REGULAR COUNCIL MEETING

The Regular Council Meeting was held on May 26, 2015 at 7:30 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Hosfelt, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Fire Chief Hall, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 7:36 p.m.).

OPEN FORUM

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

Mr. Austin Auen, 14 Vessel Court, Felton, Delaware, stated that he is the new chairperson for the newly reformed Youth Advisory Committee and shared his excitement to be working for the youth of the City to make things a little safer and more fun for them. He stated that he works hard at everything he does and will make sure that the job gets done and the youth in the City are heard.

In response to Mr. Hutchison, Mr. Auen stated that approximately eight (8) to 10 individuals were serving on the Committee.

Mr. Richard Smith, President, Delaware National Association for the Advancement of Colored People (NAACP), stated that he had come to ask Council, the Police Chief and the Mayor to consider cameras for police officers. He stated that Mayor Dennis Williams, City of Wilmington, would be obtaining more than 300 cameras for Wilmington police officers, Col. Nathaniel McQueen of the Delaware State Police would be obtaining over 400 cameras, and the New Castle County Police would be getting an additional 300 cameras. Mr. Smith felt that it was time for Dover to acknowledge that cameras were needed on its officers, stating that the public and police officers need to be safe and that cameras tell the truth. He indicated that they were also asking for special prosecutors in certain incidents involving law enforcement and the citizens of Dover. Mr. Smith felt that the Attorney General's office sometimes seems to be biased to the community and expressed the desire for a prosecutor who is independent, that no one can dictate to, and who can come up with the right answer. He stated that the police or the citizen may be wrong and the truth was wanted.

Mr. Smith expressed the desire for a good relationship between the City and the black community. Referring to a video of the arrest of Lateef Dickerson that was released by the Dover Police Department on May 7, 2015, Mr. Smith stated that this matter had put Dover in the spotlight, and this was being talked about in Detroit and New York, noting that he had received many phone calls related to this matter. He indicated that he and Mr. La Mar Gunn, President of the Central Delaware Branch of the NAACP, had been working to keep peace in Dover, and he felt it was time for the City to negotiate with them.

Mr. Smith stated that he would like to have the numbers on stop and frisk incidents for blacks, whites, Hispanics, women, etc. He expressed the need to know the truth about what was happening in Dover. Mr. Smith stated that there would be a protest in Dover on June 6, 2015 which would

unite everyone to look at Dover, Wilmington, Seaford, etc. He expressed his belief that Council was willing to make a change in Dover and that Dover is not a country town anymore but an urban city and should be treated this way. Mr. Smith stated that members should talk about how to find jobs for poor blacks and whites in the community and that there could not be one (1) set of laws for one (1) person and a different set for another. Mr. Smith stated that he would be looking for the Council President, Mayor, and City Council to call them to the table to talk about cameras and policies that would not favor one (1) thing and would protect both citizens and the police.

In response to Mr. Sudler's request to elaborate on the protest that was planned on June 6, 2015, Mr. Smith stated various groups, including the Nation of Islam Muslim Temple of Wilmington, would be uniting for a news conference, and these groups were coming together to say that the problem is not just in Dover but is in Wilmington, Laurel, Middletown, Seaford, etc. Mr. Smith felt that blacks' problems had been going on too long that they are hardworking people. He acknowledged that there are problems in the community, but with a black unemployment rate of 25%, or 18% beyond the national numbers, there is a problem. Mr. Smith stated that lack of the right education, kids being kicked out of school, and lack of re-entry programs for those coming back into the community cause a lot of problems. He stated the goal to call on black men to stand up and be men, speak, and take care of their children. Mr. Smith expressed the goal to go to the community and discuss issues such as black-on-black crime or police killing them and saying that it is an accident.

Dr. Joe Burden, Jr. advised members that he has been a citizen of the City Dover his entire life, with the exception of leaving periodically to teach in different states. He indicated that he was currently taking over the business of his father, Mr. Joe Burden, Sr., who was a long-term businessman who owned over 70 properties in the City.

Dr. Burden advised members that when his father passed away in October 2014, he was notified by the City that they would like to meet with him. He and Ms. Altoria Turnage, his property manager, met with Mayor Christiansen and City staff during the first week in November 2014; Mr. Scott Koenig, City Manager; Mrs. Ann Marie Townshend, Director of Planning and Community Development; Ms. Kay Sass, Public Information Officer, and Mr. Tim Taraila, Inspector III, were present, along with himself and his property manager. At this meeting, he was asked by Mr. Koenig what he planned to do with the properties that his father owned. Dr. Burden indicated that he was shocked to be asked this since he did not know that there was a protocol to call in a family when somebody passed away; however, he understood Mr. Koenig's perspective in wanting to understand what he planned to do with the properties because there were a number of them. Dr. Burden indicated that he explained that he was interested in renovating the properties to provide affordable quality houses for people in the downtown area or other areas who cannot who cannot afford homeownership. He stated that he was not against the Downtown Development District; however, he had a problem when people within the community are exploited for the advantage of the project, and when the corporate dollar is put over those who have been paying taxes for 30 years and have been homeowners in the City for 30 years.

Dr. Burden explained that a business plan was developed and initiated at the meeting with Mrs. Townshend and Mr. Koenig in regard to renovating the properties. A property on Kirkwood Street was to be the first project, with a timeline from November 2014 to February 2015, and the

next property was also on Kirkwood Street. It was indicated that the whole objective was to focus primarily on properties in the Downtown Dover Development District. Dr. Burden stated that he did not want to be a cause of people not wanting to invest in the City, he wanted to change the perception that people had about the Burden estate, and he thought that the whole goal was to make Dover a better place. Dr. Burden stated that they had agreed with the business plan and he informed the City that he would be paying taxes. He stated that 12 properties were reviewed at the meeting and he went along with each individual property. Dr. Burden stated that utilities and taxes were paid on these properties, electrical engineers inspected the properties, services were activated and all 12 properties were renovated, with only an inspection from the City remaining. He was paying taxes from November, December, and January. Dr. Burden stated that he then began receiving emails that were directed from Mrs. Townshend regarding properties the sale of properties.

Council President Slavin requested Mr. Burden to hold the balance of his comments for the public hearing later in the meeting.

AGENDA ADDITIONS/DELETIONS

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

Mr. Hare moved for approval of the Consent Agenda, seconded by Mr. Hutchison and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF MAY 4, 2015

The Minutes of the Special Council Meeting of May 4, 2015 were unanimously approved by motion of Mr. Hare, seconded by Mr. Hutchison and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF MAY 11, 2015

The Minutes of the Regular Council Meeting of May 11, 2015were unanimously approved by motion of Mr. Hare, seconded by Mr. Hutchison and bore the written approval of Mayor Christiansen.

PROCLAMATION - NEUROSCIENCE NURSES WEEK

The City Clerk read the following Proclamation into the record:

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.

On behalf of himself and the members of City Council, Mayor Christiansen presented the proclamation to Dr. James Mills, Chief of Neurosurgery, Bayhealth Medical Center. Dr. Mills expressed appreciation for recognizing the important work that neuroscience nurses do at Bayhealth Medical Center and all of the other organizations within the community. He noted that those who have suffered neurologic conditions and their family members know that it requires an entire community to assist them and thanked Council, the Mayor, and everyone in the City of Dover for the support that they had given to patients over the past few years.

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

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that a subdivision application for the Stover Professional Campus was submitted to the Planning Commission in 2005. Referring to the plan for Lands of South Bay Road, LLC - North Gate Center, she explained that the property, which is located on Bay Road just south of the Blue Hen Mall, became bank owned; however, there is now a potential buyer for the lots on the south side of the property. With the development plan the new buyer has for these lots, the southern side of Krisko Circle that was platted as part of the record plan is no longer needed and would be abandoned. The northern part of Krisko Circle would end in a cul-de-sac and would serve the remaining lots. Mrs. Townshend advised members that the request was to abandon a right-of-way, which was platted but not improved or dedicated, and to waive the 450-foot maximum length for a cul-de-sac to allow for an 883-foot cul-de-sac.

Mrs. Townshend explained that this request was reviewed by the Planning Commission on May 18, 2015 and, following a public hearing where no members of the public spoke in opposition, the Planning Commission unanimously recommended the abandonment and the extension of the dead-end cul-de-sac to 883 feet. She advised members that such requests typically are reviewed by the Safety Advisory and Transportation Committee; however, since appointments to that Committee were deferred during the City Council meeting held on May 11, 2015, the request was being presented directly to City Council. She assured members that no public hearing was required.

In response to Mr. Hutchison, Mrs. Townshend indicated that the turning radius provided would meet Fire Department requirements.

Mr. Hare moved for acceptance of the Planning Commission's recommendation to approve the waiver request to allow the project to exceed the maximum length of a dead-end street and to abandon the recorded right-of-way for a portion of Krisko Circle. The motion was seconded by Mr. Hutchison and unanimously carried.

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

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 742 Slaughter Street, owned by Joe Burden, Jr. Members were advised that the property is part of the estate of Mr. Joe Burden, Sr. Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that there are three (3) units on the subject property; Units A and B are in the building in the front of the property and Unit C is a separate building at the rear of the property. She noted that there is a small accessory structure on the property as well. Mrs. Townshend advised members that this property has had 42 code enforcement cases since 2001, including both interior and exterior code violations such as electrical and structural issues, junked vehicles in the yard, junk and debris in the yard, grass violations, and parking on the grass. Units A and B were registered as vacant by staff and the fee had not been paid. Units A and B were condemned by City staff on September 9, 2010 due to structural and electrical concerns.

Mrs. Townshend indicated that there was a period of time when utilities were established in Mr. Joe Burden, Sr.'s name. While the units were condemned, people were periodically found living in them, which led to a case for not having an active rental permit and a rental permit could not be issued because the units were condemned. Unit C was condemned by City staff on February 2, 2015 due to lack of a primary heat source, cooking source, and a failed septic system. Mrs. Townshend noted that the rear building is on a septic system, not on the City sewer. She informed members that there is a $250 unpaid vacant building charge on the property. Mrs. Townshend stated that the property was being brought forward as unfit for habitation and a threat to general welfare. There were multiple code violations and the buildings are unoccupied.

Mrs. Townshend advised those members of Council who were newly sworn in that Chapter 22 of the Dover Code, Article 11, Section 22-381, contains 13 criteria that lend themselves to being a definition of a dangerous building and that whenever staff provides a dangerous building presentation, members are advised which of the criteria in the code that it meets. Mrs. Townshend reviewed a presentation depicting the condition of the structures ***(Exhibit #1)***.

Staff recommended that City Council take the following action for property located at 742 Slaughter Street: 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; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mr. Sudler inquired what the code states regarding the allotted time frame for curing a defective unit when there is new ownership. Responding, Mrs. Townshend stated that the code is silent on the issue of ownership. She stated that there had been quite a few cases in the past where properties had transferred multiple times and the defects had not been corrected. Mrs. Townshend explained that when something is brought forward as a dangerous building, it is because of the condition of the building and the effect that it has on the surrounding area, including safety concerns.

Mr. Sudler asked how long Dr. Joe Burden, Jr. was given to cure the defective conditions once he became the new owner. Mrs. Townshend stated that the front building was condemned in September 2010. She indicated that on February 2, 2015 staff inspected the rear building and found it was not habitable, noting that this was in the middle of winter and there was no heat, no kitchen, and no functioning septic. The structural report indicated that it was not intended as a residence. Units A and B had been in that condition since 2010. It was Mrs. Townshend's belief that the first letter issued to Dr. Joe Burden, Jr. was sent on March 17, 2015, noting that Mr. Burden, Sr. passed away in October 2014. She stated that the issues regarding dangerous buildings are related to the condition of the building and the hazard they pose to the safety of the surrounding area.

In response to Mr. Neil, Mrs. Townshend confirmed that if the owner decided to demolish the building at his cost, he would still own the land and could apply for whatever is necessary to rebuild or build another structure on the property.

Mr. Neil inquired if this would be without prejudice. Responding, Mrs. Townshend stated that the clean hands ordinance applies to anybody pulling a permit in the City. She explained that the City cannot issue a building permit if there are delinquent taxes, utility fees, or other fees owed to the City. The owner could build on the land if he met the conditions of the clean hands ordinance.

Mr. Neil inquired if there would be a lien on the property to pay for the demolition if the City demolishes the property. Mrs. Townshend confirmed that there would, noting that asbestos abatement may be required. She advised members that there had been cases in the City where demolition costs exceeded the value of the land due to the cost associated with asbestos abatement.

Responding to Mr. Anderson, Mrs. Townshend stated that there were two (2) separate, unconnected buildings on the property, as well as an accessory shed. She reiterated that Units A and B are in one (1) building, with one (1) unit upstairs and another unit downstairs, and Unit C is not connected.

Mr. Anderson stated his feeling that it appeared that Units A and B could be repaired in the next 30 days, but Unit C looked as though it needed to be demolished.

Mr. Hare inquired why Units A and B had not been taken down if they were condemned in 2010. Responding, Mrs. Townshend stated that the property owner had indicated that he was planning to make repairs. She explained that staff had been bringing forward buildings in priority order and there were other buildings that were in worse condition than this one. Mrs. Townshend stated that staff had been performing routine inspections to make sure that the building stayed secure; however, she confirmed that it had not been brought up to code.

Mr. Hare suggested that, should the owner state tonight that he could bring the building up to code within the next 60 - 120 days and make it habitable, waiting three (3) or four (4) months would not be a problem since the City had waited five (5) years. He concurred with Mr. Anderson that it might not be worth putting money in to do the work required for Unit C, including fixing the septic.

Mrs. Townshend stated that a structural engineering report provided to staff last week indicated that there were a number of structural corrections that needed to be made in accordance with recommendations of the structural engineer, noting that these were not small concerns.

Mr. Hare suggested that it would be fair to allow 90 days or an agreed upon time to fix those things, especially since Mr. Burden had indicated that 12 buildings had been brought up to where they needed to be.

In response to Mr. Hutchison, Mrs. Townshend stated that 374 buildings were registered as vacant in the City of Dover. Mr. Hutchison stated that Council should keep informed and involved on this, noting that City inspectors are maxed out on what they can do daily to keep up. In addition, he questioned whether a property owner is required to submit a business or finance plan to the City so that it can be known whether they are capable of making the repairs when they have reached the stage that Dr. Burden had reached.

In response, Mrs. Townshend stated that there was no such requirement. She indicated that the challenge is the clean hands ordinance, and delinquent taxes and utility accounts. Staff had not been able to allow the issuance of new rental permits or building permits for buildings that were not deemed to be dangerous, or to allow Dr. Burden to move tenants into the existing properties he owns, because of the delinquencies that are involved.

Mr. Hutchison inquired if the building being discussed was up to date on taxes or in arrears. Responding, Mr. Koenig stated that this property was not current on payments.

Mr. Sudler inquired how much of the total amount due for taxes for all of the properties owned by Dr. Burden had been paid in good faith or satisfied. Responding, Mr. Koenig stated that he did not have that information with him; however, the delinquency list for the current year had 64 entries totaling approximately $25,000 in delinquent taxes under Joe Burden, Jr., as well as an additional $27,000 plus demolition liens that had not been satisfied. Mr. Koenig stated that there was also an additional property listed under Joe W. and Georgianna S. Burden.

Mr. Slavin reminded members that the initiative to address dangerous buildings came from the community, explaining that the people who live in these neighborhoods stated that the City needed to toughen up and get serious about this. He felt that the City had done this over the last number of years and indicated that this was the moment where the rubber hits the road.

Council President Slavin declared the public hearing open.

Mr. Bob Robinson, 52 Ann Avenue, stated that he is a resident of Dover and works for Mr. Burden, who took him in and gave him a job when he was a homeless veteran. He indicated that he had been building and repairing homes for 35 years. Mr. Robinson stated that he had spoken with Scott Engineering in regard to the property in question and reviewed a game plan for this property. He stated that some of the repairs they had spoken about were already in the process; however, work was then stopped because of the lack of a permit, which was being denied because of taxes. Mr. Robinson advised that there was no problem with bringing the property up to code, reiterating that they had already completed 12 properties. He stated that many of the inspectors had indicated that the work he had done was often more than required. Mr. Robinson advised that he would be able to make the repairs within the allotted time if they were able to get the permits, noting that it could probably be taken care of in less than 90-days. He expressed his opinion that the home would be salvageable, and reiterated that they developed a very good game plan with Scott Engineering.

Mr. Robinson stated that they had requested that Unit C be used only for storage of materials for other jobs within the community. Based on his 35 years of experience, Mr. Robinson knew that the building was not salvageable but felt it would be fine for the storage of materials for upgrades for other properties. He asked that members take into account the desire to make these apartments and places livable.

Dr. Joe Burden, Jr. stated that they had been very proactive, having met with Council and the Mayor every two (2) weeks from October 2014 to February 2015, and were cognizant of what was being done; however, around March 17, 2015 he was bombarded with bad news from the City. During that week, he received a call to meet with Mr. Koenig, who put a price tag on the table and said he must pay $40,000 a month for the next three (3) months and he would be out of his father's debt. Dr. Burden stated that he was told that if he did not sign he would be denied services, and he was upset because he felt there was not due process. Dr. Burden stated that they had paid $32,000 since October 2014 for utilities for different properties. He stated that his father was forced to pay $16,000 and his lights at his house were turned off because the City had consolidated all the tenants and buildings and put it all on him. Dr. Burden stated that he had paid off the $16,000. He stated that City staff indicated that they would work with him and he informed them that he was still in probate. Dr. Burden stated that he did not have a problem with paying taxes and was not trying to duck them, noting that his father had held these properties for the last 30 years. He stated that Mr. Koenig had advised him that if he did not pay the taxes or sign the agreement by June 30, 2015, he would be forced to sell all of his houses through a monitions sale. Dr. Burden advised members that during that time Mr. Koenig stopped his services, which stagnated his business to significant effect. He stated that people from all over Dover had been calling him, including those who have had problems going into these houses with kids. Dr. Burden indicated that he was not given due process or made cognizant that this was going to happen until the meeting when Mr. Koenig gave him the ultimatum regarding termination of services. He stated that he pushed the piece of paper away and said he would not sign it because at that point he had not received any document or anything in writing. He informed members that he was going to pay; however, Ms. Kay Sass, Public Affairs/Emergency Management Coordinator, gave him a document that Friday that said that $105,000 was owed and by the time he met with Mr. Koenig on Monday, he was told that there was an error in the previous paperwork and the amount owed was $125,000. Dr. Burden stated that wanted to know how it went up $20,000 from Friday to Monday. He indicated that the numbers were not correct, he was not given any remedies or due process, and there was still an ultimatum that his properties would be shut down.

Dr. Burden expressed his opinion that the house should not be demolished. He stated that on March 17, 2015, after he received a letter from Mr. Koenig and his services were denied, he received two (2) letters from Mrs. Townshend regarding houses to be demolished. He explained that the house located at 128 South Queen Street was supposed to be discussed during the current Council meeting as well; however, it was removed from the agenda because thousands of dollars had been spent on structural engineers. Dr. Burden indicated that countless resources were spent refurbishing this house and that anyone who wanted to take a look at what they were doing could ride down Queen Street and view several properties.

In response to Mr. Hare's previous question regarding the length of time that this matter had taken, Dr. Burden stated that his father had several structural engineering reports done on this property.

It was indicated in the structural engineering report that the engineer had performed an inspection on this same property in 2011 and found it to be structurally sound. Dr. Burden stated that at some point the City required him to do another inspection, and he found that this had occurred at several properties, noting that he was required to get a structural engineer for 128 South Queen Street and there was already a structural engineering report on file and on record.

Dr. Burden stated that they were proactively trying to repair homes in a timely manner. He indicated that his whole goal and objective was to help people in Dover that need houses, noting that not everyone can afford to buy a home or wants one. Dr. Burden stated his understanding that this was a high emphasis, target area in the City and expressed his feeling that he was being targeted in this area. Dr. Burden stated that he is only one (1) person and if he receives five (5) dangerous building violations in one (1) day and only appears for one (1) of them, he was being very proactive. He requested that Council allow 120 days to make this property available.

Dr. Burden expressed the desire to remedy the relationship between the inspectors, the City of Dover, himself, and other people in the community, as it was his understanding that other people felt the same way. He reiterated that he did not have a problem paying taxes, but was not given a choice. He stated that in the meeting he was told that he must sign and at that time he did not even know that the debt was $120,000.

Council President Slavin declared the public hearing closed.

Mr. Sudler asked Dr. Burden what amount was owed on Units A and B. Responding, Dr. Burden indicated that it was $442. Mr. Sudler inquired if this could be paid by June 30, 2015 and Dr. Burden stated that he would pay it the following morning.

Mrs. Townshend explained that under the clean hands ordinance, the City can issue a permit for repairs to a dangerous building and that the taxes owed on this property was not the issue tonight.

Dr. Burden stated that this is an issue when the City stops a person who can bring money to the City.

Mr. Anderson moved to accept staff's recommendation on Unit C and that it be declared a dangerous building and repaired or demolished by June 26, 2015 in accordance with the process recommended by staff, seconded by Mr. Neil.

Mr. Hare questioned if Unit C could be totally gutted and turned into a storage building for Units A and B. Responding, Mrs. Townshend noted that Mr. Robinson had mentioned using it as a storage building for the work being done on other properties, and this would not be permitted because it is located in a general residence zone. She explained that it could be repaired as a shed or accessory structure for use for the building on the property. She wished to make this clear for the record since this can be an issue when businesses are being run in residential zones.

Mr. Anderson stated that he was sympathetic to Dr. Burden and intended to support giving him time to repair Units A and B. He stated that, from a fiscal point of view, the City has a very limited amount of money for dangerous property demolition and it had been Council's habit to use this money for property owners who are ignoring the City or cannot be found. Mr. Anderson felt it would be a waste of money and limited resources to use it on properties that can and will be repaired.

He indicated that the reason for his motion regarding Unit C was that he had personally heard complaints and he felt that this should be acted upon immediately.

Mr. Anderson stated that Lincoln Park is a great historic and core neighborhood to the City and he felt it important to protect it and keep it from going downhill. He felt that Unit C was beyond repair and should be repaired or demolished, stating his opinion that the shed on the property could be used for storage.

The motion to accept staff's recommendation on Unit C and that it be declared a dangerous building and repaired or demolished by June 26, 2015 in accordance with the process recommended by staff carried by a unanimous roll call vote.

Mr. Anderson moved to approve staff's recommendation in regard to Units A and B located at 742 Slaughter Street but to allow 120 days for the property to be repaired or demolished and that all appropriate permits be issued to accomplish this, seconded by Mr. Hare.

Mr. Hutchison questioned if the applicant would have to present a business and financial plan to show that they are capable of taking care of the concerns that had been raised. Responding, Mrs. Townshend stated that the applicant would simply need to pull a building permit that addresses the repairs cited in the structural engineering report.

Mr. Hutchison stated that delaying this matter would be one (1) thing; however, he felt that Dr. Burden should also come in within 10-15 days to show a business plan and financial plan of his capabilities to be able to do what the City expects.

Mr. Sudler stated that, being a contractor and builder himself, he did not think it necessary to show a business and finance plan. He indicated that this was not a normal procedure and would be asking for additional information that is not asked of everyone.

Mr. Hutchison reminded members that there are 374 vacant homes in the City and from time to time Mrs. Townshend presents matters of concern. He questioned how many times Council had extended the time with no results. Mr. Hutchison felt that Council could not continue to have staff do the same thing that had already been done. He stated the need to work together as a team. Mr. Hutchison expressed his deep appreciation for Dr. Burden's oversight and management of those facilities; however, he felt that Dr. Burden also had a responsibility regarding this issue. Mr. Hutchison reminded members that this property did not just come up yesterday, noting that staff had done their job and were only asking Council to make sure that Dr. Burden is capable. He indicated that Dr. Burden has a lot of buildings and responsibilities and will not be able to save every building. Mr. Hutchison felt that Dr. Burden must do a good job using his resources and identifying which buildings he will save and which he will not, and the City must work with him.

Mr. Sudler concurred; however, he felt that it was not up to the City to decide or to help Dr. Burden decide and the privilege of being an owner was to have that right. Mr. Sudler felt the City would be meddling too much to ask Dr. Burden to do a business plan, including an executive summary. Mr. Sudler suggested the use of different terminology than business plan, such as plan of action or deadlines.

Mr. Anderson stated his feeling that Councilman Hutchison's comments came from a well-placed concern regarding an action plan over all these properties; however, he stated that the City does not require this for anyone else and this would be opening the door for big government to look into something relatively simple. Mr. Anderson stated that the only thing the City cared about was whether Dr. Burden was capable of doing this within the next 120 days. He noted that Mr. Robinson had testified that the repairs could be accomplished in 90 days and when Dr. Burden had been granted time for past actions, those properties had not come back for demolition. Mr. Anderson stated that Dr. Burden had kept his word. He noted that some property owners had kept their word and others had not. Mr. Anderson felt that Dr. Burden could not be judged for the problems that his father ran into when the recession turned his business model, which had been a pretty good operation, upside down. When the recession began, Mr. Burden had a lot of non-performing properties and problems, which happened to a lot of landlords. Mr. Anderson stated that things must change and this is why the motion was made to remove the property that is a danger to the public. He expressed his feeling that there is a big difference between a property that is a danger to the public and one (1) that is not currently inhabitable, noting that Units A and B were not currently a danger to the public.

Mr. Hare expressed his concern regarding the discussion regarding $100,000 versus $120,000 in regard to Dr. Burden's debt owed the City. He felt that this should be addressed between Dr. Burden and City staff. Mr. Hare stated that he was in favor of allowing 120 days for repair or demolition of the property. He did not care whether Dr. Burden had a business plan and felt that the property should be should be torn down at the end of 120 days if it were not up to code.

In response to Mr. Hosfelt, Mr. Koenig stated that the value of the property was approximately $446,000 with the current assessment.

Responding to Mr. Hosfelt, Mrs. Townshend stated that staff only estimates the cost of demolition, not the cost to repair.

Mr. Hosfelt questioned whether there was another side to the matter that Dr. Burden brought before Council. Mr. Koenig stated that staff met with Dr. Burden several times prior to and during February. Several meetings were canceled and not rescheduled, and Dr. Burden came in toward the end of March. At that point, there was a significant amount of back taxes, vacant building fees, code citations, and past due utilities. Mr. Koenig stated his recollection that the amount owed was $125,000. He indicated that Dr. Burden was given a one (1) page payment plan to pay over three (3) installments and he declined, stating that he needed to have his attorney review it and would get back to staff. Mr. Koenig stated that his office had heard nothing since then related to a payment plan. Dr. Burden had been free to come in and pay back taxes but at the point he declined the payment plan he was no longer able to move anyone into those properties. Mr. Koenig stated that if Council chose to allow this to go forward, Dr. Burden would be able to repair the property; however, he explained that because of the clean hands ordinance, no one would be able to move into the property and Dr. Burden would not be able to get a rental permit or put the electric service into a tenant's name until all back payments are made.

In response to Mr. Neil, Mrs. Townshend confirmed that if the taxes were paid on this particular property, Dr. Burden would be able to obtain the necessary permits for the repair of this property.

Mr. Lewis questioned whether, in Mrs. Townshend's opinion, this property was a danger to the public. Responding, Mrs. Townshend stated that dangerous buildings brought forward are a danger to the public for a number of reasons, explaining that some are found unsecured, many are in states of deterioration and have people living in them that should not be, and some have illicit activity happening in them. She stated that the buildings brought forward to Council are the worst of the worst. Mrs. Townshend indicated that she did not believe that the building would fall down tomorrow; however, she did feel that the existence of this building in its current state without repairs posed a threat to the community. She advised members that there are many such structures throughout the community and staff must prioritize what is brought forward.

Mr. Lewis stated that there is a vacant house in his community that kids broke into. He stated his main concern was safety and the possibility of the public or children getting into the house and being injured.

Mrs. Townshend stated that in the past there were quite a few vacant buildings that people had gotten into that were becoming fire locations, most often in the winter time, and sometimes this had been caused by kids doing mischief. She concurred that vacant buildings post a threat to the community, especially when there are so many of them.

Mr. Hare noted the possible difficulty in Dr. Burden paying back the funds owed to the City because he is unable to rent the houses that had been brought up to code due to the debt he owes. He questioned if an agreement could be signed to allow Dr. Burden to rent properties and have the rent paid directly to the City of Dover, or to create a trust fund with a percentage of the rent being given to the landlord and a percentage going to the City of Dover. In this way, the debt could be eliminated. Responding, Mr. Koenig stated that the City cannot get into a position of collecting rent for a private entity, stating that Dr. Burden was given a payment plan so that he could become current by the end of this fiscal year and he declined; he did not submit a revision or ask for more time, he simply declined and left. Mr. Koenig stated that he was left administratively hanging because he has a fiduciary responsibility to the Council and the City to collect past due taxes. He indicated that it did not matter to him whom Dr. Burden rents to as long as there is a proper rental license. Mr. Koenig stated that these bills must be collected but he was not getting any cooperation. Mr. Sudler asked how many of the 12 units that had been modified were occupied and colleting rent. Responding, Dr. Burden stated that he met with Mr. Koenig every two (2) weeks and the agreement was that he would pay taxes as he went through the properties. He explained that he paid property taxes, renovated 12 properties, and was in the process of putting people into those properties when he started receiving dangerous building notifications and also received the offer from Mr. Koenig. Dr. Burden indicated that he did not have a problem paying taxes but would like to get information up front.

Mr. Sudler asked if Dr. Burden was able to pay the tax amount due, or at least 50% of this amount, so that he could be current and able to rent out his units. Responding, Dr. Burden stated that he been stagnated for the last three (3) months and had invested $32,000 in back taxes and utilities, plus $3,000 in repairs. He felt that Mr. Koenig should have been up front with him in October.

Mr. Sudler reiterated his question as to whether Dr. Burden was capable of paying 50% of all debts owed. Responding, Dr. Burden stated his understanding that he had to pay the taxes before the end of the fiscal year. He indicated that he did not sign the plan because he knew it was his responsibility to do this and did not think he had to sign a plan. Dr. Burden stated that he understood that if he was

negligent in doing this, his houses would be sold. He indicated that it was not planned to stop paying property taxes to the City of Dover after 31 years of paying them. Dr. Burden stated that the problem was that he was going through probate and waiting for life insurance and other funds to come in and thought that Mr. Koenig would be sensitive to this. He stated that Mr. Koenig had stated that the City would be sensitive to this and he did not know what had happened.

Mr. Anderson moved to suspend the rules to allow Dr. Burden to speak, seconded by Mr. Sudler and unanimously carried.

In response to Mr. Anderson regarding the status of the probate on these properties, Dr. Burden stated that probate is a process that takes eight (8) months from opening to closing on an estate. He stated that he was not legally eligible to close probate right now but had turned in his inventory. Dr. Burden advised members that he had been advised that the properties were transferred to him but he contended that he was not the owner of the property. He went to Kent County and was told that they intended to send him a letter.

Mr. Anderson stated that he had inquired about probate because of his understanding that at this stage Dr. Burden could not get a loan or do any of the things necessary to pay the City back. Responding, Dr. Burden advised members that he is the representative for the estate and has the power to sell or rent property and to conduct business. He noted that this had nothing to do with him in regard to his finances. However, he stated that he was being stagnated on his ability to rent out properties and that he was actively paying back the City $40,000.

Mr. Anderson asked if the City had filed anything as a claimant for debts in the probate process. Responding, Dr. Burden indicated that the only thing he had received from the City was the paper that Mr. Koenig had asked him to sign when he was told that he owed the City $120,000 and must pay $40,000 per month or his services would be shut off. He indicated that he had been collaborating with Central Delaware Habitat for Humanity (CDHFH) and, thanks to Mrs. Townshend, had met with them. Dr. Burden stated that he had put together a property agenda but had not had the time or energy to deal with the properties and was going to sell them. It was his understanding that CDHFH would be in contact with him this week to make an offer on a number of properties that his father owned in the Downtown Development District and he was hopeful that this would happen. Dr. Burden requested that he and his family be left alone so they can eat and pay off their bills.

Mr. Hare called the question, seconded by Mr. Anderson and unanimously carried.

The motion that Units and A and B located at 742 Slaughter Street be declared a dangerous building and subject to demolition, as recommended by staff and amended to allow 120 days for repair or demolition by September 26, 2015, carried by a roll call vote of six (6) yes (Anderson, Sudler, Neil, Lewis, Cole, and Hare) and three (3) no (Hosfelt, Hutchison, and Slavin).

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE FOR PROPERTY LOCATED AT 222 REED STREET, OWNED BY UNION AME CHURCH

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 222 Reed Street, owned Union AME Church. Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that the property is a two (2) story

wood-framed, single-family home that had been vacant since January 18, 2013 and is registered with the City as a vacant building. She stated that 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 made repairs to life safety issues but had made no further repairs since the last inspection in March 2012. She advised that the home was still vacant and had no utilities and numerous outstanding code violations. Mrs. Townshend stated that there had been three (3) code enforcement cases on the property since 2008, there were exterior violations, utilities were terminated in January 2013, and the City registered the building as vacant in May 2013. On March 7, 2014 the City placed the property on the dangerous building list due to no active utilities and open code violations. Mrs. Townshend advised members that there was an outstanding $500 vacant building charge. She explained that there is a house and church on the property and the church faces New Street.

Mrs. Townshend explained that staff was approached by the church's representatives, who wanted to subdivide the property so that they could then sell the property with the house, since they did not have the funds to repair or demolish it. She advised members that in February 2014, the Board of Adjustment granted a variance for the lot size and the setbacks, since it is a very small lot and the house is very close to the property line. Mrs. Townshend stated that in March 2014 an application was filed for a minor subdivision to create the new parcel. The application was approved by the Planning Commission on May 19, 2015 and the subdivision was recorded on October 29, 2014. She stated that staff had held off on bringing this forward as a dangerous building but was now doing so because it was unfit for habitation and a threat to general welfare. She noted that there were numerous code violations and it was unoccupied. Mrs. Townshend reviewed a presentation depicting the condition of the property ***(Exhibit #2)***.

Staff recommended that City Council take the following action for property located at 222 Reed Street: 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 structure if not completed by the owner within 10 days of the date established by City Council; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of 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.

Mr. Anderson expressed his thanks for the work Mrs. Townshend was doing, noting that it is quite important in neighborhoods across the City. He questioned if a lien would go against the church at that location if the building were torn down. Responding, Mrs. Townshend stated this would not occur because the property had now been subdivided. The subdivision was recorded in October 2014 and the parcels were separate; therefore, the lien would be tied to a separate parcel.

Mr. Sudler inquired as to the nature of the last correspondence with the pastor of the church in regard to the property and if they were going to try to rehabilitate the property. Responding, Mrs. Townshend indicated that they were more interested in selling the property and she had provided them with contact information for Central Delaware Habitat for Humanity (CDHFH) and another person looking for properties downtown. It was her belief that they had made contact with both of these individuals but she was unsure if either was moving forward.

Council President Slavin declared the public hearing open.

Rev. Arthur Bacon, Trustee, Union American Methodist Episcopal Church, stated that they had contacted both the Maltese Group and CDHFH. Since then, the house had been boarded up completely and for sale signs were put up. Rev. Bacon noted that the house had been shown earlier in the day. He stated that it was the church's intention to sell the house as is and they were requesting more time to do so. They had received several calls relating to the sale of the house.

Mr. Anderson inquired how much additional time was needed by the church. Responding, Rev. Bacon reiterated that the house was boarded up approximately a week and a half ago. He stated that earlier today they took the boards down and took a prospective client through. He indicated that he had already talked to CDHFH, who planned to look at it; however, he was unsure whether they had contacted the church bishop yet. Rev. Bacon stated that he had also talked to the Maltese Group, and the church may have a buyer soon. He stated that the church could not afford to demolish the house but hoped to sell it.

In response to Mr. Neil, Rev. Bacon stated that those who had expressed interest in the house were made aware that the house would be sold as is and that they would have to bring it up to code or it could be torn down.

Mr. Sudler questioned how soon Rev. Bacon thought the house could be closed on. In response, Rev. Bacon stated that he thought 30 days would be adequate time.

Responding to Mr. Hosfelt, Mrs. Townshend explained that if the property were sold, the process would start all over again and the City would be back in the same position, noting that sale of the property does not correct the problem.

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

Mr. Lewis inquired how much it costs the City to demolish properties. Mrs. Townshend stated that the typical cost was between $10,000 and $15,000 depending on the asbestos content.

Mr. Lewis questioned if any of these funds could be recouped or if the City would be stuck with the bill. Responding, Mrs. Townshend stated that costs are placed as a lien against the property and when the property sells the City recovers its funds. In some cases, the cost is added to the tax bill or funds can be recovered through a monitions sale. She stated that recovery of the funds is a slow process.

Mr. Sudler inquired what the average time frame would be to satisfy and cure a lien before the house is put up for sheriff's sale or added to the taxes. Responding, Mrs. Townshend stated that demolition charges would be billed and then would go on the next tax bill, noting that sometimes it is a year before charges are added to the tax bill. She explained that the City does not take properties to monitions sale unless they are two (2) years tax delinquent, so this is typically a two (2) year process. In some cases, there are other ways to recover the cost, for instance, through a law suit; however, the City does not desire to spend more to recover the money than would be spent to demolish the house.

Mr. Neil inquired how long the buyer would be given to bring the house up to code if there were a bill of sale on the property by June 26, 2015. Responding, Mrs. Townshend stated that granting 90 days would allow time for the property to transfer and for the new owner to make some repairs if it was sold within a month. If the repairs were not made within that amount of time, staff would have to proceed with the demolition.

Mr. Neil inquired if the City would then have to start over with the process. In response, Mrs. Townshend stated that the action would be attached to the property, noting that there had been several buildings that had transferred after Council's action and the new owner purchased the demolition when they purchased the property.

In response to Mr. Lewis, Mrs. Townshend confirmed that the $500 owed in fines would be taken out if the property were sold and the vacant building fee would be a lien on the property.

Mr. Hosfelt moved that the property located at 222 Reed Street, owned by Union AME Church, be declared a dangerous building and subject to demolition, as recommended by staff, seconded by Mr. Cole.

Mr. Anderson moved to amend the motion to allow the recommendation to take affect in 90 days instead of 30 days.

Mr. Hosfelt stated that he was amenable to the amendment.

Mr. Cole stated that he did not agree to the amendment.

Mr. Anderson moved to amend the motion to allow 90 days, until August 26, 2015, seconded by Mr. Sudler and carried by a roll call vote of eight (8) yes (Anderson, Sudler, Neil, Lewis, Hosfelt, Hare, Hutchison, and Slavin) and one (1) no (Cole).

The motion to declare the property located at 222 Reed Street, owned by Union AME Church, a dangerous building and subject to demolition, as recommended by staff and amended to allow 90 days for demolition or repair by August 26, 2015 carried by a vote of eight (8) yes (Anderson, Sudler, Neil, Lewis, Hosfelt, Hare, Hutchison, and Slavin) and one (1) no (Cole).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - MAY 11, 2015

The Legislative, Finance, and Administration Committee met on May 11, 2015 with Chairman Slavin presiding.

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.

The Committee recommended approval of Proposed Ordinance #2015-09 with the amendments presented.

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

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.

The Committee recommended 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.

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

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.

The Committee recommended 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.

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

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.

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

REVENUE REPORT AS OF APRIL 2015

Members were provided the Revenue Report as of April 2015.

By consent agenda, Mr. Hare moved for acceptance of the Revenue Report as of April 2015, seconded by Mr. Hutchison and carried by a unanimous roll call vote.

SETTING OF PUBLIC HEARING - ELECTRIC FUND BUDGET

A public hearing on the Electric Revenue Fund Budget is required for compliance with the City of Dover Electric Revenue Bonds Resolution prior to adoption of the budget. Staff recommended that the public hearing be set for June 8, 2015 at 7:30 p.m.

Mr. Hare moved to set a public hearing for June 8, 2015 at 7:30 p.m. for the City of Dover Electric Fund Budget, seconded by Mr. Sudler and unanimously carried.

2015/16 COMMITTEE APPOINTMENTS - COUNCIL PRESIDENT *(Deferred during the Annual Meeting of May 11, 2015)*

Council President Slavin requested approval of the following appointments:

City Chaplains
Chaplain Wallace R. Dixon of Bibleway Temple Church of God in Christ
Reverend Theodore A. Henderson of Dover Christian Church
Bishop Thomas L. Holsey of Bibleway Temple Church of God in Christ

Civilian Pension Plan Board of Trustees
David L. Anderson
Scott W. Cole

Compensation Commission
Council President Slavin requested that this appointment be deferred.

Construction Code Appeals Committee
Roy Sudler, Jr. - Chair
Brian E. Lewis
Scott D. Koenig - City Manager

Legislative, Finance, and Administration Committee
William F. Hare - Chair
Scott W. Cole
Roy Sudler, Jr.
Daniel T. Shevock (by Council President)
Andrea Maucher (by Committee Chair)

Other Post-Employment Benefits (OPEB) Trust Fund Board
Scott W. Cole
James E. Hosfelt, Jr.

Parks, Recreation, and Community Enhancement Committee
David L. Anderson - Chair
James E. Hosfelt, Jr.
Brian E. Lewis

Council President Slavin requested that the appointment of the civilian committee members be deferred.

Police Pension Plan - Retirement Committee
David L. Anderson
Scott W. Cole

Safety Advisory and Transportation Committee
James E. Hosfelt, Jr. - Chair
James L. Hutchison, Sr.
Roy Sudler, Jr.
Dana Shelton (by Council President)
Thomas J. Keller, Jr. (by Committee Chair)

Utility Committee
James L. Hutchison, Sr. - Chair
Fred A. Neil
Courtney Stewart (by Council President)
Lester L. Blakeman, Sr. (by Committee Chair)

Council President Slavin requested that the appointment of an additional Council member be deferred.

By consent agenda, Mr. Hare moved for approval of the Committee appointments for 2015/2016, as recommended by Council President Slavin. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote.

2015/16 MISCELLANEOUS APPOINTMENTS - COUNCIL PRESIDENT *(Deferred during the Annual Meeting of May 11, 2015)*
Council President Slavin requested approval of the following appointments:

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

City/County Committee (Liaison to Kent County)
Mayor Robin R. Christiansen
Council President Timothy A. Slavin
William F. Hare
James L. Hutchison
Fred A. Neil
Scott Koenig, City Manager

Kent County Tourism Board of Directors (Voting Liaison Member)
Fred A. Neil

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

By consent agenda, Mr. Hare moved for approval of the appointments for 2015/2016, as recommended by Council President Slavin. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote.

APPOINTMENTS RECOMMENDED BY COUNCIL PRESIDENT SLAVIN *(Deferred during the Annual Meeting of May 11, 2015)*
Council President Slavin requested approval of the following appointments:

President's Counsel on Public/Private Partnerships and the Future of City Hall, Weyandt Hall, Former Dover Library, and Other City Properties
James L. Hutchison, Sr. - Chair
David L. Anderson
Fred A. Neil
Kenneth Clendaniel
Joseph McDaniel
Kevin Mitten
Adam Perza
Scott Koenig
Donna Mitchell

By consent agenda, Mr. Hare moved for approval of appointments recommended by Council President Slavin. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote.

2015/16 COMMITTEE APPOINTMENTS - MAYOR ***(Deferred during the Annual Meeting of May 11, 2015)***
Mayor Christiansen submitted the following appointments for approval:

Compensation Commission
Mayor Christiansen requested that this appointment be deferred.

Downtown Dover Partnership Board of Directors
Mayor Christiansen requested that the appointment of five (5) State Government representatives be deferred.

Property Maintenance Code Board of Appeals
Adam M. Perza

By consent agenda, Mr. Hare moved for approval of the Committee appointments for 2015/16, as recommended by Mayor Christiansen, seconded by Mr. Hutchison and carried by a unanimous roll call vote.

REAPPOINTMENTS - RECOMMENDED BY MAYOR CHRISTIANSEN
Mayor Christian submitted the following reappointments for approval:

Planning Commission ***(Three (3) Year Terms to Expire June 1, 2018)***
Michael J. Ambruso, Sr. - Second District
Thomas Holt - Second District
Dean Holden - Third District

By consent agenda, Mr. Hare moved for approval of the reappointments, as recommended by Mayor Christiansen, seconded by Mr. Hutchison and carried by a unanimous roll call vote.

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

Council President Slavin 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 June 8, 2015.

Mr. Scott Koenig, City Manager, reviewed the proposed amendments. He advised members that the proposed ordinance would make changes to Chapter 62 - Law Enforcement and would clarify which laws are to be enforced, stipulate that the Police Chief would select the Deputy Police Chief, create a Police Chief Selection Committee, remove the special police section, establish the police cadet program, bring the disposal of personal property held by the Police Department into compliance with existing policies and procedures, update traffic and vehicle fines, and simplify the language regarding violations and penalties, as well as amend Appendix F - Fees and Fines to correspond with the language.

Mr. Anderson questioned what the reasoning was in expanding the cadet program to the entire City instead of the downtown area. Responding, Police Chief Paul Bernat stated that this program would enable the Department to go out into neighborhoods, ride bikes and be seen. He felt it was important that the neighborhoods have the feeling of protection as well as the downtown area and stated the desire not to be tied down to just one (1) area.

Mr. Sudler thanked Chief Bernat, stating that he agreed with this change and believed that a lot of his constituents would also appreciate it.

Mr. Hosfelt noted the provision that was struck in regard to Sec. 62-32 - Chief of police generally, states "One of the regular members of the police department shall be designated by the mayor to serve as chief of police." He questioned if the City would go outside the Police Department to select the police chief. Responding, Mr. Koenig expressed his belief that the purpose of the amendment was to open up selection to both internal and external candidates.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of Proposed Ordinance #2015-09, with Staff Amendment #1 (SA#1) as read by the City Clerk, by title only, as follows:

➢ PROPOSED ORDINANCE #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.

FINAL READING - PROPOSED ORDINANCE #2015-07

The First Reading of the following proposed ordinance was accomplished during the Council Meeting of May 11, 2015:

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. Hare moved that the Final Reading of proposed Ordinance #2015-07 be acknowledged by title only, seconded by Mr. Sudler and unanimously carried.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the proposed ordinance would bring two (2) sections that are currently adopted by reference through the National Fire Protection Administration (NFPA) under the City's fire prevention regulations. The amendments would add clarity since these provisions are already required through adopting the NFPA Codes by reference. She advised members that the first of these changes relates to allowing the Fire Marshal's office to strategically locate Fire Department connections for buildings that are sprinklered in a way that they would be most conspicuous to the Fire Department. This is already part of the Delaware State Fire Prevention Regulations and NFPA 13, which are both utilized by the City.

Mrs. Townshend stated that the second amendment would reiterate the idea that a shunt trip switch is required in places that have amplification. She explained that this is already a requirement and if the fire alarm goes off, it would shut down the amplification system so that occupants of the building can hear the fire alarm in order to escape. Mrs. Townshend stated that this is something that has regularly come up during building plan review when applicants question where this can be found in the City's code. Rather than sending them to two different NFPA Code Books, the Fire Marshal believed it would be helpful and more clear to put it in Chapter 46.

Mr. Sudler questioned if the code is identified when fire code violations are sent to owners. Responding, Mrs. Townshend stated that the code is referenced in the violation notices.

Mr. Hare moved for adoption of the proposed ordinance, seconded by Mr. Hutchison, and by a roll call vote of six (6) yes (Neil, Cole, Hosfelt, Hare, Hutchison, and Slavin) and three (3) no (Anderson, Sudler, and Lewis), Council adopted Ordinance #2015-07, as follows:

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 to read 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.

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 to read 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: MAY 26, 2015

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Sudler announced that the first quarterly meeting held by the Fourth District was very successful. He thanked Mr. Hutchison for attending the meeting and supporting the district, and acknowledged that other Council members would have liked to attend but were unable to due to Freedom of Information Act (FOIA) requirements. Mr. Sudler indicated that he would attend meetings held by other members, noting that he supported the entire City and members represent not only their district but the City as a whole when they go.

Mr. Slavin announced that the budget hearings for the City's fiscal year 2015/2016 budget would begin tomorrow evening, May 27th at 6:30 p.m. in the Council Chambers. He stated that additional budget meetings were scheduled for May 28th at 6:00 p.m., and June 1st, 2nd, and 3rd at 6:00 p.m. in the Council Chambers, noting that the meetings are open to the public.

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

Meeting adjourned at 9:03 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of May 26, 2015, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Council-Minutes\2015\05-26-2015 REVISED to correct Dana Shelton's name.wpd

Exhibits
Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 742 Slaughter Street
Exhibit #2 - Presentation - Violation of Dangerous Building Ordinance - 222 Reed Street

Violation of Dangerous Building Ordinance 742 Slaughter St

Planning & Inspections Department

Dover, Delaware

May 26, 2015


145
150
749
753
Cherry St
731
725
719
717
715
711
Slaughter St
720
726
730
A & B
Accessory
Structure
742
756
758
748
760
C
768
729
731
733
735
749
755
759
763

742 Slaughter St
Case History

- 42 code enforcement cases since 2001
  - Interior code violations – electrical issues – structural issues
  - Junked vehicles – junk & debris in yard
  - Numerous grass violations – parking on the grass
- Units A & B registered vacant by staff
- Units A & B condemned by City Staff on September 9, 2010 due to structural & electrical concerns.
- Unit C condemned On February 2, 2015 due to no primary heat source, no primary cooking source and a failed septic system.

Outstanding Charges

- $250.00 in unpaid vacant building registration fees

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

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*

Units A & B


05/20/2015


742
05/20/2015


742
05/20/2015


05/20/2015


05/20/2015


03/05/2010


03/05/2010


03/05/2010

03/05/2010

03/05/2010


ON
03/05/2010


Palmolive
Antibacterial
HERSHEY'S
Strawberry
Kiss
03/05/2010


03/05/2010


03/05/2010


03/05/2010

Unit C


05/20/2015


05/20/2015


05/20/2015


02/02/2015


DANGER
02/02/2015

9 Month Control
Kills Fast!
02/02/2015


THOMPSON FLOWGUARD GOLD
02/02/2015


02/02/2015

Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property repaired or demolished by **June 26, 2015** by the owner or equity owner at their own risk.
- 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**.
- 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.

Violation of Dangerous Building Ordinance 222 W Reed St

Planning & Inspections Department

Dover, Delaware

May 26, 2015

222 W Reed St
Case History

- 3 code enforcement cases since 2008
  - Exterior code violations – damaged foundation wall
  - Broken window panes – trash/debris in yard
  - Flaking paint – open outlets – exposed wiring
- The utilities were terminated on January 18, 2013
- Registered as vacant by the city on May 8, 2013
- On March 7, 2014, City Staff placed the property on the dangerous building list due to no active utilities and open code violations.
- Outstanding Charges
  - $500.00 in unpaid vacant building registration fees

222 W Reed St
Case History

- House on same parcel as church building
- February 2014 – Variance granted by Board of Adjustment for lot size and setbacks
- March 2014 – application for subdivision
  - May 19, 2014 – Planning Commission approval
- Subdivision recorded on October 29, 2014

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

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*


SALE
SALE
SALE


SALE
SALE
SALE


FOR
SALE




12/13/2011 14:25


12/13/2011 14:25


12/13/2011 13:50


12/13/2011 14:02


12/13/2011 14:02


12/13/2011 14:09


12/13/2011 14:09


12/13/2011 14:11

Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property repaired or demolished by **June 26, 2015** by the owner or equity owner at their own risk.
- 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**.
- 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.