REGULAR COUNCIL MEETING

The Regular Council Meeting was held on August 25, 2014 at 7:30 p.m. with Council President Bonar presiding. Council members present were Mr. Anderson, Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Slavin, Mrs. Williams, and Mr. Hutchison. Mr. Hare was absent.

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

OPEN FORUM

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

Mr. Roy Sudler, Jr., 353 State College Road, on behalf of the Social Action Commission of Mt. Zion AME Church, invited Chief Bernat to partner with them to bring the community and Dover Police Department together to resolve the recent murders and prevent such incidents in the future.

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

AGENDA ADDITIONS/DELETIONS

Mr. Slavin requested that Item #9 - Tentative Labor Contract with American Federation of State, County and Municipal Employees (AFSCME) be deferred until the Regular Council Meeting of September 8, 2014 to allow for the review of additional financial analysis.

Mr. Hutchison moved for approval of the agenda, as amended, seconded by Mrs. Williams and carried with Mr. Lynn disqualifying himself.

Mr. Slavin moved for approval of the Consent Agenda, seconded by Mr. Dixon and carried by a roll call vote of seven (7) yes (Anderson, Dixon, Perza, Slavin, Williams, Hutchison, and Bonar), one (1) no (Lynn), and one (1) absent (Hare).

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF AUGUST 11, 2014

The Minutes of the Regular Council Meeting of August 11, 2014 were unanimously approved by motion of Mr. Slavin, seconded by Mr. Dixon and bore the written approval of Mayor Christiansen.

PRESENTATION BY KENT COUNTY LEVY COURT COMMISSIONERS ALLAN ANGEL AND BRAD EABY - RECIPROCAL BORROWING FUND SPECIAL ALLOCATION

Levy Court Commissioner Brad Eaby reminded members that the County collects a tax each year, which is then distributed among the libraries. On behalf of Levy Court, Commissioner Eaby presented a check to the City of Dover in the amount of $40,000.

PRESENTATION - RECOGNITION OF SERVICE - GARY PATTERSON - DOWNTOWN DOVER PARTNERSHIP (MAY 1989 - JULY 2014)

On behalf of members of Council, Mayor Christiansen presented Mr. Gary Patterson with a Dover Cup in recognition of his service on the Downtown Dover Partnership from May 1989 through July 2014. He remarked that it used to be said by Mayors and Council members that if there was any hard task to do, let Gary do it. Mayor Christiansen stated that the small token of appreciation did not cover Dover and her citizens' appreciation for the work that Mr. Patterson has done on their behalf.

Council President Bonar reiterated the Mayor's appreciation for all that Mr. Patterson has done for the City throughout the years and for encouraging his family and others to become active in the community.

Mr. Patterson stated that he started his service to the City as a member of the Library Commission in 1978. He recalled that he had worked with every City Manager since Bill James and every Mayor since Crawford Carroll and many interesting Council members, all of whom he considered friends and colleagues.

PROCLAMATION - NATIONAL PREPAREDNESS MONTH

The City Clerk read the following Proclamation into the record:

WHEREAS, National Preparedness Month creates an important opportunity for City of Dover residents to prepare their homes, businesses, and communities for potential natural disasters or terrorist attacks; and

WHEREAS, investing in emergency preparedness can reduce injuries, fatalities, and economic devastation in our community and nation; and

WHEREAS, the Federal Emergency Management Agency's "Ready" Campaign, Citizen Corps, and other federal, state, local, private, and volunteer agencies are working to increase public activities to prepare for emergencies and to educate individuals on how to take action; and

WHEREAS, the Ready Campaign established four universal building blocks of emergency preparedness, Be Informed, Make a Plan, Build a Kit and Get Involved with the 2014 National Preparedness Month Theme being "Be Disaster Aware, Take Action to Prepare"; and

WHEREAS, emergency preparedness is the responsibility of every citizen of the City of Dover and all citizens are urged to make preparedness a priority and work together, as a team, to ensure that individuals, families, and communities are prepared for disasters and emergencies of any type, and are encouraged to participate in preparedness activities and to be proactive in establishing sound plans for addressing emergencies.

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE do hereby proclaim the month of September 2014 as NATIONAL PREPAREDNESS MONTH in the City of Dover, and encourage all citizens, businesses, and organizations to develop their own emergency plan and work together toward creating a more prepared society.

Mayor Christiansen and Councilman Hutchison, Chair of the Safety Advisory and Transportation Committee, presented the Proclamation to Mrs. Kay Sass, Emergency Management Coordinator. Mayor Christiansen congratulated Mrs. Sass on her recent certification as a Master Exercise Practitioner through the Department of Homeland Security/Federal Emergency Management Agency (FEMA).

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - DANGEROUS STRUCTURES - PROPERTY LOCATED AT 231 MIFFLIN ROAD, OWNED BY JESSE AND NICHOLE EVANS (POOL)

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 231 Mifflin Road, owned by Jesse and Nichole Evans. Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that the structure is an in-ground pool with a vinyl liner. There is a concrete walkway around the top of the pool, along with a diving board, slide, and a pool pump assembly. The house where the pool is located has been vacant since October of 2011, and is currently registered with the City as a Vacant Building. The privacy fence for the rear yard is in disrepair and the gate will no longer lock, creating easy access to the pool. On June 6, 2014, staff from the Planning and Inspections Department condemned the in-ground pool as an unsafe structure. On the same date, notice of code violations was sent to the lienholders for corrective action; however the notices were returned as unclaimed. Currently no repairs have been made to the in-ground pool and it is still considered an unsafe structure.

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

Staff recommended that City Council take the following action for property located at 231 Mifflin Road: 1) declare this in-ground pool and pool pump assembly on this property dangerous; 2) order the property repaired or demolished by September 25, 2014 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.

Responding to Mrs. Williams, Mrs. Townshend stated that the notices were sent by certified and regular mail to 231 Mifflin Road, which has been vacant since 2011; however, they have no other address for the property owners. She noted that they have not conducted an inspection of the vacant house because it remains secure and it would require a warrant to gain access.

Mrs. Townshend, responding to Mr. Perza, stated that the neighbor's complaints include the stagnant water, mosquitos, odor, and unsightly appearance. She stated that the liner would be removed and the pool would be backfilled to remedy the situation at half the cost of a total demolition.

Mr. Lynn noted that the property changed ownership in 2007 and questioned if it was the subject of a foreclosure action. Responding, Mrs. Townshend stated that a lien search revealed that Bank of America has a lien on the property. She noted that the property was properly posted and the lienholders were notified.

Council President Bonar declared the public hearing open and, there being no one present wishing to speak, the public hearing was closed.

Mrs. Williams moved for approval of staff's recommendation, as follows: 1) declaring this in-ground pool and pool pump assembly on this property dangerous; 2) ordering the property repaired or demolished by September 25, 2014 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 structure 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. The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote (Hare absent).

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - DANGEROUS STRUCTURES - PROPERTY LOCATED AT 803 WESTVIEW TERRACE, OWNED BY WILLIAM R. MASTEN (POOL)

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 803 Westview Terrace, owned by William R. Masten. Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that the structure is an in-ground pool with a vinyl liner. There is a concrete walkway around the top of the pool. The house where the pool is located has been vacant since March of 2013, and is currently registered with the City as a Vacant Building. There have been 10 code violation cases since March 2013. The four (4) foot chain link gate for the fence that is located in the rear yard can no longer be locked and secured, causing easy access to the pool. On May 6, 2014, staff from the Planning and Inspections Department condemned the in-ground pool as an unsafe structure. On that same date, notice was sent to the lienholders with all the code violations related to the pool and corrective action that is needed. Currently no repairs have been made and the pool is still an unsafe structure.

Mrs. Townshend reviewed a presentation depicting the condition of the structure ***(Exhibit #2)***.

Staff recommended that City Council take the following action for property located at 803 Westview Terrace: 1) declare the in-ground pool on this property dangerous; 2) order the property repaired or demolished by September 25, 2014 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.

Responding to Mr. Perza, Mrs. Townshend stated that there was no water in the pool and that the primary concern is security. She noted that it would probably be more expensive to repair the fence or place fencing around only the pool than to remove the liner and backfill the pool.

Mr. Lynn stated that he had spoken with some of the neighbors, who indicated that the house had been vacant for quite a while and the liner fell into the pool during the summer storms/hurricane.

Council President Bonar declared the public hearing open and, there being no one present wishing to speak, the public hearing was closed.

Mr. Slavin moved for approval of staff's recommendation, as follows: 1) declaring the in-ground pool on this property dangerous; 2) ordering the property repaired or demolished by September 25, 2014 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 structure 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. The motion was seconded by Mr. Lynn and carried by a unanimous roll call vote (Hare absent).

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - AUGUST 11, 2014

The Parks, Recreation, and Community Enhancement Committee met on August 11, 2014 with Chairman Dixon presiding.

Proposed Ordinance #2014-18 - Amending Appendix B - Zoning, Article 3 - District Regulations, Section 24 - Planned Neighborhood Design Option (PND), Subsection 24.62 - Buffers; Article 4 - Zoning Bulk and Parking Regulations, Subsections 4.10 and 4.11

Members were provided Proposed Ordinance #2014-18 which would amend Appendix B - Zoning, Article 3 - District Regulations, Section 24 - Planned Neighborhood Design Option (PND), Subsection 24.62 - Buffers and Article 4 - Zoning Bulk and Parking Regulations, Subsections 4.10 and 4.11 for their review and recommendation.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that Proposed Ordinance #2014-18 was drafted by Mr. John Paradee. She stated that the amendments would remove the required 40-foot buffer around the perimeter of developments utilizing the Planned Neighborhood Design Option (PND) and would reduce the front and rear yards for houses being constructed under the PND Option. Mrs. Townshend reminded members that the PND Option is a zoning overlay that allows for flexibility in housing styles. Projects utilizing this overlay are first reviewed by City Council to determine if it warrants further review by the Planning Commission. If forwarded to the Planning Commission, they are subject to Conditional Use approval by the Planning Commission.

Mrs. Townshend indicated that when the PND concept was adopted back in the 1990's, it was a newer concept and the 40-foot buffer was included to address the concern of having a mixed housing development adjacent to other properties. Since that time, she felt that the PND's have shown they fit in nicely with the communities and that the 40-foot buffer is no longer necessary.

Responding to Mr. Caldwell, Mrs. Townshend stated that the 40-foot buffer was to assure that there would be no buildings close to the development; however, the result has been that fences, sheds, and decks are not permitted within the area, which the rear yard setback requirements would address. In addition, she stated that for several of the PND's properties, there is a lot of open space around the perimeter. Mrs. Townshend explained that some of the open space is actually on an individuals property, which gives property owners fewer options for making improvements to their property.

Mr. John Paradee of the law firm Prickett, Jones, and Elliott, stated that he submitted a request for the consideration of an ordinance amendment after receiving several complaints from clients; however, he stated that he was not addressing members on behalf of any particular client or project. He stated that he had heard much discussion regarding artificial or seemingly unreasonable restrictions in the ordinance that really "handcuffs" the Planning Commission. Mr. Paradee reminded members that for PND's, the Planning Commission has wide discretion to deal with setbacks and other site planning issues that can be customized for a particular project based on its geographic dimensions of the property. The issue is that, as written, the current ordinance has very restrictive set-backs and what has occurred is that the building envelope which is dictated by the ordinance is simply too restrictive to allow the kind of flexibility that the market demands in terms of products. He explained that there are several properties where developers are forced to make something work that is nearly impossible because the ordinance has these very inflexible setback restrictions. The proposed amendments would provide flexibility to the Planning Commission who ultimately has the authority to allow for some flexibility; however, they cannot go beyond the minimum standards required by ordinance. Mr. Paradee stated that the Planning Commission does not have the discretion to relax beyond those minimum standards if the circumstances warrant.

In response to Mr. Dixon, Mrs. Townshend stated that although a variance could be considered, she does not feel that a variance should be used to address a flaw in the Code except on a short-term basis. She stated that she had to recently deny a request to allow for the construction of a deck (for a hot tub) in a back yard since it would have encroached into the 40-foot buffer. Other than those properties located within a PND, she stated that property owners must remain 10 feet from the property line to construct such a deck, noting that the setback is significantly more restrictive for PND's. Mrs. Townshend noted that sometimes the front and rear setbacks limit creativity of design and cause people to design to standards rather than allowing such creativity within a community.

Staff recommended that Proposed Ordinance #2014-18 be forwarded to City Council and scheduled for First Reading on August 25, 2014, a Public Hearing before the Planning Commission on September 15, 2014, and that a Public Hearing and Final Reading be set before City Council on October 13, 2014, at 7:30 p.m.

The Committee recommended adoption of Proposed Ordinance #2014-18.

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

Investigating Americorps and Retired Senior Volunteer Program (RSVP) to Supplement Staffing *(Request of Councilman Anderson)*

Mr. Anderson requested that staff be directed to investigate potential volunteer labor opportunities that may be available to determine if it meets the City's mission and ability to save money. He stated that the Retired Senior Volunteer Program (RSVP) may help the City provide services, as well as other opportunities such as the use of Americorps for the City's summer programs. Realizing that there are always pros and cons to ideas, he felt that the City should investigate the possibility of expanding services while saving money and that this matter be further evaluated.

Responding to Mr. Caldwell, Mr. Anderson stated that his proposal would not be limited to the two (2) organizations mentioned and that, if agreed, it could be noted in the motion.

Mrs. Horsey relayed her support and noted that governments, as well as private organizations, are trying to recruit volunteers all the time and rely on them to conduct their business on a regular basis.

Mr. Hutchison stated that although he agrees with the concept, he felt it would be important for the City to establish guidelines, explaining that if the City were to open the door to supplementing staff by use of volunteers, there would be a need for clear and defined policies and guidelines and suggested the need for criminal background checks. Mr. Hutchison suggested that this matter be referred to the City Manager for a response.

Mr. Scott Koenig, City Manager, stated that if it is the Committee and Council's desire to pursue this concept, he requested that it be referred to the City Manager's Office for further review and that a report be submitted within 90 days regarding staff's findings, to include those City departments that could use volunteers, where they would be effective, how they would be recruited, etc.

The Committee recommended that staff be authorized to investigate volunteers to supplement staffing for the City and that a report be submitted within 90 days (if study is not completed, staff would provide report on its status).

For clarification, Mr. Anderson stated that his motion would allow for staff to first study the feasibility of utilizing volunteer services such as the AmeriCorps and the RSVP, with a report back to the committee in 90 days.

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

Semi-Annual Review - Statistics Regarding Jobs and Businesses Gained and Lost in the City of Dover Since July 2013

Mr. William Neaton, Director of Economic Development, reviewed the semi-annual report of employment statistics on the City's top employers since July 2013 and includes December 2013 and July 2014.

Mr. Neaton noted that Bayhealth continues to maintain a steady increase of employees and that it is expected that this will continue, noting that they are currently in the process of expanding by adding a fourth floor to the building to serve as a shell space. He advised members that, currently, the third floor serves as a shell space and that it will be used for services, noting that it will house 36 new beds and is projected to be completed during the first part of 2015. Mr. Neaton reminded members that the design of the building allows for Bayhealth to expand to ten (10) stories. He noted that Bayhealth also plans to expand their facility in Milford by eliminating the existing hospital and building in its place a vertical hospital.

Responding to Mr. Anderson, Mr. Neaton stated that there has been an ongoing problem with flooding in the area of Bayhealth, which has affected their development. Last week, he spoke to Mr. Dave Small, Secretary of the Department of Natural Resources and Environmental Control (DNREC), regarding this issue and stated that they are moving forward with the study of the flooding issue.

Elaborating, Mayor Christiansen advised members that the City of Dover has received a substantial grant from the State of Delaware to begin a study to address the flooding issue, which will include the Bayhealth area.

Mr. Neaton reminded members that, several months ago, City Council approved an Economic Inclusion Study with Dr. Michael Casson of Delaware State University. He stated that he has met with Dr. Casson and that they are moving forward with the Study and it is hoped that this Study will be completed in the very near future.

Mr. Neaton advised members that Energizer recently announced that they are closing their plant in Montreal Canada and will move those product lines to Dover by 2017. It is anticipated that the first phase will be completed in late Spring 2015, which will include an addition to their building in Dover. Mr. Neaton noted that this move will provide approximately 250 jobs over the next several years. He assured members that Staff has been meeting with representatives of Energizer to help in their processes and that he felt they were pleased with the assistance provided by the City.

Mr. Neaton reminded members that Energizer had planned to export some of their jobs to another plant located in another City. He stated that he, along with representatives of the Delaware Economic Development Office, have met with the Vice-President of Energizer in an attempt to prevent this move to save the approximately 30 jobs that could be affected.

Referring to Kraft Foods, Mr. Neaton stated that during a recent meeting with the Plant Manager, there was discussion regarding an issue involving their electric field. He advised members that Mr. Harry Maloney III, the new Electric Director, has since become involved to determine how the City may be able to assist with this issue; however, he assured members that he continues to maintain close contact with Kraft Foods and attends the Plant Manager Meetings on a regular basis.

Mr. Neaton noted that during the past several months, he has taken Congressman Carney to some of the plants in Dover such as Proctor and Gamble, Hirsh Industries, etc.

Responding to Mr. Hutchison, Mr. Neaton stated that there has been much accomplished and that work continues at the Garrison Oak Park, noting that the Calpine project remains on schedule. Earlier today, Eastern Short Natural Gas began testing the gas line and using water pressure and that the transmission power lines are being installed from the Garrison Energy Center to the Cartanza Substation and that DP&L has been discussing the abandonment of their portion of lot 6, since the work is near completion. Staff received a time-line schedule this morning from Garrison Energy Center which included deadlines for the City to provide certain levels of infrastructure. He stated that the City Manager and other Department Heads have had on-going conference calls with Garrison Energy Systems to discuss those time-lines. Mr. Neaton indicated that Uzin Utz has broken ground and that they have laid the foundation for their tower and that this project is also on schedule. He assured members that the City continues to move forward with the infrastructure, both retention ponds have been completed, and construction of the road continues.

Mr. Neaton confirmed that June 2015 is the target date for Calpine to begin providing power into the grid. He felt confident that they will be done prior to the target date.

In response to Mr. Hutchison, Mr. Koenig stated that the City will meet the deadlines in order to meet the demands of these projects. He explained that since Calpine is on schedule, they have requested that the schedule be pushed up. Mr. Koenig stated that there is a certain date that can be reached by the City in accordance with contracts, which are within the parameters that were originally agreed upon. He stated that there have been several discussions regarding the substantial completion dates and that Calpine continuously moves these dates up. Mr. Koenig advised members that June 1, 2015 is Commercial Operation, which is the date they legally have to provide power; however, if completion is prior to this date, they wish to bid power into the grid immediately. He assured members that the contracts are moving forward and felt assured that the City can meet their deadlines.

Responding to Mr. Anderson regarding the status of the old Walmart, Mr. Neaton stated that the site plan expired months ago and is no longer in effect. After speaking with the Realtor, he realized that they were not aware of the site plan expiring. It was his understanding that they can apply for an administrative renewal of the site plan. Mr. Neaton noted that there are a couple of leases for the interior of the building and there is still a site plan for a restaurant on a pad site. He stated that he has been in contact with Mr. Charlie Rodriguez, Realtor for the Onyx Group, and he and the project manager stay in contact on a monthly basis. Mr. Neaton assured members that they plan to move forward with the projects.

For information purposes, Mr. Neaton advised members that there have been inquiries regarding other retail spaces such as Dover Litho and Uno's Restaurant. He stated that there are two (2) tenants utilizing the Dover Litho building and that the Uno's Restaurant is currently being remodeled.

In response to Mr. Anderson regarding the former Metro building, Mr. Neaton stated that, based on information provided by R&R Commercial Realty approximately three (3) weeks ago, the property was recently sold or is currently under contract for purchase.

Referring to Delaware State University, Mr. Anderson questioned if there had been any news regarding jobs relative to the planned expansion and other activities. Responding, Mr. Neaton stated that the University has not shared any information relative to job growth and that he is not aware of any changes in this regard.

Mayor Christiansen advised members that Mr. Neaton is in the trenches and has been advocating for the City of Dover. He stated that the City has a program in place to protect jobs and it has been announced that the City is open to do business. Mayor Christiansen assured members that he, along with Mr. Neaton and other personnel, will continue to work feverishly to provide jobs to the unemployed and underemployed, bring businesses to fill the empty commercial spaces, and bring people to buy homes that have been vacant. He explained that these efforts will create a livable and affordable Dover.

Mr. Koenig advised members that DNREC has awarded the City a 50/50 matching grant up to $77,000 to begin the preliminary planning of the tar ditch interceptor upgrade, which is the stormwater system that runs from the West Side Car Wash area down to the central City area and floods, extensively at times, the intersection at Water Street and Governors Avenue, and ends up in the St. Jones River behind the residents on Elm Terrace and the former City Public Works yard. He stated that the grant request was for approximately $154,000 and that, during the Regular Council Meeting being held later in the evening, members will be considering the Evaluation of Proposals for Engineering Services and Project Management for the Department of Public Works. Provided the proposal is approved, staff anticipates a project kickoff meeting to take place on September 11, 2014, which will include

representatives of DNREC, City of Dover, Department of Transportation, and Bayhealth. Mr. Koenig assured members that there will be an announcement to notify everyone that the City is working on a resolution to the problem.

Mr. Hutchison questioned if there were any opportunities for the Loockerman Exchange building. Responding, Mr. Neaton stated that there is the potential of two (2) different restaurants locating on the first floor; however, there are no potential tenants for the second floor.

Community Development Block Grant (CDBG) Program Quarterly Update

Members were provided the Quarterly Update for the Community Development Block Grant (CDBG) Program, including the FY2014 CDBG Projects and status of the FY2014 CDBG Projects. Members were provided a list of those projects that were approved by HUD for FY2014 and advised that the Funding Approval Agreement has been executed by the Mayor for the release of funds and the draw downs are estimated to be available by HUD on or before September 1, 2014. *(City Clerk's Office Note: The column titled "2013 Grant Projects" on page two of the packet material for Item #4 "Community Development Block Grant (CDBG) Program Quarterly Update" titled "Status of FY-14 Program Funds Spent - Fiscal Year 7/1/14 - 6/30/15" should read "2014 Grant Projects".)*

Referring to the Restoring Central Dover Initiative, Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that, in addition to the Positive Development Working Group, the Planning Staff has been requested to participate in the Transportation Working Group. She stated that the Architectural Intern who is working with the Planning Office this summer is developing ordinance amendments to address "in-fill guidelines" that would fit well into this initiative. She has shared this with the consultant, Interfaith Studios, and they seem to be supportive of this action.

Responding to Mr. Anderson, Mrs. Townshend stated that, in addition to the Planning Department, the Police Department is participating, noting that one of the working groups is specifically related to safety.

Recreation Needs Assessment Update

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the Parks and Recreation Staff have taken the lead on developing the City's Recreation Needs Assessment and have met with the State of Delaware Division of Parks and Recreation to review and update the Outdoor Recreation Inventory, a statewide geographic database of all parks and open space area. She noted that updates have been provided to the State Division of Parks and Recreation and that they will assist with the maps for use in the public outreach, as they have developed mapping applications that are helpful in recreation needs evaluation.

In addition, Mrs. Townshend stated that a survey has been developed that includes general questions about recreation programming and City parks, as well as focused questions on the City's larger parks, including Dover Park, Williams Park, Silver Lake Park, Schutte Park, and Dover/New Street Park. This survey has been posted on the City of Dover Recreation Facebook page; however, she stated that printed copies are being made available to people who do not have computer access. The survey will also be on the Department of Parks and Recreation Website and an e-mail blast will be sent through Constant Contact to encourage people to complete the survey. Mrs. Townshend advised members that Delaware Senior Olympics, the Dover YMCA, Delaware Special Olympics, and other partners have agreed to get the survey link circulated as well.

Mrs. Townshend stated that public meetings will be planned in late August and September to solicit public input; however, she stated that it will be necessary to coordinate with the State Division of Parks and Recreation on the mapping before the actual dates are selected.

In response to Mr. Anderson, Mrs. Townshend stated that the survey has already been made available on the City's Website and that printed copies are currently available through the Recreation Center; however, she offered to make them available through other means if it is desired. She assured him that printed copies would be provided to him for distribution throughout the community.

Responding to Mr. Hutchison, Mrs. Townshend indicated that, in addition to those previously mentioned, churches, schools, etc. are also being included to ensure a real inventory of what programs are needed throughout the community.

Status Report - Dover Park Recreation Center

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the first phase of the asbestos abatement is complete and that there is an additional phase that will be completed once the building foundation is removed, since it involves a pipe that is located underground. She stated that demolition activities should be resuming this week and should be completed next month and that, recently, the Little Creek Fire Company used the building for training purposes.

By consent agenda, Mr. Slavin moved for acceptance of the Parks, Recreation, and Community Enhancement Committee Report, seconded by Mr. Dixon and carried by a unanimous roll call vote (Hare absent).

UTILITY COMMITTEE REPORT - AUGUST 11, 2014

The Utility Committee met on August 11, 2014 with Councilman Perza presiding in the absence of Chairwoman Williams.

Evaluation of Proposals and Proposed Budget Amendment - Unit 3 Cooling Tower

Mr. Scott Koenig, City Manager, advised members that the Draft FY2015 Operating and Capital Budget includes Unit 3 Cooling Tower Repairs, which is a multi-year project budget of $1,289,000. He explained that this project is intended to replace the fill and fill support structures on the McKee Run Unit 3 Cooling Tower. It also includes the replacement of the hot water basin floor and miscellaneous structural members within the tower. This contract work represents the majority of work to be performed on this project. Mr. Koenig stated that the Plant Manager, Mr. Vincent Scire, would provide details, explaining that the City has an opportunity to accelerate the project and complete Phases I (FY-2015) and II (FY-2016) in FY-2015 during the City's fall 2014 outage. He noted that if the project is accelerated, as proposed, there will be an overall budget savings of approximately $80,000, which can be accomplished by a re-prioritization of the FY-2015 Capital Projects at the McKee Run Power Plant to allow this project to be completed in FY-2015.

Mr. Scire, NAES Corporation, reviewed the Power Point Presentation provided to members as Exhibit A. It was noted that members were provided the original CIP for this project (depicted as Exhibit B) as well as a revised CIP (depicted as Exhibit C).

Staff recommended the acceptance of the revised CIP and awarding the contract for the McKee Run Unit 3 Cooling Tower Repairs (Project # EG1402) to Evaptech in the amount of $951,000 as detailed in their proposal.

Responding to Mr. Blakeman, Mr. Scire stated that, to his knowledge, the fill has never been replaced and there has been very little work done to the Unit 3 tower, except for miscellaneous repairs to the fill and fill supports; therefore, he stated they have had their useful life in terms of "operability." He indicated that there is some advantage, explaining that when the fill and fill supports are replaced, a different design will be used which, from a thermal performance aspect, will allow for some improved efficiency; however, he could not guarantee this would be measurable and he anticipates a 20-year life span.

In response to Mr. Perza, Mr. Koenig stated that he had no knowledge of any detrimental affects for re-prioritizing the CIP. Although there is always a potential, he felt confident that the costs for any projects that are being deferred would not be increased more than $80,000, which is the savings realized by completing phases I and II in this fiscal year.

At the request of Mr. Slavin, Mr. Koenig explained that the requested amendment was not known during the discussion of the City's Budget and CIP in May. He stated that the potential inclusion of the two (2) phases was not known until the proposals were actually submitted, which occurred after the budget submissions. Mr. Scire indicated that the proposal received for Phase I was approximately $100,000 more than estimated due to the expanded scope of work that was determined through

discovery that took place in the Spring, which was three (3) months after a fair price estimate was provided by a contractor who also conducted an inspection. In essence, he stated that the cost increased as a result of the scope of the work increasing. In order to obtain good budget estimates, he explained the necessity of requesting firm pricing for work with a definite schedule of work to be perform. Mr. Scire indicated that the contingency amounts are set based on the knowledge of the project. In some instances, he stated that a contingency of 20% would initially be set and then as more details are known, the contingency would be reduced, noting that this project has an 8% contingency as a result of receiving firm pricing.

Mr. Blakeman moved to recommend approval of staff's recommendation for the acceptance of the revised CIP and awarding the contract for the McKee Run Unit 3 Cooling Tower Repairs (Project #EG1402) to Evaptech in the amount of $951,000. The motion was seconded by Mr. Snaman.

Mr. Slavin stated that although he will support the recommended action, he relayed his concern regarding CIP Projects being reshuffled after just recently being approved.

The Committee recommended approval of staff's recommendation for the acceptance of the revised CIP and awarding the contract for the McKee Run Unit 3 Cooling Tower Repairs (Project #EG1402) to Evaptech in the amount of $951,000.

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

Quarterly Review of Utility Related Capital Investment Plan (CIP) (Electric and Water/Wastewater) ***(April, May, and June)***

Members were provided a Project Tracking Report, as of June 30, 2014, for the Utility (Electric and Water/Wastewater) Related Capital Investment Plan (CIP). Mr. Scott Koenig, City Manager, advised members that this report is preliminary since the actual project costs and final invoices are still being paid for fiscal year 2014. He noted that staff has made substantial progress this year in cleaning up and closing out several projects as the City becomes more fully staffed. As the final numbers are received, Mr. Koenig stated that many of the projects will be finalized and, as a result, they will be removed from the report.

No action was required by the Committee.

TEA/NAES Report ***(May and June)***

The TEA/NAES Monthly Reports for May and June 2014 were provided to members to enable them to monitor electric sales and revenues received, which will provide a better understanding of any fluctuations that occur and allow the opportunity to make improvements if deemed necessary.

Mr. Blakeman requested that the NAES Report be amended to reflect the current value/cost of capacity in order for it to be tracked over a period of time.

The Committee recommended acceptance of the TEA/NAES Monthly Reports for May and June 2014.

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

Updates
The following updates were provided to members:

Green Energy Funding and Programming
Members were provided details regarding Green Energy Funding and Programming.

National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit
Mr. Scott Koenig, City Manager, advised members that there is no further information to report on the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit.

Garrison Oak Technical Park Project Updates
Due to time constraints, Mr. Scott Koenig, City Manager, indicated that the updates for the Garrison Oak Technical Park Project will be provided to members during their next meeting.

Progress Update on Purchase Power Agreement
Mr. Scott Koenig, City Manager, read a statement provided by Mr. Kirk Betts regarding the Purchase Power Agreement (Calpine Negotiations), as follows:

"Dover's representative, Kirk Betts, has had frequent exchanges with Calpine's power supply representatives to reach an agreement. Currently, they have not reached an agreement that will be acceptable to the City of Dover at this time, but they continue to work toward achieving that goal. Calpine is in a unique position because it has an opportunity to present a very attractive price without competing with others.

The focus of the negotiations has been on securing the right energy product at a price that achieves the City's expressed goals; those twin goals being a price that ensures a competitive price for Dover's customers now and throughout its term, plus a reasonable return to the City for its significant investment in the infrastructure with respect to roads, water, sewer, etc. needed by Calpine to develop the plant.

Among the items being negotiated are: whether a purchase should consist of capacity and energy; whether to purchase a firm load or an option to purchase as needed; whether to purchase just capacity to replace the capacity currently satisfied by

Dover's Units 1 and 2; and whether to purchase more or less than 34 megawatts, and if more, how much extra capacity. The focus currently is on a capacity arrangement for approximately 39 megawatts during a 15 to 20 year term. The negotiations also have addressed escalation, fuel risk, delivery point, and heat rate, which refers to the amount of energy produced from a fixed amount of natural gas.

Mr. Betts has relied on Dover's agent, TEA (The Energy Authority), for capacity and energy pricing models that are used to benchmark the competitiveness of offers, and is working with the Electric Director to bring this to either an agreement that can be recommended to Council or a recommendation to proceed on an alternative path for meeting Dover's energy requirements."

Responding to Mrs. Williams regarding the status of negotiations, Mr. Koenig stated that Calpine has provided the City prices that have not met expectations. He felt confident that Calpine understands the City's position.

Mr. Blakeman stated that during the past few months, there has been information indicating that capacity value is declining over time. Responding, Mr. Koenig stated that the City is taking this into consideration when purchasing long-term capacity. He stated that TEA (The Energy Authority) is conducting all the financial modeling of the options and that the City is considering, in the purchase profile, what capacity is worth in the out years. Mr. Koenig assured members that all issues are taken into consideration when making a decision. He advised members that the concern is that there is no way to predict an exact amount. However, he felt confident that enough information has been obtained to make a decision.

Mrs. Williams questioned the City's ability to include contingencies to assist the City with any cost issues. Responding, Mr. Koenig stated that the City has the ability, as a service provider for utilities, to adjust some of the input costs if the City is not able to get a desired purchase price.

By consent agenda, Mr. Slavin moved for acceptance of the Utility Committee Report, seconded by Mr. Dixon and carried by a unanimous roll call vote (Hare absent).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - AUGUST 11, 2014

The Legislative, Finance, and Administration Committee met on August 11, 2014 with Chairman Slavin presiding.

Proposed Financial Reforms - Compensation Policies

Mr. Slavin stated that a tentative American Federation of State, County and Municipal Employees (AFSCME) contract had been presented to City Council for their consideration. Noting that he did not want the proposed compensation policies to interfere with the process, he requested that this matter be deferred until the contract negotiations have concluded.

The Committee deferred the discussion regarding the Proposed Financial Reforms - Compensation Policies.

Automatic Escalator for Building-Related Permit Fees *(Request of Councilman Anderson)*

Mr. Anderson reminded members that there have been recent discussions regarding increasing building permit fees and suggested that staff be directed to consider implementing a COLA every two (2) years. He explained his desire to look forward rather than backwards and his concerns with massive "catch ups" and their effect on the local economy and economic development. Rather than considering such increases whenever presented, he requested that staff look into the feasibility of making such adjustments every couple of years in accordance with the Consumer Price Index (CPI).

Mrs. Townshend reminded members that the business license fees were presented in 2010 with a proposal to institute an annual (or bi-annual) escalator. At that time, City Council chose to approve only a one-time increase. She indicated that the business community expressed much concern regarding the proposal for an automatic increase in the business license fees. Mrs. Townshend advised members that, due to the manner in which building permits are issued, there is already somewhat of an automatic escalator since the value of the permit is based on the value of the construction; therefore, by virtue of prices increasing, which affects the construction value, she stated that it would result in an increase in the permit fees.

Mrs. Townshend advised members that she spoke with the business community regarding the possibility of adjusting the City's plumbing, mechanical, and sign permits to be valued the same way as building permits. For those types of permits, the fees would be tied to the costs of construction rather than the CPI. Regarding business licenses, she stated that it has always been a point of contention for the business community.

The Committee recommended that an automatic escalator for building-related permit fees be referred to staff with their full ability to revise in its entirety to develop recommendations based upon its intent.

Responding to Mrs. Townshend, Mr. Anderson stated that although there is no rush for its completion, he would expect a recommendation to be presented for consideration by the current City Council.

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

Proposed Ordinance - #2014-19 Amending Chapter 98 - Streets, Sidewalks, Storm Sewers and Other Public Places, Article I - In General, Section 98-5 - Duty of Tenants or Owners to Maintain Sidewalks and Landscaped Areas Within the Street Right-of-Way and Appendix F - Fees and Fines

Members were provided Proposed Ordinance - #2014-19 Amending Chapter 98 - Streets, Sidewalks, Storm Sewers and Other Public Places, Article I - In General, Section 98-5 - Duty of Tenants or Owners to Maintain Sidewalks and Landscaped Areas Within the Street Right-of-Way and Appendix F - Fees and Fines of the Dover Code.

Mrs. Ann Marie Townshend advised members that the proposed amendment would prohibit the blowing, sweeping or otherwise discharging of grass clippings to streets, sidewalks, storm drains, and water courses. She stated that in a recent Notice of Violation from DNREC regarding the City's Municipal Separate Storm Sewer System (MS4), the City was cited for grass clippings discharged to the street in the area surrounding the Wesley College fields. She advised members that currently, there are no ordinances that prohibit such discharges. Mrs. Townshend stated that grass clippings blown or swept into the street wash into storm drains and, ultimately, into water bodies such as Silver Lake and the St. Jones River, which hamper water quality because of the added nutrients. In addition, she stated that matted grass clippings blown onto streets diminish neighborhood appearance. The proposed ordinance would assist the City in compliance with MS4 requirements and provide an additional tool in the improvement of our neighborhoods.

Responding to Mr. Shevock, Mrs. Townshend stated that the City Code already prohibits such items from being placed in the street more than the evening prior to trash pickup, explaining that there are certain times during the year the City requests leaves to be brought to the curb to allow the leaf vac to pick them up. She indicated that these items are currently addressed in the Solid Waste section of the Dover Code and would not be affected by the proposed amendment. Mrs. Townshend stated that the blowing of grass into the street is not currently addressed in the Dover Code.

Mrs. Townshend felt confident that if adopted, the City would take action against larger violations and not just those that may have a small amount of grass clippings.

In response to Mayor Christiansen, Mrs. Townshend stated that the manner in which the proposed ordinance is written, the responsibility lies with the tenant or owner of the property; however, she felt confident that if an individual is fined due to the actions of their contractor, they would make sure that such behavior is corrected quickly.

Mr. Slavin relayed his concern that the State Government has an employee who patrols and fines individuals who put grass clippings in the gutter and then cites the City, particularly when that department can take a substantial amount of time processing items needing to be completed. Understanding its importance, he felt that there is an opportunity to explain why individuals should not allow grass clippings into the storm drains. He suggested that the City utilize the media for a positive campaign and questioned the possibility of obtaining grant money for conducting a positive outreach campaign regarding this issue. Responding, Mrs. Townshend suggested that there may be grant monies available through DNREC.

Staff recommended that Proposed Ordinance #2014-19 be forwarded to City Council and scheduled for First Reading on August 25, 2014 and that a Public Hearing and Final Reading be set before City Council on September 8, 2014, at 7:30 p.m.

The Committee recommended adoption of the proposed ordinance.

Mr. Anderson relayed his objections to the proposed amendments, explaining his feeling that it would not be enforceable and that it is an overarching and overreaching of government at all levels.

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

Proposed Ordinance #2014-20 Amending Appendix B - Zoning, Article 10, Section 2 - Site Development Plan Approval

Staff submitted Proposed Ordinance #2014-20 that would amend Appendix B - Zoning, Article 10, Section 2 - Site Plan Development Approval. Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that on July 14, 2014, City Council adopted Ordinance #2014-08, which rewrote the commercial and office zones within the Zoning Ordinance and streamlined processes for zoning administration. One change that helped to streamline processes allows for an existing building expansion up to 15% to be reviewed administratively. In drafting the language, staff did not develop similar language for expansion of impervious cover, although that was the intent. Mrs. Townshend stated that the proposed amendment would correct this omission and allow for an increase of impervious cover up to 15% on a site to be reviewed administratively.

Mrs. Townshend stated that this oversight was discovered after a meeting was held with representatives of Playtex regarding a potential expansion. The proposed ordinance would clarify that site plans which include an increase in impervious cover of 15% and more than 5,000 square feet require Planning Commission review. Under the current language, any site plan proposing an increase of impervious cover of 5,000 square feet or greater is subject to Planning Commission review. Mrs. Townshend assured members that those site plans that include an increase of 15% would be subject to an administrative review and that, although they would not be under the realm of the Planning Commission, it would not affect any Dover Code requirements or any review and requirements of DelDOT, Kent Conservation District, etc.

The Committee recommended adoption of the proposed ordinance.

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

Update - Economic Development

Mr. William Neaton, Director of Economic Development, advised members that his office, on a semi-annual basis, contacts the City's large employers to obtain details regarding their job retention, growth, and shrinkage. This contact is also done in an effort to maintain contact with them to determine if the City could assist in retaining and/or increasing jobs. He explained that, for economic development, job retention is as important as locating a new employer to bring new jobs. Mr. Neaton reviewed the semi-annual report of employment statistics on the City's top employers since July 2013, including December 2013 and July 2014, which he stated was provided to the Parks, Recreation, and Community Enhancement Committee earlier in the day.

Mr. Neaton noted that Bayhealth continues to maintain growth both financially and with employees. He advised members that Bayhealth is currently expanding by building a fourth floor on the existing hospital and that the design of the building allows for Bayhealth to expand to ten (10) stories. Mr. Neaton noted that the third floor that has been serving as a shell space will be used for services and house 36 new beds. He noted that Bayhealth also plans to expand their facility in Milford by eliminating the existing hospital and build in its place a vertical hospital. Construction is anticipated to begin in 2015.

Mr. Neaton advised members that Energizer recently announced that they are closing their plant in Montreal Canada, which has approximately 400 employees, and will be moving those product lines to Dover. He stated that this move will provide approximately 225 - 250 jobs over the next few years. Mr. Neaton stated that Staff has been meeting with representatives of Energizer, as well as the Delaware Economic Development Office, DelDOT, and Kent Conservation District to help streamline this process. He stated that Energizer had planned to export some of their jobs to a plant located in another City and that he and representatives of the Delaware Economic Development Office met with the Vice-President of Energizer in an attempt to retain these jobs in Dover.

Mr. Neaton stated that he, along with the City Manager, met with representative of Kraft Foods in an effort to provide assistance regarding concerns with their electric yard and the need for new transformers.

Mr. Neaton noted that during the past several months, he has taken Congressman Carney to some of the plants in Dover such as Proctor and Gamble and Hirsh Industries. He advised members that last year, Hirsh Industries manufactured almost 1M filing cabinets. Mr. Neaton stated that Congressman Carney was in awe of the real manufacturing jobs that are in the City of Dover.

Mr. Neaton stated that Kent County hosts a Plant Manager's Meeting every two (2) months, which gives the Plant Managers the opportunity to meet on a regular basis and discuss issues and develop solutions in which the City of Dover plays an important role.

Referring to the Garrison Oak Technology Park, Mr. Neaton stated that the site serves as the host of the Garrison Energy Center, the Solar Park, and Uzin Utz. He stated that the Solar Park has been completed for several years and the Garrison Energy Center is moving at a brisk pace. Mr. Neaton noted that they are required to sell energy into the grid by next year and that they hope to be producing power in the spring. Mr. Neaton advised members that the ground breaking for Uzin Utz has taken place, they have laid the foundation for their mixing tower, and that this project is on schedule. He assured members that the City continues to move forward with the infrastructure and that he has made commitments that all infrastructure will be completed before these companies require their use. Regarding the infrastructure, Mr. Neaton indicated that the two (2) retention ponds have been completed, work on the sewer continues, and that the 16 inch gas line has been completed and is currently being tested. He felt confident that the City will have a very saleable property once the infrastructure has been completed.

Mr. Neaton advised members that the downtown area is a vital economic area for the City, noting that there are approximately 90 businesses. He reminded members that EZ Pass opened after the first of the year with 85 employees. Mr. Neaton stated that he has conversations with their Manager and has been assured that they are pleased with their new location downtown and that their parking concerns have been resolved.

Mr. Neaton stated that Family Dollar is locating on Loockerman Street and there are two (2) different restaurants considering locating in the former Loockerman Exchange sometime in the Fall.

Mr. Neaton advised members that the Farmers Market has been a roaring success and, as a result, the vendors have requested that the Market be extended to October. He credited the City's volunteer Market Manager who put in numerous hours to ensure the Market's success.

At the request of Mr. Anderson, Mr. Neaton provided an update on the empty retail spaces. Referring to the former Metro building, he stated that, based on information provided by R&R Commercial Realty, the property was recently sold or is currently under contract for purchase. He stated that there are two (2) tenants that will be utilizing the former Dover Litho building and that he has issued an incentive package for Uno's Restaurant, noting that the building is currently being remodeled and that new tenants are being actively sought. Regarding the status of the former Walmart, Mr. Neaton stated that the site plan is no longer in effect, having expired a few months prior. Mrs. Townshend indicated that it will now be necessary for them to go before the Planning Commission for the renewal of the site plan. Mr. Neaton noted that although they lost a couple of tenants last year, they are actively seeking additional tenants and that they still have the tenant that plans to build a restaurant on the pad site. He stated that the building is owned by the Onyx Group and that they are actively pursuing new tenants.

Responding to Mr. Hare, Mr. Neaton stated that incentive packages are different depending upon location. He noted that there could be abatement of taxes, and that, based on size of the renovation, square footage, and dollar amount, there could be an abatement of a portion of impact and permit fees. He assured members that all such abatements were approved by City Council.

Mr. Hare questioned what businesses indicate are necessary to remain in the City. Responding, Mr. Neaton stated that based on his discussions with the various businesses, most request that the City make it as easy as possible for them to do business, which he feels the City accomplishes by listening and responding to concerns and requests of the businesses and that the City is quick in resolving issues. Having worked with DEMEC on the Demand Response Program for different plants, Mr. Neaton stated that Hirsh Industry recently completed a survey and indicated a concern about utility rates, however, he has not been provided the results of the survey.

Referring to those companies that have elected not to locate to Dover, Mr. Neaton stated that in a recent instance, the business needed a place to do business (at the Garrison Oak Technology Park) sooner than the City could provide it. This has been the only major concern that large perspective businesses have had about coming to Dover, although he felt that utility rates have been a concern throughout the State. Mr. Neaton assured members that job training, job availability, employee availability, etc. has never been an issue for a company to locate to Dover.

Responding to Mr. Hare, Mr. Neaton stated his understanding that the City established the asking price for property at the Garrison Oak Technology Park at $35,000 per acre. Although the City Manager may have authority to approve a price reduction, any further reduction of cost would require Council's approval.

Council President Bonar noted that there is a large parcel located at the corner of State and Water Streets that has been constructed and has not been occupied. He questioned the status of the property and whether there are plans or if there are issues with the City that need to be resolved. Council President Bonar requested staff to determine what action is necessary to encourage tenants. Responding, Mr. Neaton stated that he meets with Mr. Charlie Rodriguez once each month and that, based on his discussions, he thought there was a potential tenant for that building. He assured members that he will get an answer to these questions and provide a written response.

Council President Bonar relayed appreciation for the work done by staff at the Garrison Oak Technical Park. He felt confident that there would be an additional tenant at the site within the next three (3) to six (6) months. Mr. Bonar reiterated that the City of Dover is open for business and thanked the Mayor for his work in this regard. He encouraged all economic development possible for the City and thanked Mr. Neaton for his efforts and interest in the Garrison Oak Technical Park.

Responding to Mr. Anderson, Mr. Neaton stated that there has been no further information regarding the relocation of the Greyhound Station other than, initially, they were going to move to the transit center when construction of a 3-story, 30,000 square foot building was proposed.

Mayor Christiansen thanked Council President Bonar for his comments regarding the efforts made for economic development in the City and assured members that they will continue to forge ahead to bring jobs to Dover, maintain jobs in Dover, etc. He reiterated that the City of Dover is open for business.

No further action was taken by the Committee.

Update - Certified Local Government Application

Mr. Slavin stated that prior to the meeting, he had a conversation with Mrs. Ann Marie Townshend, Director of Planning and Community Development, regarding the City's desire to be a part of the Certified Local Government Program. He stated that due to various issues, the completion of the Certified Local Government Application has been delayed and that staff has indicated that it will be completed by December 31, 2014.

Mrs. Townshend confirmed that it is staff's goal to have the application completed by December 31, 2014; however, she reminded members that there are other major projects required of staff, including the Downtown Development District Project, the Outdoor Recreation Needs Assessment, issues involving the new Dover High School, restoring Central Dover, and working with Playtex.

Mr. Slavin noted that in 2008, when the City published the Comprehensive Plan, there was a comment written indicating that the application would be completed. Since this issue has been before City Council for approximately one (1) year, he felt that staff should be able to have the application completed by December 31, 2014.

Mr. Slavin moved to recommend that staff be directed to have the application completed by December 31, 2014, seconded by Mr. Hare.

Mrs. Townshend noted that it will be necessary for City Council to prioritize projects, explaining that there is a finite amount of staff hours in any given week and that she had previously mentioned very high priority projects that absolutely must be completed this year. Therefore, she respectfully requested that City Council keep in mind that when a deadline is given, it is in context of many other deadlines put on staff.

Responding to Mr. Hare, Mrs. Townshend stated that the application will require staff to put together resumes from Historic District Commission members, response to several questions, etc., explaining that it will require a substantial amount of focus time from staff and, as such, will require an individual staff member to be assigned and dedicated to this project.

Mr. Slavin offered to provide assistance in completing this application.

Mr. Hutchison stated his understanding of the demands of staff due to there being several projects requiring completion. He agreed that City Council should set priorities and that, in fairness, members need to understand staff's dilemma and urgency for the completion of the new Dover High School and the time required of staff for having this accomplished.

Mayor Christiansen also offered to assist staff in conducting research or whatever other action may be required to have this application completed and submitted.

The Committee recommended that staff be directed to have the application completed by December 31, 2014.

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

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

EVALUATION OF BIDS - WHITE OAK FARMS BASIN #5 INFLOW AND INFILTRATION (I&I) REPLACEMENT

Mr. Scott Koenig, City Manager, advised members that the FY 14/15 Budget for the Department of Public Works Wastewater Management Division includes the Inflow and Infiltration (I&I) Removal capital project to correct areas in the sanitary sewer collection system that are deteriorating and allowing groundwater to enter the sanitary sewer system through cracked pipes and/or through poorly sealed joints. Eliminating infiltration into the City's sanitary sewer mains will result in reduced pumping and treatment costs. Issues identified within the wastewater system are to be addressed through the Inflow and Infiltration Capital Improvement Plan (CIP).

During FY 13/14, a Sanitary Sewer Inflow and Infiltration evaluation was conducted by staff on Buck Drive inside the White Oak Farms Development. This area was identified by staff to be examined due to the high level of groundwater identified entering the system, as well as the level of deterioration of pipes in this part of the system. It was recommended that approximately 1,300 linear feet of sewer and six (6) manholes be removed and replaced.

Staff recommended awarding a unit price contract, based upon Bid #14-0049PW for the White Oak Farms Basin #5 Inflow and Infiltration Replacement Project (Buck Drive), to Teal Construction, Inc. in the amount of $378,378.

Mrs. Williams moved for approval of staff's recommendation, seconded by Mr. Lynn and carried by a unanimous roll call vote (Hare absent).

ACCEPTANCE OF PROPOSAL - HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) CONTROL SYSTEMS FOR DOVER PUBLIC LIBRARY

Mr. Scott Koenig, City Manager, advised members that the purpose of this operational level program is to provide planned preventative maintenance services to the Control Systems of the City of Dover Public Library's Heating, Ventilation, and Air Conditioning (HVAC) system. For the first year of the contract, preventative maintenance service visits will occur on a monthly basis. For subsequent years, preventative maintenance service visits will occur quarterly. Each year a control system software subscription is included.

Mr. Koenig stated that it is recommended that this three (3) year contract for planned services to the HVAC Control Systems for the Dover Public Library be awarded to Johnson Controls, Inc., due to the fact that Johnson Controls is the original equipment manufacturer and, therefore, can be the only provider to make the necessary upgrade to subscriptions which are proprietary to Johnson Controls and the Metasys product brand. He noted that the contract is necessary to guarantee the efficient operation of the HVAC system as well as the building. Currently, the system is operating outside of the design parameters due to a lack of preventative maintenance on the system. The City Manager will transfer funds from other operating divisions and/or funds to cover this unbudgeted expense in FY-2015.

Staff recommended awarding the Planned Service Contract for the HVAC Control Systems for the Dover Public Library to the sole vendor, Johnson Controls, Inc., for a three (3) year amount of $32,763.50.

Responding to Mr. Slavin, Mr. Koenig stated that a commissioning agent was associated with the system and, originally, the system was operating within the parameters. He stated that the system was designed and installed correctly; however, it had not been maintained and there had been difficulty achieving accurate temperatures. Mr. Koenig noted that the controls should be adjusted and the software updated. He noted that a building dashboard would monitor the building and provide an alert for any issues.

Responding to Mrs. Williams, Mr. Koenig stated that the total operating cost for the library is $1.4M. He did not believe that this amount was approved as an operating cost at the time the building was commissioned.

Mr. Perza asked if the systems were still under warranty. Mr. Koenig stated that they were beyond the warranty period and the software upgrade and replacement of the inoperable sensors were not covered. He advised members that the system was correctly designed for the facility; however, the control systems need to be operating efficiently for the building to run as designed.

Mr. Perza recalled that, approximately six (6) months ago, the City received funds for the library and those funds were turned over to the Library Foundation. He questioned whether or not this expense could be paid for by the Foundation. Mr. Slavin advised members that those funds went into the Library Endowment.

Noting that the architect and the contractor determined that the system was designed and installed correctly, Mr. Lynn asked when the problem was discovered in relation to the expiration of the warranty. Mr. Koenig stated that the building went into operation in September of 2012 and in the heavy summer months of 2013 there was difficulty cooling the building because the ice was melting before the high temperatures of the day. Unsuccessful attempts to correct the problem, including changing velocities, opening dampers, and making adjustments, continued into the Spring of 2014. Mr. Koenig stated that it was determined that all of the control systems require updating so that the system functions as designed. He stated that it is not related to a defect that is covered under warranty.

Mr. Lynn suggested that the faulty sensors should still be covered under the warranty.

Responding to Mr. Anderson, Mr. Koenig stated that, to his knowledge, the $40,000 Reciprocal Borrowing Fund Special Allocation received from Kent County Levy Court earlier in the evening had not yet been allocated.

Mrs. Williams expressed concern that the company responsible for designing the system held up their determination of the problem for one (1) year when the warranty was nearly expired, although they knew that a necessary control system had not been initially installed.

Responding to Mr. Perza, Mr. Koenig stated that because Johnson Controls, Inc., installed the control system, they should be the sole source because the system is proprietary. He noted that the proposed contract requires them to provide the City with all of the software updates.

Mr. Slavin moved for approval of Staff's recommendation to award the Planned Service Contract for the Heating, Ventilation, and Air Conditioning (HVAC) Control Systems for the Dover Public Library to the sole vendor, Johnson Controls, Inc., for a three (3) year amount of $32,763.50 and to direct staff to explore the possibility of utilizing the Reciprocal Borrowing Fund Special Allocation of $40,000 to cover the expense. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote (Hare absent).

APPOINTMENTS RECOMMENDED BY COUNCIL PRESIDENT BONAR - PRESIDENT'S COUNSEL ON PUBLIC/PRIVATE PARTNERSHIPS AND THE FUTURE OF CITY HALL, WEYANDT HALL, FORMER DOVER LIBRARY AND OTHER CITY PROPERTIES

Council President Bonar requested the following appointments to the 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
Beverly C. Williams (Chair)
Joseph McDaniel
Kevin D. Mitten

By consent agenda, Mr. Slavin moved for approval of the appointments to the President's Counsel on Public/Private Partnerships and the Future of City Hall, Weyandt Hall, Former Dover Library and Other City Properties, as recommended by Council President Bonar. The motion was seconded by Mr. Dixon and carried by a unanimous roll call vote (Hare absent).

FIRST READING - PROPOSED ORDINANCE #2014-19

Council President Bonar 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. Final action by Council on the proposed ordinances will take place during the Council Meeting of September 8, 2014.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that Proposed Ordinance #2014-19 would make it unlawful to sweep, blow, or otherwise discharge grass clippings into any street, sidewalk, storm drain, or water course. She noted that this ordinance is related to the Department of Natural Resources and Environmental Control (DNREC) Municipal Separate Storm Sewer System (MS4) permit, which the City does not currently comply with. Mrs. Townshend stated that this amendment would help to beautify the community, bring the City closer to compliance with MS4, and assist with water quality.

Responding to Mrs. Williams, Mrs. Townshend stated that the Planning Department would be enforcing egregious violations; not just grass clippings here and there.

Mr. Dixon expressed concern with enforcement of the proposed ordinance and in determining who would be fined, noting that grass clippings can be blown in front of other people's properties.

Mr. Anderson questioned why sidewalks were included in the ordinance. Mrs. Townshend responded that clumps of grass on sidewalks interfere with handicap accessibility.

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

> PROPOSED ORDINANCE #2014-19 AMENDING CHAPTER 98 - STREETS, SIDEWALKS, STORM SEWERS AND OTHER PUBLIC PLACES, ARTICLE I - IN GENERAL, SECTION 98-5 - DUTY OF TENANTS OR OWNERS TO MAINTAIN SIDEWALKS AND LANDSCAPED AREAS WITHIN THE STREET RIGHT-OF-WAY AND APPENDIX F - FEES AND FINES

FIRST READING OF PROPOSED ORDINANCE #2014-18

Council President Bonar reminded the public that copies of the proposed ordinance were available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office. Since the ordinance amends the Zoning Code, a public hearing is required. Staff recommended referral of the amendment to the Planning Commission on September 15, 2014 and that a public hearing take place during the Council Meeting of October 13, 2014 at 7:30 p.m., at which time final action by Council will take place.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the proposed ordinance would amend the Planned Neighborhood Design to eliminate the 40-foot buffer around the perimeter of developments and to reduce the front and rear setbacks. She noted that a number of subdivisions within the City are currently prohibited from constructing fences, sheds, decks, etc. within the 40-foot perimeter buffer and this amendment would allow for those normal property improvements.

Mr. Slavin moved to refer the amendments and set a public hearing before City Council for October 13, 2014 at 7:30 p.m., as recommended. The motion was seconded by Mr. Dixon and unanimously carried.

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

> PROPOSED ORDINANCE #2014-18 AMENDING APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 24 - PLANNED NEIGHBORHOOD DESIGN OPTION (PND), SUBSECTION 24.62 - BUFFERS; ARTICLE 4 - ZONING BULK AND PARKING REGULATIONS, SUBSECTIONS 4.10 AND 4.11

FIRST READING OF PROPOSED ORDINANCE #2014-20

Council President Bonar 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. Since the ordinance amends the Zoning Code, a public hearing is required. Staff recommended referral of the amendment to the Planning Commission on September 15, 2014 and that a public hearing take place during the Council Meeting of October 13, 2014 at 7:30 p.m., at which time final action by Council will take place.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the proposed ordinance would clarify that site plans that include an increase in impervious cover of 15% and more than 5,000 square feet require Planning Commission review. Under the current language, any site plan that proposes an increase of impervious cover of 5,000 square feet or greater is subject to Planning Commission review.

Mr. Hutchison moved to refer the amendments and set a public hearing before City Council for October 13, 2014 at 7:30 p.m., as recommended. The motion was seconded by Mr. Dixon and unanimously carried.

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

> PROPOSED ORDINANCE #2014-20 AMENDING APPENDIX B - ZONING, ARTICLE 10 - PLANNING COMMISSION, SECTION 2 - SITE DEVELOPMENT PLAN APPROVAL

COUNCIL MEMBERS' ANNOUNCEMENTS

There were no Council Members' announcements.

Mr. Slavin moved for adjournment, seconded by Mr. Dixon and unanimously carried.

Meeting Adjourned at 8:44 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of August 25, 2014, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM
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Exhibits
Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 231 Mifflin Road
Exhibit #2 - Presentation - Violation of Dangerous Building Ordinance - 803 Westview Terrace

EXHIBIT #1
Regular Council Meeting of 08-25-2014

Violation of Dangerous Building Ordinance 231 Mifflin Rd

Planning & Inspections Department

Dover, Delaware

August 25, 2014

231 Mifflin Rd
Case History

- The home located on this property is abandoned
  - The home was registered as a vacant building on October 20, 2011.
  - Since City Staff started to regularly monitor the property due to its registration as a vacant building, the fence on the property has slowly deteriorated and is no longer able to function as a safety barrier.
- Neighbor Complaints
  - Property has been regular source of citizen complaints since 2011.
- The pool was placarded as an unsafe structure on June 6, 2014.
- Notice has been sent to all lien holders to make all necessary repairs so that the pool is in a safe condition.

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

- (9) *General welfare.*
- (10) *Code violations.*


RAM 1500


DANGER








05/20/2014 14:04


05/20/2014 14:04


05/20/2014 14:04


05/20/2014 14:05

Recommended Council Action

- Declare this in-ground pool & pool pump assembly on this property dangerous .
- Order the property repaired or demolished by **September 25, 2014** 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.

EXHIBIT #2
Regular Council Meeting of 08-25-2014

Violation of Dangerous Building Ordinance 803 Westview Terrace

Planning & Inspections Department

Dover, Delaware

August 25, 2014

803 Westview Terrace
Case History

- The home located on this property is abandoned
  - The home was registered as a vacant building on March 13, 2013.
- 10 Code Violation Cases Since January of 2013
  - Property has been a regular source of citizen complaints since 2013.
  - Tall grass & weeds
  - Closing of a vacant structure
  - The fence for the property is deteriorated and is no longer able to function as a safety barrier
- The pool was placarded as an unsafe structure on June 6, 2014.
- Notice has been sent to all lien holders to make all necessary repairs so that the pool is in a safe condition.

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

- (9) *General welfare.*
- (10) *Code violations.*


803

















Recommended Council Action

- Declare the in-ground pool on this property dangerous .
- Order the property repaired or demolished by **September 25, 2014** 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.