REGULAR COUNCIL MEETING

The Regular Council Meeting was held on April 14, 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, Mr. Hare, and Mr. Hutchison. Mrs. Williams was absent.

Council staff members present were Police Chief Bernat, Mrs. Mitchell, Mr. Koenig, Fire Chief Carey, Mr. Koenig, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Carey 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.

There was no one present wishing to speak during the Open Forum.

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

AGENDA ADDITIONS/DELETIONS

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

Mr. Slavin moved for approval of the Consent Agenda, seconded by Mr. Dixon and carried by a unanimous roll call vote (Williams absent).

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF MARCH 24, 2014

The Minutes of the Regular Council Meeting of March 24, 2014 were unanimously approved by motion of Mr. Slavin, seconded by Mr. Dixon and bore the written approval of Mayor Carey (Williams absent).

PRESENTATION - 2013 MAYOR'S PRAYER BREAKFAST CONTRIBUTIONS

The Annual Prayer Breakfast for Mayor Carleton E. Carey, Sr. was held on October 23, 2013. Each year, the Mayor donates proceeds from the event to organization(s) of his choice.

People's Place

Mayor Carey presented a check in the amount of $200 to Mr. Del Failing, Executive Director, People's Place, and expressed appreciation for the organization's efforts to aid the homeless in the area.

Mr. Failing expressed thanks to the Mayor, City Council, and residents of Dover for their support.

The Shepherd Place

Mayor Carey presented a check in the amount of $200 to Ms. Diane Cahall, Director, The Shepherd Place, to aid in their support of the homeless.

Ms. Cahall expressed thanks for the community support extended to The Shepherd Place, stating that the shelter could not function without such assistance. She noted the special challenges experienced during the past winter in regard to the "Code Purple" program, which strived to provide shelter to the homeless during extreme weather conditions.

Mayor Carey recognized Ms. Dina Vendetti, Chair of the Mayor's Prayer Breakfast Committee, for all of her work in organizing the event.

PROCLAMATION - ARBOR DAY

The City Clerk read the following Proclamation into the record:

WHEREAS, trees are of vital importance in beautifying our communities, moderating temperatures, producing life-giving oxygen, providing a habitat for wildlife, reducing erosion, and serving as a source of building materials and countless wood products; and

WHEREAS, in 1872, J. Sterling Morton, a Nebraska pioneer, proposed that a special day be set aside for the planting of trees by individuals and civic organizations, resulting in the first celebration of Arbor Day on April 10, 1872, with an estimated one million trees being planted in Nebraska that day; and

WHEREAS, Arbor Day has since become a national event promoted by the National Arbor Day Foundation, whose mission is to inspire people to plant, nurture, and celebrate trees; and

WHEREAS, the City of Dover was named a Tree City USA in 2013 for the twenty-fourth consecutive year by the National Arbor Day Foundation in recognition of the City's outstanding urban forestry program; and

WHEREAS, the City of Dover Planning and Inspections Department's Tree Planting and Preservation Ordinance has caused the planting of thousands of trees in all subdivisions and commercial sites since 1992, and the City has continued to aggressively plant street trees between curbs and sidewalks in almost every available site in the City; and

WHEREAS, the Delaware State champion American Elm on The Green may be the only living witness to Delaware's ratification of the United States Constitution that took place at the Golden Fleece Tavern in 1787, underscoring that planting and caring for trees is a special gift that one generation passes down to the next.

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim April 25th, 2014 as ARBOR DAY in the City of Dover, and urge all citizens to support efforts to care for trees along our streets, in our parks, and in our yards. As the City of Dover plants trees on public property, I urge all citizens to plant trees on their properties to enhance the environment and promote the well-being of present and future generations.

Mayor Carey presented the proclamation to Mr. Mark Nowak, GIS Manager, and expressed appreciation to him and to City staff for their efforts in planting trees and beautifying the City for the benefit of visitors and residents, and noted that the planting of trees improves air quality in the City as well.

Mr. Nowak emphasized that recognition was due to the City's Grounds staff, stating that these individuals deserved all of the credit.

RESOLUTION NO. 2014-03 PROPOSING APRIL 14 - APRIL 25, 2014 AS SPRING CLEANUP WEEKS

The City Clerk read Resolution No. 2014-03, proposing April 14 - April 25, 2014 as Spring Cleanup Weeks in the City of Dover, into the record.

By motion of Mr. Hare, seconded by Mr. Lynn, Resolution No. 2014-03 was unanimously adopted, as follows:

A RESOLUTION PROPOSING APRIL 14 - APRIL 25, 2014 AS SPRING CLEANUP WEEKS

WHEREAS, we are fortunate to live in a City that is abundantly blessed with natural assets and have a continuing responsibility to preserve our environment by keeping it clean, healthy, and beautiful; and

WHEREAS, the Dover Days Festival, a period set aside to honor the heritage of the City, will be celebrated May 2 - 4, 2014; and

WHEREAS, during this celebration we have the opportunity to demonstrate to ourselves, our neighbors, and our visitors, our commitment to a clean and beautiful city.

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

1. That the weeks of April 14 - 25, 2014 are designated as SPRING CLEANUP WEEKS in the City of Dover.

2. That all organized and individual segments of our population are encouraged to participate in this worthy effort by developing and carrying out innovative cleanup, painting, repair, and restoration projects which will serve to enhance or maintain the beauty of all properties in our community.

3. All Spring Cleanup debris should be placed for pickup along with regular household waste during the weeks of April 14 - 25, 2014 so that our City will exemplify cleanliness and beauty during the Dover Days Festival.

ADOPTED: APRIL14, 2014

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 814 MAPLE PARKWAY, OWNED BY FRANK E. JONES AND OTHERS

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 814 Maple Parkway, owned by Frank E. Jones and others. Mr. Scott Koenig, City Manager, explained that the structure was an in-ground pool with an adjacent, small, wooden pool house. The pool was condemned as an unsafe structure on November 30, 2012 due to the stagnant water and non-operating pool pump. The liner was ripped in several areas and trash was in the pool. The structure is currently filled with stagnant water, has non-operating equipment, has no active utility services, is in a serious state of disrepair, and is a danger to the residents in the surrounding neighborhood.

Mr. Scott Koenig, City Manager, reviewed a presentation depicting the condition of the structure ***(Exhibit #1)***.

Staff recommended that City Council take the following action for property located at 814 Maple Parkway: 1) declare the pool, pool decking, and all accessory pool structures and equipment on this property dangerous; 2) order the property repaired or demolished by May 14, 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 demolition to be charged against the land on which the structures 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, Mr. Koenig stated that the proposed demolition would involve only the in-ground pool and pump house, not the residential structure on this property.

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 that the pool, pool decking, and all accessory pool structures and equipment located at 814 Maple Parkway be declared dangerous and to order the property repaired or demolished in accordance with the process recommended by staff. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote (Williams absent).

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 39 NORTH NEW STREET, OWNED BY ERIN L. COOPER

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 39 North New Street, owned by Erin L. Cooper.

Mr. Koenig advised members that earlier in the day, shortly before 5:00 p.m., he received a request from the property owner to defer the public hearing because she was unable to attend the meeting this evening. She indicated that she was in the process of securing bids from various contractors to demolish the structure or to re-occupy it as an improved structure.

Mr. Koenig requested that the hearing be deferred to allow the property owner to choose a path forward. He stated that if this were not accomplished before the Council meeting scheduled for April 28, 2014, this item would be placed on the agenda for Council's consideration.

By unanimous consent, this item was deferred until the Council meeting scheduled for April 28, 2014.

PRESENTATION - FIRE DEPARTMENT 2013 ANNUAL REPORT

Fire Chief Matthew Carey reviewed the Dover Fire Department 2013 Annual Report. He noted that there were 1,045 calls for service in 2013, totaling 9,613 man hours from Fire Department volunteers for a wide variety of incidents including house fires, extricating victims from vehicles, pool rescues, and assisting other agencies. He noted that the majority of calls were false alarms resulting from malfunctioning alarms or malicious pulls of alarms. Chief Carey indicated that were approximately 200 actual fires that required putting a line in service, and that the Fire Department and Police Department work as a team in responding, as the Police Department keeps the crowds back while the Fire Department controls the fire. He described some of the incidents that occurred in the area, including a tornado touchdown in Old Dover, severe weather emergencies, a fire fatality at the Dover Budget Inn, tractor trailer fires, a double fatality vehicle accident, and a residential fire where the roof collapsed while two (2) crew members were inside searching for victims. He noted that a rapid intervention team rescue was performed during this last incident and that one (1) member was still recovering from injuries and the other was "doing okay." He emphasized that a great deal was learned from this incident and measures were taken to get the word out to try to prevent a reoccurrence.

Chief Carey informed members that 12 members were added to the Fire Department ranks, noting that Ms. Nicole Carey, Personnel Director, does an exceptional job promoting the Department and reaching out for volunteers. He noted that more than 4,452 training hours were put in by the Department including burn, foam, water, boat rescue, and vehicle extrication exercises. He indicated that all of the men and women in the Fire Department do an excellent job and that the Department trains to the same standards as career Fire Departments. Chief Carey stated that during the Department's Annual Appreciation Banquet some members were recognized for their exceptional performance, including Mr. Carlton Carey, Jr., who received the Presidents' Award; Mr. Jake Shepherd, who was named Firefighter of the Year; Mr. Brandon Naylor, who was named Fireman of the Year; and the top ten responders, who responded to over 200 of the 1,000 calls received.

Chief Carey advised members that the Department's new RTV Kubota 900 XT was used to put out a vehicle fire at Dover Downs and that this equipment was very helpful in taking a proactive approach at events such as NASCAR races and the Firefly Festival. He noted that the Fire Department had partnered with Active 911 in launching a pre-planning system in the City. Mr. Mark Nowak, GIS Manager, had assisted in providing input to allow crews to access information regarding the location and amount of flow of the City's 1,700 hydrants as well as more than 600 Fire Department connections and Knox-Boxes. Chief Carey stated that iPads with this information were now available on every piece of fire apparatus and in both command vehicles, which he stated would reduce the time required for safe rescue and quick "knock-downs" on fires. He noted that, in

cooperation with the Fire Marshal, a placarding system had been put in place marking locations that crews will not enter, due to fire loads or deteriorating conditions, unless an immediate life threat is known, or unless there is only a small room contents fire. Chief Carey indicated that improvements had been made to the Fire Department's website and the Department was also making use of social media through Facebook. He stated that the Department's four (4) full-time 911 dispatchers had recently been certified in Emergency Fire Dispatch and were tasked with many duties around the fire house, which allowed for volunteers to concentrate on mitigating incidents. Chief Carey informed members that the Fire Department's Pipes and Drums Band had received national awards and was doing an outstanding job and working very hard. In conclusion, he noted that in 2013 the Department said goodbye to Mr. Herb Abbott, their oldest Life Member, who performed 75 years of dedicated service to the Department.

Mr. Anderson thanked the Department for all they do for the community. He inquired regarding the cause of the fire at the Dover Budget Inn and was referred by Chief Carey to contact Mr. Dave Truax, Fire Marshal.

Mr. Hutchison expressed thanks to Chief Carey and to the members of the Fire Department. He stated that he had the opportunity to visit the Department during the previous week and walked away knowing that the City had a first-class fire operation, which he believed was a reflection of the work of Chief Carey, the leadership team, and the many volunteer members.

Mr. Bonar stated that he was no longer active around the fire house due to other obligations; however, he has had the pleasure and honor of working with the volunteers. He encouraged anyone that had an interest in becoming part of the volunteer fire service to stop by to learn about the benefits of serving and expressed his opinion that the Fire Department is "a remarkable organization."

Mr. Hare moved for acceptance of the Fire Department 2013 Annual Report, seconded by Mr. Hutchison and unanimously carried.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - MARCH 24, 2014

The Safety Advisory and Transportation Committee met on March 24, 2014 with Chairman Dixon presiding.

Dover/Kent County Metropolitan Planning Organization (MPO) Delaware State University (DSU) Pedestrian Counts Summary Report (December 2013)

Mr. Rich Vetter, Executive Director of the Dover/Kent County Metropolitan Planning Organization (MPO), reviewed the MPO Delaware State University (DSU) Pedestrian Counts Summary Report (December 2013). He explained that, last fall, the MPO and the Delaware Department of Transportation (DelDOT) completed a pedestrian study of the roadways adjacent to the Delaware State University (DSU) Dover Campus. The study corridor included Route 13 between the DSU Commons entrance and College Road, as well as College Road from Route 13 to University Courtyard Apartments at Jason Court. Pedestrian activity within the study corridor

has long been a concern since the university residences are on one (1) side of Route 13 and restaurants and retail centers are on the opposite side. The study examined pedestrian volumes, pedestrian movements, and crosswalk compliance.

Referring to the "Delaware State University Pedestrian Improvements" map, Mr. Vetter reviewed the list of pedestrian crossings and advised members that the figures listed in yellow indicated non-compliance with crosswalk use. He advised members that compliance was relatively good in the campus area near Route 13 and that improvements were planned in this area, including the extension of the existing brick wall, the addition of new sidewalk, and the installation of a post and chain fence and landscaping. He indicated that extension of the sidewalk had been financed through legislative funding and construction would occur in the Spring of 2014. It was hoped that these changes would alleviate some of the pedestrian crossing concerns. Mr. Vetter noted that major crosswalk non-compliance occurs at the College Road and Jason Court crossing going to and from the University Courtyard Apartments. He stated that pedestrians rarely use the marked crosswalk on College Road, although there is existing sidewalk on both sides of the road between the entrance and the bridge. In talking with DelDOT regarding potential solutions, he stated that DelDOT was not in favor of installing any additional mid-block crossings due to the curve in the road; however, other suggestions included enhancing the existing crosswalk, installing an additional crosswalk at the actual entrance to the apartments, and installing additional signage.

Noting that he traveled the roadway daily, Mr. Hutchison expressed concerns with the lack of lighting along College Road, particularly with the amount of pedestrian traffic and the speed of vehicular traffic.

Responding to Mr. Keller regarding whether other possible solutions were available, Mr. Vetter suggested enhancing enforcement, to include the issuance of jaywalking tickets.

Mr. Davis suggested the possibility of reducing the speed limit to 25 mph or 30 mph along College Road between Saulsbury Road and Route 13. He felt that decreasing the speed of vehicles would reduce the chance of a dangerous situation. Responding, Mr. Vetter stated that a reduction in the speed limit could be proposed to DelDOT for their consideration.

At the request of Mr. Vetter and based on the comments made by members of the Committee, Mr. Hutchison suggested that the MPO request that DelDOT consider additional street lighting along College Road and a reduction in the speed limit.

Transportation Improvement District (TID) - Review of Draft Agreement and District Boundaries

During their Regular Meeting of November 12, 2013, City Council authorized the City Manager and City Planner to begin negotiations with the Delaware Department

of Transportation (DelDOT) to create a Transportation Improvement District (TID), as recommended by the Committee, noting that any agreement related to the TID would be brought before City Council in draft form prior to execution.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the draft *Agreement Regarding Dover US Route 13/Bay Road Corridor Transportation Improvement District* and a map of proposed district boundaries.

Mrs. Townshend stated that the City had been negotiating the TID Agreement, including the participant boundary and facility boundary, for the past several months. She introduced Mr. William Brockenbrough, County Coordinator, DelDOT Division of Planning, who served as the project leader. Under the terms of the agreement, she stated that the City would provide data to DelDOT for the creation of a Land Use and Transportation Plan (LUTP) and that DelDOT would create the LUTP, which would be the basis of the TID Capital Transportation Plan (TID-CTP). Mrs. Townshend explained that the City would collect a fee from developers for development within the participant boundary. The fee would be based upon a fee schedule that would be adopted as an appendix to the agreement after the completion of the LUTP and would be collected upon issuance of a building permit. The City would keep these funds in an account to be used for the purpose of improvements associated with the TID-CTP. She noted that development projects that do not require Planning Commission approval would be exempt from the requirements of the agreement.

Mrs. Townshend stated that a LUTP would provide efficiency to the processes, since development would be considered on a regional scale, preventing piecemeal improvements. Most importantly, she stated that a LUTP would allow development to move forward in an area that many wished to see re-developed.

Staff recommended approval of the draft *Agreement Regarding Dover US Route 13/Bay Road Corridor Transportation Improvement District* and the map of the proposed district boundaries, subject to review by the Deputy City Solicitor.

Responding to Mr. Hutchison, Mr. Brockenbrough stated that it was hoped that the study would be completed during the Summer of 2014 and the LUTP would be finalized in the Fall of 2014. Once completed, DelDOT would present the LUTP to City Council for their approval.

The Committee recommended approval of staff's recommendation to approve the draft Agreement Regarding Dover US Route 13/Bay Road Corridor Transportation Improvement District and the map of the proposed district boundaries, subject to review by the Deputy City Solicitor.

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 (Williams absent).

Update - Dover High School Construction

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that a school construction coordination meeting was scheduled for later in the week and that one (1) of the issues to be discussed was the schedule for delivering furniture to the site. It had been determined that a Certificate of Occupancy would not be required for this delivery; however, she stated that the City would ensure that the building was substantially complete and that life safety systems were in place. It was anticipated that a temporary Certificate of Occupancy would be requested later in the Spring. Mrs. Townshend indicated that the requirements for each stage of the project would be discussed so that progress could continue without compromise.

After speaking with Mr. Jim Satterfield, Project Manager with the Delaware Department of Transportation (DelDOT), Mrs. Townshend stated that the sidewalk project on the north side of Route 8 near the school was moving forward. She noted that, of the 11 required temporary and permanent easements, six (6) property owners had signed easements.

Responding to Mr. Keller regarding the status of the east entrance to the school, Mrs. Townshend stated that a pre-construction meeting was held at DelDOT last week and this was discussed. Due to technical issues regarding the entrance design that needed to be revisited, another meeting was scheduled for April 9, 2014. Once these issues are resolved, she stated that improvements would begin on the entrance. Mrs. Townshend noted that authorization was granted for a stormwater outfall pipe to be installed under the right-of-way (roadway) and that construction could begin for that part of the project.

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

UTILITY COMMITTEE REPORT - MARCH 24, 2014

The Utility Committee met on March 24, 2014 with Chairwoman Williams presiding.

Delaware Mutual Aid and Assistance Agreement for Intrastate Water/Wastewater Agency Response Network (DEWARN)

Mrs. Sharon Duca, Director of Public Works, advised members that following the events of September 11, 2001, Hurricanes Katrina and Rita in 2005, and the severe flooding in New England and the Midwest in 2007, the need for water and wastewater systems to share resources to overcome disasters became evident. As a result, the Water Sector's professional associations and the U.S. Environmental Protection Agency (EPA) Water Security Division (WSD) had been working to have every state establish intrastate mutual aid and assistance agreements between drinking water and wastewater utilities known as Water/Wastewater Agency Response Networks (WARN).

Mrs. Duca indicated that the Delaware Mutual Aid and Assistance Agreement for Intrastate Water/Wastewater Agency Response Network (DEWARN) had been executed by numerous water and wastewater utilities (public and private) throughout the State. She stated that the City and other jurisdictions already work together and provide assistance to each other during times of need. Mrs. Duca explained that if the City became a member, this would allow the City to receive assistance from other members, should an emergency occur, as well as provide assistance if possible. She stated that emergencies do not need to be catastrophic, such as those that led to the formation of the WARN communities, but can be any incident which requires emergency response. She assured members that the agreement would not mandate any obligation to assist other members in the event of an emergency, explaining that it would simply provide a means for members to assist each other if they are able. Mrs. Duca indicated that participation in this network would be achieved through the Department of Public Works and the City Manager's Office via Public Affairs and Emergency Management. Members were provided an informational brochure regarding DEWARN.

Staff recommended that the City Manager be authorized to execute the DEWARN Agreement.

Responding to Mr. Perza, Mrs. Duca stated that she, along with the City Manager and the Public Affairs and Emergency Management Coordinator, would serve as the City's point of contact. She advised members that in all instances, the City Manager would be made aware of an issue before a final decision would be made on any request. Elaborating, Mr. Scott Koenig, City Manager, stated that although he, as City Manager, would be required to approve requests for personnel and equipment outside of the City, approval would be granted after considering staff's recommendation in this regard. He assured members that if a request were within reason, the City would do whatever possible to provide aid to a local jurisdiction included in the Network.

In response to Mr. Snaman, Mr. Koenig stated that, although there was no written agreement to provide assistance for electrical issues, there has been a long-term understanding that the City's Electric Department will respond whenever assistance is needed. In the past, Mr. Koenig stated that crews had been sent to other states as a part of mutual aid through the American Public Power Association (APPA).

Mrs. Williams questioned what, if anything, the City would do to accommodate requests for providing water to areas where there is no interconnection with the City. Responding, Mrs. Duca felt that, if such a need arose, assistance would extend outside of the Network and come from other sources, such as the National Guard.

Responding to Mr. Hutchison, Mrs. Duca advised members that the municipalities that are already members of DEWARN are Blades, Camden-Wyoming, Lewes, Milford, Milton, Newark, New Castle Municipal Services Commission, Selbyville, and Wilmington. Other members include United Water Delaware, Tidewater Utilities, and Artesian Water Company.

The Committee recommended approval of staff's recommendation to authorize the City Manager to execute the DEWARN Agreement.

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 (Williams absent).

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 (Williams absent).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - MARCH 24, 2014

The Legislative, Finance, and Administration Committee met on March 24, 2014 with Chairman Lynn presiding.

Proposed Amendments to the City of Dover Freedom of Information Act (FOIA) Policy and Proposed Ordinance #2014-07 - Creating a new Chapter 52 - Freedom of Information Act Related to Public Records Access and Amending Appendix F - Fees and Fines

Mrs. Traci McDowell, City Clerk, explained that recent amendments to 29 Del. C. Chapter 100, the State of Delaware Freedom of Information Act (FOIA), had necessitated amendments to the City of Dover's FOIA Policy. She noted that the most significant changes were related to the fee structure and record keeping requirements related to FOIA requests. In addition, Mrs. McDowell stated that municipalities were now required to adopt their FOIA policies by Resolution or Ordinance. Accordingly, staff submitted proposed amendments to the City of Dover Freedom of Information Act Policy, as well as Proposed Ordinance #2014-07, for the Committee's review and consideration.

Staff recommended approval of the proposed amendments to the FOIA policy and adoption of Proposed Ordinance #2014-07.

Responding to Mr. Shevock, Mrs. McDowell stated that the fees were grouped to allow for better organization within the Policy. She noted that the State's fees are less than the City's fees; however, she assured members that the State allows for the City to deviate from those fees as long as they are codified. She stated that Appendix F of the proposed ordinance clearly identifies the fees based on specific FOIA requests. Regarding the ability for individuals to review documents without providing copies, Mrs. McDowell stated that although there is no computer station

set up for individuals to review documents, generally, the City Clerk's Office fulfills the majority of requests by providing a PDF document that is emailed to the requestor or, if it is a large file, they are provided the material on a CD.

Mrs. McDowell advised members that a lot of the City's material, such as Council and Committee minutes, can be accessed through the City's website, which does not require a FOIA request.

The Committee recommended approval of the proposed amendments to the FOIA Policy and adoption of Proposed Ordinance #2014-07.

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 (Williams absent). *(The First Reading of Proposed Ordinance #2014-07 will take place during the latter part of the meeting.)*

Financial Forecast Updates

Mrs. Donna Mitchell, Controller/Treasurer, reviewed the Revenue Report as of February 28, 2014 and noted that the report included information for both FY 2014 and FY 2015. She noted that those amounts highlighted on the report had not been updated at the time the report was generated.

Mrs. Mitchell stated that, after reviewing the expense budgets, there was a reduction in expenses, primarily due to vacant positions and healthcare savings resulting from the vacancies, which would cover all of the General Fund shortfall.

Referring to the Water/Wastewater Fund, Mrs. Mitchell noted that a reduction in the amount of $651,300 was projected for FY 2014; however, based on figures that were updated after the report was generated, the amount was actually $773,700. She advised members that she was still in the process of reviewing the expense budget and, thus far, there was a savings of approximately $350,000. Mrs. Mitchell expressed her concern with this fund due to the debt covenants, explaining that she would need to continue to work on reviewing the expense budget for possible savings.

Mrs. Mitchell indicated that the Electric Fund reflected a favorable budget for FY 2014, which was due to the increase in the transfer from the Rate Stabilization Reserve from $4M to $7M. She explained that revenues were tracking approximately $2M higher; therefore, $5M would be available to make up for the $5M additional expenses incurred in January. Mrs. Mitchell assured members that the details regarding these changes would be forthcoming in revised budget ordinances. She stated that the FY 2015 budget was showing a revenue reduction of $257,400 compared to the current year.

Responding to Mr. Slavin, Mrs. Mitchell confirmed that the General Fund transfer tax was readjusted downward by $235,000. She stated that the shortfall in the operating budget could be attributed to the transfer tax, as well as other revenue items which were trending downward. For example, the Police Department recently requested that police fines be reduced by $95,000. Mrs. Mitchell indicated that she would have graphs reflecting the revenue trends available for Council to review during the Council Budget Workshop scheduled for March 31, 2014.

No further action was taken.

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 (Williams absent).

MONTHLY REPORTS - FEBRUARY 2014

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

City Assessor's Report
City Manager's Report
City Planner's Report
Controller/Treasurer's Budget Report
Economic Development Office Report
Fire Chief's Report

THE GRANDE: PLANNED NEIGHBORHOOD DESIGN - SENIOR CITIZEN HOUSING OPTION CONCEPT PLAN (GENERAL SKETCH PLAN)

Mr. Scott Koenig, City Manager, advised members that The Grande is located northwest of the intersection of Saulsbury Road and Forrest Avenue. The property consists of 6.7326± acres of land. Currently there are three (3), four (4) story buildings on the site, each with 48 apartment units. It is managed as a 55+ community, although the existing Site Development Plan (S-11-12) does not require that the community be age-restricted.

Mr. Koenig stated that this site had been under construction through various development applications for the last decade. Initially, the senior citizen apartments were planned as part of a Planned Neighborhood Design – Senior Citizen Housing Option (PND-SCHO) known as Fountain View. Mr. Koenig noted that this project had been through several different owners and most recently was transferred to the ownership of Doveview Investors, LLC and was known as The Grande. Doveview Investors, LLC submitted a Site Development Plan (S-11-12) which allowed for completion of the two (2) partially-complete buildings and construction of a third building. This project was not reviewed as a PND-SCHO and, therefore, was not required to be age-restricted.

Mr. Koenig indicated that the three (3) buildings on the site were now complete, and the property owner wished to build a fourth building, as was previously planned and approved under the Conditional Use Site Plan C-06-02, which requires that the applicant restart the application process

for the PND-SCHO. Members were informed that the applicant was seeking approval for the SCHO in accordance with Appendix B - Zoning, Article 3 - District Regulations, Section 24.1(b) of the Dover Code which sets forth a two (2) or three (3) step review and approval process. The first step in this process is submission of a general sketch plan to City Council and City Council shall determine whether or not the proposed project is of such a design and type that warrants further review by the Planning Commission. If City Council determines that further review is warranted, then the PND-SCHO project shall proceed to the second step which is a more detailed Conditional Use Site Plan review and public hearing process before the Planning Commission. A third review step with the Planning Commission may be required depending on the type, physical size, and complexity of the project application.

Mr. Koenig stated that the sketch plan submitted aligned exactly with that which was approved by the Planning Commission as C-06-02. For this proposed plan, there are only two (2) steps required and this submission to City Council represents the first step in the review process.

It was noted that the PND must present a community design that is in accordance with the goals and policies of the Comprehensive Plan. Mr. Koenig advised members that the Comprehensive Plan acknowledged the fact that residents aged 65+ are a rapidly growing segment of the population that will require more specialized services.

Staff recommended that City Council forward the plan to the Planning Commission for review.

Mr. Hare moved to refer the proposed project known as The Grande: Planned Neighborhood Design - Senior Citizen Housing Option to the Planning Commission for review, as recommended by staff. The motion was seconded by Mr. Dixon and unanimously carried.

EVALUATION OF BIDS - GENERATOR MAINTENANCE CONTRACT

Mr. Scott Koenig, City Manager, advised members that the City of Dover currently had seventeen emergency generators that supply emergency power to critical infrastructure. These facilities include the Electric Administration Building, various sanitary sewer pump stations, the Water Treatment Plant, City of Dover Warehouse, water production wells, and City Hall. He stated that this Generator Maintenance Contract would require the contractor to perform four (4) quarterly preventative maintenance service visits on each generator every year. One (1) of the four (4) visits annually would consist of complete preventative maintenance service at each generator. Mr. Koenig noted that if it is found that a generator is in need of materials that are above the work outlined in the Invitation to Bid, the price for the repair, including all materials and labor, shall be pre-approved by authorized City of Dover personnel, prior to material being ordered. He stated that, historically, the City has spent approximately $3,000 annually on additional repairs beyond the preventative maintenance aspect of the contract. He noted that the City is not obligated to utilize the winning bidder to perform repairs on generators. Any additional work that is required for the generators shall be in accordance with the City's most current Purchasing Policy and Procedures.

Mr. Koenig stated that bids were solicited and advertised according to City Policy by the City's Contract and Procurement Manager under ITB #14-0027PW and bids were received from six (6) contractors. Based on the contract documents, the yearly cost from each contractor was as follows:

Contractor	Location	Year 1	Year 2	Year 3	Year 4 (City Option)	Year 5 (City Option)
Alban Tractor Co., Inc.	Baltimore, MD	$14,166.00	$14,591.00	$15,016.00	$15,500.00	$16,000.00
Fidelity Engineering	Sparks, MD	$15,445.00	$15,445.00	$15,445.00	$16,220.00	$16,220.00
FM Generator	Canton, MA	$12,975.00	$13,875.00	$13,875.00	$13,875.00	$13,875.00
Power Equipment Co.	Moorestown, NJ	$11,427.00	$11,427.00	$11,427.00	$11,427.00	$11,427.00
Roy's Electrical Services, Inc.	**Cheswold, DE**	**$9,985.00**	**$9,985.00**	**$9,985.00**	**$9,985.00**	**$9,985.00**
White Marsh Environmental	Dover, DE	*$31,573.50** $32,550.00	*$32,628.38** $33,637.50	*$33,770.37** $34,814.81	*$34,952.33** $36,033.33	*$36,175.67** $37,294.50

**=White Marsh Environmental claimed Local Vendor Preference, which entitles a 3% reduction on the evaluation of prices, non-italicized costs are the actual bid costs.*

Mr. Koenig advised members that Roy's Electrical Services, Inc. submitted all of the contractor's qualification information.

Mr. Koenig stated that this would be a multi-year contract that would exceed $25,000 and, therefore, required Council approval, even though the expenditure proposed for FY 2014 was less than $25,000.

Staff recommended awarding a three (3) year contract with the option for two (2) one (1) year extensions to Roy's Electric, Inc. as per the bid submitted in response to ITB #14-0027PW.

Noting a large difference in the prices submitted by White Marsh Environmental, Mr. Perza inquired if the bid submitted by White Marsh Environmental included the entire three (3) year term of the contract. Responding, Mr. Koenig stated that he had not asked this question of staff; however, he expressed his understanding that staff had reviewed all bids and White Marsh Environmental fully understood how the bids were structured. He stated that the price listed was their submitted price.

Mr. Slavin moved to award a three (3) year contract with the option for two (2) one (1) year extensions to Roy's Electric, Inc. as per the bid submitted in response to ITB #14-0027PW, as recommended by staff, seconded by Mr. Hutchison and carried by a unanimous roll call vote (Williams absent).

PROPOSED RESOLUTION NO. 2014-04 IN SUPPORT OF A DELAWARE LAND AND WATER CONSERVATION TRUST FUND GRANT APPLICATION FOR SCHUTTE PARK IMPROVEMENTS - PHASE I

Mr. Scott Koenig, City Manager, informed members that Proposed Resolution No. 2014-04 was required to complete the City's grant application for a Delaware Land and Water Conservation Trust Fund Grant. He stated that this was a "paperwork and accounting issue" to ensure that City Council

was in support of the grant application to offset some of the costs of the Schutte Park improvements. Mr. Koenig stated that staff estimated that the review committee would review the grant applications on approximately May 4, 2014 and the project would proceed shortly thereafter.

Staff recommended adoption of Resolution No. 2014-04 by Council so that the grant package could be completed.

Mr. Slavin stated his understanding that one (1) of the provisions of accepting the funds from the Delaware Land and Water Conservation Trust Fund was that the City would agree to hold this land as parkland in perpetuity and inquired if a permanent easement would be placed on the property. Responding, Mr. Koenig stated that the recreation area comprises all of the frontage of the property and a small portion of the property is related to a Public Works facility. He indicated that the front of the property may already be deed restricted and that he would check on this.

Mr. Perza inquired if the survey work had already been approved and contracted. Mr. Koenig stated that Council had awarded a contract for a survey; however, the authorization had not yet been signed in order to allow the City time to follow the grant application process, so as not to rule out these funds if there were available.

By motion of Mr. Slavin, seconded by Mr. Hare, Council unanimously adopted Resolution No. 2014-04, as follows:

A RESOLUTION IN SUPPORT OF A DELAWARE LAND AND WATER CONSERVATION TRUST FUND GRANT APPLICATION FOR SCHUTTE PARK IMPROVEMENTS - PHASE I

WHEREAS, the City of Dover intends to improve the land additions to Schutte Park that are the result of land dedicated by Stover Homes with the development of Nottingham Meadows, as well as the right-of-way associated with the former alignment of Wyoming Mill Road that will be acquired from the State of Delaware; and

WHEREAS, the City intends to request $15,000 from the Delaware Land and Water Conservation Trust Fund (DTF) Grant Program to support completion of an American Land Title Association (ALTA)/American Congress on Surveying and Mapping (ACSM) Land Title Survey and Wetland Services to allow for land planning activities at Schutte Park to support expansion of recreation amenities; and

WHEREAS, the City has allocated $34,700 of City funds for the purposes of this land survey, which will support the planning for the park expansion as well as efficient use of the Public Works Operations Area located at the southeast corner of the park; and

WHEREAS, the City assigns Ann Marie Townshend, Director of Planning and Community Development, to manage the project and coordinate the DTF Program requirements for reporting and reimbursements; and

WHEREAS, the City understands that parkland acquired or improved with DTF funding assistance will remain available to the public for outdoor recreation in perpetuity.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council support the Delaware Land and Water Conservation Trust Fund (DTF) Grant application.

BE IT FURTHER RESOLVED, that the City shall abide by the requirements of the DTF Grant Program for reimbursements and stewardship responsibilities.

ADOPTED: APRIL 14, 2014

FIRST READING - PROPOSED ORDINANCE #2014-07

Council President Bonar reminded the public that copies of Proposed Ordinance #2014-07 were available at the entrance of the Council Chamber or could be obtained from the City Clerk's Office. Final action by Council on the proposed ordinance will take place during the Council Meeting of April 28, 2014.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Proposed Ordinance, as follows:

> #2014-07 CREATING A NEW CHAPTER 52 - FREEDOM OF INFORMATION ACT RELATED TO PUBLIC RECORDS ACCESS AND AMENDING APPENDIX F - FEES AND FINES

COUNCIL MEMBERS' ANNOUNCEMENTS

There were no Council Members' announcements.

Mr. Lynn moved for adjournment, seconded by Mr. Hutchison and unanimously carried.

Meeting adjourned at 8:10 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of April 14, 2014, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM
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Exhibits
Exhibit #1 -Presentation - Violation of Dangerous Building Ordinance - 814 Maple Parkway

Violation of Dangerous Building Ordinance 814 Maple Parkway

Planning & Inspections Department

Dover, Delaware

April 14, 2014

814 Maple Parkway
Case History

- Four Code Enforcement cases since 2012
  - Exterior violations (trash and debris)
  - Property has been vacant since October 2012
- Registered as a Vacant Building by JP Morgan Chase Bank February 21, 2013
- Source of Neighbor Complaints
- Property has been broken into and re-secured by staff
- Pool has not been maintained in a clean and sanitary manner. Stagnant water has accumulated
- Condemned by staff due to dangerous pool on November 30, 2012

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

- (5) *Unfit for habitation*
- (9) *General welfare.*
- (12) *Unoccupied Buildings.*

Pool and Decking




Pump House
03/25/2014 14:45

Recommended Council Action

- Declare this pool, pool decking, all accessory pool structures and equipment on this property dangerous.
- Order the property repaired or demolished by **May 14, 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.