unless Council decides otherwise, this evening's meeting would be the only opportunity for members interested in serving as Council President for 2015/16 to make comments and present their case.

Mr. Slavin stated that he would like to be considered as Council President and offered the following statement:

> I just have a brief statement, and I want to thank you all very much for this consideration. By way of introduction and by way of background, many of you know I've been on Council on two separate occasions, first from 2004 through 2010, and most recently from 2013 to the present. In both of my times on Council, I've been a member of the Legislative, Finance, and Administration Committee and chaired that Committee on two separate occasions, as well as held other committees.

I see the role of Council President as essentially a simple one, and I don't want to misconstrue it. The Council President has to chair the meeting, to serve as the Vice-Mayor, to assist in setting the agenda for the meetings, to help to obtain the consensus of fellow Council members, and to speak on your behalf when asked. That's it. The Council President is not to be misconstrued as the president of the City, nor as being in charge of City Council. In my opinion, the Council President is but one co-equal voice among the nine voices we have here on Council. We all know that we have challenges that we face in the coming year. Yes, we will have a budget challenge, but here's my somewhat simplistic view: Every Council in the history of the City has dealt with a budget. We will deal with it and I'm confident, with the team that we've assembled, that we'll get through it. Those challenges we have are surely significant, but we should not shut down creativity. We should continue to listen to our constituents, our businesses, our staff, and each other on ideas on how we can improve our City, how we can move forward.

Some of my ideas, and just my ideas, for the coming year would be to convene a workshop for all of you to gather your ideas for our coming year. Our legislative year is May through April. We used to do something similar in the past, and I'd like us to revisit that. I value your input on this and I look forward to hearing your ideas. I believe, again my opinion, that we need to address the cost of electricity to businesses. We have some of the highest costs for electricity in this State for businesses, and this makes it very difficult to build our job space here. We need to bring an equitable solution for consideration. This is something that is limiting our ability to hold and to attract jobs.

We have some unfinished business from the last term in completing financial reforms that were proposed. There were 14 financial reforms that I had proposed and, with your help, we were able to get through, I believe, nine of them. We have some additional ones we need to make a decision, up or down about, and see where we want to go with that. We've had some tumult over the role of the Mayor, and some of the concerns. What I would propose is maybe we consider a recall provision in our City charter for members of Council, as well as the Mayor. I think this would ameliorate some of the concerns we had about problems we had in the previous administration. It's not directed at any one person; it's just another tool that we can look at.

We should also consider the tool of referendum to gauge public interest. I believe the last time this City went out to a non-binding referendum was more than 10 years ago, and I think it's a useful tool to go out and ask our citizens what they think. We need to continue to strengthen our resolve on public safety. This heroin epidemic is not going away, and the example I'll use is from the town that I was born in and lived up through about age 18: Trenton, New Jersey. The heroin epidemic came there and hit hard. The city did not respond, in my opinion, in an adequate way, and if you've

watched what happened there in the last five years, that city has had a complete collapse of its infrastructure. Its citizenry has left, its businesses have left, and it's just a series of crime-ridden neighborhoods at this time.

Finally, I think we just talk less and listen more: A simple solution. We have a Youth Advisory Committee, which, Mr. Anderson, thank you very much for restarting. Councilman-Elect Cole has mentioned the Services to Seniors Committee as something that could be re-enacted on an ad hoc basis. We can strengthen our relationships Levy Court and the School Districts. Let's all just be careful that we don't become too insular, and we keep looking out and listening to people in the community. In the end, the Council President doesn't set the agenda, we all do. The Council President doesn't define the vision for the City, we all do. The Council President, as I said, is not the president of the City. He or she is simply one person entrusted by his or her peers to enable that discussion, and I would be honored to serve in that role and I hope I can earn your vote. Thank you very much.

Mr. Anderson indicated his interest in being Council President and offered the following statement:

Thank you, Mr. President. First of all, I want to say thank you to Mr. Slavin for his remarks. He's a fine gentleman and someone I have the utmost respect for, and I think he's definitely earned that respect. Regardless of how this election turns out, if he wins, I'd be proud to serve with him. If he doesn't, I'd be proud to make sure he is part of the team, because there's no one I have more respect for.

I have some ideas that I would like to share with you. At this current time, our City is facing many challenges, and those challenges I believe are based in communication with the citizenry. We used to at one point have more communication with the citizens, but we've cut out some of the methods that we used to give those communications. We used to communicate with the citizens in getting information out with a newsletter that we used to send out. I've heard people say, "Where is that? Why don't we do that anymore?" And we have other concerns. We used to put in what our objectives are, survey the citizens. We used to have input from the citizens about the job performance, about how the City is accomplishing its vision. We don't do that anymore. I certainly agree with Councilman Slavin that referendum is a good thing, but to know what the citizens think, we don't necessarily need to spend that amount of money all the time. I think if people want it for certain key issues, I'm all for it. A constant pipeline of communication is something we need to open. We have that to a large degree, but perception is reality, and when people feel like we're not communicating to them and we're not hearing back from them, there's a problem.

We used to do some different things that attempted to foster information. We used to pick a big issue every quarter. I'm not saying we need to do it every quarter, to communicate with a big issue in a town hall, we found out we didn't need it all the

time, because of the fifteen minutes, but then we discovered that we could do it well with covering a big issue, like things with economic development or crime. Those issues are issues people want to speak about today. I think that we should schedule, at least once a year, one of those town hall meetings, not necessarily quarterly, but where we take a big issue and say, "Okay, citizens. What do you think are solutions to crime? What do you want to hear? We're bringing the experts from the different departments on how it's being dealt with." We would have large public input, get concerns, and get a lot of ideas back if people know that we care. I think it will make these people of the City happier, because they will know that their leadership is engaged. I think we need to interact more with some of the institutions that we have.

We have a great public relations operation. We need to, as Councilmen, interact more with that to ensure that we're utilizing the Facebook page to get some polling, to get interaction, so that it becomes a two-way communication. We need the City to start operating as a 21st-century city that is connected with the citizens, and that connection would help us as Council people to better serve the people. By serving the people better, of course, it has the side benefit of making our streets safer. One of the things that a Council President can do is to ensure that the people feel the doors of communication are open. We need to make sure they're open, not just to people who feel comfortable to stand up to lecture and speak their mind, but we also need to be willing to hear the quiet people – people who at the thought of that are terrified because they imagine everybody in the City, if they say something silly, is thinking that they're stupid, and it absolutely terrifies them.

These people, many of them have great ideas, and we need to make sure that they know they can be heard so that we're listening to the full spectrum of people. That's why we need to go back and start, once again, taking and doing evaluations so that the people can evaluate how the services are being done in the City. How the streets are, how safe they feel in the City, how the jobs environment is in the City, the rent environment, the cost to live. Just give us all the information that we need, that we can compile. How are we doing as a City? Are we living up to our motto? Once that happens, it's going to provide us more information because everyone here is confident, everyone here is intelligent, and everyone here is a leader. The more information we have, the better.

I believe if I have the privilege this year to be Council President, we will have something important. I want to have a humble leadership that recognizes the greatness that is within each of you, that recognizes that everyone here is an elected leader, and everyone here has something to benefit so that your concerns are heard. Not every idea you have is going to pass, and that's okay. Sometimes it may not even get out of committee.

If we don't start having those ideas brought where people in the public know that there's a variety of ideas that are percolating, that are being brought forward, then we lose something. We may need to find ways so that committee meetings are more available to the public. That's something we may need to investigate. We need people understanding that there's a variety of ideas, that a variety of voices are being heard, that when they vote for someone it counts, because each and every person's voice matters.

I believe that we need to also focus on addressing our priorities. Each year, I believe we need to set the priorities that we want to address for the City. I personally have four, but each of us has some that we need to talk about. My four are basically public safety, the infrastructure, the fiscal integrity of the City, and economic development and jobs. Those are basically the four that I see as important. Maybe different people have different ones, but we need to set all of our priorities at the beginning of each calendar year so that when we build the budget, the budget reflects our priorities. We shouldn't be trying to come up with the priorities after we set our budget.

Our budget needs to reflect what's important to us. I think that's something we need to restore. If we do that, I believe people will understand over the course of time why we're making decisions and the rationale of the decisions, whether or not we particularly agree with them all the time.

If we communicate to the people, the people will respect the decisions we make because they will know that they are thoughtful decisions. They will know that they are rational decisions, and they will know that they are decisions based upon the best information available at the time. Then when there are certain decisions that come about that we can't explain to people because of litigation or legal matters, people will trust us, because they will say, "I know how these guys operate, and if they say that it had to be done that way, it's because they took all the information into account, and I have faith in them because that's how I see they operate." That's what we need to do as the Council, I believe.

I believe that we need to take a good servant's heart to the people so they can see that we're listening to them, that we care about them, and that we cared about the lives of them and their children being better than before we came to this office. We may not fix all the problems, but we can make it better, and if each of us does that in each term of office, this will be the best City that it can be, and it will be a jewel for this State.

I have many other ideas and I would start boring you if I went through all of them. and I'm afraid to do that because that's a way to start losing votes. There are many ways to open up citizen involvement, communication, bringing new people into the

process to serve on committees – there are going to be slots opened – and truly gearing up citizen involvement. If you want to hold a coffee or town hall meeting in your district, I'd be glad to even help you with that. Many of you do it yourself, you are old pros, but some people are newer.

If you want professional development for newer Council people, because there's a lot of people with questions about how things work and best procedures, I'd be glad to work with the League of Local Governments to bring that right here, so that it fits in your schedule, and have that professional development right here to get those best practices, and get that information, so that we can serve the City the best we can. Thank you.

Council President Bonar asked if there was anyone else present who would like to express interest in being a candidate for Council President. There was no one present wishing to speak.

COUNCIL PRESIDENT CANDIDATES - QUESTIONS AND ANSWERS

There was no one present wishing to ask questions of the candidates for Council President.

Council President Bonar thanked Mr. Slavin and Mr. Anderson for expressing their interest in the Council presidency. Noting that Councilmen-Elect Brian Lewis and Scott Cole were in attendance, Mr. Bonar stated that any Council member could be nominated for Council President during the Annual City Council Meeting scheduled for May 11, 2015.

Council President Bonar expressed his thanks to those with whom he had served over the last several years. He stated that his role at the Annual Council Meeting would be very limited as the Mayor would preside, new members would be sworn in, and outgoing members would receive their Dover Cups and keys to the City when departing. Mr. Bonar advised members that they would have a daunting challenge over the next year. They would have a budget deficit of several million dollars, like the City had never seen before. There would be an unfunded pension liability somewhere in the neighborhood of $130M that they would have to find a way to overcome. They would have to make a decision within the next year or two (2) whether or not to stay in the power business or rebuild the generators at McKee Run, which would be another $170M or so. Mr. Bonar stated that the City's electric system is very expensive for commercial and industrial customers, and he felt that this must be addressed if the community is to stay healthy and vibrant.

Mr. Bonar stated that he when he ran for Council President, he said that he would give everyone a right to completely air their views and speak their piece on any topic on the agenda. He had said that the one (1) important factor on this Council is that when their business is finished, members are, above all else, residents in the City and friends. Members may agree or not agree, but they would still walk out of the Chamber as friends, and there would be no room for animosity, tempers, or personal agendas in this Council Chamber. Mr. Bonar stated that he was quite proud to say that he thought he could leave this position having fostered that type of relationship, and expressed his hope that this would continue.

Council President Bonar advised members that there are four (4) women working in the City that on whom Council depends on a day-to-day basis. He stated that the City Clerk's Office does a wonderful job. He noted that he did not want to diminish any of the other departments in the City but stated that the City Clerk's Office keeps Council from stepping where they should not step. He advised members to pay attention to what they say because they are very good at what they do, and they had been an absolute joy for him to work with.

By unanimous consent, the meeting adjourned at 6:31 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Special Meeting of May 4, 2015 are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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ANNUAL COUNCIL MEETING

The Annual Council Meeting was held on May 11, 2015 at 7:30 p.m. with Mayor Christiansen presiding. Council members present were Council President Bonar, Mr. Anderson, Mr. Dixon, Mr. Perza, Mr. Slavin, Mrs. Williams, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mrs. Townshend, 2nd Line Fire Captain Kelly, Mr. Koenig, City Solicitor Rodriguez, and Mrs. McDowell.

The invocation was given by Father James Lentine.

The colors were presented by the Dover Air Force Base Honor Guard, followed by the Pledge of Allegiance.

Mayor Christiansen recognized former City Councilmen Reuben Salters and Kenneth Hogan, as well as Kent County Levy Court Commissioner Allen Angel, State Senator Brian Bushweller, State Representative Sean Lynn, and former State Representative Nancy Wagner, who were all in attendance.

AGENDA ADDITIONS/DELETIONS

Mayor Christiansen requested that the agenda be amended to combine the City of Dover presentations and State of Delaware tributes for outgoing members of Council. Mr. Hutchison moved to approve the agenda as amended, seconded by Mr. Slavin and unanimously carried.

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

The revised minutes of the Special Council Meeting of April 27, 2015 were unanimously approved by motion of Mr. Slavin, seconded by Mrs. Williams and bore the written approval of Mayor Christiansen.

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

The minutes of the Regular Council meeting of April 27, 2015 were unanimously approved by motion of Mr. Hare, seconded by Mr. Hutchison and bore the written approval of Mayor Christiansen.

LETTER OF SUPPORT FOR DOWNTOWN DEVELOPMENT DISTRICT PROGRAM

Members were provided a letter of support to the General Assembly requesting their support of the Downtown Development District Program to ensure that meaningful funding is committed to the program in Fiscal Year 2016.

Mr. Hare moved for approval of the letter of support, seconded by Mr. Hutchison and unanimously carried.

PROPOSED RESOLUTION NO. 2015-04 AND STATE OF DELAWARE TRIBUTE - DAVID L. BONAR

The City Clerk read the following Resolution into the record:

WHEREAS, David L. Bonar was sworn into office as Councilman of the Second District on May 10, 1982 and served with distinction until February 28, 1983, and was sworn into office as Councilman of the Third District on May 10, 2010 and served with distinction until May 11, 2015; and

WHEREAS, during his many years of service to the citizens of Dover, David L. Bonar served as Council President and Vice-Mayor and as Mayor from April 28, 2014 through May 12, 2014. He served as Chair of the Parks, Recreation, and Community Enhancement Committee; Utility Committee; Ad-Hoc Committee to Meet with State Legislators, the Bond Bill Committee, and the Governor Regarding the Reallocation of State Bond Funds; and Civilian Pension Board; and as a member of the Parks, Playgrounds, and Trees Committee; Safety Advisory Committee; Safety Advisory and Transportation Committee; Wage, Hours, and Legislative Committee; Downtown Dover Partnership Board of Directors; Fourth of July Celebration Committee; Police Pension Board; and as a liaison to Kent County on the City/County Committee; and

WHEREAS, during his tenure, David L. Bonar was an ardent supporter of the development of the Garrison Oak Technology Park, a 389-acre complex which is now home to the Dover Sun Park, one of the largest solar projects in the northeastern United States, as well as the Garrison Energy Center, one of the cleanest and most efficient and reliable energy-producing facilities in the mid-Atlantic region. The Garrison Oak Technology Park has created the potential for thousands of jobs and millions of dollars in future economic impact to central Delaware; and

WHEREAS, David L. Bonar's ability to engage with business, community, and government leaders as an articulate and enthusiastic advocate for the City greatly benefitted the citizens of Dover. His broad experience and steady, focused, and decisive leadership garnered the respect of his colleagues and greatly contributed to Council's ability to reach consensus and attain its goals.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council recognize that David L. Bonar will be sorely missed and express their sincere appreciation to him and his family for the dedicated years of service and personal sacrifices made on behalf of the City of Dover, and wish him and his family success in all future endeavors.

BE IT FURTHER RESOLVED that the Mayor and Council direct the City Clerk to make this resolution a part of the permanent records of the City of Dover as a lasting symbol of appreciation and gratitude to David L. Bonar.

Mr. Hare moved for adoption of Resolution No. 2015-04, seconded by Mr. Neil and unanimously carried.

Representative Sean Lynn presented a tribute to Councilman Bonar on behalf of the House of Representatives. Representative Lynn stated that the House of Representatives recognized Mr. Bonar's outstanding dedication and commitment to serving the citizens of Dover, commended his remarkable contributions, and extended its sincere appreciation.

Mayor Christiansen and members of Council presented Council President Bonar with the Resolution, a gavel, a Dover Cup, and a key to the City.

Council President Bonar thanked his wife, stating that she had put up with a lot of things over the last several years, noting that Council service is a unique but time-consuming experience. He cautioned those who would be taking office to keep in mind every time a vote is taken that what is done on the Council floor affects not only the citizens of Dover but citizens throughout the State of Delaware. Council President Bonar stated that it had been a distinct honor to be part of the public political process in the City, working with friends, colleagues, and former compatriots from a variety of standpoints, and expressed thanks from the bottom of his heart.

PROPOSED RESOLUTION NO. 2015-05 AND STATE OF DELAWARE TRIBUTE - WALLACE R. DIXON

The City Clerk read the following resolution into the record:

WHEREAS, Wallace R. Dixon was appointed as City of Dover Chaplain on September 11, 2000 and served continuously in that capacity until being sworn into office as Councilman of the Fourth District on December 10, 2012. He served with distinction as Councilman until May 11, 2015 and, during his two years of service to the citizens of Dover, Wallace R. Dixon served as Chair of the Parks, Recreation, and Community Enhancement Committee and as a member of the Safety Advisory and Transportation Committee, the Downtown Dover Partnership Board of Directors, and the Kent County Tourism Board of Directors; and

WHEREAS, throughout his tenure, Wallace R. Dixon demonstrated a special interest in protecting and preserving the safety of our citizens and a commitment to the youth in the community through his dedicated efforts to address their recreational needs; and

WHEREAS, Wallace R. Dixon served with dignity and integrity, demonstrating empathy and compassion toward his colleagues, City staff, and constituents alike, and speaking up for those whose concerns might otherwise have gone unnoticed.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council recognize that Wallace R. Dixon will be sorely missed, express their sincere appreciation to him and his family for the dedicated years of service and personal sacrifices made on behalf of the City of Dover, and wish him and his family success in all future endeavors.

BE IT FURTHER RESOLVED that the Mayor and Council direct the City Clerk to make this resolution a part of the permanent records of the City of Dover as a lasting symbol of appreciation and gratitude to Wallace R. Dixon.

Mr. Slavin moved for adoption of Resolution No. 2015-05, seconded by Mr. Neil and unanimously carried.

Representative Sean Lynn presented a tribute to Councilman Dixon on behalf of the House of Representatives. Representative Lynn stated that the House of Representatives recognized Mr. Dixon's outstanding dedication and commitment to serving the citizens of Dover, commended

his remarkable contributions, and extended its sincere appreciation. As a former member of City Council, Representative Lynn stated that it had been an honor to serve with Mr. Dixon.

Mayor Christiansen and members of Council presented Councilman Dixon with the Resolution, a Dover Cup, and a key to the City.

Councilman Dixon stated that he was honored and that he had tried to serve as a humble servant, which was his calling. He thanked God and everyone in the community for allowing him to serve.

PROPOSED RESOLUTION NO. 2015-06 AND STATE OF DELAWARE TRIBUTE - ADAM M. PERZA

The City Clerk read the following resolution into the record:

WHEREAS, Adam M. Perza was appointed to serve on the Compensation Commission on May 9, 2011, serving in that position until May 17, 2013, and was appointed to the Salary and Benefits Compensation Comparison Committee on August 22, 2011 and served as Chair of that Committee until September 10, 2012; and

WHEREAS, Adam M. Perza was sworn into office as Councilman of the Second District on May 14, 2012 and served with distinction until May 11, 2015 and, during his three years of service to the citizens of Dover, Adam M. Perza served as Chair of the Construction Code Appeals Committee and as a member of the Parks, Recreation and Community Enhancement Committee; Safety Advisory and Transportation Committee; Utility Committee; Ad Hoc Financial and Operational Advisory Committee; Downtown Dover Partnership Board of Directors; and President's Counsel on Public/Private Partnerships and the Future of City Hall, Weyandt Hall, Former Dover Library, and Other City Properties; and

WHEREAS, throughout his tenure, Adam M. Perza listened attentively to disparate points of view, deliberated thoughtfully, gave careful consideration to the implications of decisions, and developed equitable and creative solutions to the complex concerns brought before the municipality; and

WHEREAS, Adam M. Perza demonstrated the courage to adhere to his convictions, while displaying a spirit of civility and courtesy that elevated the level of discourse and fostered the respect of his colleagues, City employees, and the constituents that he served.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council recognize that Adam M. Perza will be sorely missed, express their sincere appreciation to him and his family for the dedicated years of service and personal sacrifices made on behalf of the City of Dover, and wish him and his family success in all future endeavors.

BE IT FURTHER RESOLVED that the Mayor and Council direct the City Clerk to make this resolution a part of the permanent records of the City of Dover as a lasting symbol of appreciation and gratitude to Adam M. Perza.

Mr. Hutchison moved for adoption of Resolution No. 2015-06, seconded by Mr. Anderson and unanimously carried.

Representative Sean Lynn presented a tribute to Adam M. Perza on behalf of the House of Representatives. Representative Lynn stated that the House of Representatives recognized Mr. Perza's outstanding dedication and commitment to serving the citizens of Dover, commended his remarkable contributions, and extended its sincere appreciation. On a personal note, Representative Lynn stated that Mr. Perza had done a good job, expressed his pride in Mr. Perza, and thanked him for his service.

Mayor Christiansen and members of Council presented Councilman Perza with the Resolution, a Dover Cup, and a key to the City.

Councilman Perza stated that he had enjoyed his service and it had been an honor to serve his community and neighbors. He expressed thanks to the elected representatives and future elected representatives in the room, stating that it is an honor to serve but one does not serve for the honor. Mr. Perza stated that he had learned over the last several years that governing is hard. He indicated that it is great to have ideas, but what is important is that the ideas are implemented and that there is full discussion of the pros and cons as part of a collective group.

Mr. Perza encouraged the new members to listen to their neighbors and to the people in the City, and to think before speaking, making sure to apply judgment to their thoughts, since what is said becomes important in terms of how people react to it.

PROPOSED RESOLUTION NO. 2015-07 AND STATE OF DELAWARE TRIBUTE - BEVERLY C. WILLIAMS

The City Clerk read the following resolution into the record:

WHEREAS, Beverly C. Williams was appointed to the Dover Housing Authority on May 11, 1987, serving until July 25, 2011, and was appointed to the Historic District Commission on September 13, 1993, serving until April 15, 2004; and

WHEREAS, Beverly C. Williams was sworn into office as Councilwoman of the First District on May 13, 2002, being only the fourth female to attain the office of Dover City Council Representative, and served with distinction until May 11, 2015, serving as Council President and Vice-Mayor, and as Mayor from July 23, 2007 until October 8, 2007 and from April 28, 2014 until May 12, 2014. She served as Chair of the Utility Committee; Other Post-Employment Benefits Board; and the President's Counsel on Public/Private Partnerships and the Future of City Hall, Weyandt Hall, Former Dover Public Library, and Other City Properties; as a member of the Legislative and Finance Committee; Parks and Recreation Committee; Parks, Recreation, and Community Enhancement Committee; Safety Advisory Committee; Safety Advisory and Transportation Committee; 2030 Energy Committee; Ad Hoc Health Benefits Committee; City Manager Search Committee; Haggerty and Haggerty Ad Hoc Review Committee; and Kent County Tourism Board of Directors; and as a liaison to the Chamber of Commerce; Greater Dover Committee; and Kent County on the City/County Committee; and

WHEREAS, during her many years of service, Councilwoman Williams brought courage, conviction, and candor to Council's deliberations. Her expertise, particularly in matters pertaining to utilities and to youth in the community, was invaluable in Council's deliberations, and her decisive leadership, energy, and passion contributed greatly to the betterment of the City and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council recognize that Beverly C. Williams will be sorely missed and express their sincere appreciation to her and her family for the dedicated years of service and personal sacrifices made on behalf of the City of Dover, and wish her and her family success in all future endeavors.

BE IT FURTHER RESOLVED that the Mayor and Council direct the City Clerk to make this resolution a part of the permanent records of the City of Dover as a lasting symbol of appreciation and gratitude to Beverly C. Williams.

Mr. Hare moved for adoption of Resolution No. 2015-07, seconded by Mr. Hutchison and unanimously carried.

Representative Sean Lynn presented a tribute to Councilwoman Williams on behalf of the House of Representatives. Representative Lynn stated that the House of Representatives recognized Mrs. Williams' outstanding dedication and commitment to serving the citizens of Dover, commended her remarkable contributions, and extended its sincere appreciation.

Mayor Christiansen and members of Council presented Councilwoman Williams with the Resolution, a gavel, a Dover Cup, and a key to the City.

Councilwoman Williams stated that, before being sworn in, she was advised by former Councilwoman Goldie Legates to follow the oath, and if she followed the oath she would be fine. Mrs. Williams expressed her thanks, stating that it had been a great journey.

OATHS OF OFFICE

The Honorable Kenneth S. Clark, Jr., Judge - Sussex County Court of Common Pleas, administered the Oath of Office, as follows:

Mayor	-	Robin R. Christiansen

The Honorable William L. Witham, Jr., Resident Judge - Superior Court, administered the Oaths of Office, as follows:

Council - First District	-	James E. Hosfelt, Jr.
Council - Second District	-	Brian E. Lewis
Council - Third District	-	Scott W. Cole
Council - Fourth District	-	Roy Sudler, Jr.

ELECTION OF COUNCIL PRESIDENT/VICE-MAYOR

Mayor Christiansen opened the floor for nominations for Council President/Vice-Mayor for 2015/2016.

Mr. Neil moved to nominate Timothy A. Slavin to serve as Council President/Vice-Mayor for 2015/2016, seconded by Mr. Hutchison.

Mr. Anderson moved to close nominations, seconded by Mr. Sudler and unanimously carried.

By a unanimous roll call vote, Mr. Slavin was elected to serve as Council President/Vice-Mayor for 2015/2016.

RECESS

By unanimous consent, there was a brief recess to take photographs of the Mayor and members of City Council.

The meeting recessed at 8:20 p.m. and reconvened at 8:32 p.m.

PROCLAMATION - COMMUNITY ACTION MONTH

The City Clerk read the following proclamation into the record:

WHEREAS, Community Action Agencies were created when the Economic Opportunity Act of 1964 was signed into law and, currently, there are approximately one thousand such agencies serving the underprivileged in the United States; and

WHEREAS, First State Community Action Agency has been committed to working with individuals and communities to overcome the challenges of unemployment, homelessness, substandard living conditions, and hunger in Delaware since 1965; and

WHEREAS, First State Community Action Agency has made an essential contribution to individuals and families in Delaware by providing innovative and cost-effective programs that enable them to improve their lives and living conditions; and

WHEREAS, Delaware and the entire country must continue to promote economic security and ensure that all citizens are able to live with dignity by providing support and opportunities for those in need of assistance.

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim May 2015 as **COMMUNITY ACTION MONTH** in the City of Dover in recognition of the hard work and dedication of First State Community Action Agency.

On behalf of the Mayor and City Council, Mayor Christiansen presented the proclamation to Mr. David Bull, Director of Human Resources, First State Community Action Agency. Mr. Bull expressed thanks to the Mayor and Council for the recognition. He stated that First State Community Action Agency had been operating since 1965 and was celebrating 50 years of being in business, helping those who are less fortunate and providing them the opportunity to regain self-sufficiency and citizenship equilibrium.

PUBLIC WORKS WEEK

The City Clerk read the following Proclamation into the record:

WHEREAS, Public Works services are an integral part of our community and citizens' everyday lives, and the support of an understanding and informed citizenry is vital to the efficient operation of Public Works systems and programs such as facilities management, fleet maintenance, grounds and parks maintenance, solid waste collection and recycling, street and stormwater management, water production, and water and wastewater operations and maintenance; and

WHEREAS, the health, safety, and comfort of this community greatly depend on these facilities and services, and the quality and effectiveness of these facilities and services, as well as their engineering, construction, and inspection, are vitally dependent upon the efforts and skill of Public Works staff; and

WHEREAS, the efficiency of the qualified and dedicated personnel of the Department of Public Works is materially influenced by the people's attitude and understanding of the importance of the work they perform; and

WHEREAS, The American Public Works Association 2015 National Public Works Week theme "Community Begins Here" speaks to the essential nature of Public Works services in support of everyday quality of life.

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim May 17th – 23rd, 2015 as **PUBLIC WORKS WEEK** in the City of Dover and urge all citizens and organizations to learn more about the issues involved in providing our Public Works and to recognize the contributions that our dedicated Public Works employees make every day to our health, safety, comfort, and quality of life.

On behalf of the Mayor, City Council, and the citizens served, Mayor Christiansen presented the proclamation to Mrs. Sharon Duca, Director of the Public Works Department.

Mrs. Duca expressed appreciation for the recognition, stating that the past couple of years had been a period of change for the Department of Public Works, including differences in the budget and staffing levels; however, the Department's staff had stood together to ensure that the City's priorities were taken care of, from making sure that trash has been picked up to snow removal, fixing water main breaks, and making sure that service is reliable. She thanked the Public Works Department staff for their dedicated work ethic.

STATE OF THE CITY MESSAGE - MAYOR ROBIN CHRISTIANSEN

Mayor Christiansen presented the State of the City address, as follows:

> Good evening, Mr. President, members of Council, City staff, and the citizens of Dover who we all serve. Today I'm giving my first State of the City address as your Mayor, and it is a very humbling experience. I believe that this is more of a report card on our success, not on our failures. I believe that we are at a B+ today. However, we always have room for growth and improvement as a government and as a city.

For the past few months we have seen a renewed spirit of our citizens' commitment and a renewed commitment of our City staff and employees, who make us shine each day through their continued commitment, which speaks to the motto "Community Excellence Through Quality Service." They make the City of Dover.

The Clerk's Office continues to make sure that we have access to historical records and ensure that we conduct our meetings accordingly, and for that I am very grateful. Upstairs, I, along with the City Manager, the Assistant City Manger, Public Information Officer, and City staff have established a great working relationship. Daily we respond to the questions and concerns of our citizens. Together we have accomplished great things and will continue to do so in the future.

The Finance Department and the Assessor's Office continue to work for financial stability. The Finance Office recently completed the bond issuance of $4,135,000 of General Obligation Bonds for the street and storm water infrastructure at the Garrison Oak Technology Park, and to refinance the outstanding 2003 General Obligation Bonds.

The Customer Service Department and our Electric Department continue to deliver quality service to this, the most valuable of our enterprise funds, established many years ago to supplement property taxes and aid in balancing our budget.

Too often, it is easy to overlook the Public Works Department, unless of course they would not be there to perform their duties and responsibilities day in and day out. From Sanitation, to Streets, to Water and Sewer, and Building and Grounds, this group of dedicated individuals makes sure the job is done, regardless of the weather. We appreciate and applaud your efforts.

Code Enforcement is a department that aids in making sure each of us live up to the standards that make us good neighbors, so our property values stay at a level that is acceptable and does not bring the property values of our neighbors down.

Our Library and Parks and Recreation Departments continue to provide all of us with many programs in which thousands of people participate each year. Our Police and Fire Departments are both Class A. Our Police Department was recently re-certified and began celebrating it's 90th anniversary. The men and women of the Dover Police Department continue, under the leadership of Chief Paul Bernat, to serve all of our citizens with fidelity, trust, and integrity.

The Dover Fire Department, under the command of Chief Mark Hall, is second to none. Since 1882, Robbin's Hose Company has protected the city of Dover and the surrounding area with professionalism and holds the distinction of being the only all volunteer fire department serving a state capital in the United States of America.

Our employees each day perform the daily duties of maintaining City services at a level our citizens have come to expect and deserve. It is because of their efforts that the Mayor and Council shine. They continue on through snow, sleet, rain, and extreme heat. They do what must be done regardless of the task.

We have great potential and a bright future in Dover. Our greatest days are ahead of us. Not only do we realize this, but so do Governor Markell and other State officials, who recently gave us our designation as one of the three inaugural Downtown Development Districts. This speaks volumes of not only the draw to locate business downtown but to aid business in our entire city. Also we have partnered with our friends at Kent County, under the leadership of Levy Court President Brooks Banta, who have joined by offering incentives to those that would invest in our downtown. Several major employers have chosen to expand or relocate to our city. Others who are already strong, long-time employers continue to work shoulder to shoulder with us to maintain their presence in Dover. We have and will continue to aggressively seek and attract major employers to Dover and Central Delaware to help those of our citizens who are underemployed or unemployed. Dover is in business to do business. Having said that, I salute the many small business owners who continue to pioneer and thrive in our downtown area and throughout the entire city. Your faith in the future should serve as an example to us. We salute your success. Please accept our admiration and thanks.

Finally, to the many volunteers who take time away from their busy personal schedules to serve on various boards and committees, please accept my heartfelt thanks to all, working as one, to make Dover a place to do business, a place to live, a place to recreate, a place to bike, a place to shelter those who are less fortunate, a place to utilize our natural gem, Silver Lake, a city which each and everyone of us is proud to call home. I believe in each of you and I hope that you believe in Dover.

CONSENT AGENDA

Mr. Lewis requested the removal of Item #15 - 2015/16 - Staff Appointments - City Council from the Consent Agenda.

Mr. Anderson requested the removal of Item #11B - Evaluation of Proposals - Ambulance Service Contract from the Consent Agenda.

Mayor Christiansen stated that Item #22B - Resolution No. 2015-09 Authorizing Signatures for Banking Services on Behalf of the City of Dover, Delaware - Controller/Treasurer, Assistant Controller/Treasurer, and Assistant Treasurers would also be removed from the Consent Agenda.

Mr. Anderson moved for approval of the consent agenda, as amended, seconded by Mr. Sudler and carried by a unanimous roll call vote.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - APRIL 27, 2015

The Safety Advisory and Transportation Committee met on April 27, 2015 with Chairman Hutchison presiding.

Proposed Ordinance #2015-07 Amending Chapter 46 - Fire Prevention and Protection, Article IV - Public Occupancies, Section 46-162 - Sprinkler Requirements and Section 46-171 - Fire Alarm in Place of Assembly

Mr. Timothy Mullaney, Fire Marshal, reviewed the proposed ordinance. He indicated that changes were proposed in Section 46-162, Sprinkler Requirements, to incorporate National Fire Protection Association (NFPA) 13 and other requirements regarding the location and type of fire department connections. He explained that including this information in the Code would make it easier to obtain this information from a single source.

Mayor Christiansen stated that the Dover Fire Department currently uses a five (5) inch supply line and uses the building connections on all newly constructed buildings. Noting that some buildings have 2½-inch national standard connections, he inquired if replacing these connections would be required or if this would occur only if they are damaged. Responding, Mr. Mullaney stated that an upgrade would be required for new construction projects for greater than 50% renovations, when a fire alarm connection would have to be physically relocated because of construction, or if a sprinkler company informed him that there was a physical problem with the connection that prevented it from working.

Mayor Christiansen questioned if the Dover Fire Department has the ability to hook up to 2½-inch connections. Responding, Mr. Mullaney stated that he was aware of only 30 locations using this type of connection since most buildings had upgraded. He indicated that this was not a problem because the necessary equipment is available on the trucks and only a little more time and pre-planning is required. Mr. Mullaney stated that he would not recommend requiring a City-wide upgrade since this could be a big project that some would be unable to afford.

Mr. Mullaney advised members that the proposed change to Section 46-171, Fire Alarm in Place of Assembly, would address public mode audible requirements related to shunt trip relays/switches. He advised members that this is already established in NFPA 72, and this amendment would allow users to access this information through City Code. Mr. Mullaney stated that the requirement is that the power source used to amplify live music will shut down at the activation of a fire alarm system.

The Committee recommended approval of Proposed Ordinance #2015-07.

By consent agenda, Mr. Anderson moved for approval of the Committee's recommendation, seconded by Mr. Sudler and carried by a unanimous roll call vote.
(The First Reading of the ordinance will take place during the latter part of the meeting.)

Evaluation of Proposals - Ambulance Service Contract

During the Safety Advisory and Transportation Committee meeting held on March 23, 2015, members considered the Evaluation of Proposals - Ambulance Service Contract and tabled the matter until the next meeting of the Safety Advisory and Transportation Committee.

Mr. Scott Koenig, City Manager, referred to his memorandum dated April 22, 2015, regarding Evaluation of Proposals - Ambulance Service Contract, explaining that the attachments included answers to members' questions that were submitted by PrimeCare Medical Transport, LLC, as well as additional information provided by PrimeCare Medical Transport, LLC and Heartline Ambulance Service, LLC. Mr. Koenig reminded members that three (3) proposals were received and that members had agreed that the proposal from Hart to Heart Transportation, LLC was not in compliance with the Request for Proposals (RFP), and the only proposals that complied were from PrimeCare and Heartline. He noted that Heartline was an entity that had yet to be created.

Mr. Koenig informed members that, as requested during the Committee meeting of March 23, 2014, representation of PrimeCare was present.

Mr. Koenig explained that the City had a longstanding contract with PrimeCare to deliver ambulance services. For a time, the City had received complaints from both Cheswold and Camden-Wyoming ambulance services for overflow responses that they were making into the City's service area. He stated that, at that time, the City had two (2) options, one (1) of which was to pay PrimeCare for additional ambulance coverage. It was Mr. Koenig's recollection that the cost would have been approximately $10,000 per month for PrimeCare to add another shift, and staff was unable to identify an eight (8) or 12-hour shift with consistent overflow numbers that would address all of the concerns. The second option was to make donations to Cheswold and Camden-Wyoming ambulance services to compensate them for the time and effort they were putting into service calls within the City's service territory. The City issued donations in FY 13 and FY 14 to these ambulance providers for their calls inside the City service territory, which amounted to approximately $15,000 annually.

In regard to the proposal received from Heartline in response to the current RFP, Mr. Koenig advised members that Heartline would be the creation of a private, for-profit company out of the existing Camden-Wyoming volunteer fire service and expressed his belief that the ambulance service that Camden-Wyoming currently provides is a component of their volunteer fire service. He stated that in the original RFP issued several years ago, responders were asked for five (5) years of operating experience as a for-profit company, since it was desired that companies demonstrate the ability to start a service and continue business operation for a five (5) year horizon. Mr. Koenig noted that, typically, the expectation is that if a business is going to fail, it will do so within the first five (5) years. He stated that if members wished to relax this requirement, they could recommend this to Council; however,

it must be understood that there would be a transition period for this new service and they would have to purchase equipment, create schedules and service components, and hire staff. Mr. Koenig indicated that Mr. Chris Clough, Employee Supervisor and EMS Administrator, Heartline Ambulance Service/Camden-Wyoming Fire Company, had indicated that they could have their service up and running comfortably by August 1, 2015.

Mr. Koenig advised members that he had not changed his original recommendation to enter into a contract with PrimeCare Medical Transport, LLC in the amount of $230,000 to provide ambulance services for a three (3) year period, with a negotiated ending date of June 30, 2018. It was his belief that there was an option for two (2), one (1) year extensions without having to rebid.

Responding to Mr. Hutchison, Mr. Koenig stated his belief that PrimeCare had been the City's provider for approximately 11 years.

Mr. Keller stated that there had been minimal complaints against PrimeCare, noting that there are always a few complaints with any service, and he expressed his preference for PrimeCare.

Mr. Truax advised members that he had no issue with any of the providers or staff's recommendation; however, he expressed concern regarding the process. He felt that the RFP did not ask some of the proper questions, noting that some of the questions were seven (7) to eight (8) years old, and suggested that it needed to be reviewed. Mr. Truax did not feel comfortable recommending a three (3) year contract with a two (2) year extension. He suggested that the agreement go forward with a recommendation for two (2) years and, within that two (2) year period, forming a Basic Life Support (BLS) Needs committee to determine exactly what is needed to deliver the best service to the constituency, every person in the City of Dover, and those passing through it who will use the ambulance service regardless of who is providing it.

Mr. Truax reiterated that he would like to see a contract go forward with PrimeCare, based on staff's recommendation; however, he was concerned about forwarding a recommendation for a five (5) year contract and not looking at the process. He felt that the process should be evaluated so that the provider is asked the appropriate questions regarding what the City wants rather than simply describing what they can provide. Mr. Truax advised members that there is no one on staff who can develop the proper questions for the City's RFP. He suggested that someone could be hired to study this, or that this be done by members of a BLS committee made up of individuals with backgrounds in dispatch, field care, or hospital care.

Mr. Hutchison stated that the proposal before members was for a three (3) year contract and reminded members that PrimeCare had already been providing this service for 11 years. He stated that Mr. Truax had made some valid points in regard to evaluating operations in the future, and Mr. Hutchison did not have a problem with

working with the City Manager and staff to create an evaluation system. However, he did not feel that this was the issue before members tonight. Mr. Hutchison did not see the difference between supporting a two (2) year proposal versus a three (3) year proposal, noting that the City Manager and staff had clearly recommended a three (3) year proposal.

Mr. Truax stated his belief that the process is tied into the overall bid package. He indicated that if the agreement were approved for three (3) years, there is no way to know that this matter would be reviewed or that the agreement would work. He felt that it would be proper to make a motion in favor of a two (2) year agreement with a component that a BLS committee would be formed to review this matter. Mr. Truax stated that this was his opinion and each Committee member should develop their own opinion.

Mr. Hutchison requested Mr. Koenig's opinion on the concept of developing an evaluation system and establishing a board to address Mr. Truax's concerns. Responding, Mr. Koenig stated that he had no concerns with appointing a future BLS committee. He advised members that he had already included a study related to police staffing, fire dispatch, and ambulance service in an FY 16 draft budget for Council's consideration in a few weeks. Although this study currently did not include the fine details of BLS, he felt that this could be the starting point for discussing whether the City should pursue additional BLS services. Mr. Koenig stated that former Councilman Eugene Ruane had asked staff to create an annexation model, and much time was spent talking about the services that would be impacted by annexation and development, including police, fire, and streets. Ambulance calls were not discussed; however, Mr. Koenig noted that the 10-year trend of ambulance calls had crept up significantly, and the last three (3) years had leveled off.

Mr. Truax questioned who would sit on that committee, how it would be formed, and whether it would be a subcommittee to the Safety Advisory and Transportation Committee. Responding, Mr. Hutchison stated that it could be made a priority to move forward with this matter and that the details could be worked out.

Mr. Truax suggested that the Committee recommend a three (3) year agreement and that, in that three (3) year period, a BLS needs committee would be formed as a subcommittee to the Safety Advisory and Transportation Committee. This would place the intent for a review of this matter on the record and would allow enough time to review, study, and come up with a reasonable overview of BLS needs.

In response to Mr. Hutchison regarding the recommended composition of the subcommittee, Mr. Truax suggested that it be made up representatives from dispatch; field care, including EMTs; and someone from hospital care, including a nurse or doctor, and stated that determining who would sit on the subcommittee would be part of the overall process.

In response to Mr. Hutchison regarding whether this is being done elsewhere in Delaware, Mr. Truax stated that he was unsure. To his knowledge, there are only two (2) jurisdictions using private carriers for 911 transport, the City of Wilmington, which uses St. Francis, and the City of Dover.

Mr. Koenig reminded members that the RFP was for a three (3) year contract with two (2), one (1) year extensions if the City so chooses.

In response to Mr. Hutchison, Mr. Koenig confirmed that the City would continue to have the same agreement with the Camden-Wyoming and Cheswold fire services for reimbursement.

Responding to Mr. Keller, Mr. Koenig confirmed that the questions previously asked by members were answered in PrimeCare's letter of response. Mr. Koenig explained that some of the more detailed questions that Mr. Truax had identified were not in the RFP, either because they are new things or because they are service levels that Mr. Truax would like to see enacted. The RFP was to provide the current minimum level of service that is required.

The Committee recommended authorizing the City Manager to enter into a contract with PrimeCare Medical Transport, LLC in the amount of $230,000 to provide ambulance services to the City of Dover for a three (3) year period, with a negotiated ending date of June 30, 2018, as recommended by staff. The motion was seconded by Mr. Truax and carried by a vote of two (2) yes (Keller and Hutchison) and one (1) no (Truax).

The Committee recommended placing a discussion of the feasibility of creating a committee to study the Basic Life Safety (BLS) needs for the City of Dover on the agenda for the next Safety Advisory and Transportation Committee meeting.

During the City Council meeting of May 11, 2015, Mr. Anderson advised members that the recommended bid for the Ambulance Service Contract was approximately $80,000 more than another bid, but expressed his belief that there was good reason for this and requested that this be explained.

Mr. Scott Koenig, City Manager, stated that the City issued an RFP earlier this year for ambulance services and three (3) proposals were received, one (1) of which was from PrimeCare Medical Transport, LLC, the City's current provider. The other proposals were from Heartline, LLC and Hart to Heart Transportation. Mr. Koenig explained that staff reviewed the proposals and this matter went to the Safety Advisory and Transportation Committee twice for questions and answers. The feeling was that the most well-rounded proposal was that submitted by PrimeCare and their service level met the current needs of the city of Dover. Staff's recommendation was to proceed with a contract for PrimeCare Medical Transport, LLC, which would end June 30, 2018, with provisions for two (2), one (1) year extensions. Mr. Koenig advised members that the Committee also made

a recommendation to potentially create a study committee to review and possibly improve BLS services in the City of Dover. He indicated that, based on the discussion at the Committee level, staff again recommended PrimeCare Medical Transport, LLC for a contract to be executed through June 30, 2018.

Mr. Anderson questioned if the reason for the recommendation was a provision dealing with the length of time that operations had been provided. Responding, Mr. Koenig stated that the RFP included a requirement for five (5) years of operating history providing the service that was requested. He explained that Heartline, LLC was a new start-up company that would have been created out of the current Camden-Wyoming ambulance service, and the component of the request that they did not meet was five (5) years of operating history. Mr. Koenig explained that Heartline would have to create a new company, order equipment, and hire staff to provide service to the City. For this reason, it was felt that it was not in the City's best interest to proceed with that proposal.

Mr. Sudler questioned the advantage of PrimeCare over Hart to Heart Transportation. In response, Mr. Koenig stated that Hart to Heart would have operated at no cost to the City and would recover all of their costs from billing; however, the documents that they provided indicated that almost all of their experience was in medical transport verses BLS.

Mr. Hosfelt inquired if the complaints received against PrimeCare had been tracked. Responding, Mr. Koenig stated that a few official complaints came through Mrs. Kay Sass, Emergency Management Coordinator, and were evaluated. He indicated that most were unsubstantiated or could not be confirmed; in other cases the provider provided adequate documentation that they had addressed the complaint or had made corrections so that the problem would not happen again in the future.

Mr. Hosfelt questioned if Council would vote again on the single-year extensions following the three (3) year contract. Responding, Mr. Koenig stated his belief that, in the past, the City Manager had been authorized to approve extensions; however, because of the supplemental discussion and the request to potentially create a BLS committee, he would bring this matter back before executing extensions.

Responding to Mr. Hosfelt regarding the desire to create a BLS committee, Mr. Koenig explained that this was the recommendation of at least one (1) member of the Safety Advisory and Transportation Committee and there had been a motion to place a discussion about potentially creating a BLS committee on the Committee's agenda.

As Chair of the Safety Advisory and Transportation Committee, Mr. Hutchison stated that during the meeting held on April 27, 2015, there were in-depth discussions with Mr. Koenig and Mrs. Sass pertaining to the three (3) vendors who submitted applications for consideration. He indicated that each of the providers were looked at and they also took in information from the hospital regarding service provided. As a result, he felt that members were more than comfortable in saying that PrimeCare should be able to continue to provide this service to the City. Mr. Hutchison indicated that it was also discussed whether or not some type of evaluation system should be created, stating that this would be discussed in future meetings.

Mr. Hutchison moved to approve PrimeCare LLC for another three (3) year contract, seconded by Mr. Anderson.

Mr. Sudler questioned why staff wanted to do business with PrimeCare although there were complaints. Responding, Mr. Koenig stated that in every case that he could recall, there was a satisfactory resolution to the complaint; either the complaint was unfounded or the service provider made an adjustment to remedy future complaints of that nature.

Mr. Hutchison advised members that the City deals primarily with PrimeCare but Camden and Cheswold also provide back-up in the City; and, in addition, the City also deals with Kent County 911 Dispatch. He reiterated the Committee was pleased with the overall performance of PrimeCare and the City Manager had addressed any issues.

Mr. Anderson noted that this important issue affects the lives of people and involves a great deal of money each year and thanked his fellow Council members for having this discussion so that the citizens understand why Council was making these choices.

Mr. Sudler questioned if a performance rating was assigned to all three (3) proposals when they were evaluated and, if so, what PrimeCare's rating was versus the other proposals. Mr. Hutchison stated that one (1) of the standards was that the provider had to be in business for at least five (5) years.

Mr. Koenig indicated that numerical ratings were not assigned; the recommendation was based on the submissions and whether the providers met the criteria outlined in each of the sections of the RFP. Mr. Sudler questioned if this type of rating is done in the City. Mr. Koenig stated that, to his knowledge, this particular service had not been rated in the past. He indicated that other scored evaluations had been performed, for example, for engineering companies that submitted RFP's.

Mr. Neil stated his understanding that it was intended to look at certain standards in the future for these companies. Responding, Mr. Koenig stated that members of the Safety Advisory and Transportation Committee had requested to look at this and that the Committee would have this discussion and make a recommendation to Council. Mr. Neil stated this was very important and that he would like to hear what was being considered in the future.

The motion to approve PrimeCare LLC for another three (3) year contract was carried by a vote of eight (8) yes (Anderson, Sudler, Neil, Lewis, Cole, Hare, Hutchison, and Slavin) and one (1) no (Hosfelt).

By unanimous consent, Council approved the Committee's recommendation to place a discussion of the feasibility of creating a committee to study the Basic Life Safety (BLS) needs for the City of Dover on the agenda for the next Safety Advisory and Transportation Committee meeting.

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

The Garrison Oak Connector Road was listed as one (1) of the top priorities for the City of Dover; however, no funding for design or construction is included in DelDOT's current CTP. It was Mrs. Townshend's belief that the right-of-way was already in place.

College Road Corridor Upgrades

This project is not funded in the current Capital Transportation Plan.

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

Mrs. Townshend stated that DelDOT had indicated that the sidewalk project at this location is complete; however, she noted that members of both the Safety Advisory and Transportation Committee and the Dover/Kent County Metropolitan Planning Organization (MPO) had recognized that, although there are sidewalks on the north side of Route 8, there is a large gap on the south side. Quite a few students had been seen walking in the travel lane or shoulder in that area, or on residents' grass, and the City and MPO were discussing this. Mrs. Townshend explained that a meeting had been scheduled regarding the Kenton Road project with the intent to have some of this sidewalk area included in an expanded scope for that project. She expressed her belief that sidewalk construction needs to be prioritized and funded, noting that she and Mr. Scott Koenig, City Manager, had also discussed this with the Secretary of Transportation.

Route 8/Hazlettville Road Connector

Mrs. Townshend stated that the Route 8/Hazlettville Road connector is the road located at the west entrance of Dover High School. She advised members that there is currently no funding for this project in the CTP.

US Route 13 Sidewalk Construction

There is a small amount of funding in FY 19 for sidewalk design for a portion of US Route 13 from South Court Street to Loockerman Street. No other money is shown in the CTP.

Crawford Carroll Avenue Extension

Funding for preliminary engineering and design in FY 16 and FY 17 is included in the current CTP. Funding for right-of-way acquisition is shown in FY 19 and FY 20. There is no funding for construction in the current CTP. Mrs. Townshend advised members that Delaware State University (DSU) had acquired the former Sheraton Inn in this area, and currently the only way of travel between DSU and this new portion of the campus is on Route 13. She explained that from a pedestrian, bicycle, and vehicle standpoint this project has become more important in the network in that area.

Kenton Road Corridor Upgrades
Funding for preliminary engineering and design in FY 16 and FY 17 is shown in the current CTP; therefore, preliminary engineering was expected to begin after July 1, 2015. Mrs. Townshend stated that she would be attending a meeting to discuss the scope of the project in the next couple of weeks.

Kings Highway/Route 13 Intersection Improvements
This project is not listed in the current CTP.

Loockerman Street/Forest Street Improvements (Roundabout)
Mrs. Townshend stated that this project involves the construction of a roundabout in front of the Duncan Center in the area where the clock is currently located, noting that five (5) streets converge in that area. She stated her recollection that this project dates back to the West Side Redevelopment Plan that was done in 2001, stating that it was previously included in the CTP and then was shelved. Mrs. Townshend indicated that the project is included in the CTP for preliminary engineering and design in FY 17 and FY 18. Funding for right-of-way acquisition is shown in FY 19, with funding for construction shown in FY 20 and FY 21.

Mrs. Townshend stated that staff had discussed looking at the ranking of this streetscape and safety project in connection with Downtown Development District investments. She indicated that this project has money associated with it; whereas, most of the other projects on the list do not. She felt that it is a doable project that ties in well with the Downtown Development District.

Mayor Christiansen questioned where the Loockerman Street/Forest Street roundabout would be placed. Responding, Mr. Koenig stated that the concept drawings take the small triangle where the clock is presently located and carve out a small portion of the southeastern corner of the intersection where there is vacant land. He explained that this may impact some of the land to the north as a circular right-of-way is carved out. Mr. Koenig stated his recollection that there is a concept plan that shows that the roundabout can be constructed without removing any buildings, and it would be located in the area of the Duncan Center and the George V. Massey Station. He advised members that the City owns a small piece of property on the other side of Jerusalem Way, formerly Slaughter Street. Mr. Koenig indicated that the roundabout would be tight but would fit. He explained that Loockerman Street would then extend out to Route 8 as a kind of parkway with a center median and landscaping. The proposed Lincoln Park Center/Clarence Street extension road project would be tied into the roundabout project, as well as the underground installation of all of the overhead utilities in that area, so there would be both transportation and aesthetic improvements to that component of Loockerman Street.

In response to Mayor Christiansen, Mr. Koenig confirmed that this project would be part of the gateway into the City from the west.

In response to Mr. Hutchison, Mr. Koenig agreed to make concept drawings of this project available to the members.

Mr. Hutchison requested that this item be included on the agenda for the next meeting of the Safety Advisory and Transportation Committee.

US Route 13 Service Road Corridor
This project has no associated funding in the CTP.

Transportation Improvement District
Mrs. Townshend stated that this large project is not listed in the CTP; however, staff is meeting monthly with DelDOT in this regard. She advised that staff is working on obtaining numbers to model various growth scenarios which will allow the development of a fee formula based on building square footage, rather than each developer having to do a transportation study. Mrs. Townshend noted that the Transportation Improvement District identifies upgrades throughout the corridor area to be funded through fees received, which would be more efficient, fair, and a better use of funds.

In response to Mr. Hutchison regarding the High-Intensity Activated Crosswalk Beacon (HAWK) signal near Dover High School, Mrs. Townshend stated that the signal was currently functioning and being used by students. She indicated that it would be a while before another study could be done to see if the intersection meets warrants for a full traffic light. She explained that the high school does not keep the east entrance open and that staff tried to articulate to the Capital School District that as long as there is no traffic going to that entrance, the location will never meet the warrants because counts are based on traffic coming from different points. Mrs. Townshend indicated that she had observed cars coming out of Heatherfield and speeding through the intersection when the pedestrians have the walk sign, which was concerning because they were taking advantage of the signal in a way that it was not intended. She stated the need to watch the intersection closely because, at this point, there was no indication from DelDOT that the signal would be changed.

In response to Mr. Hutchison regarding the status of the West Dover Bypass, Mrs. Townshend stated that it is under construction and on schedule.

In response to Mr. Keller regarding the construction of sidewalks in the walk zone of Dover High School, Mrs. Townshend stated that this project was third on the City's list of transportation priorities. In regard to right-of-way acquisition, Mrs. Townshend stated it was unknown if there was enough right-of-way. She advised that this was not in DelDOT's queue to look at because they consider this project to be complete since they are looking only at the north side of Route 8. Mrs. Townshend stated that she had been pushing this project hard through the MPO Technical Advisory Committee process, and Mr. Rich Vetter, Executive Director of

the MPO, proposed the idea of tying this matter into the Kenton Road project so that it would be on DelDOT's radar screen. Mrs. Townshend stated that there was some funding available for the Kenton Road project.

Mr. Keller commented that he had seen kids walking in the road. Mrs. Townshend stated that most of these students are eligible for bus transportation but are present after school for activities or sports. She indicated that some districts have a late bus for kids involved in activities; however, the Capital School District does not. She felt that is a big problem that should be addressed before there is an injury.

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - APRIL 27, 2015

The Legislative, Finance, and Administration Committee met on April 27, 2015 with Chairman Slavin presiding.

Evaluation of Proposal - Investment Banking Custody Services

Mrs. Donna Mitchell, Controller/Treasurer, reviewed the details regarding proposals received for Investment Banking Custody Services. She advised members that Union Bank's costs are based on fees only. TD Bank has no transaction fees and bases their costs on basis points, which are a percentage of the investment portfolio. Wells Fargo, Wilmington Trust and Key Bank use a combination of fees and basis points.

Staff recommended awarding the Investment Custody Services to Union Bank for a three (3) year period to start the date of the contract, which may be renewed or extended for two (2) additional two (2) year periods by mutual consent and approval of City Council.

Mrs. Mitchell explained that staff's recommendation was based strictly on price. She informed members that staff reviewed annual reports and Securities and Exchange Commission (SEC) filings, and although litigation issues were found with some of the banks, there seemed to be a very low probability that they would affect these banks. Mrs. Mitchell stated that if Council decided to use a local bank regardless of the fees, staff recommend TD Bank. Since TD Bank has no transaction fees and costs are based on basis points, staff felt that this would be the next lowest cost option. She indicated that all of the banks had good references.

Mrs. Mitchell reiterated that recommendations were based on cost. She advised members that although WSFS did not bid on this request, WSFS supports the Dover Days Festival. She indicated that several local banks, including M & T Bank, also perform community service but was unsure which other banks do so. Mrs. Mitchell advised members that Wilmington Trust, a subsidiary of M & T Bank, would handle

all of the City's investments under their proposal and would keep the City's money in trust and track it on a balance sheet. If there were any litigation issues, the City would be protected since funds would be kept in the form of a trust.

Mr. Hare questioned why the fees for Union Bank were so much lower than the other proposals. Responding, Mrs. Mitchell stated that the City currently uses Union Bank and their low fees may possibly be due to the size of the bank and their volume of business; however, she noted that they are based in California and banking procedures may be different.

In response to Mr. Hare regarding whether local banks could be asked to reduce their numbers, Mrs. Mitchell stated that she generally uses the numbers submitted rather than returning to negotiate with one (1) particular bank. She indicated that she had not contacted any of the banks to determine if this was their best and final offer.

Mr. Sudler asked if Mrs. Mitchell would be willing to consider Mr. Hare's suggestion of negotiating with the banks and if there was a preferred bank that she thought the City should do business with. Responding, Mrs. Mitchell stated that all submissions were received from good banks with electronic capabilities and favorable references and she had no preferences, noting that her recommendation was solely based on price. She reiterated that some banks help the community and she could understand if Council felt indebted to obtain this service from a local community bank rather than a California bank.

In response to Mr. Anderson, Mrs. Mitchell confirmed that Union Bank currently maintained the City's shared investment pool. She stated that Wells Fargo services the City's pension plans, and she would not recommend Wells Fargo because all of the City's investments would then be held in one (1) bank.

Mr. Anderson stated that the City had some flexibility since the cost was less than $25,000. He questioned if the City would be at risk of violating its Code by negotiating with the banks since the public proposals had already been served. Responding, Mrs. Mitchell stated that this was sent out as a Request for Proposals (RFP) rather than a bid and, therefore, could be negotiated.

Mr. Sudler stated that he would like staff to go through the sealed bid process for this service. Responding, Mrs. Mitchell stated that staff does not typically go through the sealed bid process, including advertising, for amounts this low; however, staff could do this.

Mr. Hare was unsure if it was necessary to go through the sealed bid process. He suggested that staff contact the banks that submitted proposals to determine if these were the best and final offers. Responding, Mrs. Mitchell stated that she could contact the local vendors to obtain a final offer.

Mr. Hare noted the significant difference between some of the proposed rates and those of the City's current provider. In response, Mrs. Mitchell explained that the City initially began utilizing Union Bank because their cost was low and had been using this provider for a little more than three (3) years.

In response to Mr. Anderson, Mrs. Mitchell confirmed that the services offered by all providers were the same.

Mr. Nick Adams, Vice President, Global Capital Markets Division, Wilmington Trust, informed members that he is a taxpayer in the City of Dover and resides in the Third District. He stated that he was heartened by the members' discussion and the line of questioning that had transpired. He explained that he had been at Wilmington Trust for approximately four-and-one-half years and prior to that spent nearly 12 years in State government in Delaware, serving as Deputy State Treasurer during the latter portion of that time. Mr. Adams stated that he was exceptionally familiar with the RFP processes, having previously evaluated responses and compiled responses for review. He stated the need for the Mayor and members of Council to send a message to their constituents that the City is open for business and informed members that he had heard them doing this loudly and clearly. Mr. Adams stated that responses were sent by local vendors who are overwhelmingly committed to the City, employ people and pay taxes in Dover and are located near City Hall; however, these vendors were not given the level of consideration because of a price and are unable to respond to a best and final pricing request. Mr. Adams expressed his opinion that going straight from the RFP is a disservice to local vendors and to the City.

Mr. Adams informed members that it was noted in M & T Bank and Wilmington Trust's response and letter to the City of Dover that this firm is the largest full-service commercial bank in Delaware based on deposit market share, having employed nearly 2,100 people in Delaware. Additionally, over the past three (3) years, employees had volunteered over 50,000 hours of their time to organizations throughout Delaware and contributed nearly $5M dollars to not-for-profit organizations in all three (3) counties. Mr. Adams indicated that they had contributed well over $100,000 to numerous projects, non-profit organizations, and community events in the City of Dover, including the new City of Dover Public Library, previous title sponsorship of the Dover Days Festival, title sponsorship of City of Dover fireworks, title sponsorship this year of the Biggs Museum of Art Gala, and contributions to the Schwartz Center and many other organizations. He stated that M & T Bank and Wilmington Trust was exceptionally gracious in reconfiguring its parking lot and drive through to allow ingress and egress to the new library and to City Hall as an accommodation for the City.

Mr. Adams stated that there are other similar cases where Wilmington Trust and M & T bank is competing for the City's business and losing bids over $1,000 or a couple thousand dollars and are not given an opportunity to rebid, which is

disheartening and frustrating. He indicated that there had been a pattern of contracts going to non-resident providers based on price alone. Mr. Adams informed members that a paying agent role recently went to the Bank of New York Mellon and investment management services went to Public Financial Management, neither of which employ people in the State of Delaware.

Mr. Adams felt that the City could not continue to say it is open for business and invite people to come, and then send money to California when the City has an opportunity to put its money where its mouth is. He advised members that Union Bank is owned by a Japanese corporation, not a U.S.-based corporation. Mr. Adams indicated that this was a great opportunity and indicated that M & T Bank and Wilmington Trust would welcome the opportunity to revisit the proposal because they want to do business with the City. He stated his firm had shown its commitment to the City and asked that the City of Dover show its commitment to vendors and those who want to be here in the City.

Mr. Hare stated that he has seven (7) accounts at M & T Bank and expressed his opinion that staff should request best and final offers. He indicated his appreciation for everything that M & T Bank does in the community; however, he could not honestly tell the taxpayers that it was planned to go with an offer over 200% higher than the lowest proposal. Mr. Hare stated that if the offers were close, he would not have a problem. For comparison, he expressed his opinion that if M & T Bank were planning to redo their bank, they would choose a contractor from New Jersey charging $30,000 versus a local contractor charging $100,000.

Mr. Adams concurred with Mr. Hare; however, he stated that in this case the 200% difference represents approximately $10,000, which is fractional compared to the amount of money paid in property taxes by M & T employees who reside in the City. He asked that this be considered in terms of actual dollars and cents.

Responding to Mr. Sudler regarding the reason for the vast difference in price, Mr. Adams stated that competitors, particularly non-resident competitors, often want to find opportunities to get a foothold into markets where they do not have one. He advised members that Wilmington Trust and M & T Bank serves in excess of 80% of all municipal clients in Delaware, including the State of Delaware and its numerous entities, and if an organization like Union Bank can cut their price significantly to get a foothold into this market, this is found business for them. Mr. Adams indicated that Wilmington Trust and M & T Bank must try to set prices in line with the services provided to the other numerous municipalities they serve throughout the State. This becomes a bit of a double-edged sword in that they want to provide the best level of service while charging fair fees. Mr. Adams advised members that this did not mean that they were unwilling to sharpen their pencils and revisit this issue.

Mr. Shevock questioned if Wilmington Trust and M & T Bank gives the same bid to every municipality in the State of Delaware or if they look at the product to see if they can provide a better price. Responding, Mr. Adams stated that every opportunity is evaluated on its own merit and a price is developed. The firm's tiered pricing suggests that a $50M account, like the City's, should be priced at a particular amount, and they then work from that number. Mr. Adams stated that it is exceptionally rare when a client does not come back and request the bank to sharpen their pencils, particularly when clients receive a lower bid. He explained that there is often a give and take between the client and the bank as they try to develop a price that is mutually beneficial for both parties.

In response to Mr. Slavin, Mr. Scott Koenig, City Manager, informed members that when the City's capital projects are bid, a 3% discount is provided for local bidders.

Mr. Slavin stated that, while there is a wide disparity between all five (5) of the offers, if the entities that do not have a presence in Delaware were discounted, the span would be $13,979 to $16,270, which is a very small gap. He felt that this would be worth taking a look at.

Mr. Adams stated that he would not have appeared before the Committee tonight if the decision and recommendation set forth had been to award this business to a TD, PNC, or WSFS Bank, or to a resident bank in the City that is as committed to the City as Wilmington Trust and M &T Bank is; however, this was not the case.

Mr. Slavin expressed a desire not to make awards only to Delaware contractors, noting that the Delaware Contractors Association would agree with this. He stated the desire to see Delaware's borders open so that our workers can work in other states and vice versa. However, he expressed his belief that the economy in Dover and Delaware would be made stronger by taking moments like this and reinvesting in the community.

The Committee recommended that Mrs. Mitchell, Controller/Treasurer, go back and ask for a best and final offer from all five (5) respondents.

By consent agenda, Mr. Anderson moved for approval of the Committee's recommendation, seconded by Mr. Sudler and unanimously carried.

Downtown Dover Business Improvement District (BID) Budget and Assessment (Tax) Rates for Fiscal Year 2015-2016

Mr. Scott Koenig, City Manager, advised that the Business Improvement District (BID) budget and assessment are set annually. He reminded members that a number of years ago, Council identified the BID, which is specified in Code with specific boundaries and zones, and each year the Tax Assessor prepares a budget based on input from staff and then prepares an assessment. Mr. Koenig explained that the City has typically raised approximately $50,000 through the BID tax. This additional tax

burden is placed on businesses in the BID and the funds raised are used for economic development. For the past several years, this money, along with additional funds, has been transferred to the Downtown Dover Partnership (DDP) for economic development and promotion in the BID.

Mr. Koenig stated that the proposed tax revenue for FY 16 was $49,600. Mr. Koenig indicated that proposed expenses would be equal to revenue since, in the past, this tax had been collected and the tax value was then transferred to the DDP for operating expenses.

Mr. Koenig reviewed the BID Tax Calculation Worksheet, July 1, 2015 to June 30, 2016, noting that Ms. Cheryl Bundek, Tax Assessor, had indicated that the percentages of overall revenue raised in each zone are as follows: Zone 1 - 48%, Zone 2 - 41%, and Zone 3 - 10%, for a total of 100%.

Mr. Koenig explained that there are a certain number of parcels in each zone that qualify for the assessment, and the total aggregated assessment for the BID is slightly more than $138M, including the 2015 assessments. Reiterating that the revenue breakdown is prescribed by Code, Mr. Koenig explained that this was based on the assessments, and no increase in the total revenue was proposed.

Staff recommended approval of the proposed budget and assessment (tax) rate for fiscal year 2015-16.

Mr. Hare questioned if the City manages the DDP budget. Responding, Mr. Koenig stated that the City's prepares the draft budget figures for the DDP and pays their bills; however, the DDP manages its own budget. He stated his belief that the DDP was cash positive by several hundred thousand dollars. Mr. Koenig advised members that a budget is presented to the DDP Board and includes all operating expenses, such as the cost of managing properties; property loans; office expenses such as rent, electricity, and office supplies; contractual services, such as meter repairs; and other services associated with the properties owned, such as mortgage payments and rent receipts.

Mr. Hare questioned if members would be provided the information that would be presented in the DDP budget before making a decision. He stated, for example, that if there were $300,000 in the DDP's account, they might not need some of these funds this year. Responding, Mr. Koenig explained that the DDP's budget is a separate issue from the BID tax.

Mr. Hare questioned if funds would be automatically transferred to the DDP if the BID tax and assessment were approved. Responding, Mr. Koenig stated his belief that funds would not transfer automatically; however, the assumption would be that they would be transferred.

Mr. Slavin stated that this would offset $49,600 in other areas.

Mr. Anderson questioned why various businesses have different assessments and zones. Responding, Mr. Koenig stated his recollection that Zone 1 is the area closest to Loockerman Street and that the amount of the tax payment reduces going outward from this core area; however, he indicated that he may have to clarify this before the matter goes before Council for consideration.

Mr. Anderson felt that it was presumed that there would be less benefit derived from marketing, etc. further from Zone 1, and Mr. Koenig confirmed this.

Mr. Slavin stated his recollection that, at the time that the BID tax was created, the intention was to leverage the higher value of properties further from Zone 1 to help some of the more blight-related areas.

Mr. Koenig further explained that when the tax was originally implemented, Mainstreet Dover was the core area and primary beneficiary.

Mr. Slavin stated that since 2003 he had commented annually that he hates this tax since he cannot understand how the City could entice people to open businesses in this area by saying that the City will effectively assess more taxes on them when they come into the BID. He expressed his hope that this issue could be addressed later this year. Mr. Slavin stated his opinion that this rate is set for the purposes of budgeting so that it is loaded as Council goes into the budget year.

The Committee recommended acceptance of staff's recommendation to approve the proposed budget and assessment (tax) rate for fiscal year 2015-16, as outlined in Attachments A and B to the Business Improvement District - Assessment (Tax) Rates for Fiscal Year 2015-2016. *[City Clerk's Office Note: Subsequent to the meeting, Mrs. Cheryl Bundek, City Assessor, provided a revised report for the Business Improvement District - Assessment (Tax) Rates for Fiscal Year 2015-2016. Corrections to the Business Improvement District Tax Calculation Worksheet, July 1 , 2015 to June 30, 2016, reflect the percentages of revenue raised as required by Code.]*

During the City Council meeting of May 11, 2015, Mr. Scott Koenig, City Manager, advised members that since the time of the Committee's discussion, an adjustment had been made to the Business Improvement District Assessment (Tax) Rates for FY 2015-2016 and the Business Improvement District Tax Calculation Worksheet. He explained that in Attachment A the aggregated revenue was originally listed as $50,000; however, the amount that had been received for the last two (2) years was listed correctly in the City budget as $49,600. Since the City had recently been through a revaluation, he indicated that staff was trying to keep the playing field as level as possible with regard to the Business Improvement District (BID) tax.

Mr. Koenig indicated that the percentage of revenue raised was originally identified in Attachment B as 99% of revenue. This was subsequently changed to 100% and the percentages identified in Code were applied, as follows: Zone 1 - 50%, Zone 2 - 40%, Zone 3 - 10%. The calculation was reversed, which adjusted the assessment tax rate per hundred dollars of value in Zones 1, 2, and 3. Mr. Koenig

advised members that these were relatively minor adjustments and, to make the record correct, staff requested that the numbers in blue be adopted by the full Council so that staff could proceed with the application of this tax for FY16.

Mr. Sudler moved that the corrected numbers (indicated in blue text) in the revised report for the Business Improvement District - Assessment (Tax) Rates for Fiscal Year be approved so that staff could proceed with the application of this tax for FY 16. The motion was seconded by Mr. Cole and carried by a unanimous roll call vote.

Mr. Slavin moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Hare and carried by a unanimous roll call vote.

MONTHLY REPORTS - MARCH 2015

By motion of Mr. Anderson, seconded by Mr. Sudler, 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
Police Chief's Report

QUARTERLY REVIEW OF CAPITAL INVESTMENT PLAN (CIP) (JANUARY, FEBRUARY, AND MARCH)

Members were provided the Quarterly Report for the Capital Investment Plan as of March 31, 2015.

By consent agenda, Mr. Anderson moved for acceptance of the Quarterly Report for the Capital Investment Plan (CIP) as of March 31, 2015, seconded by Mr. Sudler and unanimously carried.

2015/16 STAFF APPOINTMENTS - CITY COUNCIL

Mr. Lewis requested that the staff appointments be deferred until the next Council meeting. He indicated that he knew only possibly two (2) people on the list and expressed the desire to review the staff evaluations. He advised members that he had requested the evaluations from the City Clerk's Office and was told that he could not have them until after being sworn into office. Mr. Lewis indicated that he was uncomfortable voting for this reason and requested deferral of this item.

Mr. Hutchison stated that he respected what Mr. Lewis was saying and agreed that he should have the opportunity to review staff's evaluations; however, he disagreed with holding up this process, which he stated was required by charter. He asked that Mr. Lewis reconsider and take time at his convenience to meet with each of the staff members in question. Mr. Hutchison stated his belief that it would be a mistake to hold the process up for another two (2) weeks.

Mr. Hare stated that the evaluations were done by the previous Council, who vetted each evaluation and individual and made recommendations. He indicated that he had expressed in the past his belief that these appointments should have been done at the previous Council meeting, when the Council members who reviewed these individuals and recommended them were available to vote on them.

Mr. Hutchison felt it was wrong that Council staff appointments are brought up every year. In his opinion, once a member is appointed they should serve at the pleasure of Council, and this matter should not come back before Council. Mr. Hutchison stated that he had discussed this with the City Clerk and hoped this would be a matter of discussion in the near future. He felt that a change to the charter should be made.

Mr. Lewis stated that he understood Mr. Hutchison's point of view; however, in terms of fairness, he stated that this was his first Council meeting and he was being asked to vote on individuals that he knew nothing about.

Mr. Anderson indicated that his concern with delaying had to do with continuity. He noted that often when Council makes motions to defer, they include a provision to allow the current holders of those positions to continue to serve until this is voted on. He questioned if this would be an appropriate amendment to offer to Mr. Lewis' motion.

Mayor Christiansen noted that there was no motion on the floor at this time.

Mr. Nicholas Rodriguez, City Solicitor, stated that he thought that those appointed would continue to serve until the appointments were voted on.

Mr. Slavin stated that he appreciated both points of view that had been brought forward, noting that this was a unique moment in the City's history. He could not recall the last time five (5) new Council members were sworn in in one (1) week, noting that Mr. Neil was sworn in last week. He indicated that there would be moments like this where Council would exercise a bit more due diligence to allow people to come up to speed. Mr. Slavin stated that he would be interested to hear from the newer members how they feel about this. As background and as a matter of course, he advised members that he would be asking to defer all of the Council President's appointments because he did not feel it appropriate to make appointments on the evening that one is elected, noting that deferral had been a practice in the City in the past as well.

Mr. Hare stated that he had always advocated for staff appointments at the previous meeting because, in his opinion, to do otherwise would be unfair to the Council appointees. He indicated that it had more or less been acknowledged during their evaluations that these individuals were going to be recommended for reappointment at the Annual Council meeting, and these staff members plan on this. He felt that perhaps the procedure should be changed.

Mr. Cole stated that, philosophically, he agreed with Councilman Lewis and Councilman Slavin; however he felt that Council needed to move forward with the appointments. Recognizing that this was a unique situation, he suggested that something could be done in the future.

Mr. Neil questioned if delaying would be legal and if it would disrupt City processes. Responding, Mr. Rodriguez advised members that those who had been appointed and served in the past would continue until changed by Council.

Mr. Slavin offered a compromise that these items would be brought back in two (2) weeks with the understanding that all of the appointees would continue to serve in the positions where they were serving, which he stated was fine according to legal counsel. Mr. Slavin asked if making a commitment that this matter would be back before Council in two (2) weeks would assuage the concerns of Mr. Hutchison and Mr. Hare. Responding, Mr. Hutchison stated that the Council that just served voted to approve and recommend each and every staff person and expressed his belief that members should honor that, rather than questioning those members of Council who took their time out to evaluate staff personnel by delaying this matter for two (2) weeks. Mr. Hutchison stated his understanding that new members did not know the individuals involved; however, he felt that they should have faith in the leadership of those who had made the decision.

Mr. Lewis stated his feeling that, in all fairness, as a newly elected Council representative, he should be able to vote in good conscience.

Mr. Hare questioned Mr. Rodriguez regarding whether the charter stated that appointments would be made to these positions at the Annual Meeting. Responding, Mr. Rodriguez stated that he would have to check the charter; however, he believed that it probably did; however, he noted that other matters, such as other appointments, would be deferred tonight.

Mr. Hare stated that Council had evaluated the performance of the appointees and told them they would be reappointed; however, in the next two (2) weeks, the five (5) new members could read a report, say these individuals were not wanted, and these employees could be out jobs. Mr. Hare reiterated that these reappointments should have been made two (2) weeks ago.

Mayor Christiansen advised members to consider that there were certain fiduciary considerations that indicate that these appointments are to be made at the annual meeting according to the charter, particularly in regard to the Controller/Treasurer, Assistant Controller/ Treasurer, and the Assistant Treasurers.

Mr. Anderson indicated that he felt secure with the advice of counsel and did not think that any of the appointments were in danger; however, he stated the need to find a better way to do this. In his view, the evaluations should have been open in the first place to those who would be voting on them. He felt that this was a glitch in procedures that needed to be looked at. Mr. Anderson stated that he had no fault with Council members who want to know more. He indicated that he was sure staff had been working very diligently and had done a great job last year, but members would not know that because they had not seen the evaluations. Mr. Anderson felt that the evaluations should be available right now and Council could have gone into executive session to review them, and he stated that those are things that they might need to look at in the future. He stated that he personally would have no problem with deferring if Councilman Lewis would not mind pulling the treasurer positions, including the controller, to avoid any legal discontinuity issues.

Mr. Lewis stated that he would have no objections.

Mr. Neil advised members that he had the privilege of meeting with most of these people or their subordinates, and his vote would be based on his personal evaluation of what an extraordinary job they had been doing. Based on this, he indicated that he would approve this group because he thought they had been absolutely outstanding.

Mr. Hosfelt concurred with Mr. Neil, stating that he would also vote to support the staff appointments as written. He stated his opinion that these employees are some of the City's greatest resources and do an outstanding job.

Mr. Sudler stated that he understood Councilman Lewis' concerns, being a new Council person. However, he indicated that since he had previous experience serving on the Legislative, Finance, and Administration Committee, he was not new to the process and had done his homework. Mr. Sudler stated that he would be voting in favor of the appointments.

Mr. Hutchison moved to approve the 2015-16 City Council staff appointments as presented, seconded by Mr. Neil.

Mr. Lewis stated, for the record, that his remarks were not made personally against the staff and he was sure that they do a phenomenal job. He indicated that he was uncomfortable voting on individuals that he knew nothing about and had not seen their evaluations. He stated that he would abstain from voting.

On a call for the question, the motion to approve the 2015-16 City Council staff appointments as presented was carried by a roll call vote of eight (8) yes, (Anderson, Sudler, Neil, Cole, Hosfelt, Hare, Hutchison, and Slavin) and one (1) abstention (Lewis).

2015/16 COMMITTEE APPOINTMENTS - COUNCIL PRESIDENT

Council President Slavin moved to defer these appointments until the next regularly scheduled Council meeting, seconded by Mr. Hare and unanimously carried.

2015/16 MISCELLANEOUS APPOINTMENTS - COUNCIL PRESIDENT

Council President Slavin moved to defer these appointments until the next regularly scheduled Council meeting, seconded by Mr. Hare and unanimously carried.

APPOINTMENTS RECOMMENDED BY COUNCIL PRESIDENT

Council President Slavin moved to defer these appointments until the next regularly scheduled Council meeting, seconded by Mr. Hare and unanimously carried.

2015/16 COMMITTEE APPOINTMENTS - MAYOR

By consent agenda, Mr. Anderson moved for approval of the Committee appointments for 2015/2016, as recommended by Mayor Christiansen. The motion was seconded by Mr. Sudler and, by a unanimous roll call vote, the following appointments were made:

Dover 4th of July Celebration Committee
Greg Patterson, President/Vice Chairman
Robin R. Christiansen, Chairman (Ex-Officio)
Brad Holden, Vice-President
Donna Mitchell, Treasurer/Secretary (Staff Liaison)
Ann Marie Townshend (Staff Liaison)
Susan Betts
Sarah Zimmerman
Andrea Maucher
Karen Nickerson

Compensation Commission
(Request to defer appointment)

Dover Public Library Advisory Commission
Scott W. Cole (Council liaison)

Downtown Dover Partnership Board of Directors
David L. Anderson (Council Representative)
William F. Hare (Council Representative)
James E. Hosfelt, Jr. (Council Representative)
Scott K. Koenig (City of Dover Representative)
Ann Marie Townshend (City of Dover Representative)
John Tinsley (Commercial Property Owner)
Cindy Small (Downtown Cultural Arts Representative)
Gregory V. Moore, President (Downtown Business Owner/Commercial Property Owner)
Mayor Robin R. Christiansen (Ex-Officio Member)
(Request to defer the appointment of five (5) State Government Representatives)

Silver Lake Commission
James Burcham
Zachery Carter
Ann Marie Townshend
David L. Edgell
Dean Holden
Tricia Arndt
Lyle Allen Jones

Election Board
Anita L. McDowell Boyer - First District
Cherrita L. Matthews - Second District

Property Maintenance Code Board of Appeals
Charles Martin, Representative of Local Real Estate
(Request to defer appointment of Representative of Homeowners)

APPOINTMENTS RECOMMENDED BY MAYOR CHRISTIANSEN - PUBLIC ADVISORY COMMITTEE OF THE DOVER-KENT COUNTY MPO

Mayor Christiansen requested the following appointments to the Public Advisory Committee of the Dover-Kent County MPO:

Jonathan Contant *(to fill the unexpired term of Prameela Kaza - term to expire July 2015)*
Karen McGloughin *(Alternate)*

By consent agenda, Mr. Anderson moved for approval of the appointments to the Public Advisory Committee of the Dover-Kent County MPO, as recommended by Mayor Christiansen. The motion was seconded by Mr. Sudler and carried by a unanimous roll call vote.

COUNCIL APPOINTMENTS - YOUTH ADVISORY COMMITTEE - ONE (1) YEAR TERMS TO EXPIRE MAY 9, 2016

By consent agenda, Mr. Anderson moved for approval of appointments to the Youth Advisory Commission. The motion was seconded by Mr. Sudler and, by a unanimous roll call vote, the following appointments were made for a one (1) year term to expire May 9, 2016:

Rebecca Anderson
Austen C. Auen
Jessica Deitrich
*Kennadie Patterson
Jessica Simmons

*(*City Clerk's Office Note: Upon notification of her appointment, Kennadie Patterson notified the Clerk's Office that she wished to decline the appointment.)*

RESOLUTION NO. 2015-08 - APPROVAL OF 2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FIVE (5) YEAR CONSOLIDATED PLAN

By consent agenda, Mr. Anderson moved for adoption of the proposed resolution, seconded by Mr. Sudler and, by a unanimous roll call vote, Council adopted Resolution No. 2015-08, as follows:

A RESOLUTION APPROVING THE 2015-2019 COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED PLAN

WHEREAS, the City of Dover is entitled to $220,717 through the United States Department of Housing and Urban Development Community Development Block Grant program; and

WHEREAS, the City of Dover has prepared the 2015-2019 Consolidated Plan, in accordance with the United States Department of Housing and Urban Development guidelines, that serve as the primary planning document for identifying and meeting the housing and community development needs for the low and moderate-income residents of Dover; and

WHEREAS, the City of Dover is in favor of utilizing the Community Development Block Grant funds for the community development purposes in accordance with the National Community Development objectives of benefitting low and moderate income families, eliminating slums and blight, and meeting other community development objectives; and

WHEREAS, the United States Department of Housing and Urban Development requires the City of Dover to submit a Consolidated Plan and an Action Plan for Application for Federal Assistance including the proposed use of funds and including certain certifications and policies to obtain its $220,717 entitlement; and use of $8,554 in program income for eligible activities; and

NOW, THEREFORE BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE CITY OF DOVER approve the 2015-2019 Community Development Block Grant Consolidated Plan and application for Federal Assistance included in the Consolidated Plan, along with certifications and policies attached and authorize its forwarding to the United States Department of Housing and Urban Development for consideration.

ADOPTED: MAY 11, 2015

RESOLUTION NO. 2015-09 - AUTHORIZING SIGNATURES FOR BANKING SERVICES ON BEHALF OF THE CITY OF DOVER, DELAWARE - CONTROLLER/TREASURER, ASSISTANT CONTROLLER/TREASURER, AND ASSISTANT TREASURERS

Mr. Slavin moved for adoption of the proposed resolution, seconded by Mr. Anderson and, by a unanimous roll call vote, Council adopted Resolution No. 2015-09, as follows:

A RESOLUTION AUTHORIZING SIGNATURES FOR BANKING SERVICES ON BEHALF OF THE CITY OF DOVER, DELAWARE

WHEREAS, the City of Dover's investment policy includes the investment of funds up to $100,000 per banking institution, investments in the State of Delaware Investment Pool, and the purchase and sale of investment grade corporate bonds, and U.S. Treasury and agency securities; and

WHEREAS, the banking institutions, brokerage firms, trust companies, and other various financial institutions require an Authorizing Resolution for the opening of accounts, and for purchasing, selling, transferring, assigning, and handling securities;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Dover, that the Controller/Treasurer, Assistant Controller/Treasurer, and Assistant Treasurers are hereby authorized to open accounts with banking institutions and purchase, sell, transfer, assign, and handle securities and that they are authorized to sign all related forms;

BE IT FURTHER RESOLVED that the transactions in these accounts be carried out with any one signature; and

That the following are the office holders authorized for these purposes, until further notice:

Donna S. Mitchell	-	Controller/Treasurer
Lori Peddicord	-	Assistant Controller/Treasurer
Traci A. McDowell	-	Assistant Treasurer
Denise L. Devine	-	Assistant Treasurer

ADOPTED: MAY 11, 2015

FIRST READING - PROPOSED ORDINANCE #2015-07

Mayor Christiansen reminded the public that copies of the proposed ordinance were available at the entrance of the Council Chambers or could be obtained from the City Clerk's Office. The Final Reading of the ordinance and action by Council will take place on May 26, 2015.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the proposed ordinance would add NFPA 13 and NFPA 72 to the City's code. She noted that these fire protection requirements are already in place in the National Fire Protection Association (NFPA) codes that the City has adopted. Mrs. Townshend indicated that NFPA 13 requires a shunt trip, which is a switch that turns off music when a fire alarm sounds, so that the fire alarm can be heard, in establishments with public amplification systems and NFPA 72 relates to the location of the Fire Department connection for sprinkler systems. Mrs. Townshend explained that these are provisions that are required and adopted by reference through adoption of the NFPA Code. They were brought forward by Tim Mullaney, Fire Marshal, because he believed it would be more straightforward to designers and those putting together fire protection plans to have all of these requirements under one (1) portion of the code rather than having to refer to several different resources.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of Proposed Ordinance #2015-07 as read by the City Clerk, by title only, as follows:

➢ #2015-07 AMENDING CHAPTER 46 - FIRE PREVENTION AND PROTECTION, ARTICLE IV - PUBLIC OCCUPANCIES, SECTION 46-162 - SPRINKLER REQUIREMENTS AND SECTION 46-171 - FIRE ALARM IN PLACE OF ASSEMBLY.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Sudler stated that he and Mr. Anderson would be partnering to hold a Fourth Council District town hall meeting at Southern Rock Baptist Church, 113 North West Street, on May 12, 2015 from 6:30 to 8:30 p.m. to discuss the City's current form of government, proposed form of government, and the Mayor's job description. He invited those from all districts to attend. Mr. Sudler stated that this would be the first of many quarterly district meetings that he had promised to hold in partnership with Councilman Anderson when campaigning for Fourth District.

Mr. Anderson stated that everyone was welcome to attend this meeting. He indicated that the first hour would be an open forum and the Mayor and the Police Chief had also graciously offered to ensure that someone from community policing would be present to address related concerns.

Mr. Sudler stated that a Kirkwood Community Fair had been held and Mayor Christiansen attended. He expressed appreciation on behalf of himself and Councilman Anderson for the participation. Mr. Sudler advised members that he serves on the Restoring Central Dover Steering Committee.

Mr. Sudler welcomed all new Council members and stated that he looked forward to working with them, as well as with those members who had already been serving.

Mr. Hosfelt stated that Fox Hall West would be holding a community meeting on May 21, 2015 at 7:00 p.m. at the Dover Police Department.

On behalf of the City and City Council, Mr. Slavin expressed condolences to the Delaware State University family on the death of a student earlier that day in a car accident just across the state line in Maryland. He stated that it is particularly difficult news when a 21-year-old loses their life at the end of a school year, when entering the season for prom and graduation parties. He urged everyone to take care of our young ones.

Mayor Christiansen reminded everyone of the passing of Mr. Jack T. Roe, a long-time public servant, who served as a Fire Chief in the Robbins Hose Company, the City's first Fire Marshal, a police officer with the Dover Police Department, and Director of Planning and Inspections. He extended condolences to Mr. Roe's family.

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

Meeting adjourned at 9:29 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of May 11, 2015, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
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PROCLAMATION

WHEREAS, *neuroscience nurses are a vital and indispensable component in the safety and quality of care for patients with brain and nervous system disorders; and*

WHEREAS, *patients rely on the skills, knowledge and expertise of neuroscience nurses, who have a tradition of working toward patient safety and improving the quality of patient care. Some of their duties include monitoring neurological exams, administering medications, and speaking with providers on patients' progress; and*

WHEREAS, *neuroscience nurses work in diverse, challenging, and rewarding environments, such as hospitals, outpatient clinics and intensive rehabilitation units. Regardless of the setting in which they serve, all neuroscience nurses play a vital part in helping this delicate patient population; and*

WHEREAS, *their commitment is evident in that they have chosen a role that requires extra education and knowledge to provide the best possible care. More quality neuroscience nurses will be needed in the future to meet the increasingly complex needs of health care consumers in this community.*

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, *do hereby proclaim May 18th – 25th, 2015 as*

Neuroscience Nurses Week

in the City of Dover and encourage all citizens to celebrate neuroscience nurses' accomplishments and show their appreciation, not just during this week but at every opportunity throughout the year.

Robin R. Christiansen
Mayor

PETITION FOR WAIVER of *Land Subdivision Regulations*
and Request for Abandonment of Recorded Right-of-way
Before the City Council
May 26, 2015

Plan Title:	Northgate Center Parcel Consolidation and Right-of-Way Abandonment MI-15-07
Plan Type:	Parcel Consolidation Plan
Owner:	605 South Bay Road LLC
Equitable Owner:	Eastern Shore Natural Gas
Location:	East side of Bay Road, south of Blue Hen Corporate Center and north of the Puncheon Run Connector from Route 1
Tax Map #:	ED-05-077.00-03-06.00-000 ED-05-077.00-03-07.00-000 ED-05-077.00-03-08.00-000 ED-05-077.00-03-09.00-000 ED-05-077.00-03-10.00-000 ED-05-077.00-03-11.00-000 ED-05-077.00-03-12.00-000
Subject Area:	20.6275 Acres +/-
Zoning:	IPM (Industrial Park Manufacturing Zone) Planned Industrial Park SWPOZ (Source Water Protection Overlay Zone)
Request:	Abandonment of Recorded Right-of-way: Portion of Krisko Circle
Waiver Requested:	*Appendix A: Land Subdivision Regulations*, Article VI §A15 Exceed the Maximum Street Length of a Dead End Street

PLAN SUMMARY:

This is a Review of a Waiver Request associated with the Parcel Consolidation Plan for the consolidation of seven (7) parcels and the abandonment of a portion of the right-of-way for Krisko Circle. The subject area consists of 20.6275 acres in the Planned Industrial Park known as the Northgate Center (previously identified as the Stover Professional Campus). The applicant is requesting a Waiver from the requirements of *Land Subdivision Regulations,* Article VI §A.15 related to the length of dead-end streets. The properties are zoned IPM (Industrial Park Manufacturing) and with a portion subject to the SWPOZ (Source Water Protection Overlay Zone). The properties are located on the northeast side of Bay Road south of Blue Hen Corporate Center and north of the Puncheon Run Connector from Route 1.

Previous Applications

This property was originally subdivided with Application SB-05-05 Stover Professional Campus. In September 2005, the Planning Commission conditionally approved the Conceptual Subdivision Plan for Stover Professional Campus project. The Preliminary Subdivision Plan Review, as approved by the Planning Commission in November 2005, permitted the subdivision of land totaling 38.12 acres +/- into twelve (12) lots. At the time, the property was also subject to the AEOZ (Airport Environs Overlay Zone).[1]

The SB-05-05 Plan subdivided the tract into twelve (12) lots and identified the new streets to serve the development. The area was set to be developed under the guidelines for a Planned Industrial Park with access to the site from Bay Road. With the subdivision, the Planning Commission approved a waiver for the reduction of the rear yard setback for certain lots. The Record Plan was recorded on April 20, 2007 and the construction plans for the park infrastructure were approved in May 2007.

Construction of the Industrial Park infrastructure commenced. Utilities, the stormwater management facility, and the streets of Stover Boulevard and Krisko Circle were partially constructed. Site Plan S-06-37 developed the Mainstay Suites Hotel at 201 Stover Boulevard (Lot 2). Another Site Plan S-05-32 proposed an office building on Lot 6; however, that plan has expired.

Source Water Protection Overlay Zone

A small portion of the northwest corner of the current Lot 10 is within the SWPOZ (Source Water Protection Overlay Zone) – Tier 3 Excellent Recharge Area. The purpose of the SWPOZ (Source Water Protection Overlay Zone) is to protect groundwater resources. For the Tier 3 Excellent Recharge Area, the area is so designated to safeguard the recharge resources per the provisions found in *Zoning Ordinance*, Article 3 §29.

SITE CONSIDERATIONS

All proposed lots must meet the minimum bulk standards i.e. lot area, width, setbacks. This portion of the property is zoned IPM (Industrial Park Manufacturing Zone) and was established under the Planned Industrial Park provisions of *Zoning Ordinance*, Article 3 §20.5 and Article 4 §4.16. In a Planned Industrial Park, there are design standards for each lot and development activities on each lot will be subject to submittal of a Site Development Plan.

The original Subdivision Plan was granted a waiver of the design standards for the setback from the development property line (rear yard setback) on the IPM zoned properties developed under the Planned Industrial Park design standards. The property line setback was reduced from 100ft. to 40ft. for Lots 3-10 and will maintain the 100 ft. setback from residentially zoned properties (Lot 5). Planning Commission granted this waiver of the design standards on September 19, 2005.

[1] Previously, this property was subject to the requirements of the Airport Environs Overlay Zone (AEOZ) with portions of the property located within Noise Zone A (65dB - 69dB) and within Noise Zone B (70dB – 74dB). With the amendment to the Zoning Map and *Zoning Ordinance* on March 11, 2013 (Ordinance #2013-01), this property area was removed from the AEOZ.

STREETS

A boulevard style entrance street known as Stover Boulevard extends from Bay Road into the Industrial Park with travel lanes separated by a tree planted median. The second loop street known as Krisko Circle within the complex has a twenty-six (26) paved width and a right-of-way maintained at sixty (60) feet. No parking is permitted on a street of this width. Streets will be dedicated to the City of Dover upon completion to City Street Standards. Street construction completed to date includes below grade utility infrastructure, curbing, and at least the base coat of asphalt surface.

At their May 18, 2015 meeting the Planning Commission conducted a public hearing and took action to recommend approval of the waiver request for to allow the project to exceed the maximum length of a Dead End Street and to recommend approval of the request to abandon the recorded right-of-way for a portion of Krisko Circle as associated with the Parcel Consolidation Plan MI-15-07. See the discussion below for information on the pending right-of-way abandonment and waiver request.

Request: Abandonment of Recorded Right-of-Way: Portion of Krisko Circle

This Parcel Consolidation Plan proposes to vacate the southern loop segment of Krisko Circle leaving the street to terminate in a cul-de-sac near the shared property line of Lot 5 and Lot 6. The existing right-of-way for Krisko Circle (southern segment) will be consolidated into the adjoining lot. This portion of Krisko Circle to be abandoned exists as recorded right-of-way and has been partially constructed (utility infrastructure, upright curb, and asphalt basecoat of paved street surface) but not yet accepted for dedication.

Waiver Requested: Length of Dead-end Street

The proposed dead end street is approximately 883+/- feet in length when measured from the east end of the Stover Boulevard to the center of the proposed Krisko Circle cul-de-sac. The proposed conversion of Krisko Circle from a looped configuration to a dead end street (cul-de-sac) exceeds the permitted length of a dead-end street per the *Land Subdivision Regulations*. The limitation is a maximum of a 400 foot length of a dead-end street. The *Land Subdivision Regulations,* Article VI §A.15 states the following:

> 15. Dead-end streets shall be discouraged unless determined to be necessary to access the property due to its size, shape, or width. When determined to be necessary, dead-end streets, designated to be so permanently, shall not be longer than 400 feet and shall be provided at the closed end cul-de-sac with a turnaround having an outside roadway diameter of 80 feet and a street right-of-way diameter of 100 feet. In no instance shall more than 20 percent of the lots in a proposed development front on the turnaround section of a cul-de-sac.

Land Subdivision Regulations, Article VII includes provisions for waivers to be considered by the Planning Commission who provides a recommendation to City Council for action. A written waiver request was submitted for consideration; see attached waiver request.

The requested Subdivision Waiver is further summarized in the following chart:

Land Subdivision Regulations	Requirement	Proposed	Waiver
Maximum Length of Dead-end Street	Maximum length of a Dead-end Street is 400 feet	To revise the looped configuration of Krisko Circle to a dead-end street terminating in a cul-de-sac. Length is approximately 883 feet.	Allow the abandonment of a segment of right-of-way of Krisko Circle and revise to be a dead-end Street of over 400 feet in length.

With regards to the requested Subdivision Waiver regarding the length of the dead-end street, the Planning Commission forwards a formal recommendation to City Council. The City Council has the final approval in regard to this Subdivision Waiver.

Recommendation of Planning Staff:
As part of the Development Advisory Committee (DAC) Report dated May 6, 2015, the Planning Staff made the following recommendation on the waiver request for application MI-15-07:

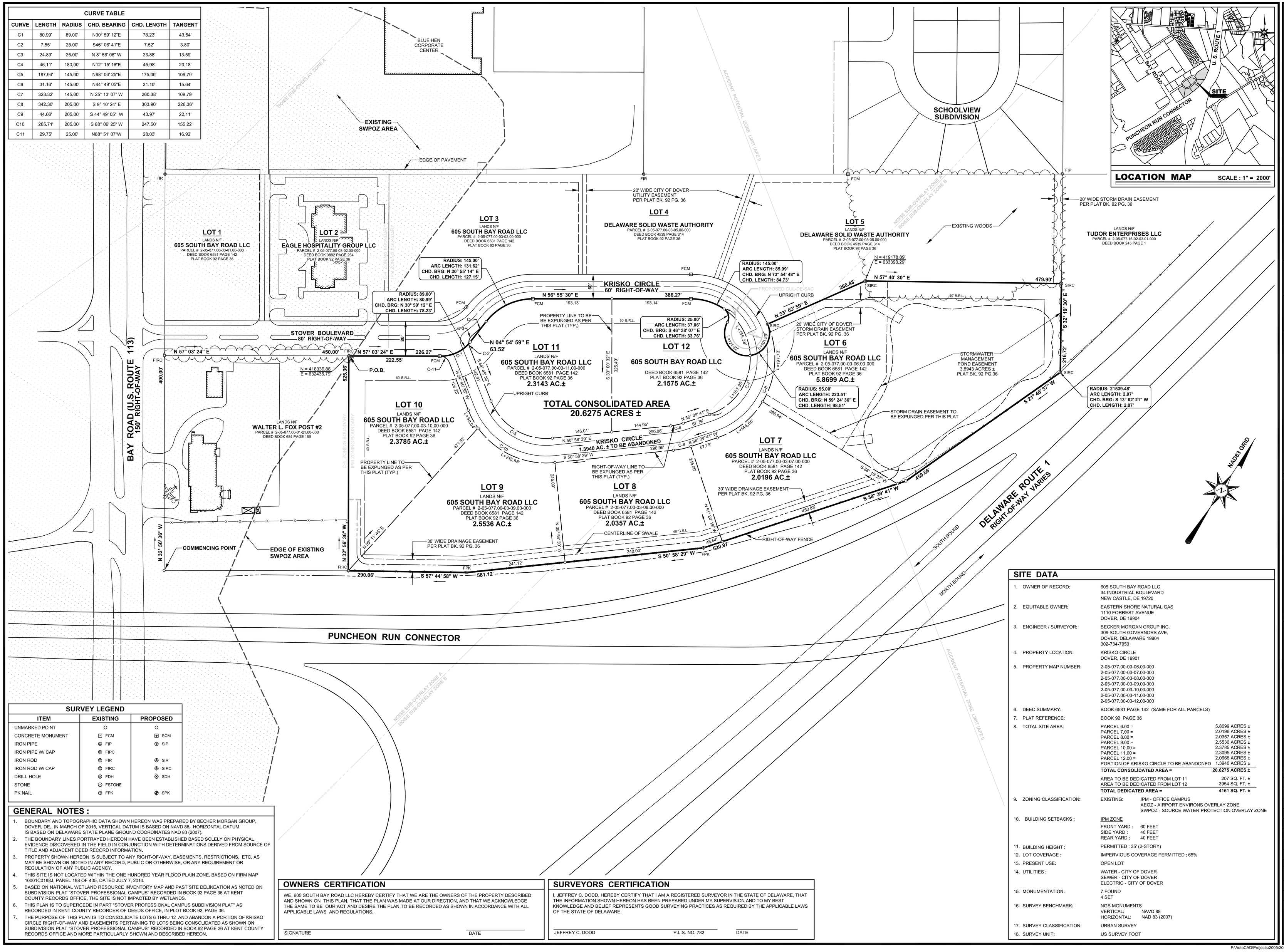
> *Exceed Maximum Street Length of a Dead End Street: Staff recommends approval of the request to exceed the maximum length of a dead end street. The reconfiguration of Krisko Circle terminating in a cul-de-sac will continue to serve all lots of the Industrial Park Subdivision. Interconnection of Krisko Circle to other nearly streets is limited by adjacent developments and preserved woodland areas or the nature of the road system (i.e. Route 1).*

Following final action on the waiver request and abandonment request, the Record Plan sheet will need to be updated prior to final approval of the Parcel Consolidation Record Plat. The Development Advisory Committee Report of May 6, 2015 identified necessary plan corrections/revisions and advisory comments on the process steps. The applicant will also need to work with the Department of Public Works regarding the redesign of Krisko Circle as related to the City of Dover Standards for the street, curbing, and sidewalks as well as existing utilities. The applicant will need to work with the City Electric Department regarding existing electric infrastructure and any existing street light removals/relocations.

Findings and Recommendations of the Dover Planning Commission:
The Planning Commission at its meeting on May 18, 2015 reviewed the proposed waiver request as part of its review of the Application MI-15-07 Northgate Center Parcel Consolidation and Right-of-way Abandonment: Parcel Consolidation Plan. **The Planning Commission recommends approval of the Subdivision Waiver of the Maximum Length of a Dead-end Street associated with MI-15-07 Northgate Center Parcel Consolidation Plan and Right-of-way Abandonment.** The motion passed 7-0 of the members present with one member recused (Mr. Holden as his employer was involved with the application).

Attachments: Plan Drawing: Parcel Consolidation Plan
Waiver Request
Development Advisory Report Comments: City of Dover Electric & Public Works Departments, Office of the Fire Marshal, DelDOT, and Kent Conservation District

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHD. BEARING	CHD. LENGTH	TANGENT
C1	80.99'	89.00'	N30° 59' 12"E	78.23'	43.54'
C2	7.55'	25.00'	S46° 06' 41"E	7.52'	3.80'
C3	24.89'	25.00'	N 8° 56' 06" W	23.88'	13.59'
C4	46.11'	180.00'	N12° 15' 16"E	45.98'	23.18'
C5	187.94'	145.00'	N88° 06' 25"E	175.06'	109.79'
C6	31.16'	145.00'	N44° 49' 05"E	31.10'	15.64'
C7	323.32'	145.00'	N 25° 13' 07" W	260.38'	109.79'
C8	342.30'	205.00'	S 9° 10' 24" E	303.90'	226.36'
C9	44.06'	205.00'	S 44° 49' 05" W	43.97'	22.11'
C10	265.71'	205.00'	S 88° 06' 25" W	247.50'	155.22'
C11	29.75'	25.00'	N88° 51' 07"W	28.03'	16.92'



SURVEY LEGEND		
ITEM	EXISTING	PROPOSED
UNMARKED POINT	○	○
CONCRETE MONUMENT	⊡ FCM	⊡ SCM
IRON PIPE	⊙ FIP	⊙ SIP
IRON PIPE W/ CAP	⊙ FIPC	
IRON ROD	⊙ FIR	⊙ SIR
IRON ROD W/ CAP	⊙ FIRC	⊙ SIRC
DRILL HOLE	⊗ FDH	⊗ SDH
STONE	⊙ FSTONE	
PK NAIL	⊕ FPK	⊕ SPK

GENERAL NOTES :

1. BOUNDARY AND TOPOGRAPHIC DATA SHOWN HEREON WAS PREPARED BY BECKER MORGAN GROUP, DOVER, DE., IN MARCH OF 2015, VERTICAL DATUM IS BASED ON NAVD 88. HORIZONTAL DATUM IS BASED ON DELAWARE STATE PLANE GROUND COORDINATES NAD 83 (2007).
2. THE BOUNDARY LINES PORTRAYED HEREON HAVE BEEN ESTABLISHED BASED SOLELY ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD IN CONJUNCTION WITH DETERMINATIONS DERIVED FROM SOURCE OF TITLE AND ADJACENT DEED RECORD INFORMATION.
3. PROPERTY SHOWN HEREON IS SUBJECT TO ANY RIGHT-OF-WAY, EASEMENTS, RESTRICTIONS, ETC. AS MAY BE SHOWN OR NOTED IN ANY RECORD, PUBLIC OR OTHERWISE, OR ANY REQUIREMENT OR REGULATION OF ANY PUBLIC AGENCY.
4. THIS SITE IS NOT LOCATED WITHIN THE ONE HUNDRED YEAR FLOOD PLAIN ZONE, BASED ON FIRM MAP 10001C0188J, PANEL 188 OF 435, DATED JULY 7, 2014.
5. BASED ON NATIONAL WETLAND RESOURCE INVENTORY MAP AND PAST SITE DELINEATION AS NOTED ON SUBDIVISION PLAT "STOVER PROFESSIONAL CAMPUS" RECORDED IN BOOK 92 PAGE 36 AT KENT COUNTY RECORDS OFFICE, THE SITE IS NOT IMPACTED BY WETLANDS.
6. THIS PLAN IS TO SUPERCEDE IN PART "STOVER PROFESSIONAL CAMPUS SUBDIVISION PLAT" AS RECORDED IN KENT COUNTY RECORDER OF DEEDS OFFICE, IN PLOT BOOK 92, PAGE 36.
7. THE PURPOSE OF THIS PLAN IS TO CONSOLIDATE LOTS 6 THRU 12 AND ABANDON A PORTION OF KRISKO CIRCLE RIGHT-OF-WAY AND EASEMENTS PERTAINING TO LOTS BEING CONSOLIDATED AS SHOWN ON SUBDIVISION PLAT "STOVER PROFESSIONAL CAMPUS" RECORDED IN BOOK 92 PAGE 36 AT KENT COUNTY RECORDS OFFICE AND MORE PARTICULARLY SHOWN AND DESCRIBED HEREON.

OWNERS CERTIFICATION

WE, 605 SOUTH BAY ROAD LLC HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SIGNATURE _____ DATE _____

SURVEYORS CERTIFICATION

I, JEFFREY C. DODD, HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

JEFFREY C. DODD P.L.S. NO. 782 DATE _____

SITE DATA

1. OWNER OF RECORD:	605 SOUTH BAY ROAD LLC 34 INDUSTRIAL BOULEVARD NEW CASTLE, DE 19720	
2. EQUITABLE OWNER:	EASTERN SHORE NATURAL GAS 1110 FORREST AVENUE DOVER, DE 19904	
3. ENGINEER / SURVEYOR:	BECKER MORGAN GROUP INC. 309 SOUTH GOVERNORS AVE. DOVER, DELAWARE 19904 302-734-7950	
4. PROPERTY LOCATION:	KRISKO CIRCLE DOVER, DE 19901	
5. PROPERTY MAP NUMBER:	2-05-077.00-03-06.00-000 2-05-077.00-03-07.00-000 2-05-077.00-03-08.00-000 2-05-077.00-03-09.00-000 2-05-077.00-03-10.00-000 2-05-077.00-03-11.00-000 2-05-077.00-03-12.00-000	
6. DEED SUMMARY:	BOOK 6581 PAGE 142 (SAME FOR ALL PARCELS)	
7. PLAT REFERENCE:	BOOK 92 PAGE 36	
8. TOTAL SITE AREA:	PARCEL 6.00 = PARCEL 7.00 = PARCEL 8.00 = PARCEL 9.00 = PARCEL 10.00 = PARCEL 11.00 = PARCEL 12.00 = PORTION OF KRISKO CIRCLE TO BE ABANDONED **TOTAL CONSOLIDATED AREA =**	5.8699 ACRES ± 2.0196 ACRES ± 2.0357 ACRES ± 2.5536 ACRES ± 2.3785 ACRES ± 2.3095 ACRES ± 2.0868 ACRES ± 1.3940 ACRES ± **20.6275 ACRES ±**
	AREA TO BE DEDICATED FROM LOT 11 AREA TO BE DEDICATED FROM LOT 12 **TOTAL DEDICATED AREA =**	207 SQ. FT. ± 3954 SQ. FT. ± **4161 SQ. FT. ±**
9. ZONING CLASSIFICATION:	EXISTING: IPM - OFFICE CAMPUS AEOZ - AIRPORT ENVIRONS OVERLAY ZONE SWPOZ - SOURCE WATER PROTECTION OVERLAY ZONE	
10. BUILDING SETBACKS :	IPM ZONE FRONT YARD : 60 FEET SIDE YARD : 40 FEET REAR YARD : 40 FEET	
11. BUILDING HEIGHT :	PERMITTED : 35' (2-STORY)	
12. LOT COVERAGE :	IMPERVIOUS COVERAGE PERMITTED : 65%	
13. PRESENT USE:	OPEN LOT	
14. UTILITIES :	WATER - CITY OF DOVER SEWER - CITY OF DOVER ELECTRIC - CITY OF DOVER	
15. MONUMENTATION:	7 FOUND 4 SET	
16. SURVEY BENCHMARK:	NGS MONUMENTS VERTICAL: NAVD 88 HORIZONTAL: NAD 83 (2007)	
17. SURVEY CLASSIFICATION:	URBAN SURVEY	
18. SURVEY UNIT:	US SURVEY FOOT	

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

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Wilmington, NC
3205 Randall Parkway, Suite 211
Wilmington, North Carolina 28403
Ph. 910.341.7600
Fax 910.341.7506

www.beckermorgan.com

PROJECT TITLE

LANDS OF
605 SOUTH BAY ROAD LLC

"NORTH GATE CENTER"

F.K.A.
STOVER PROFESSIONAL CAMPUS

KRISKO CIRCLE
CITY OF DOVER
KENT COUNTY, DE

SHEET TITLE

LOT CONSOLIDATION AND RIGHT-OF-WAY ABANDONMENT PLAN

0 50 100 200
SCALE : 1" = 100'

ISSUE BLOCK

MARK	DATE	DESCRIPTION

LAYER STATE: 2w36

PROJECT NO.:	2005019.10
DATE:	04/02/15
SCALE:	1" = 100'
DRAWN BY: A.W.J.	PROJ. MGR.: J.C.D.

SHEET
1 OF 1

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WAIVER REQUEST

NORTHGATE CENTER / LOT CONSOLIDATION PLAT

DEAD-END STREET MAXIMUM LENGTH

REQUEST: Waive the requirement that a dead-end street cannot not exceed 400 feet.

EXTENT OF THE REQUEST:

The City of Dover Subdivision Code, Article VI § A.15 stipulates that dead-end streets shall not be longer than 400 feet. The consolidation of lots 6 – 12 necessitates converting Krisko Circle from a loop road to a dead-end street with a closed cul-de-sac meeting the requirements of this section. The proposed length of the dead-end street is 883 ft.

BASIS FOR REQUEST:

1. The City of Dover Subdivision Code, Article VII § A.1 allows City Council to waive requirements of the subdivision code due to special conditions unique to the site, or the strict compliance with the code may cause extraordinary and unnecessary hardships. City of Dover Planning Commission will review the waiver and make a recommendation to City Council.

2. The following justifications are provided in support of the waiver:

    a. Chesapeake Utilities Corporation (CUC) / Eastern Shore Natural Gas (ESNG) intend to construct a new Dover campus, relocating their main offices and operations to Northgate Center. Consolidating lots 6 – 12 will create a parcel sufficient for CUC / ESNG immediate needs and future growth.

    b. The dead-end street must exceed the maximum 400-ft. length in order to provide access to existing parcels 1 – 5 that front on Krisko Circle.

    c. The waiver requested is the minimum required to provide relief to CUC / ESNG to develop the property.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: APRIL 29, 2015

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **NORTHGATE CENTER PARCEL CONSOLIDATION & RIGHT OF WAY ABANDONMENT**

FILE #: **MI-15-07**

REVIEWING AGENCY: **City of Dover Electric and Public Works Departments**

CONTACT PERSON: **Aren Wright - Electric**
Jason A. Lyon, P.E. – Public Works

CONTACT PHONE #: **ELECTRIC - 302-736-7070 PUBLIC WORKS – 302-736-7025**

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

ELECTRIC / WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

1. Electric Department requires an easement through proposed consolidated property & right-of-way for the maintenance of the existing underground utility.
2. Should this site be redeveloped, which includes modifications to the use, the applicant/developer will be responsible for all costs associated with the relocation of existing underground electric utility.
3. Should this site be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing the appropriate meter / service / main to this site based upon the use including any necessary system upgrades or extensions. The appropriateness and adequacy of electric, water and sewer services and meters will be assessed at that time. (Please note that each water meter registered with the City of Dover must have a separate service line.) Should the existing water and sanitary sewer services / mains no longer be required based upon the proposed use, they must be properly abandoned at the mains in accordance with all City of Dover Department of Public Works standards and specifications.
4. Any redevelopment shall adhere to the City of Dover Water/Wastewater Handbook, the Specifications, Standards & Procedures for City of Dover Public Works requirements, and the City of Dover's Electric Service Handbook.
5. Please note that renovations and or change of use projects must ensure that the water and wastewater service is brought up to current requirements. This may include relocating the water meter outside or changing service line sizes. Please ensure you schedule a meeting with the Department of Public Works during the planning phase for this site. Additional impact fees may apply for future development

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC / WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

1. None.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

MI-15-07

CITY OF DOVER FIRE MARSHAL

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: May 6th, 2015

APPLICATION: Northgate Center Parcel Consolidation and Right of Way Abandonment

FILE #: MI-15-07 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Timothy P. Mullaney Jr, Fire Marshal PHONE #: (302) 736-4457

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESS BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1) **Future development could result in access requirements / changes to current plan.**
2) **Cul-de-sac must comply with most current edition of the Delaware State Fire Prevention Regulations (Regulation 705, Chapter 5 Access for Emergency Personnel and Apparatus).**
3) **Fire hydrant locations need to be shown.**

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):
2012 NFPA Life Safety Code (NFPA; National Fire Protection Association)
2009 IBC (International Building Code)
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations
2012 Delaware State Fire Prevention Regulations
City of Dover Code of Ordinances

***If you have any questions or need to discuss any of the above comments, please call the above contact person listed.**

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: April 28, 2015

D E L D O T

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APPLICATION: Northgate Center Parcel Consolidation and Right of Way Abandonment

FILE#: MI-15-07 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Julio F. Seneus PHONE#: 760-2145

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THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS:

1. In order to be issued a Letter of No Objection (LONO), the Department will require the applicant to provide the proper forms, fees, and plans.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

- This development is located in the Dover US Route 13 / Bay Road Corridor Transportation Improvement District (TID), which was established by an agreement between DelDOT and the City of Dover on November 18, 2014. Under this agreement, developers have the option to pay an Infrastructure Fee when they apply for building permits as an alternative to DelDOT's standard development review process. Developers choosing to pay the fee are exempt from any DelDOT requirement to do a Traffic Impact Study and will receive a credit toward their fee for any offsite improvements they are required to build beyond their entrance construction.

  At present, DelDOT and the City are still working to establish a program of

transportation improvements to be built in the TID and an Infrastructure Fee to fund those improvements. As guidance, we offer the following rate schedule, which was developed for the Southern New Castle County TID. We anticipate that the fee structure to be developed for the Dover TID will be comparable.

- Detached Single Family Residential = $3,800 per unit
- Attached Single Family Residential = $3,200 per unit
- Multi-Family Residential = $2,800 per unit
- Commercial = $3.50 per square foot
- General Office = $3.50 per square foot
- Institutional = $2.00 per square foot

If you have any questions or need to discuss any of the above comments, please call the above contact person and the planning department as soon as possible.

KENT CONSERVATION DISTRICT
800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 (302) 741-2600 EXT. 3 • FAX (302) 741-0347

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
May 2015

APPLICATION: *North Gate Center (FKA Stover Professional Campus)*

FILE #: MI-15-07

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *David C. Cahill* **PHONE #:** *741-2600 ext.3*

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. The Kent Conservation District has no objection to the minor subdivision of the above referenced site.
2. The Kent Conservation District objects to the expunging of the stormwater drainage easement located on lot #6.

ADVISORY COMMENTS TO THE APPLICANT:

1. A detailed Sediment and Stormwater Management Plan must be approved by our office prior to any land disturbing activity (i.e. clearing, grading, filling, etc.) over 5000 square feet.
2. The distribution of the stormwater maintenance responsibilities must be provided prior to final plan approval.

ACTION FORM

PROCEEDING: City Council
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: May 15, 2015
PREPARED BY: Tim Taraila, Code Enforcement Supervisor; Ann Marie Townshend, AICP, Director of Planning and Community Development
SUBJECT: 742 Slaughter Street, Dover, Delaware – Violation of Dangerous Building Ordinance
REFERENCE: Chapter 22, Article XI – Dangerous Buildings, Sec. 22-385 - Hearing before Council and Chapter 22, Article XI - Dangerous Buildings Case # 15-260, 14-2856, 10-2597 & 10-563
RELATED PROJECT: N/A
APPROVALS: N/A
EXHIBITS: PowerPoint Presentation and File Photos to be presented at the Council meeting.
EXPENDITURE REQUIRED: Preliminary estimate is $15,000-$20,000. **AMOUNT BUDGETED**: $150,000 Budgeted for all demolitions Citywide in the FY-2015 Budget; As of May 15, 2015, there is $56,638.38 remaining in the line item. **FUNDING SOURCE (Dept./Page in CIP & Budget)**: 110-1600-534-30-33.
TIMETABLE: As soon as possible.
RECOMMENDED ACTION: 1. Declare this building and all accessory structures on this property dangerous. 2. Order the property to be repaired or demolished by **June 26, 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**. 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.

BACKGROUND AND ANALYSIS

The property is owned by Joe Burden, Jr (part ot the estate of Joe Burden Sr.). There are three separate structures on the property. The first is a two-story wood-framed single family home that was converted into two apartments, (units A & B). The second is a single-story wood framed single family home,(unit C), and the third is a small wooden barn. During an annual housing inspection in 2010, numerous code violaitons were found in unit A, including electrical issues and concerns regarding the structural integrity of the entire building. The owner was notified to have both an structural engineer look at the house and to have an electrical inspection done. The owner failed to provide the structural engineering report and the home was condemned as unfit for human occupancy in 2012. Units A & B are both unoccupied. In February of 2015, the tenant of unit C requested an inspection from City Staff and the unit was found to be in poor condition. There was no primary heat source, no working stove, structural deficiencies, and the septic system had failed. The unit was condemned as unfit for human occupancy and vacated. Currently the structures are unoccupied, with no active utility services and are in a serious state of disrepair.

ACTION FORM

PROCEEDING: City Council
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: 5-15-2015
PREPARED BY: Ann Marie Townshend, AICP, Director of Planning and Community Development
SUBJECT: 222 W Reed St, Dover, Delaware – Violation of Dangerous Building Ordinance
REFERENCE: Chapter 22, Article XI – Dangerous Buildings, Sec. 22-385 - Hearing before Council and Chapter 22, Article XI - Dangerous Buildings Case # 11-3449 & 13-1569
RELATED PROJECT: N/A
APPROVALS: N/A
EXHIBITS: PowerPoint Presentation and File Photos to be presented at the Council meeting.
EXPENDITURE REQUIRED: Preliminary estimate is $15,000. **AMOUNT BUDGETED**: $150.000.00 Budgeted for all demolitions Citywide in the FY-2015 Budget; As of May 15, 2015, there is $56,638.38 remaining in the line item. **FUNDING SOURCE (Dept./Page in CIP & Budget)**: 110-1600-534-30-33.
TIMETABLE: As soon as possible.
RECOMMENDED ACTION: 1. Declare this building and all accessory structures on this property dangerous. 2. Order the property repaired or demolished by **June 26, 2015** 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 date established by City Council**. 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.

BACKGROUND AND ANALYSIS

The property is owned by the Union AME Church. The property is a two-story wood-framed single family home. The house has been vacant since January 18, 2013, and is registered with the City as a Vacant Building. On November 7, 2011, staff from the Planning and Inspections Department conducted an annual housing inspection for the rental unit and found numerous violations. The property owner did make repairs to life/safety issues but has made no further repairs since the last inspection in March of 2012. The house has been vacant since January of 2013, and is registered with the City as a Vacant Building. Currently the home is still vacant, with no utilities and numerous outstanding code violations.

LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on May 11, 2015 at 5:30 p.m. with Chairman Slavin presiding. Members present were Mr. Anderson, Mr. Shevock, and Mr. Sudler (arrived at 5:44 p.m.). Mr. Hare was absent. Members of Council present were Mr. Dixon and Mr. Hutchison.

AGENDA ADDITIONS/DELETIONS

Mr. Shevock moved for approval of the agenda, seconded by Mr. Anderson and unanimously carried.

Proposed Ordinance #2015-09 Amending 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

Mrs. Traci McDowell, City Clerk, advised members that Proposed Ordinance #2015-09 was initiated at Police Chief Paul Bernat's request to codify the Dover Police Department's cadet program. She reviewed the amendments to the ordinance as follows:

- Line 7 - amended to clarify obedience to state and federal laws, as well as City ordinances.

- Lines 9 and 10 - changed to state that the Police Chief would choose and appoint the Deputy Police Chief.

- Lines 13 through 20 - amended to remove the requirement that the Police Chief be selected from within the Police Department and to assign a Police Chief Selection Committee. Mrs. McDowell indicated that this was a change that the Mayor wanted to implement.

- Line 47 - changed by deleting the requirement that approval from the Mayor be obtained before the Police Chief issues a subpoena. Mrs. McDowell advised members that this change was requested by Councilman Hutchison.

- Lines 56-62 - Mrs. McDowell stated that Mr. William Pepper, Deputy City Solicitor, mentioned that this section, which pertains to special police, was antiquated and that no special police had been assigned in recent memory.

- Lines 63-87 - Mrs. McDowell explained that a new Section 62-38, Police cadet program, was added to state the reasons for the creation of the program, as well as its purpose and process for appointments, noting that appointees are assigned to the program by the Police Chief. She stated that when Mr. Pepper wrote the original ordinance, he wanted it to be very clear that the cadets were civilians and not police officers and this was written into the ordinance.

- Lines 89-101 (Section 62-39) - amended at the request of Mrs. Donna Mitchell, Controller/Treasurer, to ensure that found and stolen property is disposed of according to the City's Finance Department guidelines.

- Lines 111-113 and 125-165 (Sections 106-163 and 106-164) - Mrs. McDowell explained that these amendments started with changing the threshold of accumulated unpaid violations from $200 to $100 for placement of a parking boot, as requested by Mrs. Mitchell. In reviewing this section, staff saw the need to clarify the language in Section 106-164 pertaining to fees and fines. Mrs. McDowell stated that she worked with Ms. Karen Hudson, Police Department Records Administrator, on these amendments.

In regard to Section 106-163(a), Mr. Slavin questioned the use of the term "coin", noting that bills and debit cards may be used for payment. Mrs. McDowell stated that this could be amended prior to the first reading of the ordinance.

Mrs. McDowell indicated that Section 106-164 included language that should have been contained in Appendix F. She advised members that the changes in Appendix F reflected the fines and fees being charged, including the fine for failure to pay and the amount of time allotted for a quarter or dollar. She noted that the references in Appendix F were changed to correlate to the Code changes.

In response to Mr. Anderson, Mrs. McDowell stated that she did not believe that there would be any charter changes associated with the ordinance amendments. She indicated that if the charter were changed to move the Police Department under the City Manager, the ordinance would be amended again. She confirmed that, under the ordinance, the Mayor would continue to appoint the Police Chief.

In regard to Line 19, Mr. Anderson questioned the reason for the requirement for an affirmative vote of two-thirds of City Council for the Mayor to remove the Police Chief, instead of a majority of Council. Responding, Mrs. McDowell stated her belief that the Mayor wrote this provision and was unsure why; however, she stated her belief that this would be a protection for the Police Chief. Mr. Anderson indicated that every other appointed official can be removed by a majority; therefore, he would probably propose that the Chief be appointed by the Mayor and affirmed by a majority of Council. Mr. Slavin stated his assumption that this was included because a two-thirds vote would be veto-proof. Chief Bernat stated that he was unsure of the reason for this requirement; however, he wanted to bring it to the attention of members that Delaware Law outlines due process in regard to police chiefs who serve in cities with populations less than 50,000. In response to Mr. Anderson regarding whether this portion of State law pertains to the idea of a majority or two-thirds vote, Chief Bernat stated that he was unsure.

Mr. Anderson stated the desire for consistency between all appointed positions. He stated that the reason for a two-thirds vote could not be related to a veto since the Mayor would be doing the removal. Mr. Anderson questioned why it was not spelled out specifically that removal would be for cause. Responding, Chief Bernat stated that the Delaware Code specifies that removal must be for cause and that the ordinance contains a caveat stating that removal must be in accordance with applicable laws.

In regard to Line 180, Mr. Slavin questioned if the fees were in alignment with current practice. He stated his understanding that there are some lots where the cost of parking is $1 for the entire day and others that are premium space. This was confirmed by Mr. Koenig.

Mr. Slavin stated that this would have to be amended. He questioned how this process could be made more fungible, so that as rates change there would not be a need to go back through the ordinance process. Responding, Mrs. McDowell stated that the idea behind Appendix F, Fees and Fines, was that these types of changes would be made in Appendix F. She indicated that she obtained fine and parking information from the Police Department.

Mr. Slavin suggested contacting the Downtown Dover Partnership (DDP), noting that they have a parking map and a census of all of the different types of spaces. Mrs. McDowell concurred, stating that this would probably be included in a new section.

Mr. Shevock noted that rates are posted in parking lots close to the meters. He suggested stating in the Code that fees would be as posted. Adjustments could then be made at the lot as fees are changed. Mr. Slavin stated that part of the issue would be who has the authority to change the rates, noting the desire to make the process easier without giving the authority to a different body.

Mr. Koenig stated his belief that the coin rate is $0.25 per hour or $1.00 per day; however, if a vehicle is moved, the rate resets, and he indicated that the language should reflect this correctly.

Mr. Slavin expressed his belief that some parking places are not all-day spots, but are limited to a maximum of two (2) hours so that they would turn over more quickly. Mr. Koenig stated that he was unsure.

Mr. Slavin requested that Mrs. McDowell determine if an amendment would be necessary.

Mr. Shevock moved to recommend approval of Proposed Ordinance #2015-09 with the amendments presented, seconded by Mr. Slavin and unanimously carried.

Third Budget Amendment - Rate Stabilization Fund

Mrs. Donna Mitchell, Controller/Treasurer, advised members that the City's financial policy requires the City to maintain operating budget balances at a minimum of 8% up to 12% for cash flow requirements. These requirements are created by the City's service being rendered prior to billing the customer, so there is a month lag in revenue receipts for the services provided. The 8% equates to less than 30 days of budgeted expenses or cash requirements.

Mrs. Mitchell explained that there had been some difficulty maintaining sufficient cash balances in the Electric Fund during the past two (2) years due to significant fluctuations in the power supply cost and load during extreme cold or hot months. She noted that this past February the cold weather increased the City's wholesale load by 8.4 million kilowatt hours over the budgeted load for the month. Mrs. Mitchell indicated that the budgeted wholesale power supply cost per megawatt hour was $75.19 for February 2015, and the actual cost was $105.08 per megawatt hour due to PJM market pricing. In order to pay the weekly PJM invoices, staff took temporary advances from other accounts. Mrs. Mitchell stated that, for this reason, an additional transfer of $1M was recommended from the Rate Stabilization Reserve, over the $2M originally budgeted in FY 15, to address the cash requirements. She informed members that during the upcoming budget workshops for FY 16, staff would be recommending a policy change to require a minimum budget balance of 12%, or 45 days of cash requirements, for the Electric Fund. Mrs. Mitchell explained her intent, when the proposed FY 16 budget is brought forth, to include a column for the revised FY 15 budget amendment.

Staff recommended the transfer of an additional $1M from the Rate Stabilization Reserve to the Electric Operating Fund in FY 15 to address cash flow requirements.

Mr. Anderson questioned how much this would leave in the Rate Stabilization Fund. Responding, Mrs. Mitchell stated that this transfer would bring the fund down to approximately $7M. She noted that in the draft budget being prepared for FY 16, an additional $3M would be taken from the fund, bringing the balance down to 10% of power supply, which is the percentage stated in the policy. Between the extra $1M this year and the $3M being proposed for next year, the rate stabilization reserve would be down to the minimum policy limit.

Mr. Anderson moved to recommend approval of staff's recommendation to allow the additional transfer of $1M from the rate stabilization reserve to the Electric Operating Fund for FY 2015. The motion was seconded by Mr. Shevock and unanimously carried.

Evaluation of Proposal - Investment Banking Custody Services

During the Legislative, Finance, and Administration Committee meeting held on April 27, 2015, Mrs. Donna Mitchell, Controller/Treasurer, reviewed the details regarding proposals received for Investment Banking Custody Services. Staff recommended awarding the Investment Custody Services to Union Bank for a three (3) year period to start the date of the contract, which may be renewed or extended for two (2) additional two (2) year periods by mutual consent and approval of City Council. Members recommended that Mrs. Mitchell go back and ask for a best and final offer from all five (5) respondents.

Mrs. Mitchell explained that staff contacted the banks that submitted proposals and requested their best and final offers. Upon reviewing this information, she stated that staff's recommendation had changed. Staff now recommended awarding Investment Custody Services to Wilmington Trust for a three (3) year period, to start the date of contract, which may be renewed or extended for two (2) additional two (2) year periods by mutual consent and approval of City Council.

Noting that Wilmington Trust's proposal was approximately $2,500 higher than Union Bank's, Mr. Anderson asked if the recommendation was based upon easy access, convenience, and ability for requesters to deal locally with staff. Responding, Mrs. Mitchell stated that the basis for recommending this particular bid was that it is a local bank that is very involved in the community and community events.

In response to Mr. Anderson, Mrs. Mitchell indicated that staff time and interaction were not factors because interaction will be through the internet. The recommendation was based on local relationships and community events.

Responding to Mr. Sudler, Mrs. Mitchell stated that Wilmington Trust and M & T Bank's contribution to the community would definitely exceed $2,500, noting their involvement in the Dover 4th of July Celebration.

Mr. Sudler moved to recommend approval of staff's recommendation to award Investment Custody Services to Wilmington Trust for a three (3) year period, to start the date of the contract, which may be renewed or extended for two (2) additional two (2) year periods by

mutual consent and approval of City Council. The motion was seconded by Mr. Anderson and unanimously carried.

Mrs. Mitchell expressed her thanks to members for their support of the Finance Department and all of their efforts during the past couple of years.

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

Meeting adjourned at 5:50 p.m.

Timothy A. Slavin
Chairman

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CITY OF DOVER
FISCAL YEAR JULY 1, 2014 TO JUNE 30, 2015
QUARTERLY REVENUE REPORT
As of April 2015

	GENERAL FUND	FY15 BUDGET	FY15 REVISED BUDGET	YTD REVENUES	83.0% % BUDGET RECEIVED	FY15 PROJ'D	FY16 Proposed	COMMENTS	FY14 REVENUES	FY13 REVENUES
1	Property Taxes	$ 10,782,200	$ 10,782,200	$ 10,813,500	100.3%	$ 10,815,500	$ 12,953,000	April - last qtrly billing for 2015	$ 10,777,800	$ 10,768,800
2	Payment In Lieu of Taxes	317,000	317,000	330,500	104.3%	330,500	398,700		316,700	357,600
3	Transfer from Electric Fund	10,000,000	10,000,000	7,836,000	78.4%	10,000,000	10,000,000		8,000,000	8,000,000
4	Intrafund Service Receipts Electric	3,508,100	3,588,200	2,756,300	76.8%	3,406,300	3,773,300		3,427,300	3,195,800
5	Transfer from Transfer Tax Fund	1,250,000	1,250,000	1,364,000	109.1%	1,649,600	1,340,000		1,544,100	1,108,000
6	Business Licenses	1,460,000	1,460,000	1,398,200	95.8%	1,460,000	1,425,000		1,494,300	1,462,500
7	Intrafund Service Receipts Water/Wastewater	1,354,900	1,371,100	1,059,800	77.3%	1,309,800	1,504,500		1,218,900	1,046,500
8	Sanitation Fees	2,595,600	2,595,600	2,149,500	82.8%	2,580,000	2,580,000		2,595,600	2,624,900
9	Permits & Other Licenses	1,354,200	1,354,200	1,436,500	106.1%	1,465,100	1,436,300	Grass cutting/vacant bldng accounting chg.	1,597,300	1,162,800
10	Transfer from Municipal Street Aid Fund	663,900	664,200	498,500	75.1%	664,200	564,200		664,900	531,100
11	Fines & Police Revenue	629,300	629,300	586,100	93.1%	689,300	702,300	Charter School Resource Officer added	653,600	612,200
12	Police Extra Duty Fees	659,500	659,500	219,100	33.2%	469,800	533,000		562,900	703,600
13	Transfer from Police Grant Funds	124,000	124,000	88,800	71.6%	124,000	74,400		80,200	170,300
14	Court of Chancery Fees	1,023,000	1,023,000	830,300	81.2%	1,074,400	1,065,100		1,034,500	917,700
15	Transfer from Water/Wastewater Fund	500,000	500,000	500,000	100.0%	500,000	850,000		500,000	500,000
16	Transfer from Contingency	-	50,000	50,000	0.0%	50,000	-	Offset by increase in Public Safety Exp.	250,000	-
17	Transfer from Civil Traffic Penalties Fund	500,000	500,000	348,800	69.8%	408,800	450,000	Trending low; Vendor change in 2/15	357,500	299,800
18	Library Revenues & County Reciprocal Pymt	521,600	561,600	470,200	83.7%	521,600	522,000		498,600	471,100
19	Franchise Fees	636,000	636,000	426,300	67.0%	596,300	672,300		648,300	618,300
20	General Fund Grant Receipts	623,500	623,500	194,800	31.2%	426,500	673,500	Offset by transfer to Police Pension Trust	571,000	671,600
21	Recreation Revenue	148,800	148,800	107,400	72.2%	148,800	149,000		151,900	144,500
22	Other Miscellaneous Receipts	159,300	159,300	117,100	73.5%	135,400	128,400		175,500	278,700
23	Interest Income	40,000	40,000	24,000	60.0%	26,000	35,000		29,000	93,200
24	2014 Bond Proceeds (Refinance 2003 Bonds)	-	-	475,000	0.0%	475,000	-	Offset by debt service payments;	-	-
	TOTALS	$ 38,850,900	$ 39,037,500	$ 34,080,700	87.7%	$39,326,900	$ 41,830,000		$ 37,149,900	$ 35,739,000
	Final Budget								**$ 37,127,200**	**$ 35,569,000**

CITY OF DOVER
FISCAL YEAR JULY 1, 2014 TO JUNE 30, 2015
QUARTERLY REVENUE REPORT
As of April 2015

	WATER/WASTEWATER FUND	FY15 BUDGET	FY15 REVISED BUDGET	YTD REVENUES	83.0% % BUDGET RECEIVED	FY15 PROJ'D	FY16 Proposed	COMMENTS	FY14 REVENUES	FY13 REVENUES
1	Water Fees	$ 4,616,400	$ 4,616,400	$ 3,957,300	85.7%	$ 4,616,400	$ 6,200,000		$ 4,459,800	$ 4,551,800
2	Wastewater Fees	3,706,800	3,706,800	3,087,700	83.3%	3,706,800	3,728,000		3,562,400	3,564,600
3	Wastewater Adjustment Fees - County Trtmt	2,902,600	2,902,600	2,442,900	84.2%	2,902,600	3,026,500		2,930,300	2,926,600
4	Groundwater Inflow Adjustment	1,862,500	1,862,500	1,505,300	80.8%	1,862,500	1,864,300		1,316,200	1,314,000
5	Water Impact Fees	472,700	472,700	248,500	52.6%	462,400	250,000		252,200	220,400
6	Wastewater Impact Fees	427,900	427,900	221,300	51.7%	416,700	250,000		230,200	386,000
7	Water Tank Space Leasing	331,900	331,900	282,500	85.1%	331,900	341,900		360,300	300,100
8	Interest Income	23,000	23,000	1,700	7.4%	23,000	3,000		-	13,500
9	Other Miscellaneous Revenues	156,600	156,600	54,000	34.5%	64,000	64,000		61,300	73,300
10	Grant Receipts	-	-	-	0.0%	-	-		-	50,900
	TOTALS	$ 14,500,400	$ 14,500,400	$ 11,801,200	81.4%	$14,386,300	$ 15,727,700		$ 13,172,700	$ 13,401,200
	Final Budget								**$ 13,023,500**	**$ 13,822,200**

	ELECTRIC REVENUE FUND	FY15 BUDGET	FY15 REVISED BUDGET	YTD REVENUES	83.0% % BUDGET RECEIVED	FY15 PROJ'D	FY16 Proposed	COMMENTS	FY14 REVENUES	FY13 REVENUES
1	Sales to Customers	$ 78,043,000	$ 78,043,000	$ 64,696,600	82.9%	$ 76,543,700	$ 78,279,200	Residential load -5%; $1M budget error;	$ 76,928,300	$ 86,887,400
3	Utility Tax	1,296,900	1,296,900	1,054,800	81.3%	1,258,300	1,281,100		1,259,000	1,443,900
4	Transfer from Rate Stabilization Reserve	2,000,000	2,000,000	2,000,000	100.0%	3,000,000	3,000,000		7,000,000	5,400,000
5	Miscellaneous Revenue	954,600	954,600	1,071,200	112.2%	952,000	927,800		906,400	2,026,100
6	Interest Income	12,000	12,000	11,900	99.2%	12,000	47,900		213,200	137,700
7	Intrafund Service Fees - Water/Wastewater	-	-	-	0.0%	-	-		130,800	136,400
	TOTALS	$ 82,306,500	$ 82,306,500	$ 68,834,500	83.6%	$81,766,000	$ 83,536,000		$ 86,437,700	$ 96,031,500
	Final Budget								**$ 88,283,600**	**$ 95,971,700**

City of Dover

COUNCIL PRESIDENT'S COMMITTEE APPOINTMENTS - 2015/16

(Deferred During the Annual Meeting of May 11, 2015)

1. **CITY CHAPLAINS**
   - A. Chaplain Wallace R. Dixon of Bibleway Temple Church of God in Christ
   - B. Reverend Theodore A. Henderson of Dover Christian Church
   - C. Bishop Thomas L. Holsey of Bibleway Temple Church of God in Christ

2. **CIVILIAN PENSION PLAN - BOARD OF TRUSTEES - The duties of this board are to manage the city employees' pension plan.** Consists of seven (7) members - two (2) elected City officials, the City Manager, the City Controller/Treasurer and three (3) elected by eligible employees, with three (3) year staggered terms with elections held in June.

   - A. David L. Anderson
   - B. Scott W. Cole

3. **COMPENSATION COMMISSION - To consider compensation for the Mayor, City Council, and paid members of City Committees and Commissions.** The compensation commission shall consist of five members, one (1) member appointed by the mayor, one (1) member appointed by the council president, and three (3) members appointed by city council during the annual meeting. Members shall be city residents who are registered to vote in city elections. Members shall serve two-year terms and cannot be reappointed within the next two (2) years. The controller/treasurer and human resources director shall serve as ex-officio, nonvoting members.

   Council President Slavin requests that this appointment be deferred

4. **CONSTRUCTION CODE APPEALS COMMITTEE - This committee shall hear appeals by any person aggrieved by a decision of the building inspector in respect to the provisions of Chapter 22 - Buildings and Building Regulations (Plumbing, Mechanical, and Fire Prevention).** Consists of three (3) members - two (2) elected City officials and the City Manager.

   - A. Roy Sudler, Jr. - Chair
   - B. Brian E. Lewis
   - C. Scott D. Koenig - City Manager

5. **LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE - This committee advises the city council on proposed Charter amendments, ordinances to be adopted or amended, and other legislative matters; financial matters, including the city's budget, assessments, and taxation and administrative issues, policy, procedures, and operations of the city. The committee advises the city council regarding matters relating to the mayor, council, city manager's office, finance department, administrative services, city clerk's office, tax assessor's office, human resources department, central services department, information technology department, election board, pension boards, and any other departments, committees, and other areas as deemed appropriate.** Consists of five (5) members - three (3) elected City officials and two (2) City residents. Four (4) members shall be appointed by the Council President and one (1) member shall be appointed by the Committee Chair.

   A. William F. Hare - Chair
   B. Scott W. Cole
   C. Roy Sudler, Jr.
   D. Daniel T. Shevock (Appointed by Council President)
   E. Andrea Maucher (Appointed by Committee Chair)

6. **OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST FUND BOARD - This board shall adopt a trust agreement for the OPEB fund (and may amend the trust agreement from time to time), shall take all actions necessary and appropriate to establish and maintain the OPEB fund as a trust that is exempt from taxation under Internal Revenue Code § 115 [26 U.S.C. § 115]. The trust shall be maintained and administered by the board solely for the benefit of participants, retirees, and beneficiaries by providing payments for retiree health insurance for medical care in compliance with Internal Revenue Code § 105 [26 U.S.C. § 105] and with the Dover Code as presented and verified by representatives and/or retiree health insurance service providers of the city.** Consists of five (5) members - the controller/treasurer, human resources director, city manager, and two (2) elected city officials.

   A. Scott W. Cole
   B. James E. Hosfelt, Jr.

7. **PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE - This committee advises the city council on parks, playgrounds, open space, and other recreational facilities and programs; matters relating to the community enhancements by reviewing and commenting on community plans, and recommends appropriate funding for each community improvement project; advises the city council on landscaping and beautification programs and tree preservation requirements, and assists in developing an understanding of the objectives and methods of tree conservation. The Committee advises city council regarding matters relating to the parks and recreation department, planning department, grounds department, community development, Silver Lake Commission, Greater Dover Arts Council, library commission, and other areas as deemed appropriate, including funding.** Consists of five (5) members - three (3) elected City officials and two (2) City residents. Four (4) members shall be appointed by the Council President and one (1) member shall be appointed by the Committee Chair.

   A. David L. Anderson - Chair
   B. James E. Hosfelt, Jr.
   C. Brian E. Lewis
   D. * (Appointed by Council President)
   E. * (Appointed by Chairperson)

8. **POLICE PENSION PLAN - RETIREMENT COMMITTEE - This committee shall administer the [retirement] plan and shall have the power and the duty to take all action and to make all decisions necessary or proper to carry out the plan.** Consists of seven (7) members - two (2) elected City officials, the City Manager (Ex-Officio), Chief of Police (Ex-Officio), and three (3) elected by members of the plan to three (3) year staggered terms, with elections held in January and presented to Council for confirmation.

   A. David L. Anderson
   B. Scott W. Cole

9. **SAFETY ADVISORY AND TRANSPORTATION COMMITTEE - This committee advises the city council on public safety issues, policies, procedures, and operations relative to emergency operations, and fire and police services. The Committee shall act as an advisory committee to the city council regarding matters relating to the police department, fire department, department of inspections, and other areas as deemed appropriate.** Consists of five (5) members - three (3) shall be elected City officials and two (2) shall be City residents. Four (4) members shall be appointed by the Council President and one (1) member shall be appointed by the Committee Chair.

   A. James E. Hosfelt, Jr. - Chair
   B. James L. Hutchison, Sr.
   C. Roy Sudler, Jr.
   D. Dana Shelton (Appointed by Council President)
   E. Thomas J. Keller, Jr. (Appointed by Committee Chair)

10. UTILITY COMMITTEE - This committee advises the city council on the installation, maintenance, repair, improvement, and relocation of electric, water, sewer, streets, communication utilities and other infrastructures within the city and lawfully extending beyond the city corporate limits; shall advise the city council on the issue of utility consumption rates, suggested code amendments, and condemnation of public rights-of-way; and shall act as an advisory committee to determine and establish utility issues, policies, procedures, and operations relative to electric, water, sewer, communications, etc., including, but not limited to, nonconsumption utility fees, utility extensions, impact fees, and service connection fees. The Committee shall act as an advisory committee to the city council regarding matters relating to the electric department, and public works department, including water, sewer, and sanitation divisions, and other areas as deemed appropriate. Consists of five (5) members - three (3) shall be elected City officials and two (2) shall be City residents. Four (4) members shall be appointed by the Council President and one (1) member shall be appointed by the Committee Chair.

A. James L. Hutchison, Sr. - Chair
B. *
C. Fred A. Neil
D. Courtney Stewart (Appointed by Council President)
E. Lester L. Blakeman, Sr. (Appointed by Committee Chair)

11. MISCELLANEOUS APPOINTMENTS

A. Central Delaware Chamber of Commerce Liaison Members (Honorary)
a-1. Mayor Robin R. Christiansen, Ex-Officio (Non-Voting member)
a-2. William F. Hare (Guest)
a-3. William G. Neaton, Director of Economic Development (Guest)

B. City/County Committee (Liaison to Kent County)
b-1. Mayor Robin R. Christiansen
b-2. Council President Timothy A. Slavin
b-3. William F. Hare
b-4. James L. Hutchison
b-5. Fred A. Neil
b-6. Scott Koenig, City Manager

C. Kent County Tourism Board of Directors (Voting Liaison)
c-1. Fred A. Neil

D. Kent Economic Partnership Board of Directors - Voting Liaison Member
d-1. William F. Hare

City of Dover

MAYOR'S COMMITTEE APPOINTMENTS - 2015/16

(Deferred During the Annual Meeting of May 11, 2015)

1. **COMPENSATION COMMISSION - To consider compensation for the Mayor, City Council, and paid members of City Committees and Commissions.** The compensation commission shall consist of five (5) members, one (1) member appointed by the mayor, one (1) member appointed by the council president, and three (3) members appointed by city council during the annual meeting. Members shall be city residents who are registered to vote in city elections. Members shall serve two (2) year terms and cannot be reappointed within the next two (2) years. The controller/treasurer and human resources director shall serve as ex-officio, nonvoting members.

   Mayor Christiansen requests that this appointment be deferred

2. **DOWNTOWN DOVER PARTNERSHIP BOARD OF DIRECTORS - To promote the public welfare of the residents of the City of Dover by promoting and furthering the development of the economic, cultural, and historic resources in the downtown area, and to improve the opportunities for job creation, broaden the tax base through the development of the commercial and residential potential of the Central Dover area, and to maintain and restore the historic architectural and community qualities of the downtown area consistent with the goals of the National Main Street Program.**

   Consists of twenty-one (21) directors appointed from two (2) categories: governmental agency appointees and appointees from the private sector.

   State Government (5)

   Mayor Christiansen requests that this appointment be deferred

3. **PROPERTY MAINTENANCE CODE BOARD OF APPEALS - To review appeals of the building inspectors' decisions with regards to property maintenance issues, including vacant buildings.** Consists of three (3) members, one (1) being a resident generally selected as a representative of homeowners, one (1) representative of the local real estate industry association, and one (1) member shall be the City Manager.

   A. Adam M. Perza

CITY OF DOVER PROPOSED ORDINANCE #2015-09
WITH STAFF AMENDMENT #1 (SA#1)
(Staff Amendment #1 indicated in green text)

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 by deleting the text indicated in red strikeout and inserting the bold, blue text, 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** ~~**the law**~~.

(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 ~~**mayor**~~ **police chief** shall choose and appoint the **deputy police chief and** police officers.

(Code 1968, § 2-32; Code 1981, § 18-1; Ord. of 11-26-1990, § 4)

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

(a) *Designation*. ~~**One of the regular members of the police department shall be designated by the mayor to serve as chief of police.**~~ **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** ~~applicable laws~~ **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.

(Code 1968, §§ 2-40, 2-41, 2-44; Code 1981, § 18-1.1)

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.

(Code 1968, § 2-35; Code 1981, § 18-2)

Draft

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.

(Code 1968, § 2-36; Code 1981, § 18-3)

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.

(Code 1968, § 2-38; Code 1981, § 18-4)

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**, with approval from the mayor,** 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.

(Code 1968, §§ 2-42, 2-43; Code 1981, § 18-5; Ord. of 10-28-1985; Ord. of 3-10-1986)

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. - Special police.**~~

~~(a) *Appointment*. Whenever, in the opinion of the mayor, an emergency exists, he shall have the power to appoint one or more special police officers, with all the powers and authority of regular police officers, during the period of the emergency.~~

~~(b) *Term*. The special police officers shall not serve for a term of more than 30 days without the approval of the city council.~~

~~(Code 1968, § 2-34; Code 1981, § 18-6)~~

Draft

Sec. 62-38. - Police cadet program.

(a) *Created; purpose*. Due to the continuing safety and security concerns expressed by merchants, patrons, and residents ~~in the downtown area~~, city council has authorized the Police Cadet Program to maintain a more visible presence in the ~~downtown area~~ 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 ~~downtown~~ 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, ~~as well as~~ 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 **~~hold a sale~~ 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) ***~~Auction~~ Disposal***. The chief of police shall **~~cause to be sold~~ dispose of** the said property **in accordance with the disposition policy and procedures as established by the City's Finance Department. ~~at a public auction and shall advertise by publishing notice of said sale in one issue of a newspaper circulated in the city at least ten days before the date of the sale, which said notice shall merely state that a sale of unclaimed personal property shall be held by the police department, giving the date, time and place of said sale without specifying any of the items to be sold.~~** The proceeds of said sale shall be retained by the **~~police department~~ City** to be used solely for **police** pensions **as established in Section 62-74(d). ~~of the police department.~~**

(Code 1968, § 2-44.1; Ord. of 10-28-1974, § 1; Code 1981, § 18-7; Ord. of 7-14-2003)

Draft

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 by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

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

(a) ~~*Deposit coin*~~ ***Payment***. Upon entering a parking meter zone when the parking meter regulations are in effect, the operator of a vehicle shall immediately ~~deposit~~ **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** ~~deposit~~ **make the required** ~~coin in the parking meter~~ **payment shall result in a fine as provided for in Appendix F - Fees and Fines.**

(b) ~~*Coins*~~ ***Payments*** *accepted*. All parking meters shall be adjusted so that when properly operated, ~~coins~~ **payments** may be ~~deposited~~ **made** at any time throughout the time range of the meters, with each ~~coin~~ **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 ~~amount deposited~~ **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.

(Code 1968, §§ 31-73, 31-74; Code 1981, § 13-48; Ord. No. 2009-09, 6-22-2009)

Sec. 106-164. - Violations; penalties.

(a) *Generally*. Any person convicted of violating the provisions of this ~~**division**~~ **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. ~~**After the expiration of 24 hours, the violator may pay the sum as provided for Appendix F—Fees and Fines, if payment is made voluntarily prior to the time and date set forth in the summons.**~~

~~**(b) *Fourth violation*. Any person committing a fourth violation within any 30-day period of the provisions of this division within one hour from the time that the summons giving notice of the violation is issued, may pay as provided for Appendix F—Fees and Fines. After the expiration of one hour from the issuance of the summons, the violator may pay each such violation as provided for Appendix F—Fees and Fines, if payment is made voluntarily prior to the time and date set forth in the summons.**~~

~~**(c) *Fifth violation, etc*. Any person committing more than four violations within any 30-day period of the provisions of this division may pay the sum as provided for Appendix F—Fees and Fines, if payment is made voluntarily prior to the time and date set forth in the summons.**~~

Draft

~~(d)~~ **(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 ~~$200.00~~ **$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.

~~(e)~~**(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.

(Code 1968, § 31-77; Ord. of 8-25-1971, § 1; Code 1981, § 13-49; Ord. No. 2009-09, 6-22-2009; Ord. No. 2011-22, 9-26-2011)

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Draft

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	~~Display of an expired sticker while in violation of the two-hour parking limit requirement will result in a $15.00~~ **$20.00** fine or ~~$10.00~~ **$15.00** if paid within 72 hours of issuance of such fine
	Subsec. (i)(2)	Expiration; Change of residence, etc.	~~Display of a sticker which has become ineligible due to a change of residence, status or any other reason (i.e., sells, leases, lends, etc.) while in violation of the two-hour parking limit requirement will result in a $15.00~~ **$20.00** fine or ~~$10.00~~ **$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 ~~$15.00~~ **$20.00** fine or ~~$10.00~~ **$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

Draft

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 ~~deposit~~ make the required ~~coin~~ payment in the parking meter**	**$20.00 fine or $15.00 if paid within 72 hours of issuance of such fine**
	Subsec. (b)	**~~Coins~~ Payments** accepted	
		Each **~~$0.01~~ $0.25** coin	Permits the vehicle to be parked for a period of **~~12 minutes~~ one hour**
		Each **~~$0.05 coin~~ $1.00**	Permits the vehicle to be parked **~~for a period of 60 minutes~~ ~~during~~ 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. **~~(b)~~(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. **~~(b)~~(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. **~~(b)~~(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. **~~(d)~~(b)**(4)	Any person who unlawfully removes a device for immobilization of a vehicle	$500.00 fine for each violation
	Subsec. **~~(d)~~(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

Draft

	Subsec. ~~(c)~~**(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: *

S:\ORDINANCES\2015\DRAFT\Ordinance #2015-09 with SA#1 Amending Chapter 62 - Law Enforcement-First Reading.wpd

SYNOPSIS

The proposed amendments clarify which laws are to be enforced; stipulates that the police chief selects the deputy police chief; creates a police chief selection committee; removes the special police section; establishes the police cadet program; brings the disposal of personal property held by the police department into compliance with existing policies and procedures; updates traffic and vehicle fines and simplifies the language regarding violations and penalties and amends Appendix F - Fees and Fines to correspond with the language changes.

(SPONSORS: HARE AND HUTCHISON)

Actions History

05/26/2015 - Scheduled for First Reading at City Council

05/11/2015 - Introduced at Legislative, Finance, and Administration Committee

Draft

FINAL READING

CITY OF DOVER PROPOSED ORDINANCE #2015-07

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

That Chapter 46 - Fire Prevention and Protection, Article IV - Public Occupancies, Section 46-162 - Sprinkler Requirements of the Dover Code be amended by inserting the bold, blue text, as follows:

Sec. 46-162. - Sprinkler requirements.

(a) Places of assembly shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13 when the following apply:

(1) All new indoor places of assembly with an occupant load of 150 persons or greater.

(2) Any interior renovations of 50 percent or more to an existing place of assembly with an occupant load greater than 150 persons.

(3) Any additions or increase in interior size to an existing place of assembly that would create an occupant load of 150 persons or greater.

(b) Places of assembly where alcohol is served for consumption on the premises shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13 when the following apply:

(1) All new indoor places of assembly with an occupant load of 100 persons or greater and where alcohol will be served for consumption on the premises.
(2) Any interior renovation of 50 percent or more to an existing place of assembly with an occupant load greater than 100 persons and where alcohol will be served for consumption on the premises.
(3) Any additions or increase in interior size to an existing place of assembly which would create an occupant load of 100 persons or greater and where alcohol will be served for consumption on the premises.

(c) New educational occupancies of 5,000 square feet or greater shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13.

(d) Three feet of unobstructed clear width shall be designed, designated, and maintained around sprinkler risers for access by firefighters and for maintenance. The three feet shall be measured from the outermost components of the sprinkler riser and all related support equipment.

(e) Fire Department Connections. Unless otherwise approved by the Fire Marshal, Fire Department Connections shall be on the street side of the building and shall be located and arranged so that hose lines can be readily and conveniently attached to without interference from any nearby obstructions as defined by the Fire Marshal's Office. Fire Department Connections shall be a 5 (five) inch Storz. Fire Department Connections shall be within 300 feet of an approved City of Dover Fire Hydrant and within 50 feet of the main entrance of the structure it serves. All Fire Department Connections shall be not less than three feet nor more than five feet in height above finished grade. The Fire Marshal shall have the authority to require more stringent requirements when deemed necessary.

Draft

BE IT FURTHER ORDAINED THAT Chapter 46 - Fire Prevention and Protection, Article IV - Public Occupancies, Section 46-171 - Fire Alarm in Place of Assembly of the Dover Code be amended by inserting the bold, blue text, as follows:

Sec. 46-171. - Fire alarm in place of assembly.

(a) Definition. For the purpose of this article, the requirements set forth in section A.4.1.2 of the most currently published edition of the NFPA Life Safety Code shall be used to determine if an occupancy is a place of assembly.

(b) Occupant load. For the purpose of this article, the requirements set forth in the most currently adopted edition of the NFPA Life Safety Code shall be used to determine the occupant load of a place of assembly.

(c) Fire alarm required. Any new occupancy or new portion of an occupancy determined to be a place of assembly by the fire marshal, and is capable of receiving an occupant load of 75 persons or greater, shall be required to install a fire alarm in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

(d) Fire alarm system required. Any existing occupancy or portion of an existing occupancy determined to be a place of assembly by the fire marshal, and is undergoing renovations in excess of 50 percent of the assessed value of the building and is capable of receiving an occupant load 75 persons or greater or is being enlarged to receive an occupant load of 75 persons or greater, shall be required to install a complete fire alarm system in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

(e) Public Mode Audible Requirements. To ensure that audible public mode signals are clearly heard by occupants of a structure, they shall have a sound level at least 15 decibels (dB) above the average ambient sound level or 5 decibels (dB) above the maximum sound level having a duration of at least 60 seconds, whichever is greater, measured 5 feet (1.5m) above the floor in the area required to be served by the system using the A-weighted scale dBA. In the event the stated requirement cannot be met a Shunt Trip Relay/Switches shall be the approved method of meeting the intent of this section of the code.

ADOPTED: *

S:\ORDINANCES\2015\DRAFT\Ordinance #2015-07 - Ch 46 - Fire Prevention and Protection-Final Reading.wpd

SYNOPSIS

The amendments would allow the Fire Marshal's Office to strategically locate fire department connections for fire department use in the event of an emergency within a sprinklered building, in accordance with NFPA 13 and Delaware State Fire Prevention Regulations. The amendments also relate to shunt trip relays/switches that shut down amplified sounds (example; music) in the event of a Fire Alarm System activation so that the public can exit the building without delay in the event of an emergency, in accordance with NFPA 72 National Fire Alarm Code.

(SPONSORS: HUTCHISON AND MULLANEY)

Actions History

05/26/2015 - Scheduled for Final Reading at City Council
05/11/2015 - First Reading at City Council
04/27/2015 - Introduced at Safety Advisory and Transportation Committee

Draft