REGULAR COUNCIL MEETING

The Regular Council Meeting was held on April 23, 2012 at 7:30 p.m. with Council President Leary presiding. Council members present were Mrs. Russell, Dr. McGlumphy, Mr. Lynn, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison. Mr. Anderson was absent.

Council staff members present were Police Chief Hosfelt, Ms. Russell, Mrs. Mitchell, Mrs. Townshend, Fire Chief Fortney, Mr. Koenig, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Carey was also present.

OPEN FORUM

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

Councilwoman Sophia R. Russell, 208 N. New Street, speaking as a resident and taxpayer, stated that she was at the Dover Public Library on Saturday for a meeting with her youth council. She stated that she was offended by the filthy condition of the bathrooms. The floor was sticky and the toilets and sinks were dirty. Mrs. Russell stated that whatever staffing time has been cut should be reinstated to take care of the building.

Fire Chief Jack Fortney, 103 S. Governors Avenue, stated that they were in the process of hiring a Fire Dispatcher for Station 2 and have received 47 applications. He noted that the applications were sent to the Dover Police Department and he has been advised that, through the criminal background process, the number of eligible applicants has been reduced to 32 and could be further reduced to 10 or 12 applicants. Chief Fortney stated that when the position was advertised, the requirements included a high school diploma/GED and two (2) years fire service experience. He noted that applications were pulled because they did not meet those requirements; however, the Human Resources Department has subsequently waived the fire service experience requirement. Chief Fortney felt that the fire service experience should be required. He also felt that they were taking too long to hire someone and it was costing the department in overtime.

The invocation was given by Chaplain Dixon, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

Mr. Bonar moved for approval of the Consent Agenda, seconded by Mrs. Russell and carried by a unanimous roll call vote (Mr. Anderson absent).

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF APRIL 9, 2012

The Minutes of the Regular Council Meeting of April 9, 2012 were unanimously approved by motion of Mr. Bonar, seconded by Mr. Russell and bore the written approval of Mayor Carey.

PROCLAMATION - ARBOR DAY

The City Clerk read the following Proclamation into the record:

WHEREAS, J. Sterling Morton, a Nebraska pioneer, understood that trees were needed for fuel and building materials, for shade from the hot sun, and as windbreaks to keep soil in place; and

WHEREAS, J. Sterling Morton advocated tree planting by individuals and civic organizations and, on January 4, 1872, proposed a tree-planting holiday to be called "Arbor Day"; and

WHEREAS, the first holiday was set for April 10, 1872, with prizes being offered to counties and individuals for properly planting the largest number of trees and it was estimated that more than one million trees were planted in Nebraska that day; and

WHEREAS, in 1885, Arbor Day was named a legal holiday in Nebraska and April 22, Morton's birthday, was selected as the date for its permanent observance. Today, it is most common for Arbor Day to coincide with the best tree planting weather for the region; and

WHEREAS, the City of Dover was named a Tree City USA in 2011 for the twenty-second consecutive year by the National Arbor Day Foundation, recognizing Dover for its outstanding urban forestry program; and

WHEREAS, the City of Dover Planning and Inspections Department's Tree Planting and Preservation Ordinance has caused the planting of thousands of trees in all subdivisions and commercial sites since 1992 and the City has been aggressively planting street trees, which are trees planted between the curb and the sidewalk, in almost every available site in the City; and

WHEREAS, the Delaware State champion American Elm on The Green may be the only living witness to the United States Constitution Ratification enacted at the Golden Fleece Tavern 234 years ago, underscoring that the planting and caring for trees is a special gift that one generation passes down to the next.

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim April 28th, 2012 as ARBOR DAY in the City of Dover, and urge all citizens to support the efforts to care for our trees along our streets, in our parks, and in our yards. As the City of Dover plants trees on public property, I urge all citizens to plant trees on their property to enhance the environment and promote the well-being of present and future generations.

Mayor Carey presented the Proclamation to Bill Cooper, City of Dover Superintendent of Grounds. Mr. Cooper advised members that they are partnering with the Department of Natural Resources to observe Arbor Day by planting 29 native trees and 48 native shrubs on Park Drive along the St. Jones River on Saturday.

PROCLAMATION - NATIONAL CHILD ABUSE PREVENTION MONTH

The City Clerk read the following Proclamation into the record:

WHEREAS, every child is entitled to be loved, cared for, secure, and protected from verbal, sexual, emotional, and physical abuse and neglect; and

WHEREAS, it is estimated that only one in ten child victims disclose abuse. A large percentage of children do not disclose abuse until adulthood, if at all; and

WHEREAS, one in three girls and one in five boys will be sexually assaulted before they reach the age of 18. Consequences of this abuse include fear, loneliness, blaming themselves, poor self-esteem, anger, and mental health issues; and

WHEREAS, 95% of all victims know their perpetrators, which often consist of family members, friends, and acquaintances; and

WHEREAS, children are the embodiment of innocence and hope for the future. Every child deserves to grow up in a nurturing environment, free from harm and fear.

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim the month of April 2012 as National Child Abuse Prevention Month in the City of Dover and encourage all citizens to emphasize the importance of understanding the devastating problem of child abuse and neglect, and commit to learning more about the behavioral and physical signs of possible abuse.

Mayor Carey presented the Proclamation to Ms. Tania Culley of the Office of the Child Advocate and Mr. Kenneth Haltom of the Attorney Generals Office.

APPEAL OF DENIAL - THE HOUSE OF PRIDE - 38 SOUTH NEW STREET - BUILDING PERMIT

In accordance with Chapter 1 - General Provisions, Section 1-13 - Denial of permits or approvals for failure to comply with requirements for payment, actions, or filings, of the Dover Code, an appeal hearing has been scheduled for this time and place to consider the denial of permit #12-232 related to 38 South New Street.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that the property located at 38 South New Street was considered for a violation of the Dangerous Building Ordinance on February 27, 2012. She noted that the property was severely damaged by fire on January 8, 2012 and was subsequently condemned on January 9, 2012. On February 27, 2012, The House of Pride was denied a building permit to begin renovations at 38 South New Street due to outstanding fees for the demolition of properties located at 106 South New Street and 35 North New Street. During the February Violation of the Dangerous Building Ordinance hearing, City Council tabled the matter to allow staff the opportunity to review the possibility of amending the Clean Hands ordinance to allow exceptions. On February 28, 2012, The House of Pride requested an Appeal of the Denial of the Building Permit. At their request, the appeal hearing was delayed to afford them time to obtain the funds to pay the outstanding fees.

Responding to Mr. Bonar, Mrs. Townshend stated that the outstanding fees had not been paid.

Noting that the First Reading of the "Clean Hands" ordinance was scheduled for the latter part of the meeting, Mr. Lynn asked what the practical effect would be in this situation if the ordinance were in place. Mrs. Townshend indicated that the "Clean Hands" ordinance would enable her to issue the requested permit.

Ms. Sandra Dean, representing The House of Pride, noted that they own 13 properties on North and South New Street. She stated that they have researched the ordinance and similar ordinances in other cities and, as a result, they requested withdrawal of the appeal of denial, while reserving the right to reapply for the building permit for 38 South New Street once The House of Pride meets the qualifications. Ms. Dean stated that she was hopeful that the "Clean Hands" ordinance would be adopted to allow them to obtain the permit. She also advised members that, at the same time, they are restructuring debt and some other financial planning to pay the demolition fees.

Ms. Dean requested that Council take no further action on the demolition of 38 South New Street for a period of time to allow them to resolve the issues.

Responding to Mr. Hutchison, Ms. Dean stated that it would cost approximately $50,000 to repair the building. She noted that the insurance company has paid them and the funds are in an escrow account.

Ms. Dean indicated that they plan to apply for a variance in order to rebuild a two-family unit. Mrs. Russell indicated that she would prefer a single-family home.

Mr. Bonar moved for acceptance of the request to withdraw the Appeal of Denial of Permit #12-232 related to 38 South New Street. The motion was seconded by Mr. Hare and carried by a unanimous roll call vote (Mr. Anderson absent).

PUBLIC HEARING - PROPOSED RESOLUTION NO. 2012-05 AMENDING RESOLUTION NO. 2010-07 - WESLEY COLLEGE STREET AND ALLEY ABANDONMENTS

On August 9, 2010, at the request of Wesley College, Resolution No. 2012-05 was adopted approving the alley and street abandonment of the 100 block of North Governors Avenue Alley West, the southern portion of the 200 block of North Governors Avenue Alley East, a portion of the unit block of North Bradford Street, the unit block of Fulton Street, a portion of the unit block of Cecil Street, a portion of the 200 block of North Bradford Street, and the northern portion of the unit block of North State Street Alley West. Included in the resolution was the stipulation that the abandonment be timed such that the City maintain ownership and maintenance of the subject streets and alleys until such time that they are physically altered by construction in accordance with a site plan approved by the Planning Commission.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the delayed timing of the abandonment has proven to be problematic for Wesley College in moving forward with the financing and construction for the streetscape project and they have, therefore, has requested that the street and alley abandonment and transfer of ownership occur immediately to allow the consolidation of the parcels and filing of the revised plot plan. She noted that both the Utility Committee and the Planning Commission have given a favorable recommendation regarding the request.

Council President Leary declared the public hearing open and, with no one present wishing to speak, the public hearing was closed.

By motion of Mr. Hare, seconded by Mrs. Williams, Council adopted Resolution No. 2012-05 by a unanimous roll call vote (Mr. Anderson absent), as follows:

A RESOLUTION AMENDING RESOLUTION NO. 2010-07 WHICH VACATED AND ABANDONED CERTAIN ALLEYS AND STREETS SITUATED IN THE CITY OF DOVER.

WHEREAS, Resolution No. 2010-07, adopted by City Council on August 9, 2010 vacated and abandoned the following streets and alleys: and

Area #1	The 100 block of North Governors Avenue Alley West
Area #2	The southern portion of the 200 block of North Governors Avenue Alley East
Area #3	A portion of the unit block of North Bradford Street
Area #4	The unit block of Fulton Street
Area #5	A portion of the unit block of Cecil Street
Area #6	A portion of the 200 block of North Bradford Street
Area #7	The northern portion of the unit block of North State Street Alley West

WHEREAS, the timing of the abandonment was such that the City would maintain ownership and maintenance of the subject streets and alleys until such time that they are physically altered by construction in accordance with a site plan approved by the Planning Commission; and

WHEREAS, Resolution No. 2010-07 was to be effective upon the filing of a revised plot plan of the aforesaid streets and alleys; and

WHEREAS, the applicant for the alley and street abandonment has requested that the street and alley abandonment and transfer of ownership occur immediately to allow the consolidation of the parcels and filing of the revised plot plan.

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

THAT Resolution No. 2010-07 be amended by deleting Section 4, Paragraph 1 - Timing of Abandonment and deleting duplicate Section 4 - Effective upon the filing of a revised plot.

ADOPTED: APRIL 23, 2012

PUBLIC HEARING - PROPOSED RESOLUTION NO. 2012-06 APPROVING ALLEY ABANDONMENT - EAST SIDE OF NORTH BRADFORD STREET (WESLEY COLLEGE)

On August 9, 2010, at the request of Wesley College, Resolution No. 2012-05 was adopted approving the alley and street abandonment of the 100 block of North Governors Avenue Alley West, the southern portion of the 200 block of North Governors Avenue Alley East, a portion of the unit block of North Bradford Street, the unit block of Fulton Street, a portion of the unit block of Cecil Street, a portion of the 200 block of North Bradford Street, and the northern portion of the unit block of North State Street Alley West.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that a recent survey revealed that an eighth section of alley was omitted from the original request for abandonment and Wesley College has requested that it also be abandoned. She noted that this segment of alley is located within a Wesley College parking lot. Mrs. Townshend stated that both the Utility Committee and the Planning Commission have given a favorable recommendation regarding the request.

Council President Leary declared the public hearing open and, with no one present wishing to speak, the public hearing was closed.

By motion of Mr. Bonar, seconded by Mrs. Williams, Council adopted Resolution No. 2012-06 by a unanimous roll call vote (Mr. Anderson absent), as follows:

A RESOLUTION VACATING AND ABANDONING A CERTAIN ALLEY SITUATED IN THE CITY OF DOVER.

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

Section 1. The Council of the City of Dover hereby vacates and abandons the following alley:

All that certain piece, parcel, or tract of land situated in the City of Dover, Kent County, State of Delaware, lying on the east side of North Bradford Street, being bounded on the north by lands of Wesley College, on the east by North State Street Alley West, on the south by other lands of Wesley College, and on the west by North Bradford Street, and being more particularly described as follows:

Beginning at a point in the easterly right of way line of North Bradford Street at the northwest corner of a 10-foot-wide public alley and lands now or formerly of Wesley College, said point of beginning being South 16°13'11" West 92.67 feet, as measured from the southeast intersection of North Bradford Street and Fulton Street right of way lines, thence from said point of beginning and running with said lands of Wesley College; 1) North 73°46'49" East 125.35 feet to a point in the westerly right of way of North State Street Alley West, thence turning and running with said right of way of North State Street Alley West; 2) South 16°13'11" West 10.00 feet to a point at a corner of said public alley and other lands now or formerly of Wesley College, thence turning and running with said lands of Wesley College; 3) South 73°46'49" West 125.35 feet to a point at a corner of said public alley and in line of the easterly right of way line of North Bradford Street, thence turning and running with said easterly right of way line of North Bradford Street; 4) North 16°13'11" West 10.00 feet to the point and place of beginning and containing 1,254 square feet of land be the same, more or less.

Section 2. Since no person has been deprived of property by the vacating and abandoning of the aforesaid alley, no compensation is awarded.

Section 3. The City shall retain a utility easement for the entire length and width of the aforesaid alley and all costs of conveyance shall be borne by the property owners.

Section 4. This resolution shall be effective upon the filing of a revised plot plan of the aforesaid alley.

ADOPTED: APRIL 23, 2012

PUBLIC HEARING - VIOLATION OF DANGEROUS BUILDING ORDINANCE - 123 BLUE BEACH DRIVE - POOL AND PUMP HOUSE (OWNER DEBORAH D. STATLER)

In accordance with Chapter 22 - Buildings and Building Regulations, Article XI – Dangerous Buildings, Section 22-385 - Hearing before Council, of the Dover Code, in cases where it reasonably appears that there is an immediate danger to the life or safety of any person, unless a dangerous building is immediately repaired, vacated and closed, or demolished, the building inspector shall report such facts to the council, which may cause the immediate repair, vacation, or demolition of such dangerous building.

Mr. Lynn indicated that he had a conflict of interest; therefore, he excused himself from the presentation and deliberations regarding this matter.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, provided a presentation including a chronological history and photos on the condition of the pool and associated pump house located at 123 Blue Beach Drive, owned by Deborah D. Statler ***(Exhibit #1)***. She noted that there have been numerous code violation cases related to the pool since 2002. On September 25, 2006, City Council declared the pool dangerous and ordered it repaired or demolished. In the months and years that followed, the demolition of the pool was delayed due to a court filing. In September 2010, the pool was found to be in compliance with Code requirements and the case was closed. Since that time, violations have re-emerged and a number of complaints from neighbors have been received about the pool in particular and the property in general.

On February 13, 2012, City Council declared the residence and accessory structures at 123 Blue Beach Drive dangerous and ordered them repaired or demolished. This action was challenged in Chancery Court and the demolition was enjoined for perceived procedural deficiencies. Subsequent inspections have shown no improvements to the pool or pump house. The pump and filtration system do not appear to be operational and must be repaired. If the pool is to remain covered, it must be covered in a manner that prevents the collection of stagnant water, attracting insects and acting as a breeding area for mosquitoes. The pump house must be repaired or removed. The metal structure is leaning and must be stabilized; it must be painted to prevent further deterioration due to
rust; and the doors must be repaired and made operational. Due to the continual code violations related to the pool and pump house, these structures are being presented to City Council for action under the Dangerous Building Ordinance.

Staff recommended that City Council: 1) declare the pool and the pump house dangerous; 2) order the pool and the pump house repaired or demolished by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of the pool and the pump house if not completed by the owner by May 23, 2012; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the structures exist as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Responding to Mr. Hare, Mrs. Townshend stated that she believed the property taxes were paid; however, there were outstanding fines associated with the property.

Council President Leary declared the public hearing open.

Mr. Eugene Ruane, 122 Shadow Court, (former City Council Member) advised members that his residence is located right around the corner from the subject property. He noted that the City has been trying to resolve this issue for 14 years. Mr. Ruane stated that there are properties very close to this property that are for sale. He felt that this property would deter the sale of those properties and that it was causing the property values in the neighborhood to deteriorate. Mr. Ruane stated that he supported the recommended action.

Ms. Sandra Kinkus, 365 Fiddler's Green, stated that this situation was not only affecting Blue Beach Drive, it was affecting the whole area of Crossgates as a poor example of what the City cannot do. She noted that there are six (6) properties that are directly affected and she hoped that the City could correct the situation.

Ms. Deborah Statler, 123 Blue Beach Drive, stated that the shed was not part of this hearing based on the paragraph of the first page of the Notice of Hearing, which states that "the City Council will order the pool to be repaired or demolished". Because the shed was not mentioned, she indicated that she was not prepared to argue against its demolition.

Ms. Statler stated that the shed has been reinforced inside and out around the bottom and around one full end. She noted that the shed does not move, although it has been tilted since they purchased the property 19 years ago. Ms. Statler stated that the shed has been painted in the accessible area in the back that was rusted and there are plans to spray paint the area behind the fence when money, time, and weather permit. She indicated that it was built as an "open air" shed, which was open on one end and the doors were not present or functioning on the other end. Ms. Statler stated that the shed was built in accordance with the Code in force at that time. She advised members that the shed has a dirt floor to allow the hoses to pass through from the pump, the filter, and the pool. Ms. Statler noted that the shed has a rock and brick foundation.

Ms. Statler stated that the pool was inspected by Atlantis Pools, who provided a letter ***(Exhibit #2)*** indicating that the pool is in a fully operational status but is in a closed, winterized condition due to the time of year.

Ms. Statler stated that the pool is constructed of gunite, which must have water in it in the winter to prevent cracking. She stated that the pool is covered appropriately to keep the leaves and debris out and the water was treated with chlorine and algaecide at the time of winterizing. Ms. Statler advised members that the water level in the pool has been raised, as recommended by the pool company, to prevent the tarp from sagging and collecting additional water. The water on the tarp is being pumped off and the remaining water has had Clorox (bleach) added to it.

Ms. Statler noted that the pool has been vandalized two (2) more times throughout this winterized season, as it was in 2009 and 2010 by a neighbor's son and his friends. She stated that a police report was made.

Ms. Statler attributed the mosquito issue to the fact that there is a creek running in and through the area, which is a heavily wooded and vined subdivision. She noted that the mosquitos are just as bad when her pool is fully functional, which she admitted has not always been the case. Ms. Statler felt that the smell was also coming from the leaves, undergrowth, and vines around the property and not from her pool.

Ms. Statler noted that the arrest for failure to pay the fines, Code violations, fees, and fines imposed prior to 2010 were dismissed by Court #7 based on illegal and inappropriate actions taken by the City.

Responding to Mr. Bonar, Ms. Statler stated that the photograph taken at 10:04 a.m. on April 23, 2012, was not an accurate representation of the pool's current condition. She stated that she began working on the pool at noon and the water level was and continues to be raised, the standing water on the tarp was drained, and chlorox was added to the water that could not be drained. Ms. Statler stated that a temporary door was also placed on the shed.

Mrs. Statler stated that the water level was not raised to the point that the tarp was taut and that she did not believe this was possible with an in-ground pool without the water spilling over the edge of the pool. Mr. Bonar stated that it was possible to have a cover that was taut and level with the ground. He suggested that it would take a day or two to increase the water level to this extent using a garden hose.

There being no one else wishing to speak, Council President Leary declared the public hearing closed.

Mrs. Townshend clarified that the fines being referenced were imposed in March and November of 2011, not the fines that were dismissed in 2010.

Mr. Bonar moved to declare the pool and pump house located at 123 Blue Beach Drive dangerous and subject to demolition, as recommended by staff. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote (Mr. Anderson and Mr. Lynn absent).

PROPOSED RESOLUTION NO. 2012-04 - AUTHORIZING THE ISSUANCE AND SALE OF UP TO $4,700,000 GENERAL OBLIGATION BOND OF THE CITY OF DOVER FOR THE CONSTRUCTION OF A NEW LIBRARY, STREET REPAVING PROGRAM AND IMPROVEMENTS TO CITY HALL AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH

Mrs. Donna Mitchell, Controller/Treasurer, briefly reviewed Proposed Resolution No. 2012-04, authorizing the issuance and sale of up to $4,700,000 General Obligation Bond of the City of Dover for the construction of a new Library, Street Repaving Program and fire suppression improvements to City Hall and authorizing all necessary action in connection therewith.

By motion of Dr. McGlumphy, seconded by Mr. Lynn, Council, by a unanimous roll call vote (Mr. Anderson absent) adopted Resolution No. 2012-04, as follows:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO $4,700,000 GENERAL OBLIGATION BOND OF THE CITY OF DOVER FOR THE CONSTRUCTION OF A NEW LIBRARY, STREET REPAVING PROGRAM AND IMPROVEMENTS TO CITY HALL AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH

WHEREAS, the City of Dover (the "City") is authorized pursuant to Section 50, Volume 77, Chapter 130, as amended ("the City Charter") to issue general obligation bonds for the municipal purposes of the City as set forth in a resolution authorizing such issuance; and

WHEREAS, pursuant to the City Charter, the City desires to issue a general obligation bond for the municipal purposes set forth herein (the "Bond");

WHEREAS, the City has approved certain capital construction projects and improvements and desires to issue the Bond to finance the costs of said improvements, including, but not limited to the following:

1. Construction of new Dover Library
2. Street Repaving Program
3. Improvements to City Hall, including installation of sprinkler system
4. Costs of Issuance of the Bond

(the "Projects").

NOW THEREFORE THE CITY OF DOVER HEREBY ORDAINS (AT LEAST THREE FOURTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bond. Acting pursuant to the City Charter, the City shall issue its general obligations in the maximum aggregate principal amount not to exceed $4,700,000 to finance or refinance a portion of the cost of the construction and equipping of the Projects, an estimate of which is appended hereto as Exhibit A.

The monies raised from the sale of the Bond (including the investment earnings thereon) after the payment of the costs of issuance, shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by City Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Projects or any portion thereof; interest on the Bond and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the costs of issuance of the Bond and any interim financing; the repayment of temporary loans incurred with respect to the Projects; and the reimbursement of authorized costs previously expended by the City from other funds.

Section 2. Terms of the Bond The Bond shall be sold to PNC Bank, National Association (the "Lender") pursuant to a proposal dated October 21, 2011 (the "Commitment"), a copy of which is appended hereto as Exhibit B, and the other terms and conditions to be contained in a Loan Agreement between the City and the Lender (the "Loan Agreement").

Section 3. Security for the Bond. The full faith and credit of the City shall be pledged to pay principal and interest on the Bond.

Section 4. Qualified Tax-Exempt Obligation. The Bond is hereby designated as a qualified tax-exempt obligation within the meaning of § 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended (the "Code"). For purposes of § 265(b)(3) of the Code, the Issuer and all entities that issue on behalf of the issuer do not reasonably anticipate issuing more than $10,000,000, inclusive of the Bond, of tax-exempt obligations in calendar year 2012.

Section 5. Details of the Bond. The Mayor and City Treasurer are authorized to determine the details of the Bond including the following: the date or dates of the Bond; provisions for either serial or term bond; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bond; the denominations and designations of the Bond; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bond; provisions for the replacement of a lost, stolen, mutilated or destroyed Bond; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bond shall be executed by the manual or facsimile signature of the Mayor and City Treasurer, shall contain an impression of the City Seal of a facsimile thereof and shall be attested by the manual signature of the City Clerk.

Section 6. Further Action. Each of the Mayor, the President of the City Council, the City Treasurer, the City Manager and the City Clerk are authorized and directed to take such other action on behalf of the City, as may be necessary or desirable to effect the adoption of this Resolution and the issuance and sale of the Bond and to provide for their security and to carry out the intent of this Resolution, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 7. Effective Date. This Resolution shall become effective immediately upon its passage. The City Clerk is hereby directed to publish once in a newspaper published in the City a notice in substantially the following form:

> "NOTICE IS HEREBY GIVEN that the City Council of The City of Dover, Delaware on April 23, 2012 pursuant to Chapter 130, Volume 77, Delaware Laws, as amended, adopted a resolution entitled as follows:
>
> "RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO $4,700,000 GENERAL OBLIGATION BOND OF THE CITY OF DOVER FOR THE CONSTRUCTION OF A NEW LIBRARY, STREET REPAVING PROGRAM AND IMPROVEMENTS TO CITY HALL AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH"
>
> "The purpose of the issuance and sale of said bond is to provide funds (approximately $4,700,000) to pay a portion of the costs of certain projects including, but not limited to: (1) construction of a new library; (2) street repaving program, (3) improvements to City Hall including installation of sprinkler system, and (4) pay costs of issuance of said bond."
>
> "Any action or proceeding to contest the validity of said resolution or any of its provisions must be commenced within thirty (30) days after publication of this notice. After expiration of such period of limitation, no right of action or defense

> founded upon the invalidity of said resolution or any of its provisions shall be asserted, nor shall the validity of said resolution or any of its provisions be open to question in any court upon any ground whatsoever, except in an action or proceeding commenced within such period."

By order of the City Council of the City of Dover.

ADOPTED: APRIL 23, 2012

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

The Legislative, Finance, and Administration Committee met on April 9, 2012 with Chairman McGlumphy presiding.

Recommendation of Civilian Pension Board - Cost of Living Adjustment (COLA)

During their meeting of February 9, 2012, the Civilian Pension Board considered a Cost of Living Adjustment (COLA) for current retirees and surviving spouses, with the following motion being made by Mr. Lester Blakeman:

> That all members of the Civilian Pension Plan who retired on or before June 30, 2007 receive a 4% cost of living adjustment effective January 1, 2013, that the retirement income of a retired member of the Civilian Pension Plan shall be increased by 2% per annum every January 1, and that this increase in retirement pay shall be cumulative and the previous year's increase shall be included in the retired member's retirement income for the purposes of calculating the annual 2% increase, and that the first 2% increase would be effective on January 1, 2014.

During the Legislative, Finance, and Administration Committee Meeting of March 12, 2012, members recommended tabling consideration of a Cost of Living Adjustment (COLA) for retirees and that staff include this item to be discussed during the Council Retreat to consider possible funding to provide a one-time COLA.

Dr. McGlumphy advised members that the City Clerk had received a request from Mr. Blakeman to withdraw his motion in favor of a COLA.

The Committee recommended acceptance of the Civilian Pension Board members' request to withdraw their recommendation in favor of consideration of a Cost of Living Adjustment (COLA).

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

Assignment of Emergency Management Coordinator Responsibilities

During the Special Legislative, Finance, and Administration Committee Meeting held on March 27, 2012, members considered staff's request for authorization to permanently assign the duties of the Emergency Management Coordinator position to Ms. Kay Dietz-Sass. At that time, members recommended postponing action regarding the assignment of Emergency Management Coordinator responsibilities until the Legislative, Finance, and Administration Committee Meeting scheduled for April 9, 2012.

Dr. McGlumphy advised members that Mr. Scott Koenig, City Manager, was unable to attend the meeting and had requested that consideration of this matter be deferred until the Committee's next meeting, scheduled for April 23, 2012.

The Committee deferred consideration of this matter until the Committee's meeting scheduled for April 23, 2012.

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

Proposed Ordinance #2012-10 - Chapter 1 - General Provisions, Section 1-13 - Denial of Permits or Approvals for Failure to Comply with Requirements for Payment, Actions, or Filings (Clean Hands)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the purpose of the proposed ordinance was to amend the section of the code that is known as the "Clean Hands" ordinance. It denies approvals, permits, or other approvals to property owners who have delinquent obligations due to the city or outstanding code violations on properties. The denial is not specific to the property with the delinquency, but to all properties owned by that owner. Mrs. Townshend noted that several City departments have been working together in recent months to update and clarify the clean hands ordinance. She explained that the proposed amendments address a number of problems identified in the current language, as follows:

1) The proposal clarifies that the denial of approvals or permits is applicable to the owner or any corporation in which such owner is an owner or member. This makes it clear that an owner of corporations is subject to the denial if the corporations are not current.

2) The proposal lists the obligations that must be current. The proposed ordinance prohibits people from being appointed to a City committee, commission or board if that person has delinquent payments or uncorrected, documented code violations.

3) The proposed ordinance clarifies the language relating to violations of the Dover Code of Ordinances.

4) It changes the amount of time that staff has to notify the property owner of the denial from five (5) working days to ten working days.

5) It allows an exception if the property owner is requesting a permit to correct violations associated with the Dangerous Building Ordinance.

6) It changes the appeal from an appeal to City Council to an appeal to the City Manager.

Mrs. Townshend noted that the proposed ordinance had been reviewed internally by the affected departments and by the Deputy City Solicitor.

In response to Mr. Shevock, Mrs. Townshend verified that under the proposed ordinance, an individual who owes fines or levies on any property in the City would be unable to obtain a permit; however, she stated that the ordinance includes provisions for an appeal process and the Director

of Planning and Community Development and the City Solicitor or Deputy City Solicitor would be involved in that process.

In response to Mr. Hare, Mrs. Townshend explained that a previous draft of the Clean Hands ordinance included a provision for utility disconnection due to non-payment of taxes; however, this was removed at the suggestion of the Deputy City Solicitor because another section of code allows for this. She indicated that the City has the authority to disconnect service due to non-payment of taxes; however, a policy has not been put in place to do so.

Responding to Dr. Jones, Mrs. Townshend stated her understanding that the City would not establish new utility service for a property (even if the applicant is a renter) if the owner has delinquencies; however, service would not be terminated for an existing tenant for this reason. She stated that the only delinquency that would cause a tenant to be displaced would be non-payment of utilities for the occupied property.

In response to Mr. Lynn, Mrs. Townshend advised members that staff planned to revise the current application form to require disclosure of the names of members or owners of businesses.

Mr. Hutchison stated that a defined policy was needed to enforce the provisions of the ordinance and that the policy should be approved by the City Solicitor.

Responding to Mr. Hare, Mrs. Townshend stated that ordinances provide the City authority to take action; however, policy guidelines often set forth provisions that dictate how ordinances are enforced.

Mr. Leary conveyed his feeling that staff was seeking guidance from Council regarding how aggressively the ordinance should be enforced.

Dr. McGlumphy suggested that staff ensure that all language included in the ordinance was clear and understandable.

Mrs. Russell felt that businesses should be held accountable to the same standards as individuals and that ordinances should be written to last for an extended period of time and be applied consistently.

Responding to Dr. Jones, Mrs. Townshend said that she was comfortable that the ordinance would be enforced uniformly for businesses and individuals. She stated that enforcement would be the responsibility of multiple departments and emphasized the need to communicate and share information between departments regarding delinquencies. Mrs. Townshend noted that the development of this ordinance was part of an effort to create uniformity and institute consistent policies.

The Committee recommended adoption of Ordinance #2012-10 and to request staff to institute a consistent policy for implementing the provisions of the ordinance.

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

Council Laptop Replacement Associated with Mandatory Paperless Packets

Mrs. Traci McDowell, City Clerk, explained that in 2003, the City began providing laptops to Council members. At that time, paperless packets were made available on the City's website and to members of City Council for use during the meetings in lieu of paper packets. Over time, due to the weight and bulkiness of the laptops, members reverted back to using paper packets rather than the electronic versions for the meetings. At the suggestion of Councilman Hutchison, staff obtained pricing for tablet computers, which are much smaller than the standard laptop.

Staff recommended purchasing 12 tablet computers, nine (9) for City Council members, one (1) for the Council Chamber recording secretary, and two (2) for civilian committee members' use during meetings, and that, if tablets were purchased and distributed, production of paper packets be discontinued.

Mrs. McDowell noted that Council's budget included all but $1,200 of the funds needed to purchase the laptops and that Mrs. Donna Mitchell, Controller/Treasurer, had advised her that the remaining funds were available in the budget due to savings from a vehicle purchase.

In response to Mr. Hare, Mrs. McDowell stated that if the purchase were approved, Council members would be issued individual tablets and those used by committee members would be held by the Clerk's Office.

Responding to Mr. Leary, Mrs. McDowell affirmed that purchase of the tablet computers would create a monetary savings and conserve staff time.

In response to Dr. Jones, Mrs. McDowell stated that many of the laptops currently used by Council had passed their life cycles and that they would likely be kept by the IT Department and used as "loaners" during elections and for other purposes.

The Committee recommended authorizing staff to purchase 12 tablet computers and, once the tablets have been purchased and distributed, that production of paper packets be discontinued.

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

Public Comment Period

There was no one present wishing to address members.

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

QUARTERLY REVENUE REPORT

Mrs. Mitchell, Controller/Treasurer, reviewed the Revenue Report as of March 31, 2012. She noted that the report included updated FY2012 and, when possible, FY2013 projections and briefed members on those changes.

Mr. Bonar stated that he did not feel that the Red Light Camera revenue projection should be budgeted because it is not possible to accurately predict how many traffic violations will occur at a given intersection in one year. He suggested that it be removed from the budgetary process. Mrs. Williams concurred because of the diminishing returns related to compliance.

Responding to Mrs. Williams, Mrs. Mitchell stated that there was currently a $1.9M deficit. She stated that the method of transferring from the Electric Fund has been changed from a percentage transfer to a fixed dollar amount transfer. Mrs. Mitchell noted that costs, benefits, OPEB, and pension are still increasing and they are trying to fund the Capital Improvement Projects (CIP).

Dr. McGlumphy moved for acceptance of the Quarterly Revenue Report as of March 31, 2012, seconded by Mrs. Williams and unanimously carried.

SEMI-ANNUAL INSPECTION BY CITY MANAGER - ROBBINS HOSE COMPANY

In accordance with Chapter 46 - Fire Prevention and Protection, Article II - Fire Department, Division I - Generally, Section 46-43 of the City Code, the City Manager, Mr. Scott D. Koenig, met with the Fire Chief to discuss fire company issues. He discovered that the equipment and facilities were being maintained in excellent condition and that the Robbins Hose Company continues to provide an outstanding level of service to the City of Dover.

By consent agenda, Mr. Bonar moved for acceptance of the report of the Semi-Annual Robbins Hose Company Inspection, as submitted by the City Manager, seconded by Mrs. Russell and carried by a unanimous roll call vote (Mr. Anderson absent).

2012 MUNICIPAL ELECTION RESULTS

Mrs. Traci McDowell, City Clerk, reported the results of the 2012 Municipal Election held on April 17, 2012, as follows:

FIRST DISTRICT COUNCIL		**THIRD DISTRICT COUNCIL**	
Holly L. Malone	268	David L. Bonar	240
Beverly C. Williams	**343**	Howard Q. Earle	147
Total Votes Cast	611	Total Votes Cast	387
Total Registered Voters	6,651	Total Registered Voters	6,059

In accordance with Title 15 Del.C. §7555 (j), where the number of qualified candidates for an office is equal to or less than the number of seats up for election, the Board of Elections shall declare the candidate or candidates elected. Therefore, since the Mayoral, Second District and Fourth District positions were unopposed, the following will be sworn into office for three (3) year terms:

Mayor - Carleton E. Carey, Sr.
Second District - Adam M. Perza
Fourth District - Sophia R. Russell

Dr. McGlumphy moved for approval of the Election Results, as reported by the City Clerk. The motion was seconded by Mr. Hare and unanimously carried.

FIRST READING - PROPOSED ORDINANCE #2012-10

Council President Leary reminded the public that copies of the proposed ordinance are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office. Final action by Council on the proposed ordinance will take place during the Council Meeting of May 14, 2012.

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

> PROPOSED ORDINANCE #2012-10 - CHAPTER 1 - GENERAL PROVISIONS, SECTION 1-13 - DENIAL OF PERMITS OR APPROVALS FOR FAILURE TO COMPLY WITH REQUIREMENTS FOR PAYMENT, ACTIONS, OR FILINGS (CLEAN HANDS)

FINAL READING - PROPOSED ORDINANCE #2012-09

The First Reading of the Proposed Ordinance was accomplished during the Council Meeting of April 9, 2012.

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

> ORDINANCE #2012-09 - BUDGET AMENDMENTS FOR FISCAL YEAR 2012

Mr. Hare moved for adoption of Ordinance #2012-09 (Exhibit #3), seconded by Mr. Bonar and carried by a unanimous roll call vote (Mr. Anderson absent).

COUNCIL MEMBERS ANNOUNCEMENTS

Mayor Carey wished Council President Leary a happy birthday on Thursday.

Dr. McGlumphy thanked Council members for the privilege of serving with them, the residents of the Second District for supporting him and giving him the opportunity to serve them, and the Council staff, the Mayor, the City Solicitor, and the City Manager for their efforts.

Mrs. Williams thanked Dr. McGlumphy for his good advice and stated that he would be missed.

Mr. Bonar stated that he deeply appreciated Dr. McGlumphy's knowledge and the detailed work that he has done, especially related to the budget.

Mr. Hutchison thanked Dr. McGlumphy for a job well done.

Mayor Carey reminded members that Old Dover Days would be held on May 4, 5, and 6th.

Mr. Bonar moved for adjournment, seconded by Mrs. William and unanimously carried.

Meeting Adjourned at 8:36 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of April 23, 2012 are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM
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Exhibits
Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 123 Blue Beach Drive (Attached to Original Minutes)
Exhibit #2 - Correspondence from Atlantis Pools Related to 123 Blue Beach Drive
Exhibit #3 - Ordinance #2012-09 - Budget Amendments for Fiscal Year 2012 (Attached to Original Minutes)

Violation of Dangerous Building Ordinance 123 Blue Beach Drive

Planning & Inspections Department

Dover, Delaware

April 23, 2012

EXHIBIT #1
Regular Council Meeting of 04/23/2012

123 Blue Beach Drive
Case History

- Numerous Code Violation Cases Relating to Pool Since 2002
  - Pool declared dangerous by City Council on September 25, 2006
  - September 10, 2010, pool found to be in compliance with code requirements – case closed
- Neighbor Complaints
  - Property has been regular source of citizen complaints since at least 2002
- Property (house, pool and accessory buildings) declared dangerous by Council on February 13, 2012
  - Demolition injoined by Chancery Court
  - Recent inspections show no improvement to the pool or pump house
- Outstanding Charges
  - Code Enforcement Fines

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

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

Pool 2003



Pool 2005



Pool 2005



Pool May 2006



Pool June 2006



Pool July 2006



Pool July 2007



Pool/Rear Yard May 2008



Pool/Rear Yard May 2010



Pool September 10, 2010



Pool June 2011




04/23/2012 10:03


04/23/2012 10:04


04/23/2012 10:03


04/23/2012 10:04

Recommended Council Action

- Declare this swimming pool and pump house dangerous .
- Order the property repaired or demolished.
- Order the Building Inspector to cause the repair or demolition of the structure if not completed by the owner **by May 23, 2012**.
- 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.

ATLANTIS POOLS
302-741-2241

April 19, 2012

Atlantis Pools
312 Wyoming Ave.
Dover, De 19904
(302)741-2241

To whom it may concern,

The swimming pool at 123 Blue Beach Drive, Dover, Delaware appears to be properly winterized. It is covered appropriately with an in ground pool tarp cover and water bags. Although this cover is unappealing, it is a very common method of covering an in ground pool and is designed to shield the pool from the sun and debris from getting in the pool water; subsequently collecting rain and snow water over the winter months. It has a normal amount of water resting on it from the collection of rain. We advise that the water should be removed from on top of the cover and suggest that the pool be filled up with more water to support the cover better and prevent it sagging into the pool so low.

Although the condition of the pool pump shed is in disrepair and unattractive, this should not be a reason of demolition of the entire pool.

The pool was opened and cleaned by us, Atlantis Pools, in the spring of 2010. At that time the pool and equipment operated properly. If the pool was to be opened again at this time, we feel that all components should still be in the same functional condition that it was in 2010, considering the normal wear and tear of the pool and equipment and a proper winterization.

Allen MacDonald

A. MacDonald Jr.

Atlantis Pools
(302)741-2241

CITY OF DOVER ORDINANCE # 2012-09
2011-2012 BUDGET ORDINANCES

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
The amount hereinafter named in various City funds are changed from the currently approved revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

GENERAL FUND
REVENUES AND BUDGET FOR 2011-2012

	ORIGINAL 2011/12 BUDGET	1st Budget Adjustment	Proposed Budget Adj.	REVISED 2011/12 BUDGET
BEGINNING BALANCE	$ 3,322,305	$ -	$ 239,532	$ 3,561,837
REVENUES				
FINES AND POLICE REVENUE	579,000	-	-	579,000
911 FEE	60,000	-	-	60,000
INVESTMENT INCOME	215,900	-	-	215,900
LIBRARY REVENUES	44,100	-	-	44,100
KENT COUNTY BOOK REIMBURSEMENT	390,900	-	15,000	405,900
BUSINESS LICENSES	1,523,675	-	-	1,523,675
PERMITS AND OTHER LICENSES	934,000	-	-	934,000
MISCELLANEOUS CHARGES	165,750	-	-	165,750
POLICE EXTRA DUTY	300,000	-	-	300,000
PROPERTY TAXES	11,133,367	-	-	11,133,367
BID REVENUE	51,821	-	-	51,821
RECREATION REVENUE	152,000	-	-	152,000
FRANCHISE FEE	520,000	-	-	520,000
TRASH FEES	2,050,000	-	-	2,050,000
RENT REVENUE - GARRISON FARM	87,000	-	-	87,000
COURT OF CHANCERY FEES	690,000	-	-	690,000
REVENUES SUBTOTAL	18,897,513	-	15,000	18,912,513
INTERFUND SERVICE RECEIPTS				
INTERFUND SERVICE RECEIPTS WATER/WASTEWATER	988,393	-	-	988,393
INTRAFUND SERVICE RECEIPTS ELECTRIC	3,370,778	-	-	3,370,778
INTERFUND SERVICE RECEIPTS SUBTOTAL	4,359,171	-	-	4,359,171
GRANTS				
POLICE RELATED	60,000	-	-	60,000
CAPITAL SCHOOL DISTRICT REVENUE	73,500	-	-	73,500
DEMA HOMELAND SECURITY GRANT	-	-	104,676	104,676
POLICE PENSION GRANT	620,000	-	-	620,000
RECREATION GRANT	-	-	35,383	35,383
UNIVERSAL RECYCLING GRANT	-	79,873	-	79,873
GRANTS SUBTOTAL	753,500	79,873	140,059	973,432
TRANSFERS FROM				
TRANSFER TAX	900,000	-	-	900,000
MUNICIPAL STREET AID	526,814	-	131,760	658,574
CIVIL TRAFFIC PENALTIES	1,000,000	-	-	1,000,000
WATER/WASTEWATER	424,508	-	-	424,508
ELECTRIC	7,876,288	-	-	7,876,288
TRANSFERS FROM SUBTOTAL	10,727,610	-	131,760	10,859,370
TOTAL REVENUES	$ 34,737,794	$ 79,873	$ 286,819	$ 35,104,486
TOTAL BEGINNING BALANCE AND REVENUES	$ 38,060,099	$ 79,873	$ 526,351	$ 38,666,323

2011-2012 BUDGET ORDINANCES - CONTINUED
GENERAL FUND - REVENUES AND BUDGET FOR 2011-2012

	ORIGINAL 2011/12 BUDGET	1st Budget Adjustment	Proposed Budget Adj.	REVISED 2011/12 BUDGET
DEPARTMENT EXPENSES				
CITY CLERK	$ 296,393	$ -	$ -	$ 296,393
COUNCIL	120,699	-	-	120,699
TAX ASSESSOR	213,175	-	-	213,175
FIRE	684,725	-	-	684,725
GROUNDS MAINTENANCE	979,922	-	-	979,922
LIBRARY	1,159,087	-	-	1,159,087
RECREATION	789,701	-	33,443	823,144
LIFE SAFETY	449,226	-	23,870	473,096
CODE INFORCEMENT	284,489	-	-	284,489
PLANNING	422,781	-	-	422,781
INSPECTIONS	553,907	-	-	553,907
ECONOMIC DEVELOPMENT	223,717	-	-	223,717
POLICE	12,955,807	-	-	12,955,807
POLICE EXTRA DUTY	430,600	-	-	430,600
STREETS	782,810	-	131,245	914,055
SANITATION	2,330,976	79,873	-	2,410,849
CITY MANAGER	622,127	-	-	622,127
INFORMATION TECHNOLOGY	685,871	-	-	685,871
FINANCE	852,283	-	-	852,283
PUBLIC SERVICES - ADMINISTRATION	472,692	-	-	472,692
FACILITIES MANAGEMENT	952,693	-	-	952,693
CENTRAL SERVICES	693,339	-	-	693,339
FLEET MAINTENANCE	695,422	-	-	695,422
CUSTOMER SERVICES	928,112	-	-	928,112
HUMAN RESOURCES	384,758	-	-	384,758
MAYOR	81,154	-	-	81,154
DEPARTMENT SUBTOTALS	29,046,466	79,873	188,558	29,314,897
OTHER EXPENSES				
DEBT SERVICE	327,270	-	-	327,270
INSURANCE	550,000	-	-	550,000
RETIREES HEALTH CARE	1,374,709	-	-	1,374,709
OPEB UNFUNDED LIABILITY	-	-	239,532	239,532
PENSION UNFUNDED LIABILITY	1,450,000	-	-	1,450,000
POLICE PENSION FUND	620,000	-	-	620,000
POLICE PENSION UNFUNDED LIABILITY	95,000	-	-	95,000
UNCOLLECTIBLES - TRASH AND OTHER	10,000	-	-	10,000
STREET LIGHTS	960,000	-	-	960,000
OTHER EXPENSE SUBTOTAL	5,386,979	-	239,532	5,626,511
TRANSFERS				
TRANSFER TO CAPITAL FUND - PROJECTS	623,847	-	146,760	770,607
TRANSFER TO CAPITAL FUND - RESERVE	200,000	-		200,000
TRANSFERS SUBTOTAL	823,847	-	146,760	970,607
CURRENT YEAR BALANCE	$ 2,802,807	$ -	$ (48,499)	$ 2,754,308
TOTAL CURRENT YEAR BALANCE AND EXPENDITURES	$ 38,060,099	$ 79,873	$ 526,351	$ 38,666,323

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

2011-2012 BUDGET ORDINANCES - CONTINUED

GOVERNMENTAL CAPITAL PROJECTS FUND
REVENUES AND BUDGET FOR 2011-2012

REVENUES

	ORIGINAL 2011/12 BUDGET	1st Budget Adjustment	Proposed Budget Adj.	REVISED 2011/12 BUDGET
BEGINNING BALANCE - PROJECTS	$ 195,191	$ -	$ 61,201	$ 256,392
BEGINNING BALANCE - LIBRARY	-	100,962	-	100,962
REVENUES				
STATE GRANTS	5,597,505	1,519,678	-	7,117,183
DEMEC GRANT	-	215,000	-	215,000
BTOP & GREENHOUSE GAS REDUCTION GRANTS	-	90,000	-	90,000
KENT COUNTY LIBRARY CONTRIBUTION	-	1,000,000	-	1,000,000
LIBRARY GREEN ENERGY/BRIDGE LOAN	2,334,889	365,111	-	2,700,000
CONSTRUCTION LOAN FOR LIBRARY	-	274,961	-	274,961
TRANSFER FROM LIBRARY RESERVE	3,262,615	(671,831)	-	2,590,784
FRIENDS OF THE LIBRARY DONATION	-	210,000	-	210,000
LOAN PROCEEDS - STREETS, CITY HALL	2,000,000	-	-	2,000,000
TRANSFER FROM GENERAL FUND FOR PROJECTS	623,847	-	-	623,847
INTEREST EARNINGS	10,900	-	-	10,900
TOTAL REVENUES	$ 13,829,756	$ 3,002,919	$ -	$ 16,832,675
TOTAL BEGINNING BALANCE AND REVENUES	$ 14,024,947	$ 3,103,881	$ 61,201	$ 17,190,029

EXPENSE SUMMARY

DEPARTMENT EXPENSES	ORIGINAL 2011/12 BUDGET	1st Budget Adjustment	Proposed Budget Adj.	REVISED 2011/12 BUDGET
FIRE	$ 244,820	$ -	$ -	$ 244,820
LIBRARY	11,195,009	3,103,881	-	14,298,890
RECREATION	30,000	-	-	30,000
POLICE	65,000	-	-	65,000
STREETS	1,230,027	750,000	-	1,980,027
SANITATION	136,500	-	-	136,500
FACILITIES MAINTENANCE	-	220,000	-	220,000
INFORMATION TECHNOLOGY	6,400	-	-	6,400
LOAN ISSUANCE COSTS	-	30,000	-	30,000
EXPENSES SUBTOTAL	12,907,756	4,103,881	-	17,011,637
CURRENT YEAR BALANCE - LOAN PROCEEDS	1,000,000	(1,000,000)	-	-
CURRENT YEAR BALANCE	117,191	-	61,201	178,392
TOTAL CURRENT YEAR BALANCES AND EXPENSES	$ 14,024,947	$ 3,103,881	$ 61,201	$ 17,190,029

The City Manager is hereby authorized, without further approval of the City Council, to make interdepartmental transfers of up to five percent of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure #F306.

2011-2012 BUDGET ORDINANCES - CONTINUED

WATER/WASTEWATER FUND
REVENUES AND BUDGET FOR 2011-2012

REVENUES

	ORIGINAL 2011/12 BUDGET	1st Budget Adjustment	Proposed Budget Adj.	REVISED 2011/12 BUDGET
BEGINNING BALANCE - WATER	$ 2,385,027	$ -	$ 182,145	$ 2,567,172
BEGINNING BALANCE - WASTEWATER	1,741,242	-	190,272	1,931,514
BEGINNING BALANCE - KCSA	(1,757,484)	-	514,241	(1,243,243)
TOTAL BEGINNING BALANCES	2,368,785	-	886,658	3,255,443
BASE REVENUE				
WATER FEES	4,603,400	-	-	4,603,400
WASTEWATER FEES	3,756,700	-	-	3,756,700
WASTEWATER ADJUSTMENT FEES	3,090,900	-	-	3,090,900
GROUNDWATER INFLOW ADJUSTMENT	1,386,900	-	-	1,386,900
WATER TANK SPACE LEASING	307,600	-	-	307,600
SEWER IMPACT FEES	323,000	-	-	323,000
WATER IMPACT FEES	357,000	-	-	357,000
INTEREST - WATER	10,600	-	-	10,600
INTEREST - WASTEWATER	17,200	-	-	17,200
MISCELLANEOUS SERVICE FEE	58,000	-	-	58,000
TOTAL REVENUES	13,911,300	-	-	13,911,300
TOTAL BEGINNING BALANCE AND REVENUES	$ 16,280,085	$ -	$ 886,658	$ 17,166,743

EXPENSE SUMMARY

DEPARTMENT EXPENSES	ORIGINAL 2011/12 BUDGET	1st Budget Adjustment	Proposed Budget Adj.	REVISED 2011/12 BUDGET
ENGINEERING AND INSPECTION	$ 622,230	$ -	$ -	$ 622,230
WATER CONSTRUCTION	440,088	-	-	440,088
WATER DEPARTMENT	382,655	-	-	382,655
WATER TREATMENT PLANT	1,543,114	-	-	1,543,114
WASTEWATER DEPARTMENT	959,735	-	-	959,735
KENT COUNTY TREATMENT CHARGE	4,235,400	-	-	4,235,400
TOTAL DEPARTMENT EXPENSES	8,183,222	-	-	8,183,222
OTHER EXPENSES				
DEBT SERVICE - WATER	320,853	-	-	320,853
DEBT SERVICE - WASTEWATER	416,083	-	-	416,083
RETIREES HEALTH CARE	190,830	-	-	190,830
UNCOLLECTIBLES	5,000	-	-	5,000
OPEB UNFUNDED LIABILITY	-	-	372,417	372,417
PENSION UNFUNDED LIABILITY	228,400	-	-	228,400
INTRAFUND SERVICE FEES	1,228,596	-	-	1,228,596
INVENTORY/FIXED ASSET WRITEOFFS	10,000	-	-	10,000
TOTAL OTHER EXPENSES	2,399,762	-	372,417	2,772,179
TRANSFER TO				
GENERAL FUND FROM WATER	238,842	-	-	238,842
GENERAL FUND FROM WASTEWATER	185,666	-	-	185,666
WATER IMP AND EXT	750,000	-	-	750,000
WASTEWATER IMP AND EXT	1,000,000	-	-	1,000,000
SEWER IMPACT FEE RESERVE	-	-	-	-
WATER IMPACT FEE RESERVE	36,147	-	-	36,147
TRANSFER TO CONTINGENCY WASTEWATER	8,000	-	-	8,000
CAPITAL ASSET RESERVE WATER	100,000	-	-	100,000
CAPITAL ASSET RESERVE WASTEWATER	300,000	-	-	300,000
TRANSFER TO SUBTOTAL	2,618,655	-	-	2,618,655
CURRENT YEAR BALANCE - WATER	2,738,400	-	-	2,738,400
CURRENT YEAR BALANCE - WASTEWATER	1,855,130	-	-	1,855,130
CURRENT YEAR BALANCE - KCSA	(1,515,084)	-	514,241	(1,000,843)
CURRENT YEAR BALANCE SUBTOTALS	3,078,446	-	514,241	3,592,687
TOTAL CURRENT YEAR BALANCES AND EXPENSES	$ 16,280,085	$ -	$ 886,658	$ 17,166,743

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2011-2012 BUDGET ORDINANCES - CONTINUED

WATER/WASTEWATER IMPROVEMENT & EXTENSION FUND
REVENUES AND BUDGET FOR 2011-2012

REVENUES

	ORIGINAL 2011/12 BUDGET	1st Budget Adjustment	Proposed Budget Adj.	REVISED 2011/12 BUDGET
BEGINNING BALANCE - WATER	$ 1,139,872	$ -	$ 397,902	$ 1,537,774
BEGINNING BALANCE - WASTEWATER	303,476	-	36,197	339,673
TOTAL BEGINNING BALANCES	1,443,348	-	434,099	1,877,447
REVENUES				
STATE LOAN-WATER 2010 ISSUE	-	1,923,489	-	1,923,489
STATE LOAN-WASTEWATER 2009 ISSUE	1,800,000	(178,728)	(361,422)	1,259,850
STATE LOAN-WASTEWATER 2011 ISSUE	-	765,060	-	765,060
TRANS FR WATER/WASTEWATER FOR WATER	750,000	-	-	750,000
TRANS FR WATER/WASTEWATER FOR WASTEWATER	1,000,000	-	-	1,000,000
TRANSFER FROM IMPACT FEE RESERVE	262,840	604,192	-	867,032
FEDERAL/STATE GRANTS	-			-
TOTAL REVENUES	3,812,840	3,114,013	(361,422)	6,565,431
TOTAL BEGINNING BALANCE AND REVENUES	$ 5,256,188	$ 3,114,013	$ 72,677	$ 8,442,878

EXPENSE SUMMARY

DEPARTMENT EXPENSES	ORIGINAL 2011/12 BUDGET	1st Budget Adjustment	Proposed Budget Adj.	REVISED 2011/12 BUDGET
WATER	$ 766,240	$ 2,320,228	$ -	$ 3,086,468
WASTEWATER	3,404,900	813,076	-	4,217,976
WATER TREATMENT PLANT	22,900	-	-	22,900
WATER CONSTRUCTION	30,100	-	-	30,100
TOTAL DEPARTMENT EXPENSES	4,224,140	3,133,304	-	7,357,444
CURRENT YEAR BALANCE - WATER	1,070,632	(396,739)	397,902	1,071,795
CURRENT YEAR BALANCE - WASTEWATER	(38,584)	377,448	(325,225)	13,639
TOTAL CURRENT YEAR BALANCES	1,032,048	(19,291)	72,677	1,085,434
TOTAL CURRENT YEAR BALANCES AND EXPENSES	$ 5,256,188	$ 3,114,013	$ 72,677	$ 8,442,878

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2011-2012 BUDGET ORDINANCES - CONTINUED

ELECTRIC UTILITY FUND
REVENUES AND BUDGET FOR 2011-2012

REVENUES

	ORIGINAL 2011/12 BUDGET	1st Budget Adjustment	Proposed Budget Adj.	REVISED 2011/12 BUDGET
BEGINNING BALANCE	$ 11,867,003	$ -	$ 573,547	$ 12,440,550
BASE REVENUES				
DIRECT SALES TO CUSTOMERS	95,675,500	-	-	95,675,500
PURCHASE POWER ADJUSTMENT	(6,012,000)	-	-	(6,012,000)
UTILITY TAX	1,966,100	-	-	1,966,100
GREEN ENERGY	129,000	-	-	129,000
MISCELLANEOUS REVENUE	919,000	-	-	919,000
RENT REVENUE	225,000	-	-	225,000
TRANSFER FROM RATE STABILIZATION	1,000,000	-	-	1,000,000
INTRAFUND SERVICE RECEIPTS WATER/WASTEWATER	240,203	-	-	240,203
INTEREST EARNINGS	264,900	-	-	264,900
TOTAL REVENUES	94,407,703	-	-	94,407,703
TOTALS	$106,274,706	$ -	$ 573,547	$106,848,253

EXPENSE SUMMARY

EXPENSES	ORIGINAL 2011/12 BUDGET	1st Budget Adjustment	Proposed Budget Adj.	REVISED 2011/12 BUDGET
POWER SUPPLY	$ 42,047,430	$ -	$ -	$ 42,047,430
POWER SUPPLY MANAGEMENT	1,170,000	-	-	1,170,000
PJM CHARGES - LOAD	15,043,396	-	-	15,043,396
CAPACITY CHARGES	8,506,512	-	-	8,506,512
CONTRACTUAL SERVICES	115,000	-	150,000	265,000
SUB-TOTAL POWER SUPPLY	66,882,338	-	150,000	67,032,338
PLANT OPERATIONS	5,964,817	-	-	5,964,817
GENERATIONS FUELS	664,641	-	-	664,641
PJM CREDITS	(1,285,675)	-	-	(1,285,675)
CAPACITY CREDITS	(7,388,283)	-	-	(7,388,283)
GENERATION SUBTOTAL	(2,044,500)	-	-	(2,044,500)
TOTAL EXPENSES	64,837,838	-	150,000	64,987,838
DIRECT EXPENDITURES				
TRANSMISSION/DISTRIBUTION	3,162,026	-	-	3,162,026
ELECTRICAL ENGINEERING	1,177,060	-	-	1,177,060
ADMINISTRATION	602,715	-	-	602,715
METER READING	215,208	-	-	215,208
SYSTEMS OPERATIONS	473,895	-	-	473,895
UTILITY TAX	1,966,100	-	-	1,966,100
DIRECT EXPENDITURES SUBTOTAL	7,597,004	-	-	7,597,004
OTHER EXPENSES				
ALLOW FOR UNCOLLECTIBLES	150,000	-	-	150,000
RETIREES HEALTH CARE	646,510	-	-	646,510
TRANSFER TO PENSION UNFUNDED LIABILITY	1,110,500	-	-	1,110,500
OPEB UNFUNDED LIABILITY	1,115,300	-	573,547	1,688,847
GREEN ENERGY PAYMENT TO DEMEC	129,000	-	-	129,000
INTRAFUND SERVICE FEES	3,370,778	-	-	3,370,778
INTEREST ON DEPOSITS	54,500	-	-	54,500
INVENTORY WRITE OFFS	175,000	-	-	175,000
DEBT SERVICE	3,336,800	-	-	3,336,800
OTHER EXPENSES SUBTOTAL	10,088,388	-	573,547	10,661,935
TRANSFER TO				
IMPROVEMENT AND EXTENSION	3,500,000	-	-	3,500,000
GENERAL FUND	7,876,288	-	-	7,876,288
DEPRECIATION RESERVE	-	-	-	-
RATE STABILIZATION RESERVE	-	-	-	-
TRANSFER TO SUBTOTAL	11,376,288	-	-	11,376,288
CURRENT YEAR BALANCE	12,375,188	-	(150,000)	12,225,188
TOTALS	$106,274,706	$ -	$ 573,547	$106,848,253

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2011-2012 BUDGET ORDINANCES - CONTINUED

ELECTRIC UTILITY IMPROVEMENT AND EXTENSION FUND
REVENUES AND BUDGET FOR 2011-2012

REVENUES

	ORIGINAL 2011/12 BUDGET	1st Budget Adjustment	Proposed Budget Adj.	REVISED 2011/12 BUDGET
BEGINNING BALANCE	$ 2,561,096	$ 87,045	$ 527,234	$ 3,175,375
REVENUES				
INTEREST EARNINGS	38,400	-	-	38,400
RECEIPT FROM DEPRECIATION RESERVE	300,000	-	-	300,000
TRANSFER FROM INSURANCE STABILIZATION	70,730	-	-	70,730
TRANSFER FROM ELECTRIC	3,500,000	-	-	3,500,000
TOTAL REVENUES	3,909,130	-	-	3,909,130
TOTALS	$ 6,470,226	$ 87,045	$ 527,234	$ 7,084,505

EXPENSE SUMMARY

EXPENSES	ORIGINAL 2011/12 BUDGET	1st Budget Adjustment	Proposed Budget Adj.	REVISED 2011/12 BUDGET
ELECTRIC GENERATION	$ 1,810,410	$ 87,045	$ -	$ 1,897,455
TRANSMISSION AND DISTRIBUTION	648,337	-	-	648,337
ELECTRICAL ENGINEERING	1,790,716	-	-	1,790,716
METER READING	20,000	-	-	20,000
TOTAL EXPENSES	4,269,463	87,045	-	4,356,508
CURRENT YEAR BALANCE	2,200,763	-	527,234	2,727,997
TOTAL CURRENT YEAR BALANCE AND EXPENSES	$ 6,470,226	$ 87,045	$ 527,234	$ 7,084,505

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2011-2012 BUDGET ORDINANCES - CONTINUED

COMMUNITY TRANSPORTATION IMPROVEMENT FUND
REVENUES AND BUDGET FOR 2011-2012

REVENUES

	ORIGINAL 2011/12 BUDGET	1st Budget Adjustment	Proposed Budget Adj.	REVISED 2011/12 BUDGET
BEGINNING BALANCE	$ 312,651	$ -	$ 122,509	$ 435,160
REVENUES				
GRANTS REVENUE - Streets & Lincoln Park	1,900,000	-	-	1,900,000
TRANSFER FROM GENERAL FUND	350,000	(350,000)	131,760	131,760
LOAN PROCEEDS - STREETS	-	1,750,000	-	1,750,000
INTEREST INCOME	2,800	-	-	2,800
TOTAL REVENUES	2,252,800	1,400,000	131,760	3,784,560
TOTAL BEGINNING BALANCE AND REVENUES	$ 2,565,451	$ 1,400,000	$ 254,269	$ 4,219,720

EXPENSE SUMMARY

EXPENSES	ORIGINAL 2011/12 BUDGET	1st Budget Adjustment		REVISED 2011/12 BUDGET
PROGRAM EXPENSES - STREETS	$ 1,300,000	$ 875,000	$ 131,760	$ 2,306,760
LINCOLN PARK/CLARENCE STREET PROJECT	900,000	-	-	900,000
TOTAL EXPENSES	2,200,000	875,000	131,760	3,206,760
CURRENT YEAR BALANCE - BOND PROCEEDS	-	875,000	-	875,000
CURRENT YEAR BALANCE	365,451	(350,000)	122,509	137,960
TOTAL CURRENT YEAR BALANCES AND EXPENSES	$ 2,565,451	$ 1,400,000	$ 254,269	$ 4,219,720

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ADOPTED: April 23, 2012

Actions History
April 23, 2012 – Final Reading by Council
April 9, 2012 – First Reading by Council
March 12, 2012 – Considered by Legislative, Finance, and Administration Committee