REGULAR COUNCIL MEETING
A G E N D A

JULY 23, 2012 - 7:30 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

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

The "Open Forum" segment is provided to extend the opportunity to the general public to share their questions, thoughts, comments, concerns, and complaints. Discussion of any item appearing on the agenda as a public hearing is prohibited during the Open Forum as an opportunity will be provided during consideration of that item. Citizen comments are limited to three (3) minutes. Council is prohibited from taking action since they are not in official session; however, they may schedule such items as regular agenda items and act upon them in the future.

INVOCATION BY CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN HUTCHISON

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

Those items on the Council Agenda which are considered routine and non-controversial shall be marked with an asterisk (*) and will be acted upon by a single roll call vote of the Council. There will be no separate discussion of these items unless a member of Council so requests, in which event the matter shall be removed from the Consent Agenda and considered a separate item.

* 1. **Adoption of Minutes - Regular Council Meeting of July 9, 2012**

2. **Presentation - Community Blueprint Network** *(Michelle Lee)*

3. **Violation of the Dangerous Building Ordinance - Property Located at 827 Townsend Boulevard (Pool), Owned by Jennifer E. Brown** *(Tabled on June 25, 2012 for 30 Days and, If at the End of That Time Sufficient Progress Has Not Been Made, as Determined by the Inspections Department, That Staff Proceed with the Demolition)*

4. **Public Hearing - Violation of the Dangerous Building Ordinance**
   - **A. 345 and 347 Northdown Drive (Owned by Chesapeake Holdings WV VI, LLC)**
   - **B. 357, 361, 365, and 408 Northdown Drive (Owned by Chesapeake Holdings WV VI, LLC)**

* 5. **Legislative, Finance, and Administration Committee Report - July 9, 2012**
   - **A. Review and Recommendation - Filling Critical Positions**
     - **a-1. Police Clerk II - Police Department**
       (Committee Recommended Approval of the Request to Fill the Police Clerk II Position, as Recommended by Staff)
     - **a-2. 911 Dispatcher - Police Department**
       (Committee Recommended Approval of the Request to Fill the 911 Dispatcher Position, as Recommended by Staff)

* **5. Legislative, Finance, and Administration Committee Report - July 9, 2012 (Continued)**

B. Requisite Legal Work for Proposed Rent Justification Ordinance *(Lynn, Leary, and Bonar)*

(Committee Recommended the Authorization of 10 Hours of Legal Work to Investigate a Proposed Rent Justification Ordinance)

C. Proposed Policy for Requesting Legal Work/Opinions

(Committee Recommended That Requests for Legal Work Performed by the City Solicitor or Deputy City Solicitor from Council Directly Be Handled on a Case-by-Case Basis in the Future)

D. Value Study of Positions *(Hutchison)*

(Committee Recommended That Once the Salary and Benefits Compensation Comparison Committee Report and Minority Recruitment Report Are Received and All Labor Negotiations Have Been Completed, the City Manager Submit a Date for a Workshop with the Purpose of Identifying Issues and Concerns Pertaining to Personnel Costs)

6. Joint Legislative, Finance, and Administration Committee and Election Board Report - July 11, 2012

A. Results of NAACP Review of Proposed Council District Boundaries

(Election Board Recommended Acceptance of the City's Method of Calculation Using Mixed Races)

B. Review of Revised Proposed Reapportionment of Council District Boundaries

(Election Board Recommended Acceptance of the Map Amendment Moving Residents from the 4th District to the 2nd District)

(Election Board Recommended Acceptance of the Revised Proposed Reapportionment of the Council District Boundaries)

*(Legislative, Finance, and Administration Committee Recommended Acceptance of the Proposed Reapportionment of the Council District Boundaries, as Recommended by the Election Board)**(It is recommended that a Public Hearing/First Reading be set for Monday, August 13, 2012 at 7:30 p.m. and that a Public Hearing/Final Reading be set for Monday, August 27, 2012 at 7:30 p.m.)***

7. Evaluation of Bids - System Control and Data Acquisition (SCADA) Equipment Technology Upgrade

8. Amendment to EDIS Contract - City Hall Fire Sprinkler System

9. Rezoning Request/First Reading of Proposed Ordinance #2012-19

Recommended for referral to the Planning Commission on August 20, 2012 and that a Public Hearing be set for September 10, 2012 at 7:30 p.m.

A. Property located at 870-872 Forest Street (on the south side of Forest Street east of Gibbs Drive), consisting of $0.747^{+/-}$ acres, owned by Bennie L. Smith. This property is currently zoned C-PO (Commercial/Professional Office Development District) and subject to COZ-1 (Corridor Overlay Zone) and the proposed zoning is C-1A (Limited Commercial) and subject to COZ-1 (Corridor Overlay Zone). (TAX PARCEL: ED-05-076.12-01-08.00-000, FOURTH COUNCIL DISTRICT; PLANNING REFERENCE: Z-12-02)

10. Council Members Announcements

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on July 9, 2012 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Mrs. Russell, Mr. Lynn, Mr. Perza, Mr. Hare, and Mr. Hutchison. Mr. Bonar and Mrs. Williams were absent.

Council staff members present were Police Chief Hosfelt, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Deputy Fire Chief West, 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 Leary 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 Chaplain Dixon, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

Mr. Anderson requested that agenda Item #6-E, City Planner's Report, be removed from the consent agenda. Mr. Hutchison requested that Item #4-B, Update on Dover High School Construction, be removed from the consent agenda.

Mr. Anderson moved for approval of the consent agenda, as amended, seconded by Mr. Hutchison and carried by a unanimous roll call vote (Mr. Bonar and Mrs. Williams absent).

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JUNE 25, 2012

The Minutes of the Regular Council Meeting of June 25, 2012 were unanimously approved by motion of Mr. Anderson, seconded by Mr. Hutchison and bore the written approval of Mayor Carey.

PRESENTATION - LUTHERAN SENIOR SERVICES OF DOVER, INC. - PAYMENT IN LIEU OF TAXES (PILOT)

Mr. Gary Coy, Executive Director of Lutheran Senior Services of Dover, Inc., presented Mayor Carey with a contribution in the amount of $27,227 for payment in lieu of taxes (PILOT) for expenses associated with City services provided to Lutheran Senior Services throughout the year.

Mayor Carey expressed his gratitude and thanked Mr. Coy and Lutheran Senior Services for their contribution.

Mr. Hutchison and Mr. Anderson relayed appreciation for the partnership that Lutheran Senior Services has with the community.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - JUNE 25, 2012

The Legislative, Finance, and Administration Committee met on June 25, 2012 with Chairman Lynn presiding.

Review and Recommendation - Filling Critical Positions - Library Page (4) - Library

Mr. Scott Koenig, City Manager, reviewed a request to fill four (4) Library Page positions at the Dover Public Library. Staff requested that these positions be filled prior to the opening of the new library in order to provide a full complement for a "skeleton" staff at the facility. Referring to the summary sheet provided, he noted that the annual wages and benefits budgeted for the positions totaled $49,797. He advised members that the positions were covered by a bargaining unit contract which was currently in negotiation. Mr. Koenig stated that the current contract stipulated that these employees could work no more than 18 hours per week without receiving City benefits; however, he indicated that it was staff's intent, through the collective bargaining process, to amend these terms. Since negotiations were not complete, he was not able to disclose the terms. He assured members that these positions were critical to the opening of the new library.

In response to Mr. Shevock, Mr. Koenig stated that the Committee's recommendation would be considered by City Council on July 9, 2012 and that he expected to have an answer from the union by that time. Should the union's response not be favorable, he stated that the positions would be advertised and filled at the salary rate specified in the current contract. He explained the importance of moving forward to secure the necessary employees for the new library.

The Committee recommended approval of the request to fill the four (4) Library Page positions, as recommended by staff.

By consent agenda, Mr. Anderson moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and carried by a unanimous roll call vote (Mr. Bonar and Mrs. Williams absent).

FY2013 Hiring Freeze and Recruitments

Mr. Scott Koenig, City Manager, requested administrative authorization to remove the hiring freeze and to fill the vacant positions included in the City's budget, provided that the budget was adopted by City Council. He explained that staff would continue to complete hiring justifications and determine the economic impact when hiring, and the approval of both the City Manager and Controller/Treasurer would be required prior to recruitment. He assured members that Council would be made aware of the positions being filled.

Responding to Mr. Hare, Mr. Koenig noted that approximately 365 positions were included in the FY13 budget and felt that 365 correctly positioned employees were necessary in order to accomplish the work of the City. He indicated that internal scrutiny was needed to ensure that employees were placed properly. Mr. Koenig noted that there were approximately 10 vacant positions currently budgeted and stated he believed that these 10 positions should be filled.

In response to Mr. Lynn, Mr. Koenig relayed no objection to creating a process that would allow for department heads to appeal to the Legislative, Finance, and Administration Committee if they fail to receive approval to fill vacancies from the City Manager.

Objecting, Mr. Hare felt department heads who report to the City Manager should abide by the decision of the City Manager.

Mr. Hutchison indicated his support for the City Manager being granted the leadership and responsibility of working within the City's budget to fill positions throughout the City.

Responding to Mr. Shevock, Mr. Koenig stated that his request applied to being granted authority to recruit for positions that were requested by Council-appointed department heads.

Mr. Anderson questioned if the appeal process would be made available for City Manager-appointed department heads. He indicated his concurrence with Mr. Hare and explained that the City Charter provides for the City Manager to have a certain level of authority and that City Council should refrain from interfering.

The Committee recommended removing the hiring freeze and granting the City Manager the authority to recruit for vacant positions within the confines of the budget.

By consent agenda, Mr. Anderson moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and carried by a unanimous roll call vote (Mr. Bonar and Mrs. Williams absent).

Reduced Rates for All-Electric Homes in December, January, and February *(Requested by Ted George During Open Forum at City Council - Deferred by Committee on June 11, 2012 Due to Time Constraints)*

During the Open Forum Segment of the April 9, 2012 City Council Meeting, Mr. Ted George requested that members consider providing an electric rate discount during the months of December, January, and February for those customers with all-electric homes.

Mr. Ted George, 77 Billings Drive, advised members that from the 1970s until 1984, a 20% rate discount was granted to customers with all-electric homes from December 1st through February 28th each year. He proposed that the current kilowatt usage rate of 14.5¢ be reduced to 11.6¢.

In response to Mr. Rushe, Mr. George estimated that 200 customers would qualify for the discount.

Mr. Shevock noted that many households have higher electric bills during the summer due to air conditioning units. He questioned the effect that such a reduction would have on City revenues. Responding, Mr. George stated that during a bad winter, he has had an electric bill of approximately $400; therefore, the 20% discount would provide a savings of $80.

In response to Mr. Shevock's questions, Mrs. Donna Mitchell, Controller/Treasurer, reminded members that there was a current proposal to decrease the residential electric rate by 9% and that the draft FY13 budget reflected a Power Cost Adjustment (PCA) credit that averaged 8%; therefore, a residential customer would realize a net decrease of 1%.
Responding to Mr. Lynn, Mr. George recalled that the discount was discontinued in 1984 due to the City's need for funds to expand the Police Department, Public Works Department, etc.

The Committee recommended that the proposal to reduce electric rates for all-electric homes be referred to staff for cost analysis and review.

By consent agenda, Mr. Anderson moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and carried by a unanimous roll call vote (Mr. Bonar and Mrs. Williams absent).

By consent agenda, Mr. Anderson moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Hutchison and carried by a unanimous roll call vote (Mr. Bonar and Mrs. Williams absent).

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - JUNE 27, 2012
The Safety Advisory and Transportation Committee met on June 27, 2012 with Chairman Hutchison presiding.

Request for Two (2) Hour Parking Designation - Gooden Avenue *(Dr. Richard Taylor)*
Members reviewed a letter submitted by Dr. Richard Taylor requesting a two (2) hour parking designation for Gooden Avenue. He indicated that he owns the professional building located on the corner of S. Bradford Street and Gooden Avenue. With the construction and expansion of Kent General Hospital, the City placed a two (2) hour parking limit on South Bradford Street; however, Gooden Avenue has no such limit. Dr. Taylor advised members that employees of Kent General Hospital have been parking along Gooden Avenue for 8 - 10 hours per day. The patients of his facility require short-term parking and are having difficulty finding available space near the practice. As a result, he requested that members authorize a two (2) hour parking limit on Gooden Avenue.

Mr. Scott Koenig, City Manager, advised members that the two (2) hour parking limit on Bradford Street was implemented several years ago as a result of the hospital and office/medical buildings in the area. He noted that the same restrictions were implemented on State Street, near the hospital. He assured members that neighborhood residents were permitted to obtain a residential parking permit, allowing them to exceed the two (2) hour restriction. He stated that staff had no objections to Dr. Taylor's request and, upon Council's approval, appropriate signage would be erected and notification provided to the property owners in the area.

Responding to Mr. Davis, Mr. Koenig stated that he would obtain details regarding the parking garage recently built, such as the number of available spaces, and whether hospital staff were authorized to use the parking garage, prior to the City Council Meeting scheduled for July 9, 2012. Mr. Keller stated that, according to a security guard at Kent General Hospital, the parking garage was for use by visitors and patients only.

In response to Dr. Taylor, Mr. Koenig stated that if the change in parking designation were approved by Council on July 9, 2012, he anticipated that staff could implement the change during the week of July 16, 2012.

The Committee recommended approval of the request for a two (2) hour parking designation on Gooden Avenue.

By consent agenda, Mr. Anderson moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and carried by a unanimous roll call vote (Mr. Bonar and Mrs. Williams absent).

Update Dover High School Construction

On behalf of Mrs. Ann Marie Townshend, Director of Planning and Community Development, Mr. Scott Koenig, City Manager, read the following statement into the record:

- *Monthly coordination meetings are continuing. The last one was held on June 21st.*

- *The School District completed the Signal Warrant Analysis for the East Entrance and submitted it to DelDOT* [Delaware Department of Transportation] *for review. DelDOT issued comments on June 22nd. The Signal Warrant Analysis indicates that the east entrance does not meet the warrants for a signal. As we have expressed to the Committee, this is a serious concern to the Planning Office, especially given the number of students who will live in the developments on the north side of Route 8 who will be expected to walk to school. The Planning Office will continue to pursue this matter with DelDOT and the School District and involve other City staff and elected officials if and when appropriate. We will continue to keep the Committee apprised of progress on this.*

- *DelDOT sent a letter to the Papens, who own the farm on Hazlettville Road just west of Cannon Mills, indicating that the Route 8/Hazlettville Road Connector is being moved out in the Capital Transportation Plan to future years. The letter indicates that the road is not necessary for the opening of the new Dover High School. At the Dover/Kent County MPO* [Metropolitan Planning Organization] *TAC* [Technical Advisory Committee] *meeting on June 13th, I expressed concern on behalf of the City that this road was ranked as the City's 2nd highest transportation priority, and that this determination was made by DelDOT without the benefit of any discussion with the City nor communication to the City regarding the matter. I expressed concern regarding traffic on Route 8 with the opening of the High School if this road is not in place at the time of the school opening or shortly thereafter. Natalie Barnhardt, DelDOT's Chief Engineer, has offered to meet with City staff. This meeting will be set up in the near future.*

Mr. Koenig advised members that buses would be entering and exiting the school onto Route 8 at the east entrance and, according to the site plan at this time, this would be a non-signalized intersection. He noted that there would be a signal at the west entrance, which was intended to be the main entrance to the High School. This road would be extended and then come to a dead end, since the apartment complex planned at that location had not progressed toward construction, and connection to the end of Cannon Mills would not occur until the construction of the apartments. He stated that the construction of the road that was to connect the school to Hazlettville Road had been delayed by DelDOT; however, due to the concerns of staff regarding traffic on Route 8, he assured members that this matter would continue to be pursued.

Responding to Mr. Hutchison, Mr. Koenig stated that the new Dover High School was scheduled to open in the fall of 2014.

Mr. Hutchison requested that Senator Brian Bushweller and Representative Darryl Scott be provided any correspondence regarding traffic issues relating to the high school. Noting concerns of Mr. Perza regarding the need for sidewalks in the area, Mr. Hutchison requested that this issue be considered as important as the signal issue.

In response to concerns of Mr. Lynn, Mr. Koenig explained that a site plan is initially presented to the Planning Commission to obtain conditional approval and the information presented on the site plan is subject to additional review. Although a plan may originally include a signal, the signal will not be approved by DelDOT if it does not meet warrants. He stated that the signalization and sidewalks for this project were now matters for DelDOT to address. Prior to Council becoming involved with this matter, Mr. Koenig suggested awaiting the results of staff's meeting with DelDOT's Chief Engineer.

Mr. Lynn requested that the City Manager be authorized to stress the importance of the signalization at the east entrance/exit rather than having to approve a signal sometime in the future after a tragedy occurs. Concurring, Mr. Hutchison felt that the installation of sidewalks was just as important as the signal.

The Committee recommended that City Council send a letter to the Delaware Department of Transportation (DelDOT) requesting the installation of a traffic signal at the east entrance of the new Dover High School and sidewalks on the north side of Route 8 in that area.

Mr. Hutchison requested that Senator Bushweller and Representative Scott receive copies of the letter to DelDOT.

During the Council Meeting, at the request of Mr. Hutchison, Mr. Koenig read the following draft letter into the record:

Dear Secretary Bhatt:

As we have previously discussed, the new Dover High School is under construction on Forrest Avenue (Delaware Route 8) on the west side of Dover. The location of the school on the City's primary east/west route creates significant challenges to

ensuring that traffic in this area continues to flow smoothly and does not adversely affect the many residents and businesses along the corridor that rely on Route 8 for their daily travel. To this end, monthly coordination meetings among City of Dover staff, DelDOT staff, and the consultants for the Capital School District have helped to keep this large, complex project on schedule and address design concerns before they become problematic.

For the past several months, there has been discussion about the installation of a traffic signal at the east entrance of the school site, which would line up with Heatherfield Way. As required by DelDOT, the Capital School District completed a signal warrant analysis for this location. The analysis indicates that the intersection does not meet the warrants for a traffic signal.

Dover City Council firmly believes that a signal at the east entrance location is imperative in order to provide safe pedestrian access to the Dover High School. We also request that DelDOT install sidewalks along the north side of Route 8 to facilitate safe pedestrian access to this location. There are a number of residential developments on the north side of Route 8, from which students will be expected to walk to school. The absence of a signal at this location and the absence of sidewalks to provide safe access to this signal will likely create an unacceptable safety risk for students and other members of the community accessing the school property. This safety risk extends beyond simply accessing the school at the beginning and end of the school day and also includes access to the athletic fields and the school grounds for events held on the campus before and after hours.

Further, we are concerned that the lack of safe pedestrian access through sidewalks and a signalized crossing will result in unnecessary vehicle traffic due to parents driving their children to school rather than allowing them to walk.

Sincerely,
Thomas J. Leary
Dover City Council

cc: Senator Brian Bushweller, 17th District
Representative Darryl Scott, 31st District
Scott D. Koenig, City Manager
Ann Marie Townshend, Director of Planning & Community Development

Mr. Koenig felt that the letter captured the concerns of the Committee and staff. He noted that this had been an on-going issue and that staff believed it was very important for the City's position to be heard by DelDOT.

Indicating his support, Mr. Lynn expressed his fear that a Dover High School student would be hit by a vehicle and killed and that this would be the action that would warrant DelDOT taking action to install a traffic signal.

Mr. Lynn moved for approval of the Committee's recommendation that City Council send a letter to the Delaware Department of Transportation (DelDOT) requesting the installation of a traffic signal at the east entrance of the new Dover High School and sidewalks on the north side of Route 8 in that area and for authorizing Council President Leary to send the letter to DelDOT on behalf of Dover City Council. The motion was seconded by Mr. Anderson and unanimously carried.

Mr. Hutchison moved for acceptance of the Safety Advisory and Transportation Committee Report, seconded by Mr. Anderson and unanimously carried.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - JULY 9, 2012

The Legislative, Finance, and Administration Committee met on July 9, 2012 with Chairman Lynn presiding. *It was noted that, except for the following time sensitive issue, the Legislative, Finance, and Administration Committee Report from July 9, 2012 would be presented to Council during their Regular Meeting of July 23, 2012 for review and consideration.*

Review of Grant Application - Disaster Recovery for Critical Infrastructure (DEMA)

Mr. Scott Koenig, City Manager, reminded members that the City of Dover requested and received funding from the Delaware Emergency Management Agency (DEMA) State Homeland Security Grant Program (SHSGP) for the purchase and installation of equipment related to improvements in Information Technology (IT) Disaster Recovery and critical infrastructure. He stated that funding for this project was provided under short notice to the City due to other municipalities in the State not completing their projects by the due date set forth by the federal government. He noted that all costs associated with the project would be charged to IT and that 100% of the project costs would be reimbursed to the City upon application for reimbursement. Since the full amount of this grant was not budgeted, it was requested that when funds are reimbursed to the City, they be returned to the IT budget in order to complete budget expenses.

Members were advised that there were no additional ongoing expenses related to this grant since funds would be used to replace existing, outdated equipment and the maintenance costs budgeted to maintain the old equipment would be sufficient to maintain the new equipment.

Staff recommended authorization to complete the project and request reimbursement for all costs associated with the purchase and installation of the backup solution and infrastructure improvements. It was noted that, due to time constraints, staff requested that this matter be considered during the Council Meeting later in the evening for final approval.

Referring to the request for funds to be returned to the IT Department budget, Mrs. Donna Mitchell, Controller/Treasurer, explained that, in accordance with accounting procedures, when grant monies are received, they must be shown as a receipt in revenue. As a result, the expenditure would be over-budgeted; however, there would be revenue to offset this. She noted that when budget revisions are presented later in the year, this would be corrected and funds would be returned to the IT budget.

In response to Mr. Shevock, Mr. Koenig indicated that since the City's project must be completed by September 2012, this matter was put on a "fast track." If Council were to approve the authorization to complete the project, staff would immediately begin working on ordering and purchasing the equipment. Receipt of reimbursement was expected through the DEMA grant within 30-60 days after submission of the City's reimbursement application.

Noting that this project was not budgeted, Mr. Perza requested that staff be certain to complete the necessary paperwork and have it submitted in a timely fashion to assure reimbursement.

The Committee recommended approval of staff's recommendation for authorization to complete the project and request reimbursement for all costs associated with the purchase and installation of the backup solution and infrastructure improvements.

Mr. Lynn moved for approval of the Committee's recommendation, seconded by Mr. Hutchison.

Mr. Perza reiterated his concerns regarding reimbursement, since the project was not budgeted.

Mr. Perza moved to amend the motion by requiring the reimbursement application to be drafted with the submitted application for the grant money and prepared for the City Manager's signature. The motion was seconded by Mr. Anderson.

Responding to Mr. Anderson, Mr. Koenig stated no concerns regarding the amendment. Assuming that the Committee's recommendation was approved, he stated that staff would notify DEMA on July 10, 2012 and begin the paperwork for reporting and explained that a monthly report would be completed to track the progress of the project. He noted that staff was aware that the equipment was available and of the timeline and felt confident that the reimbursement requirements could be met; therefore, he assured members that staff had no objections to the amendment.

Mr. Hare stated that he had no problems with the amendment; however, he reminded members that the City Manager had previously assured members that all necessary paperwork would be completed and that the City would receive reimbursement. He felt that it was incumbent upon members of Council to allow the City Manager to handle this matter without becoming involved and micro-managing. It was Mr. Hare's believe that members of City Council should not become involved with the City Manager's responsibilities unless it were to be discovered that he could not do his job.

The motion to amend by requiring that the reimbursement application be drafted with the submitted application for the grant money and prepared for the City Manager's signature was carried by a roll call vote of five (5) yes and two (2) no (Mr. Hare and Council President Leary).

The motion for the approval of the Committee's recommendation, as amended, authorizing staff to complete the project and request reimbursement for all costs associated with the purchase and installation of the backup solution and infrastructure improvements, with the requirement that the reimbursement application be drafted with the submitted application for the grant money and prepared for the City Manager's signature, was carried by a unanimous roll call vote (Mr. Bonar and Mrs. Williams absent).

Mr. Lynn moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Anderson and unanimously carried.

MONTHLY REPORTS - MAY 2012

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

Budget Report
Chief of Police Report
City Assessor's Report
City Manager's Report
Dover Fire Department Report
Capital Investment Plan (CIP) Report

Mr. Anderson noted that the City Planner's Report provides a snapshot of where the City is going, including information on vacant buildings, the economy, the unemployment rate, etc. At the request of Mr. Anderson, Mrs. Ann Marie Townshend, Director of Planning and Community Development, updated members regarding companies that were considering coming to the City. She stated that staff had been working with a food processing company that was interested in the former Sunroc building. She stated that several months of discussions had been held in this regard; however, the company was now considering an alternative site; therefore, staff was hopeful but not as optimistic on this matter as in previous months. She advised members that Mr. Bill Neaton, Economic Development Director, had been working with a call center that had expressed interest in the City and that the City remained one of the top locations being considered for this project. She noted that the former Bank of America building at the Blue Hen Corporate Center was the primary location under consideration.

Mrs. Townshend stated that several other businesses had made contact with the Planning Office or were currently in the land development process. She advised members that the Planning Commission recently reviewed an application to expand the former SuperFresh site for a Redner's Market. In addition, she stated that the Planning Commission also reviewed and approved a site plan that included renovating the former WalMart building into a shopping center. Staff had been working with the owner of the former Atlantic Book Warehouse site and a prospective tenant and it was hoped that this project would be moving forward. She advised members that staff had also been working with a tenant who hoped to occupy the former Golden Corral site. Mrs. Townshend noted that, although such projects were moving slowly, there did appear to be "good things happening" in and for the City of Dover.

In response to Mr. Lynn, Mrs. Townshend stated that the Planning Office did not employ any mechanisms for determining how interested businesses or individuals had learned about the City of Dover; however, she indicated that these types of individuals typically come in with a local realtor. She stated she would consider having individuals/businesses questioned by staff, when contacted, to determine how they became aware of the City.

Responding to Mr. Lynn regarding the action taken by the of the Board of Adjustment in regard to Applicant #V-12-03, Mrs. Townshend clarified that the action to deny the request for variance occurred during the Board's meeting on May 16, 2012 and that, in the future, the City Planner's Report would be prepared in such a way as to avoid any misunderstandings. She explained that the decisions of the Board of Adjustment are final unless they are appealed to Superior Court.

Mr. Anderson moved for acceptance of the City Planner's Report, seconded by Mr. Hare and unanimously carried.

FINAL READING - PROPOSED ORDINANCES

The First Reading of the following proposed ordinances was accomplished during the Council Meeting of June 25, 2012.

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

Ordinance #2012-16 - Amendment to Chapter 114 - Vegetation, to Create a New Article III - Bamboo

Mr. Hare moved for adoption of the proposed ordinance, seconded by Mr. Hutchison and, by a unanimous roll call vote (Mr. Bonar and Mrs. Williams absent), Council adopted Ordinance #2012-16, as follows:

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

That Chapter 114 – Vegetation, be amended by adding a new Article III – Bamboo, as follows:

Article III. Bamboo

Sec. 114-36. – *Unlawful to plant or grow bamboo*. It shall be unlawful to plant or grow bamboo on any lot or parcel of ground within the city unless:

(a) The root system of such bamboo plant(s) is entirely contained within an above-ground-level planter, barrel, or other vessel of such design, material, and location as to entirely prevent the spread/growth of the bamboo plant'(s) root system beyond the container in which it is planted; or

(b) The root system is contained within a barrier, constructed in accordance with the following specifications, and only after a compliance inspection is performed, and a building permit is issued by the city of Dover:

1. The barrier itself shall be composed of high density polypropylene or polyethylene, 40 mil or heavier;

2. Each portion or sheet of the barrier shall be secured or joined together by the use of stainless steel clamps or stainless steel closure strips designed for such barriers;

3. The barrier shall be installed not less than 30 inches deep;

4. The barrier shall be circular or oblong shaped;

5. Not less than three inches of the barrier shall protrude above ground level around the entire perimeter of the barrier;

6. When installed, the barrier shall slant outward from the bottom to the top.

(c) Whether planted or growing in a container (under subparagraph (a) above) or contained within a barrier (under subparagraph (b) above), all bamboo plants shall be located, trimmed and maintained so that no part of the plant (including stalks, branches, leaves, and/or roots) shall extend nearer than ten feet from any property line.

Sec. 114-37. - Exemptions.

Section 114-36 shall not apply to any landowner or possessor who, prior to the effective date of this article, has planted or caused to grow any bamboo on any property within the limits of the city unless a city code enforcement official determines that any portion of such bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any public way or any private property not owned by or in the possession of such landowner or possessor.

Sec. 114-38. - Complaint/order for removal, repair and compliance.

When it has been determined by the city that any bamboo plant or root is encroaching on the property of an adjacent or abutting landowner, or public way, the city shall, prior to taking any other action to enforce compliance with this article, give written notice to be delivered by certified mail, to the person(s) or legal entity(s) causing such condition to exist, which notice shall:

(1) Specify the nature and location of the violation;

(2) Provide notice of the need to remove and/or correct such condition within 30 days from the effective date of such notice;

(3) Require that the removal and/or correction of such condition includes:

a. The removal and eradication of any bamboo plant or root from any adjoining or nearby lot(s) or public way to which it has spread from its original planting site, and the correction and repair of any property damage sustained to said adjoining or nearby lot(s) or public way, in removing such bamboo; and

b. The containment of the bamboo plant causing said encroachment, by mandatory and full compliance with section 114-36 (a) or (b);

(4) State that upon failure to comply with the notice and order for removal and/or containment, the city may remove and eradicate the bamboo upon the land of any nearby or abutting property owner, public way and/or upon the property of the person(s) or entity(s) planting or causing such bamboo to grow, as provided in section 114-33.

Sec. 114-39. – Abatement of bamboo.

(a) If the violation is not remedied within the time set forth in the notice and order as outlined above, the city is hereby authorized to remove or have removed any encroaching bamboo and to take all reasonable steps to eradicate its re-growth from said adjacent or nearby property or public way, and to restore any such lands to its natural condition prior to such removal and eradication (including fill, grading, and seeding).

(b) The city shall also be authorized to remove and eradicate the plant(s) causing the encroachment, upon the responsible party(s)' failure to properly contain the plant after notice.

(c) The cost of corrective action taken by the city shall be billed to the property owner whose property was the source of the encroachment.

(d) If the charges assessed by the city for removal or eradication of the bamboo are not paid, then the city, after having corrected the deficiency and violation, shall place its charges and expenses as specified in the municipal lien docket as a lien against said property, and the city solicitor shall be directed to enforce said lien or to collect the charges imposed by the city by any other means that he may deem desirable and most advantageous.

ADOPTED: JULY 9, 2012

Ordinance #2012-17 - Amending Chapter 26 - Businesses, Article I - In General, Section 26-1 - Sale of Dangerous Substances

Mr. Hare moved for adoption of the proposed ordinance, seconded by Mr. Lynn and, by a roll call vote of six (6) yes, one (1) no (Mr. Anderson), and two (2) absent (Mr. Bonar and Mrs. Williams), Council adopted Ordinance #2012-17, as follows:

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

That Chapter 26 - Businesses, Article I - In General, Section 26-1 - Sale of Dangerous Substances, be amended to read as follows:

Sec. 26-1. - Sale of dangerous substances.

(a) It shall be unlawful to sell or offer to sell any material, compound, mixture, or preparation which contains any quantity of any substance categorized as Schedule I in accordance with 16 Del.C. ch. 47.

(b) *Penalties*. Violations of this section shall be subject to fines in accordance with Appendix F—Fees and Fines, section 1-17 and revocation of business license under the provisions of Chapter 26—Businesses, Article II—Licenses, section 26-64.

(c) *Enforcement.* Any business that sells or offers for sale any of the prohibited items shall be considered a public nuisance. The provisions of this section may be enforced by any city inspector or officer of the police department after any substance found for sale at a business tests positive for a Schedule I controlled substance in a field test performed by the Police Department.

ADOPTED: JULY 9, 2012

COUNCIL MEMBERS ANNOUNCEMENTS

Council President Leary noted that Mr. Hare recently celebrated a birthday and that Mr. Anderson had an upcoming birthday. He wished them both happy birthdays.

Mr. Lynn announced that a Joint Meeting of the Legislative, Finance, and Administration Committee and the Election Board was scheduled for July 11, 2012 at 6:00 p.m. and that the topic would be redistricting. He encouraged all those who were interested in the City's redistricting to attend the meeting.

Responding to Mr. Hutchison, Mr. Scott Koenig, City Manager, indicated that, according to the last update that he received, the Boys and Girls Club was working toward a field house/building combination to be located near the new Boy Scout facility on New Burton Road. He advised members that the Boys and Girls Club had taken "a back seat" on the City's offer to locate at Schutte Park in order to pursue their option with Kent County. Mr. Koenig noted that if the organization's arrangement with Kent County did not go forward, they may consider locating at Schutte Park.

Mayor Carey thanked the Fourth of July Committee for their hard work on the event, including the parade and fireworks, as well as the Delaware National Guard for their outstanding performance during the evening.

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

Meeting Adjourned at 7:57 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of July 9, 2012, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
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ACTION FORM

PROCEEDING: City Council
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: July 16, 2012
PREPARED BY: Tim Taraila, Code Enforcement Supervisor; Ann Marie Townshend, AICP, Director of Planning and Community Development
SUBJECT: 345 & 347 Northdown Drive, Dover, Delaware – Violation of Dangerous Building Ordinance
REFERENCE: Chapter 22, Article XI – Dangerous Buildings, Sec. 22-385 - Hearing before Council and Chapter 22, Article XI - Dangerous Buildings Cases # 12-1605 & #12-1606
RELATED PROJECT: N/A
APPROVALS: N/A
EXHIBITS: PowerPoint Presentation and File Photos to be presented at the Council meeting.
EXPENDITURE REQUIRED: Preliminary estimate is $4,000-7,000. **AMOUNT BUDGETED**: $150,000 Budgeted for all demolitions Citywide in the FY-2013 Budget **FUNDING SOURCE (Dept./Page in CIP & Budget)**: 110-1600-534-30-33.
TIMETABLE: As soon as possible.
RECOMMENDED ACTION: 1. Declare these buildings and all accessory structures on these properties dangerous. 2. Order the properties repaired by **August 23, 2012** by the owner or equity owner at their own risk. 3. Order the Building Inspector to cause the repair of the exterior of the structures if not completed by the owner **within 10 days of the date established by City Council**. 4. Order the City Manager with the assistance of the City Solicitor to cause the cost of repairs to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

BACKGROUND AND ANALYSIS

These properties are owned by Chesapeake Holdings WV VI, LLC. The properties are three story wood framed townhouse units. The dwellings were condemned as unfit for human habitation due to no electrical service, incomplete construction and to the various degree's of deterioration of the structures. The units are the middle units in a group of six townhomes. Currently the structures are still vacant, with no utilities and are in a serious state of disrepair.

ACTION FORM

PROCEEDING: City Council
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: July 16, 2012
PREPARED BY: Tim Taraila, Code Enforcement Supervisor; Ann Marie Townshend, AICP, Director of Planning and Community Development
SUBJECT: 357, 361, 365 & 408 Northdown Drive, Dover, Delaware – Violation of Dangerous Building Ordinance
REFERENCE: Chapter 22, Article XI – Dangerous Buildings, Sec. 22-385 - Hearing before Council and Chapter 22, Article XI - Dangerous Buildings Cases # 12-1607, 1608, 1609 & 1610
RELATED PROJECT: N/A
APPROVALS: N/A
EXHIBITS: PowerPoint Presentation and File Photos to be presented at the Council meeting.
EXPENDITURE REQUIRED: Preliminary estimate is $40,000-50,000. **AMOUNT BUDGETED**: $150,000 Budgeted for all demolitions Citywide in the FY-2013 Budget **FUNDING SOURCE (Dept./Page in CIP & Budget)**: 110-1600-534-30-33.
TIMETABLE: As soon as possible.
RECOMMENDED ACTION: 1. Declare these buildings and all accessory structures on these properties dangerous. 2. Order the properties repaired or demolished by **August 23, 2012** by the owner or equity owner at their own risk. 3. Order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**. 4. Order the City Manager with the assistance of the City Solicitor to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

BACKGROUND AND ANALYSIS

The properties are owned by Chesapeake Holdings WV VI, LLC. The properties are two story wood framed single family homes. The dwellings were condemned as unfit for human habitation due to no electrical service, incomplete construction and to the various degree's of deterioration of the structures. Some of the homes have standing water in the basement, tyvek blowing in the wind, with others being infested by birds which has caused insanitary conditions of the property. Currently the structures are still vacant, with no utilities and are in a serious state of disrepair.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on July 9, 2012 at 5:30 p.m. with Chairman Lynn presiding. Members present were Mr. Anderson (arrived at 5:48 p.m.), Mr. Hare (arrived at 5:40 p.m.), Mr. Rushe, and Mr. Shevock. Members of Council present were Mr. Perza (arrived at 5:31), Mrs. Russell (arrived at 5:57 p.m.), Mr. Hutchison, and Council President Leary. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS
The agenda was approved as presented by unanimous consent.

Review and Recommendation - Filling Critical Positions - Police Clerk II - Police Department
Police Chief James Hosfelt reviewed a request to fill a Police Clerk II position at the Dover Police Department. He advised members that the vacancy was created by the retirement of an employee at the end of the previous fiscal year.

Mr. Shevock moved to recommend approval of the request to fill the Police Clerk II position, as recommended by staff, seconded by Mr. Rushe and unanimously carried.

Review and Recommendation - Filling Critical Positions - 911 Dispatcher - Police Department
Police Chief James Hosfelt reviewed a request to fill a 911 Dispatcher position at the Dover Police Department. He advised members that the vacancy was created due to the previous dispatcher being hired as a Police Recruit.

Mr. Shevock moved to recommend approval of the request to fill the 911 Dispatcher position, as recommended by staff, seconded by Mr. Rushe and unanimously carried.

Requisite Legal Work for Proposed Rent Justification Ordinance *(Lynn, Leary, and Bonar)*
Mr. Lynn requested approval for the Deputy City Solicitor to be retained to conduct research for a proposed rent justification ordinance. He stated that the ordinance would be similar to the recently failed Senate Bill 97. He noted that the City of Dover has a number of communities zoned for manufactured housing or as mobile home parks; therefore, this could affect a significant number of City residents. Mr. Lynn explained that, at this time, the request was only to authorize legal research to determine if the City could enact such an ordinance or whether the City would be precluded from doing so under the doctrine of preemption.

In response to Mr. Rushe, Mr. Lynn requested that correspondence received from Mr. Fred Neil, President, Wild Meadows Homeowners Association, that was previously distributed to members, be made a part of the record ***(Attachment #1)***. He confirmed that the request was specifically for manufactured housing and mobile home parks that are subject to or under the ambit of Chapter 70 of the Dover Code.

Mr. Shevock explained his understanding that deed restrictions would be different for each community and questioned how this would affect such an ordinance. Responding, Mr. Lynn suggested that this matter be included in the scope of work for the legal review.

In response to Mr. Perza, Mr. Lynn suggested that 8-10 hours of time be allowed for the Deputy City Solicitor to conduct research on this matter and that once these findings were known, the Committee could determine what, if any, further action should be taken in this regard. Council President Leary suggested that the time allotted for the research be "up to 10 hours" rather than 8-10 hours.

Mr. Fred Neil, 521 Weaver Drive, President of Wild Meadows Homeowners Association, read the following statement into the record:

As a former News Director at a major Baltimore Radio Station & Press Officer for Mayor William Donald Schaefer during Baltimore's Harbor Place creation days, I am very sensitive to basing comments on verifiable facts. This is particularly true in dealing with the governance involving taxpayers.

As law makers, you have at your fingertips:

- *Zoning including the number of communities zoned for manufactured or so called mobile housing.*
- *The number of manufactured homes in these communities.*
- *Tax records should reveal when homes are sold, left vacant, re-sold, & selling price and the tax records involved.*
- *In my community, Wild Meadows, our homes that were purchased new and sold for approximately $80,000 to $200,000 are now selling at 30% to 50% less that the original cost, while rents have increased 40% from the time I moved in 2003 from $300, which remained the fee, until all lots were sold and then the jumps in rent began. It is now $420.50.*

With Calpine on side of the community and Firefly at our front doors, I think the current assessment on my home of $119,000 will drop significantly when you look at home sales in the near future in my community.

You have access to the Assessment Appeals Hearing of my community, in May 2007, when the property which had been assessed at $5 Million and the City wanted to raise the Assessment to $11 Million and a compromise was reached at $7.5 Million.

Because we are a 55 Plus community, we are particularly sensitive to rent increases, particularly when we have maintenance concerns which then becomes a consumer protection issue.

According to the appeals hearing the Appraiser hired by managements said of the $1Million collected in rents 20% was spent on the maintenance. At the time we weren't quite at $1 Million but it was close.

Thanks to our Dover elected officials, who have always been welcome to attend our meetings, the City of Dover have always stepped to help when we have legitimate problems, that if we were truly a part of the free market or free enterprise wouldn't have needed help. To name a few, incorrectly paved streets that flooded, swales that acted as speed bumps, a huge pile of cut vegetation that served as harborage for the rats, raccoons, snakes of the wet lands across our drainage ditch, and the snow removal that blocked our driveways, fire hydrants and mail box pods.

Direct efforts by a member of the City Council to resolve concerns between home owners over maintenance demonstrated the hostile stance of the land owner who has extraordinary power over his customers. Since the values of our homes are effected in large part by the appearance of a stained entrance, rusting club house doors and used worn furniture should have been simple. We agree, we don't agree and when the work would be done.

When you can't enforce the law, there is no controlling the degree of arrogance a community owner can exhibit.

There lies the rub.

No other business in Delaware can pass on a Fine with impunity. Any other business would risk business to a competitor if they raised their prices to recover a Fine and legal defense costs. Why should they obey the law if they can recoup the costs of a Fine and legal defence?

Fear is one the greatest factors for people in manufactured home communities for not speaking out. While Wild Meadows Seniors vote and attend meetings, and give back to this community in many ways, the folks in places such as Dover East Estates and Dover Air Park live in fear of organizing or complaining because they are afraid of losing their homes. They don't know you need a court order or that you can fight for what the law says.

Regular mortgages are low. Chattel loans on our homes are 3 X to 5 X more. You need low cost housing to keep business going. The people in homes on leased land need ***real consumer protection.***

Any help the City of Dover can provide will pay dividends now and in the future.

Mr. Neil urged members to develop a law that might provide some type of protection for homeowners. It was his opinion that if homeowners were provided full disclosure, none of the homes in that area would have sold, except to desperate individuals, and if there were a rent justification law, these homeowners would be protected. He requested the City to provide assistance in this matter.

Responding to Mr. Hutchison, Mr. Neil stated that the Wild Meadows Homeowners Association had been working with the General Assembly on this issue in an attempt to resolve the problem.

Mr. Rushe moved to recommend the authorization of 10 hours of legal work to investigate a proposed rent justification ordinance, seconded by Mr. Shevock and carried, with Mr. Anderson voting no.

Proposed Policy for Requesting Legal Work/Opinions

Mr. Lynn advised members that he made a request for legal research to be conducted by the City Solicitor's Office regarding the proposed rent justification ordinance and, as a result, City staff was contacted since it appeared that the request would require significant resources. He stated that this raised the question as to how an individual member of Council could request legal opinions/work from the City Solicitor's Office. Mr. Lynn felt that establishing a policy would provide an avenue for each member of Council to engage the City Solicitor's Office for legal projects. He noted that a policy entitled "Council Requests for Projects" was adopted by City Council during their Regular Meeting of August 27, 2001 and was in place for requests for staff from Council but did not include legal work. He felt that it would be prudent to develop a procedure by which members of Council could order legal work to be conducted on individual projects and that legal work of significant size would require review by the Committee and approval by City Council.

Council President Leary explained that if members of Council have questions for staff, staff would be expected to respond since they are already on the payroll. Since the City Solicitor's Office is not on the City's payroll, every time the City Solicitor answers the phone, billing time begins and there is an expenditure of funds. Noting that if 9-10 people were to call the City Solicitor separately, it could become expensive and he felt that there was a need for some sort of procedure to be in place.

Mr. Rushe relayed concern that establishing such a procedure could create problems if a response from the City Solicitor's Office were needed within a short time frame. Concurring, Mr. Lynn felt that such a procedure could result in members attending a meeting without the necessary legal research on a particular agenda item and no guaranteed opportunity to remove the item from the agenda to allow time for research.

Council President Leary noted that a phrase could be included in the policy that would allow the Council President the discretion to override the policy in certain circumstances.

Mr. Anderson concurred with the concept but relayed concern that a single member of Council could obligate 80% of the City Solicitor's time, which could result in an exorbitant expense for the City. Mr. Anderson stated his opinion that it might be appropriate to allow Council Members to request

legal work that would not exceed an hour; however, it was his feeling that greater leeway for additional time should be allowed for legal research related to an item that the Committee Chairs had already agreed to place on an agenda.

Mr. Hare noted that agendas were published in plenty of time prior to a meeting so that if a member of Council had a question or concern, they could contact the City Clerk's Office, who could then talk with the City Manager, appropriate Chairman, and the Council President regarding the possibility of a legal opinion/review.

Mr. Lynn questioned if the policy would affect City staff as it relates to legal opinions from Bond Counsel.

Mr. Perza questioned if issues had arisen that created the need for such a policy. He stated his concern that members of Council have independent ideas and expressed his hope that those responsible for making decisions regarding engaging the Solicitor's services would not be able to "suffocate" that creativity by denying access to information, limiting access to legal review or research, or stifling ideas by over-researching possible policies before they are even considered by a committee. He indicated his feeling that the time to begin determining whether a matter is legal or not would be after a the committee reviews policies and recommends approval by Council, rather than before a committee meets to consider the matter. This would prevent the expenditure of funds that may not be necessary for those instances when such a policy does not have the support of the committee and/or approval of Council.

Concurring, Mr. Rushe felt that the creation of a procedure for requests for legal opinions/research would only add more bureaucracy for something that was not necessary.

Mrs. Donna Mitchell, Controller/Treasurer, stated her concern with staff's need to obtain legal advice from Mr. Kirk Betts, Bond Counsel, etc. She explained that most of the needs for legal opinion or advice come before Council, such as the Request for Proposals (RFP) recently prepared by Mr. Betts; however, sometimes legal issues arise based on current needs which may not go before Council. It was her hope that staff would still be authorized to move forward with those types of requests by submitting them through the appropriate Chairman or the Council President.

Mr. Hare moved to recommend that requests for legal work performed by the City Solicitor or Deputy City Solicitor from Council directly be handled on a case-by-case basis in the future. The motion was seconded by Mr. Rushe and unanimously carried.

Review of Grant Application - Disaster Recovery for Critical Infrastructure (DEMA)

Mr. Scott Koenig, City Manager, reminded members that the City of Dover requested and received funding from the Delaware Emergency Management Agency (DEMA) State Homeland Security Grant Program (SHSGP) for the purchase and installation of equipment related to improvements in Information Technology (IT) Disaster Recovery and critical infrastructure. He stated that funding for this project was provided under short notice to the City due to other municipalities in the State not completing their projects by the due date set forth by the federal government. He noted that all

costs associated with the project would be charged to IT and that 100% of the project costs would be reimbursed to the City upon application for reimbursement. Since the full amount of this grant was not budgeted, it was requested that when funds are reimbursed to the City, they be returned to the IT budget in order to complete budget expenses.

Members were advised that there were no additional ongoing expenses related to this grant since funds would be used to replace existing, outdated equipment and the maintenance costs budgeted to maintain the old equipment would be sufficient to maintain the new equipment.

Staff recommended authorization to complete the project and request reimbursement for all costs associated with the purchase and installation of the backup solution and infrastructure improvements. It was noted that, due to time constraints, staff requested that this matter be considered during the Council Meeting later in the evening for final approval.

Referring to the request for funds to be returned to the IT Department budget, Mrs. Donna Mitchell, Controller/Treasurer, explained that, in accordance with accounting procedures, when grant monies are received, they must be shown as a receipt in revenue. As a result, the expenditure would be over-budgeted; however, there would be revenue to offset this. She noted that when budget revisions are presented later in the year, this would be corrected and funds would be returned to the IT budget.

In response to Mr. Shevock, Mr. Koenig indicated that since the City's project must be completed by September 2012, this matter was put on a "fast track." If Council were to approve the authorization to complete the project, staff would immediately begin working on ordering and purchasing the equipment. Receipt of reimbursement was expected through the DEMA grant within 30-60 days after submission of the City's reimbursement application.

Noting that this project was not budgeted, Mr. Perza requested that staff be certain to complete the necessary paperwork and have it submitted in a timely fashion to assure reimbursement.

Mr. Anderson moved to recommend approval of staff's recommendation for authorization to complete the project and request reimbursement for all costs associated with the purchase and installation of the backup solution and infrastructure improvements. The motion was seconded by Mr. Hare and unanimously carried.

Value Study of Positions *(Councilman Hutchison)*

Mr. Hutchison reminded members that after the 2011 Municipal Election, the first order of business was the review and approval of the City's budget. At that time, members were advised that the City was projecting a $3.4M budget shortfall; however, as a result of the significant efforts of staff, members of Council, and the Mayor throughout the year, that amount was reduced to $600,000. He noted that this reduction was also due to several retirements, employees who found other employment, etc. Mr. Hutchison stated his opinion that controlling personnel costs for current employees and future retirees was critical to balancing revenue and expenses and that current pay policies do little to help maintain these costs. He suggested that a workshop be held to begin working on next year's budget and allow members to identify issues and concerns pertaining to personnel costs.

In response to Mr. Anderson, Mr. Hutchison suggested that the workshop be held with participation from the Mayor, Council, and the City's management team. He noted that the pending Salary and Benefits Compensation Comparison Committee Report should be part of this process.

Mr. Anderson reminded members that the final report of the Salary and Benefits Compensation Comparison Committee remained pending.

In response to Mr. Lynn, Mr. Hutchison confirmed that his request was for the approval of the scheduling of a workshop comprised of the Mayor, Council, and City staff for the purpose of examining and controlling personnel costs into the future.

Responding to Mr. Lynn, Mr. Perza indicated that, as Chairman of the Salary and Benefits Compensation Comparison Committee, he anticipated that a final report would be submitted in the near future, noting that a final meeting was scheduled to be held in the third week of July. He expressed his opinion that changes to the report made at that meeting would be more stylistic than substantive. Mr. Lynn stated that, should the Minority Recruitment Committee and Salary and Benefits Compensation Comparison Committee Reports be required in order to schedule a workshop as requested by Mr. Hutchison, the soonest that such a workshop could be held would be late August 2012.

Mr. Scott Koenig, City Manager, stated that his only concern would be to allow for the finalization of labor negotiations before a date was set for the workshop.

Mr. Hare moved to recommend that once the Salary and Benefits Compensation Comparison Committee Report and Minority Recruitment Report are received and all labor negotiations have been completed, the City Manager submit a date for a workshop with the purpose of identifying issues and concerns pertaining to personnel costs. The motion was seconded by Mr. Anderson and carried, with Mr. Lynn voting no.

Responding to Mrs. Russell, Mr. Lynn concurred that the earlier such a workshop could be held, the better, in order to complete the review before the budget preparation begins.

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

Meeting Adjourned at 6:26 P.M.

Sean M. Lynn
Chairman

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Attachment
Attachment #1 - Email Submitted by Mr. Fred Neil - The City of Dover and Homes on Leased Land

From: McDowell, Traci
To: City Clerks Office
Subject: FW: L&F Tonight
Date: Monday, July 09, 2012 1:30:50 PM

This e-mail has been blind copied to the Mayor, City Council Members, and civilian LF&A Committee members.

Please see message below from Mr. Fred Neil which is being sent at the request of Councilman Lynn. This item is scheduled for consideration by the LF&A Committee tonight.

The City of Dover and Homes on Leased Land

The City of Dover has a number of communities zoned for Manufactured Housing or as Mobile Home Parks ranging from the upscale 55 Plus Wild Meadows to Dover Airpark and Dover East Estates low income communities.

Common to each are:

They are principle residences for the individuals or families that own or are buying the home.
They are responsible for property taxes for their homes for Dover and Kent County.
They have no say over the maintenance in their communities.
They receive no accounting as to what is spent on maintenance and repairs.
There is no law enforcement as Fines for breaking the law and the legal defense costs can be added to the yearly rent increases, thereby making the victims pay.
Without a requirement of full disclosure, any one purchasing a home on leased land is immediately removed from the free market.

Unlike the free market, a home owner must either sell the home at a loss or, if unable to sell must give the home to the community owner in a financial eviction and lose all of the equity in the home.

The situation is exacerbated by the fear factor. The

community owner holds such power that by threats of eviction, home owners fear complaining to authorities.Civics 101 teaches that homes ownership stabilizes neighborhoods and benefits the Government entity. Home owners are generally considered beneficial in determining services and tax income.
The home owner benefits by increasing the equity in their homes. They enjoy the most favorable mortgage cost.This does not occur in a leased land communities. Dover City tax records should reveal the turn over in home owners in leased-land communities. The Wild Meadows 55 Plus will have fewer financial evictions, but more from deaths, as seniors, many in the community still work or are hard pressed by the unlimited rent increases.

The values of the homes have dropped even more than the current recessional in-fee Free Market. A financial eviction means the home owner has lost all equity in the home. Unlike a change in land use when the Relocation Trust Authority (RTA) can contribute something towards either moving the home or providing a small amount of compensation for a home which can not be moved, the home owner receives nothing.

To borrow to buy a home on leased land, the purchaser will receive a chattel loan at 3 to 5 times the rate of a standard mortgage. Why Dover should be Concerned with Homes on Leased LandJobs.

Affordable housing is needed for low and moderate income wage earners.

The largest block of non-taxpayer subsidized affordable housing is on leased land. If you wish to create or expand business in the Dover you need afford housing.The Role of Government: The role of governments is to protect people who would not be able to protect themselves without enforceable lawsJ. While different segments of government, State and County, are responsible for protection elements,

can the City ignore the area where the State and County does not protect the citizens of Dover from abuse?

Problem Areas to be Considered

Fines do not enforce laws because of the unlimited yearly rent increases permitted by state law. At stake are health issues regarding sanitation, septic tanks, and water when not supplied by the City of Dover.

Lack of full disclosure when purchasing a home on leased land. (See full disclosure statement).
No requirement to set aside rent money for maintenance and repairs.
No information given to home owners on rent money spent on maintenance and repairs. Challenges

Free enterprise: The decision to purchase a home on leased land is the last of free enterprise that exists and the home buyer becomes captive to the system after the purchase.
Community owners will use home owners rent money to challenge any change in the law in court. The legal defense of the change will be with taxpayer money, pro bono attorneys will help (National Consumer Law Center, etc.).
Community owners will recruit and financially sponsor (with home owners rent money) election opponents to run against council member brave enough to support any measure o help home owners.

Potential Outcomes

Rent Justification is enacted stabilizing and preserving affordable housing.
Other laws are enacting providing greater protection for home owners in leased land communities.
Publicity raises increased awareness of problems of leased land communities.
Community owners change their business model to include long term leases with specific percentage increases.

Real disclosure before purchasing homes.
Community owners request zoning changes to change land use.

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JOINT LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE AND ELECTION BOARD MEETING

A Joint Meeting of the Legislative, Finance, and Administration Committee and Election Board was held on July 11, 2012 at 6:00 p.m. with Chairman Lynn presiding. Legislative, Finance, and Administration Committee members present were Mr. Rushe and Mr. Shevock. Mr. Anderson and Mr. Hare were absent. Election Board members present were Mr. Garfinkel (Chairman), Mrs. Legates, Ms. Johnson, Dr. Matthews (arrived at 6:04 p.m.), and Ms. McDowell-Boyer. Members of Council present were Council President Leary, Mr. Hutchison, Mr. Perza (arrived at 6:03 p.m.), and Mrs. Russell. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

The agenda was approved by unanimous consent.

RESULTS OF NAACP REVIEW OF PROPOSED COUNCIL DISTRICT BOUNDARIES

Mrs. Traci McDowell, City Clerk, apprised members that on September 22, 2011, the Election Board reviewed and recommended approval of a proposed reapportionment of the Council district boundaries ***(Attachment #1)***. It was the consensus of the Election Board that the maps and data should be sent to the National NAACP office for review prior to forwarding the proposal to the Legislative, Finance, and Administration Committee for consideration. The maps and data were sent to the NAACP on September 30, 2011. Due to the number of requests for review, a response was not received from the NAACP until January 16, 2012. The NAACP review indicated a slight difference between their numbers and the City's numbers, which still met the requirements of the consent decree.

She reminded members that on January 17, 2012, Mr. Adam Perza filed and subsequently ran unopposed in the 2nd District. She explained that the proposal recommended for approval by the Election Board on September 22, 2011 would move Mr. Perza from the 2nd District into the 4th District.

Mrs. McDowell introduced Ms. Janelle Cornwell, Planner II, who serves as the City's liaison with the Census Bureau and the Delaware Population Consortium, to discuss the difference between the NAACP's numbers and the City's numbers and to review the revised map which proposed to move Mr. Perza back into the 2nd District, where he was properly elected by that District.

Ms. Cornwell informed members that the difference between the NAACP's numbers and the City of Dover's numbers was due to the fact that the NAACP utilized data relating to one (1) race only, the Black/African American population. She explained that for the 2010 Census, individuals were able to choose more than one (1) race, and that after consultation with Deputy City Solicitor William Pepper, the City considered the Black/African American population to include other combinations of races, for example Black/African American and Asian, and Black/African American and Hawaiian.

Mrs. Legates moved to accept the City's method of calculation (using mixed races), seconded by Ms. Johnson, and unanimously carried by the Election Board.

REVIEW OF REVISED PROPOSED REAPPORTIONMENT OF COUNCIL DISTRICT BOUNDARIES

Ms. Janelle Cornwell, Planner II, who serves as the City's liaison with the Census Bureau and the Delaware Population Consortium, reviewed a map entitled "Changes to Proposed Council Districts 2 and 4" (See Attachment #2). She explained that the change in the proposed districts between Districts 2 and 4 would result in a difference of 158 people, 58 of whom are Black/African American. The change would increase the overall population percentage of the Black/African American population within District 4 to a little more than 70%, and Ms. Cornwell reminded members that the Consent Decree of 1988 stipulated 65%. She stated that the percentage of voting age population in District 4 would be more than 65%.

Mrs. Legates moved to accept the map amendment moving residents from the 4th District to the 2nd District. The motion was seconded by Ms. McDowell-Boyer.

In response to Mrs. Legates, Mrs. McDowell explained that when staff presented the proposal to the Election Board on September 22, 2011, the census blocks contained in the amendment were moved from the 2nd District to the 4th District. Due to the time constraints for filing petitions and the length of time it took for the review to come back from the NAACP, the redistricting was delayed until after the City's municipal election in April. Subsequently, Mr. Perza filed for City Council, ran unopposed, and was elected in the 2nd District; however, the proposal (as recommended in September) would move him to the 4th District. Staff proposed to move those three (3) census blocks back to the 2nd District, which would leave Mr. Perza in the 2nd District instead of moving him to the 4th District.

In response to Dr. Matthews, Ms. Cornwell explained that the proposal would move 158 people from the 4th District to the 2nd District, resulting in a population of 8,900 for the 4th District and 9,138 for the 2nd District. The percentage of total population would be 25.3% for the 2nd District and 24.7% for the 4th District, which she stated was well within one (1) percentage point of the target district size of 9,012 (which would represent an equal number in all four (4) districts). She stated that the movement of those 158 people from the 4th District to the 2nd District would slightly increase the overall percentage of Black/African Americans in the 4th District.

In response to Mrs. Legates, Ms. Cornwell confirmed that those who were moved would be notified.

Responding to Dr. Matthews, Mrs. McDowell explained that staff did not know if the Legislative, Finance, &Administration (LF&A) Committee would accept the recommendation of the Election Board, or, if it did, that Council would. The proposed course of action would be that when the LF&A recommendation moves forward to Council, Council would set a public hearing to be held at the First Reading and a public hearing to be held at the Final Reading. Staff would then heavily advertise that the City of Dover was looking at redistricting, provide a number to call for individuals who thought they may be affected after they see the maps, and have the maps on display for review. Once the final map was approved, staff would send letters to notify those affected that they had been moved.

Dr. Matthews questioned whether there were any issues with people who are deaf or blind and suggested that staff consider another manner of notification, in order to comply with any Americans with Disabilities Act (ADA) requirements.

On a call for the question, the motion to accept the map amendment *(Attachment #2)* moving residents from the 4th District to the 2nd District was unanimously carried by the Election Board.

Mrs. Legates moved to recommend acceptance of the revised proposed reapportionment of the Council district boundaries *(Attachment #3)*, seconded by Dr. Matthews, and unanimously carried by the Election Board. *(Clerk's Office Note: Maps of the revised proposed reapportionment of the Council district boundaries for each Council district **(Attachments #4-7)** as well as the Proposed Council Districts with 2010 US Census Blocks **(Attachment #8)** were available during the meeting.*)

On behalf of the Legislative, Finance, and Administration Committee and members of City Council, Mr. Lynn thanked the members of the Election Board for their hard work and time spent ensuring a good and positive result for the citizens of Dover.

Mr. Lynn stated that members of the Legislative, Finance, and Administration Committee heard the presentation, discussion, and decisions of the Election Board regarding the revised proposed reapportionment of Council district boundaries.

Mr. Shevock moved to recommend acceptance of the proposed reapportionment of the Council district boundaries, as recommended by the Election Board. The motion was seconded by Mr. Rushe.

In response to Councilman Hutchison regarding the proposed map amendment moving residents between what was originally proposed District 4 and District 2, Ms. Cornwell stated that 158 people would be moved, which was less than one (1) percentage point being changed between the districts. Consequently, all districts would be within one (1) percentage point of containing 25% of the total population.

Council President Leary thanked the Election Board and members of staff for their hard work.

Mayor Carey stated his satisfaction and thanked all of those involved in the process.

Mr. Cecil Wilson (co-plaintiff with the NAACP in the case of the Central Delaware Branch of the National Association for the Advancement of Colored People v. the City of Dover which resulted in the 1988 Consent Decree) stated that he did not have any concerns with the proposal. He thanked the members of the Election Board and Legislative, Finance, and Administration Committee, as well as Deputy City Solicitor Pepper, the City Clerk, and all of the other City departments for their hard work and communication with the National NAACP. He acknowledged the presence of

Ms. Sara Jones, Secretary of the Central Delaware NAACP branch. Mr. Wilson also thanked Councilwoman Russell for her presence as a representative of the 4th District.

Ms. Sara Jones, Secretary of the Central Delaware NAACP branch, stated that she did not have any questions or concerns but expressed her feeling of happiness that the reapportionment would be moving forward and that the local branch of the NAACP would be able to meet with the City in the future so that they may be knowledgeable of what is going on in the City. Ms. Jones also expressed her appreciation for the help provided by City staff in preparing for this meeting and informed members that the information regarding the City's reapportionment would be shared with the local NAACP branch on the last Tuesday in July.

Councilwoman Russell stated that she was satisfied with the proposal and expressed her feeling that the boundary lines were easier to understand compared to when she first ran for City Council.

On a call for the question, the motion to recommend acceptance of the proposed reapportionment of the Council district boundaries *(Attachment #3)*, as recommended by the Election Board, was unanimously carried by the Legislative, Finance, and Administration Committee.

Dr. Matthews moved for adjournment, seconded by Mr. Rushe and unanimously carried.

Meeting Adjourned at 6:19 P.M.

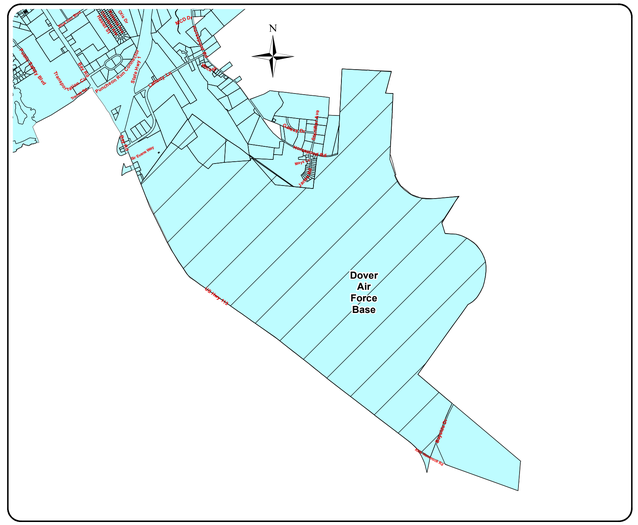
Sean M. Lynn, Chairman
Legislative, Finance, and Administration Committee

William Garfinkel, Chairman
Election Board

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Attachments
Attachment #1 - Proposed Council Districts Map (dated October 7, 2011)
Attachment #2 - Changes to Proposed Council Districts 2 and 4 Map
Attachment #3 - Proposed Council Districts Map - Council District Boundaries based on the 2010 Census Data
Attachment #4 - Proposed Council Districts - District 1 Map - Council District Boundaries based on the 2010 Census Data
Attachment #5 - Proposed Council Districts - District 2 Map - Council District Boundaries based on the 2010 Census Data
Attachment #6 - Proposed Council Districts - District 3 Map - Council District Boundaries based on the 2010 Census Data
Attachment #7 - Proposed Council Districts - District 4 Map - Council District Boundaries based on the 2010 Census Data
Attachment #8 - Proposed Council Districts with 2010 US Census Blocks Map

City of Dover
Proposed Council Districts



Legend

- Proposed District 1 - 8933
- Proposed District 2 - 8980
- Proposed District 3 - 9076
- Proposed District 4 - 9058
- Dover Boundary
- Dover Streets

Council District	Population	Percent
District 1	8933	24.8%
District 2	9027	25.0%
District 3	9029	25.0%
District 4	9058	25.1%
Total	36047	99.9%

Council District	Population Black/African American	Percent Black/African American	Population All Other Races	Percent All Other Races
District 1	3106	34.8%	5827	65.2%
District 2	2997	33.2%	6030	66.7%
District 3	3865	42.8%	5164	57.2%
District 4	6344	70.0%	2714	29.9%

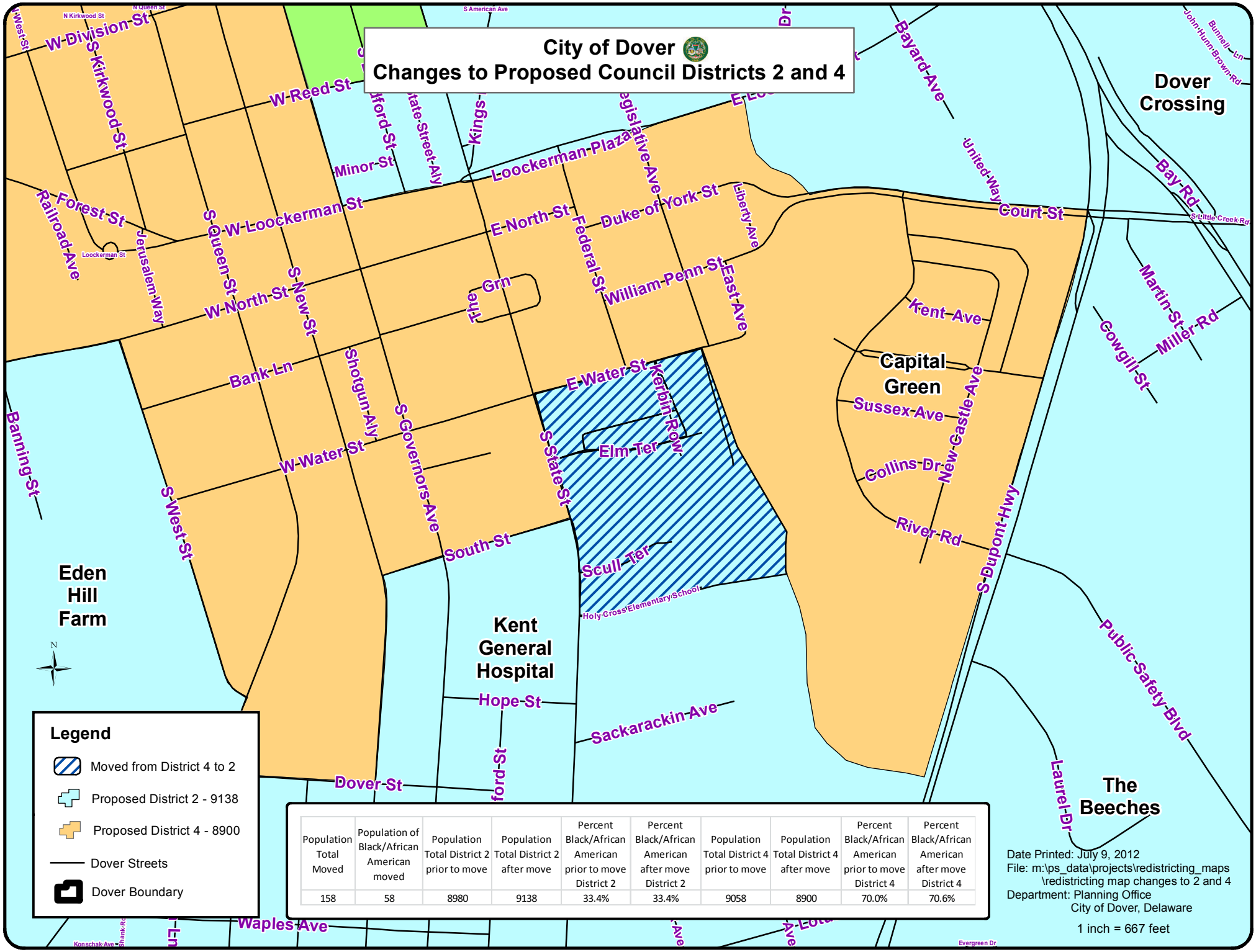
Total Population: 36,047
Target District Size: 9,012

Date Printed: October 7, 2011
File: m:\gis_data\projects\redistricting_maps
\redistricting map previous versions 10-11
Department: Planning Office
City of Dover, Delaware

N

1 inch = 1,339 feet

Stonebrook West
McKee Road Business Park
Del Tech
Dover Mall
Dover Downs
Wild Meadows
Garrison Tract
Maple Glen
Delaware State University
Towne Point
Bay Tree
White Oak Farms
Fox Hall
Retreat
The Hamlet
Carol Street Development
Acorn Farms
Edgehill
Fox Hall West
Clearview Meadow
Cranberry Run
Lincoln Park
Capital Green
Village of Westover
Cannon Mill
Eden Hill Farm
General Foods
Department of Transportation
Stover
Morris Estate
Nottingham Meadows
Schutte Park
Capital Park
Hidden Creek
Crossgates
Mayfair
Rodney Village
Kent Acres
Dover Air Force Base

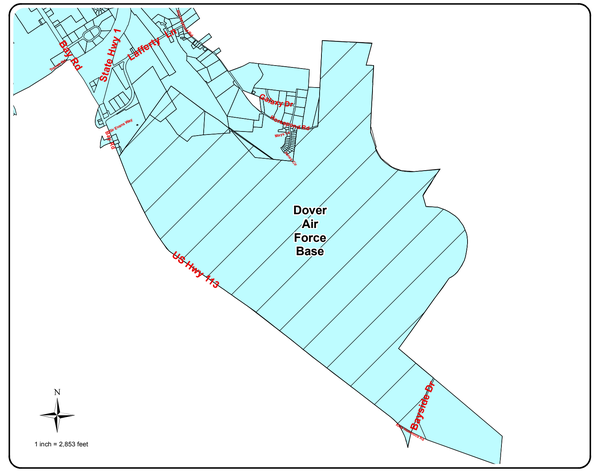


Population Total Moved	Population of Black/African American moved	Population Total District 2 prior to move	Population Total District 2 after move	Percent Black/African American prior to move District 2	Percent Black/African American after move District 2	Population Total District 4 prior to move	Population Total District 4 after move	Percent Black/African American prior to move District 4	Percent Black/African American after move District 4
158	58	8980	9138	33.4%	33.4%	9058	8900	70.0%	70.6%

Date Printed: July 9, 2012
File: m:\ps_data\projects\redistricting_maps
\redistricting map changes to 2 and 4
Department: Planning Office
City of Dover, Delaware

1 inch = 667 feet

City of Dover
Proposed Council Districts



Legend

- Proposed District 1
- Proposed District 2
- Proposed District 3
- Proposed District 4
- Dover Boundary
- Dover Streets

Council District	Total Population	Percent
District 1	8933	24.8%
District 2	9138	25.3%
District 3	9076	25.2%
District 4	8900	24.7%
Total	36047	100%

Council District	Population of Black/African American	Percent Black/African American	Population All Other Races	Percent All Other Races
District 1	3106	34.7%	5827	65.2%
District 2	3054	33.4%	6084	66.6%
District 3	3866	42.6%	5210	57.4%
District 4	6286	70.6%	2614	29.7%

Total Population: 36,047
Target District Size: 9,012

N

1 inch = 1,327 feet

Date Printed: July 9, 2012
File: m:\gis_data\projects\redistricting_maps\redistricting map city 30x40 7-12
Department: Planning Office
City of Dover, Delaware

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City of Dover
Proposed Council Districts
District 1

Legend

- Proposed District 1 - 8933 (24.8%)
- Proposed District 2 - 9138 (25.3%)
- Proposed District 3 - 9076 (25.2%)
- Proposed District 4 - 8900 (24.7%)
- Water Bodies
- Dover Boundary
- Dover Streets

Del Tech
Stonebrook East
Stonebrook West
Millcreek
McKee Road Business Park
Farthing Woods
Maple Glen
Seskinore
Meadows at Dover
College Road Business Park
University Courtyard
Emerald Pointe
Hidden Oaks
Westminster
Woodcrest
Baltray
Retreat
Fox Hall
The Hamlet
Northwest Dover Heights
Turnberry
Liberty Court
Westfield
Walker Woods
Bicentennial Village I
Four Seasons
Fox Hall West
Fox Hall West Addition
English Village
Heatherfield
Mallard Pond
Bicentennial Village II
Bicentennial Village III
Heatherfield East
Cranberry Run
Presidential Courts
Gateway West Shopping Center
Lincoln Park
Simon Circle
Woodmill Apartments
Enterprise Business Park
Village of Westover
Cannon Mill

Total Population: 36,047
Target District Size: 9,012
Proposed District Size: 8,933

General

Council District	Population of Black/African American	Percent Black/African American	Population All Other Races	Percent All Other Races
District 1	3106	34.8%	5827	65.2%

N

Date Printed: July 9, 2012
File: m:\ps_data\projects\redistricting_maps
\redistricting map district 1 30x40 6-12
Department: Planning Office
City of Dover, Delaware

1 inch = 585 feet

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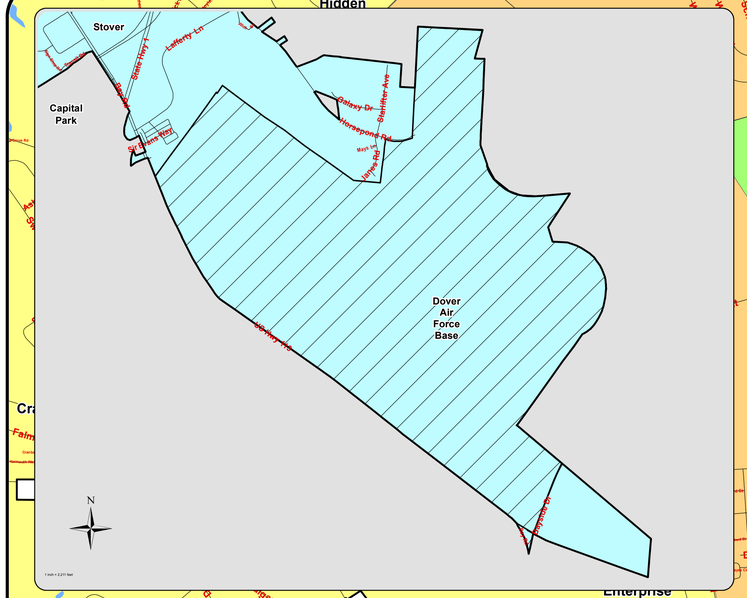
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City of Dover
Proposed Council Districts
District 2



Total Population: 36,047
Target District Size: 9,012
Proposed District Size: 9,138

Council District	Population of Black/African American	Percent Black/African American	Population All Other Races	Percent All Other Races
District 2	3054	33.4%	6084	66.6%

Legend

- Proposed District 1 - 8933 (24.8%)
- Proposed District 2 - 9138 (25.3%)
- Proposed District 3 - 9076 (25.2%)
- Proposed District 4 - 8900 (24.7%)
- Water Bodies
- Dover AFB
- Dover Boundary
- Dover Streets

N

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Date Printed: July 9, 2012
File: m:\ps_data\projects\redistricting_maps
\redistrictig map district 2 30x40 6-12
Department: Planning Office
City of Dover, Delaware

1 inch = 867 feet

City of Dover
Proposed Council Districts
District 3

Legend

- Proposed District 1 - 8933 (24.8%)
- Proposed District 2 - 9138 (25.3%)
- Proposed District 3 - 9076 (25.2%)
- Proposed District 4 - 8900 (24.7%)
- Water Bodies
- Dover Boundary
- Dover Streets

Total Population: 36,047
Target District Size: 9,012
Proposed District Size: 9,076

Council District	Population of Black/African American	Percent Black/African American	Population All Other Races	Percent All Other Races
District 3	3866	42.6%	5210	57.4%

Wilmington College
Del Tech
Stonebrook East
Stonebrook West
Millcreek
McKee Road Business Park
Maple Glen
Meadows at
Retreat
Westfield
West Addition
Mallard Pond
Four Seasons
University Courtyard
Delaware State University
Woodcrest
Carol Street Development
Dover Mall
Dover Downs
East Lake Gardens
Towne Point
White Oak Farms
Bay Tree
Manchester Square
Patriot Village
Acorn Farms
Lexington Glen
Edgehill
Persimmon Park Place
Wild Meadows
Garrison Tract
Oak Shadows
Clearview Meadow
Dover East Mobile Home Park
Stoney Creek
Dover Crossing



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Date Printed: July 9, 2012
File: m:\ps_data\projects\redistricting_maps
\redistricting map district 3 30x40 6-12
Department: Planning Office
City of Dover, Delaware

1 inch = 833 feet

City of Dover
Proposed Council Districts
District 4

Legend

- Proposed District 1 - 8933 (24.8%)
- Proposed District 2 - 9138 (25.3%)
- Proposed District 3 - 9076 (25.2%)
- Proposed District 4 - 8900 (24.7%)
- Water Bodies
- Dover Boundary
- Dover Streets

N

Total Population: 36,047
Target District Size: 9,012
Proposed District Size: 8,900

Council District	Population of Black/African American	Percent Black/African American	Population All Other Races	Percent All Other Races	Population of Black/Arfican American of Voting Age	Percent of Black/African American of Voting Age
District 4	6286	70.6%	2614	29.4%	4854	54.5%

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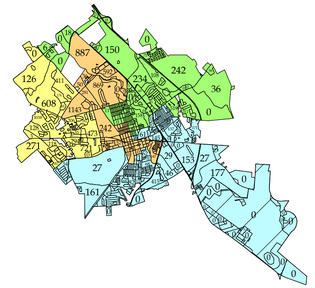
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Date Printed: July 9, 2012
File: m:\ps_data\projects\redistricting_maps \redistricting map district 4 30x40 6-12
Department: Planning Office
City of Dover, Delaware

1 inch = 629 feet

City of Dover
Proposed Council Districts with 2010 US Census Blocks



Legend

- Proposed District 1
- Proposed District 2
- Proposed District 3
- Proposed District 4
- 2010 Census Blocks
- Dover Boundary

Council District	Total Population	Percent
District 1	8933	24.8%
District 2	9138	25.3%
District 3	9076	25.2%
District 4	8900	24.7%
Total	36047	100%

Council District	Population of Black/African American	Percent Black/African American	Population All Other Races	Percent All Other Races
District 1	3106	34.7%	5827	65.2%
District 2	3054	33.4%	6084	66.6%
District 3	3866	42.6%	5210	57.4%
District 4	6286	70.6%	2614	29.7%

N

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Map Created by: Planning Office
Date Map Printed: 7-9-12
File Path: PS Data/Redistricting/ Census Blocks with districts 7-12

0 750 1,500 3,000 4,500 6,000 Feet

Total Population: 36,047
Target District Size: 9,012

ACTION FORM

PROCEEDING: Council	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works – Wastewater	**DATE SUBMITTED**: 07-13-12
PREPARED BY: Sharon Duca, P.E., Interim Public Works Director/City Engineer	
SUBJECT: Bid Evaluation – SCADA Equipment Technology Upgrade	
REFERENCE:	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller	
EXHIBITS: Quote and Sole Vendor Information from Siemens Energy, Inc.	
EXPENDITURE REQUIRED: $15,736	**AMOUNT BUDGETED**: $29,300
FUNDING SOURCE (Dept./Page in CIP & Budget): Wastewater Management, SCADA Equipment Technology Upgrade, CIP Account Number 417-6900-569.40-31, Project #WW1302. This is one component of the tasks proposed within this project.	
TIME TABLE: Order will be placed following Council approval.	
RECOMMENDED ACTION: Staff recommends purchasing two (2) RTU units from the sole vendor, Siemens Energy, Inc., for a total amount of $15,736.	

BACKGROUND AND ANALYSIS

The purpose of the SCADA Equipment Technology Upgrade project is to replace antiquated and/or obsolete remote terminal units (RTUs) at sewage pumping stations. This has been an ongoing project that was started in FY 08 and will be completed this fiscal year. The SCADA system monitors the pumping stations and communicates with the System Operations center when station components fail or other abnormal issues are detected. The Department of Public Works intends to purchase two (2) RTU units. Installation and associated work is to be performed under either the existing SCADA Maintenance Contract or by staff personnel. There will be other expenses associated for the installations such as the radio equipment and miscellaneous hardware.

These RTU's are the field components of the SCADA system, which is a proprietary system; therefore, we are required to purchase the new RTU's from the original equipment manufacturer (OEM) Siemens Energy, Inc. This sole vendor information has been attached.

SIEMENS
Industry, Inc.
Infrastructures and Cities, SG EA

Quotation

To: **CITY OF DOVER, DELAWARE**
Post Office Box 475
Dover, Delaware 19903

Attn: **Ralph McDougall, Supervisor**
Tel: 302-736-7062
Cell: 302-242-1222l
Email: rmcdougall@dover.de.us

Contact: **Clayton Jackson Siemens EA**
Tel: (919) 365-2435
Fax: (919) 365-1435
Email: **Clayton.Jackson@siemens.com**

Reference: TG5700 RTU Kits for University South and Nottinghan pump stations
Quotation No: **R12-0908-CJ V2**
Date: 6/6/2012
Valid For: 90 days
Delivery: **90 days ARO, See note 4**
Payment Terms: 30 days Net
F.O.B: **Destination: Dover, DE Prepaid and Allowed**

Siemens List Of Deliverables

Item	Description	Qty	Unit price	Total Price
1.	**SIEMENS TG5700 REMOTE TERMINAL UNIT RETROFIT** for **CITY OF DOVER** (see note 6) equipped as follows: 1 StationManager: equipped with • 1ea. RS232 Master Station communication port equipped withTG6500 communication protocol. • 1ea. RS485 I/O LAN Communication port • 1ea. Maintenance/Diagnostic Communication Port 1 Combination Controller Card consisting of: • 8ea. Status /SOE/Accumulator Input Points • 6ea. Bipolar DC Analog Input Points • 4ea. Trip/Close Points of On Board IO Combo mounting plate 1 SBO Output Controller Card 1 Power Converter, 125 VDC / 120 VAC - 100 Watts 1 Battery Charger, 120 VAC, with battery cables, battery mount 1 5 ft Null modem cable 1 50ft IO LAN/Power cable kit. 1 Set misc mounting hardware (ground clamp, spring nuts, mounting brackets) 1 CMP 10.7.x (latest CMP10 RTU configuration sw) 1 As Built Reference Drawings (see note 5) 1 Mfg - component assembly and test	2	$7,868	$15,736

SIEMENS

June 1, 2012

CITY OF DOVER, DELAWARE
Attn: Purchasing Manager
Purchasing Department
Post Office Box 1107
Dover, Delaware

Dear Madame/Sirs

Per your request for verification of sole source components pertaining to RTUs, RTU Parts, and Services sold by Siemens Industry, Incorporated.

The purpose of this letter is to acknowledge all parts and services are provided by the manufacturer (Siemens). Siemens is the "Sole Source" provider of the TG5700 RTU, RTU Parts and Services. The items are not sold through distribution channels or retail; therefore, can not be purchased by any other means without the expressed written consent of the Siemens Industry, Incorporated.

Siemens Industry, Incorporated reserve the right to promote and market its products by means of regional manufacturing representatives. The representatives are liaisons between the factory and customer with expressed written consent of Siemens to promote products and services.

Should you have question or require additional information regarding this matter, please feel free to give me a call at (919)-365-2435 or if more convenient email me at clayton.jackson@siemens.com.

Sincerely,

Clayton B. Jackson
RTU and Manufacturing Operations Manager
Siemens Industry Inc.
Infrastructure and Cities Sector
Smart Grid Division, Energy Automation
(919) 365-2435
Clayton.jackson@siemens.com

SIEMENS

May 18, 2012

City of Dover, Delaware
Attn: Purchasing Manager

This letter will serve to confirm National Transformer Sales, a Siemens Energy, Inc. authorized sales agent, is a sole sales channel for RTU's in the State of Delaware.

Thank you for your interest in Siemens.

Sincerely,

Jeannette Flynn
Technical Sales Specialist

/jf

Siemens Energy, Inc. 1345 Ridgeland Parkway, Suite 116, Alpharetta, GA 30004

ACTION FORM

PROCEEDING: City Council
DEPARTMENT OF ORIGIN: City Manager **DATE SUBMITTED**: 7/16/2012
PREPARED BY: Scott D. Koenig, P.E., City Manager
SUBJECT: Amendment to EDiS Contract – City Hall Fire Sprinkler System
REFERENCE:
RELATED PROJECT: New Dover Public Library
REVIEWED BY: City Manager and Controller
EXHIBITS: Exhibit A – Facilities Management Budget, Exhibit B – Draft CIP, Exhibit C – EDiS Proposal
EXPENDITURE REQUIRED: $288,000 **AMOUNT BUDGETED**: $288,000 **FUNDING SOURCE (Dept./Page in CIP & Budget)**: Public Works/Facilities Management CIP
TIMETABLE: Work to begin as soon as possible.
RECOMMENDED ACTION: Amend the City's contract with EDiS to include the extra work associated with the installation of a fire sprinkler system for City Hall in the amount of $288,000.

BACKGROUND AND ANALYSIS

The construction of the New Dover Public Library to the east of City Hall removed the fire access to City Hall on the east side of the building. During the design phase of the new library, the designers were two (2) options for an approved fire protection plan from the Fire Marshal's Office. Option 1 was to place a sixteen (16) foot wide sidewalk, designed to hold the weight of fire equipment, along the east side of City Hall running approximately ten (10) feet from the building. This option would still allow for fire equipment to have the same amount of access to the east side of the building. Option 2 required the installation of sprinklers in City Hall. By installing sprinklers throughout City Hall, the required perimeter access to the building is cut in half and the east side access would no longer be necessary. City staff and the designers choose Option 2.

EDiS, the city's construction management firm, for the Dover Public Library, has provided the City of Dover with a proposal to install a fire sprinkler system in City Hall. The full cost of design of the system is included in their scope of services. The total project cost, including full design, is $288,000. EDiS has provided a total project cost summary to support this request.

FACILITITES MANAGEMENT
110-2500-552

ACCT	DESCRIPTION	2010-2011 ACTUAL	2011-2012 BUDGET	2011-2012 REVISED	2012-2013 BUDGET
10-11	SALARIES	551,986	564,459	564,459	370,200
10-12	OVERTIME	314	450	450	800
10-13	TEMPORARY HELP	20,053	24,892	24,892	-
10-14	FICA TAXES	43,284	42,639	42,639	28,400
10-15	HEALTH INSURANCE	120,987	111,416	111,416	77,300
10-16	L I D INSURANCE	3,027	2,741	2,741	2,000
10-17	WORKERS COMPENSATION	19,451	-	-	15,000
10-19	PENSION	22,965	25,858	25,858	16,700
10-20	OPEB	-	37,254	37,254	32,200
	PERSONNEL COSTS	**782,067**	**809,709**	**809,709**	**542,600**
20-22	OFFICE SUPPLIES	100	100	100	-
20-25	CUSTODIAL	7,227	8,500	8,500	8,500
20-29	UNIFORMS/UNIFORM ALLOW	3,799	4,420	4,420	3,900
20-32	SECURITY/SAFETY MATERIALS	805	1,625	1,625	1,000
20-33	SMALL TOOLS	715	500	500	500
20-46	CITY BLDG MAINT SUPPLIES	8,964	10,500	10,500	10,500
20-58	WATER/SEWER	1,780	1,275	1,275	1,300
20-61	ELEC MATERIALS/SUPPLIES	2,217	2,500	2,500	2,500
	MATERIALS & SUPPLIES	**25,607**	**29,420**	**29,420**	**28,200**
30-21	TELEPHONE/FAX	1,776	1,800	1,800	1,200
30-23	ELECTRICITY	89,169	96,000	96,000	92,000
30-24	HEATING OIL/GAS	1,091	1,370	1,370	1,400
30-27	SUBSCRIPTIONS & DUES	-	-	-	100
30-28	TRAINING/CONF/FOOD/TRAVEL	-	100	100	100
30-31	CONTRACTUAL SERVICES	3,803	6,994	6,994	6,000
30-62	GASOLINE	6,848	6,600	6,600	6,600
30-67	RADIO REPAIRS/MAINTENANCE	372	700	700	600
	ADMINISTRATIVE EXPENDITURES	**103,059**	**113,564**	**113,564**	**108,000**
40-25	OTHER EQUIP - PURCHASE	-	-	-	288,000
40-31	CONSTRUCTION - PURCHASE	-	-	-	93,000
	CAPITAL OUTLAY	**-**	**-**	**-**	**381,000**
	TOTAL EXPENDITURES	**910,733**	**952,693**	**952,693**	**1,059,800**
	REVENUES				
	GENERAL FUND	910,733	952,693	952,693	678,800
	GOVERNMENTAL CAPITAL PROJECTS FUND	-	-	-	288,000
	HOMELAND SECURITY GRANT				93,000
	PERSONNEL				
	FULL-TIME EQUIVALENTS	13.0	12.0	12.0	9.0
	PP/TEMP	-	1.0	1.0	-

City of Dover, Delaware

Fiscal 2013 DRAFT Capital Investment Plan

FY 13 thru FY 17

PROJECTS BY DEPARTMENT

Department	Project#	Priority	FY 13	FY 14	FY 15	FY 16	FY 17	Total
Customer Services								
Customer Notification by E-IVR Automated Dialing	*CU1301*	2		30,000				*30,000*
Customer Services Total				**30,000**				***30,000***
Facilities Management								
City Hall - Fire Suppression System	*FC1302*	1	288,000					*288,000*
City Hall Emergeny Generator	*FC1303*	n/a	93,000					*93,000*
Facilities Management Total			**381,000**					***381,000***
Library								
New Dover Public Library	*LB0901*	1	2,535,000					*2,535,000*
Library Total			**2,535,000**					***2,535,000***
Parks and Recreation								
Dover Park - Roof Replacement	*PR1301*	1	30,000					*30,000*
Schutte Park Land Improvements	*PR1402*	5		100,000				*100,000*
Pathway at Schutte Park	*PR1403*	6		120,000				*120,000*
Splash Pad at Schutte Park	*PR1501*	3			150,000	150,000		*300,000*
Skate Parks	*PR1601*	4				10,000	300,000	*310,000*
Tennis Courts at Schutte Park	*PR1701*	7					160,000	*160,000*
Parks and Recreation Total			**30,000**	**220,000**	**150,000**	**160,000**	**460,000**	***1,020,000***
Police								
Police Station Main Electric Breaker Replacement	*PD1301*	1	33,800					*33,800*
Repair/Micro Seal Police Station Parking Lots	*PD1302*	2	25,300					*25,300*
Police Total			**59,100**					***59,100***
Public Works - Streets								
Street and Alley Program	*ST1201*	1	856,000	1,300,000	1,300,000	1,300,000		*4,756,000*
Concrete Construction and Replacement Program	*ST1202*	2	60,000	70,000	75,000	80,000		*285,000*
Garrison Farm Improvements	*ST1302*	1	2,000,000					*2,000,000*
Silver Lake Revitalization Project	*ST1401*	5		50,000	250,000	100,000	100,000	*500,000*
Public Works - Streets Total			**2,916,000**	**1,420,000**	**1,625,000**	**1,480,000**	**100,000**	***7,541,000***
GRAND TOTAL			**5,921,100**	**1,670,000**	**1,775,000**	**1,640,000**	**560,000**	***11,566,100***

EDiS COMPANY | TEL. (800) 995-EDiS ▪ ediscompany.com

30 December 2011

Mr. Scott Koenig
City Manager
City of Dover
45 South State Street
Dover, Delaware 19901

Re: City Hall Fire Sprinkler

Dear Scott:

Thank you for the opportunity to provide our proposal for providing Design/Build Services to install a fire sprinkler system for City Hall. We have included a cost breakdown of the work, including allowances for undetermined or anticipated work and alternate pricing for additional work.

The full cost of third party design is included in our scope of services. We believe that given some of the unusual conditions that currently exist in the building (multiple existing ceiling systems, concealed chases, etc.) the best option is to have the sprinkler system fully designed, rather than allowing subcontractors to provide design services. Please note we have not included the costs for Builders Risk Insurance or any permits for either the Building Inspector or Fire Marshal office. Additionally, we have included supervision for all second shift work to monitor the installation and insure security for the building.

Total project costs, including full design and second shift supervision shall be $288,000.

Again, thank you for the opportunity to provide our quotation and please contact us with any further questions you may have.

Sincerely,

EDiS Company

Gerald T. Doherty
Vice President
GTD:jr

Att: Total Project Cost Summary dated 29 December 2011

CITY OF DOVER
CITY HALL SPRINKLER PROJECT
TOTAL PROJECT COST SUMMARY
DATE: 29 DECEMBER 2011

TOTAL PROJECT COST SUMMARY

BUILDING CONSTRUCTION COST

Trade Contract Costs:		
Sprinkler System	$165,000	
Architectural Finishes	$35,000	
Electrical Connection Costs	$7,500	
		$207,500
Construction Fees & Other Construction Costs:		
Construction Contingency	$15,000	
General Condition Items	$3,500	
Architect Fees	NA	
Specialty Fire Consultant Fees	$20,500	
Estimated CM Fee	$18,000	
Estimated Reimbursable Labor (incl. second shift)	$23,000	
		$80,000
Total Building Construction Costs (GMP)		**$287,500**

OTHER CONSTRUCTION RELATED COSTS

Design Reimbursable Expenses	$500	
Builders Risk Insurance (by City of Dover)	$0	
City of Dover Building Permit Fee	$0	
City of Dover Fire Marshal Permit Fee	$0	
Third Party Inspection & Testing Fees	$0	
Third Party System Commissioning Fee	$0	
Owner's Contingency	$0	
Moving Expenses	$0	
Total Owner's Construction Related Costs		$500
TOTAL PROJECT COSTS		**$288,000**

Alternate Pricing	Added Cost
Replace Fire Alarm Panel (head end only)	$18,000
Furnish & Install Steel Piping in Lieu of CPVC	$47,000

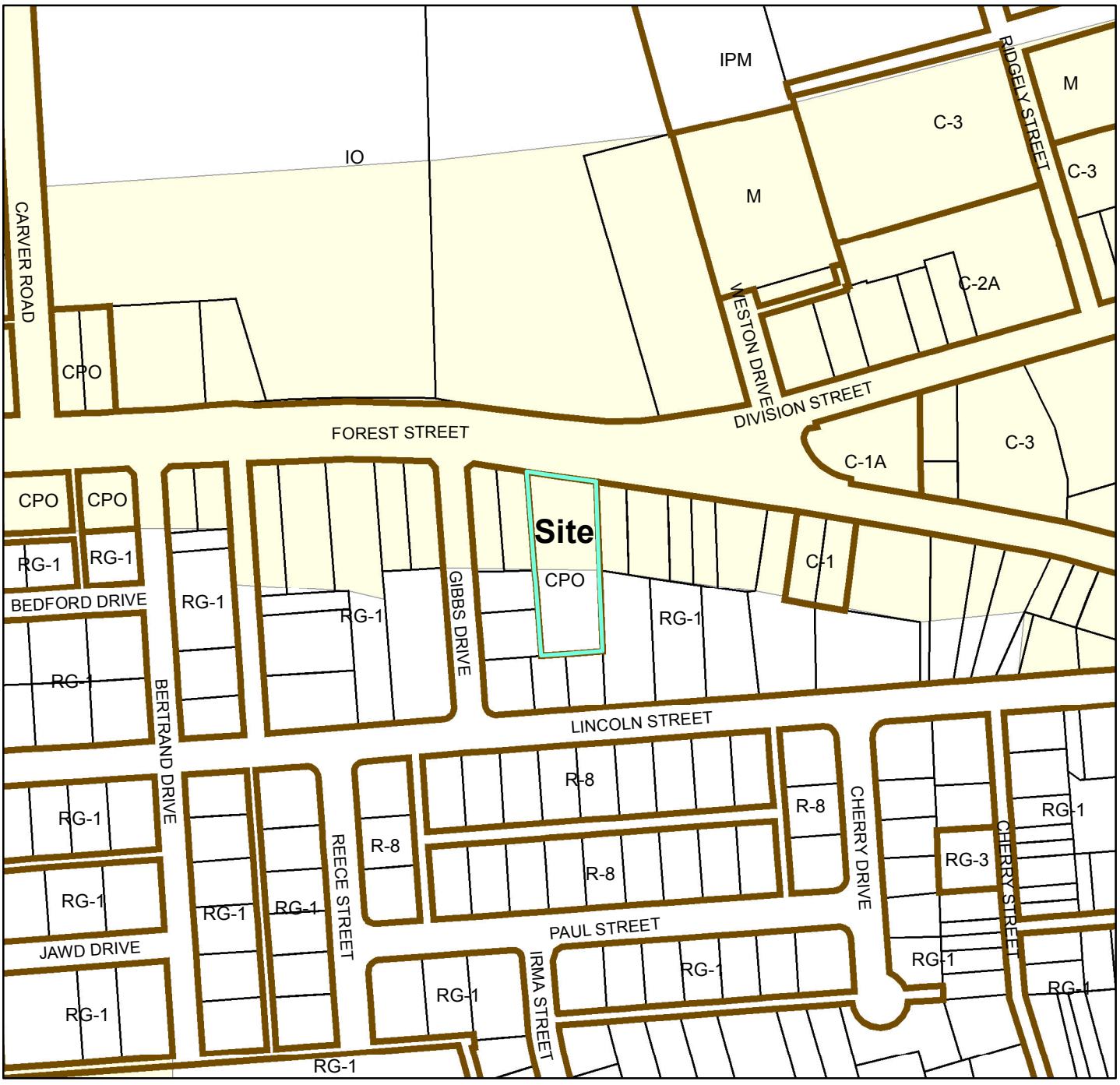
PETITION TO AMEND AND ZONING DISTRICT
First Reading before the Dover City Council
July 23, 2012

Applicants/Owners:	Bennie L. Smith
Address:	870-872 Forest Street
Location:	South Side of Forest Street east of Gibbs Drive
Tax Parcel ID #:	ED05-076.12-01-08.00
Size:	32,552 +/- Square Feet
Present Use:	Commercial (Vacant & Day Care)
Proposed Use:	Commercial (Retail & Day Care)
Comprehensive Plan Designation:	Commercial
Present Zoning:	CPO (Commercial and Professional Office Zone)/COZ-1 (Corridor Overlay Zone)
Proposed Zoning:	C-1A (Limited Commercial Zone)/COZ-1 (Corridor Overlay Zone)
Reason for Request:	To allow for retail development on the site
File Number:	Z-12-02

City of Dover

Department of Planning & Inspections

Application No.: Z-12-02



Plan Title: Lands of Bennie Smith
Location: 870-872 Forest Street
Plan Type: Rezoning
Tax Parcel: ED-05-076.12-01-08.00-000
Current Zoning: CPO, COZ-1
Proposed Zoning: C-1A, COZ-1
Owner: Bennie Smith
Date: 7-13-12

Legend

- Zoning
- Dover Parcels
- Corridor Overlay Zone
- Dover Boundary

0 150 300 600 Feet

FIRST READING

CITY OF DOVER
PROPOSED ORDINANCE #2012-19

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 870-872 FOREST STREET

WHEREAS, the City of Dover has enacted a zoning ordinance regulating the use of property within the limits of the City of Dover; and

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from C-PO (Commercial/Professional Office Development District) and subject to COZ-1 (Corridor Overlay Zone) to C-1A (Limited Commercial Zone) and subject to COZ-1 (Corridor Overlay Zone).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from C-PO (Commercial/Professional Office Development District) and subject to COZ-1 (Corridor Overlay Zone) to C-1A (Limited Commercial Zone) and subject to COZ-1 (Corridor Overlay Zone) on that property located at 870-872 Forest Street (on the south side of Forest Street east of Gibbs Drive), consisting of $0.747^{+/-}$ acres, owned by Bennie L. Smith. (Tax Parcel: ED-05-076.12-01-08.00-000; Planning Reference Z-12-02; Council District 4)

ADOPTED: *

S:\ORDINANCES\2012\Draft\2012-19 - Rezoning - 870-872 Forest Street-1st Rdg.wpd

Actions History
July 23, 2012 - Scheduled for First Reading by Council

Draft