# REGULAR COUNCIL MEETING

The Regular Council Meeting was held on October 28, 2013 at 7:30 p.m. with Council President Bonar presiding. Council members present were Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Slavin, Mrs. Williams, Mr. Hare, and Mr. Hutchison. Mr. Anderson was absent.

Council staff members present were Police Chief Hosfelt, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, 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 Bonar declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

Mr. Scott Cook, representing the Bushido USA Olympic Development Judo Team, which offers training at the Elizabeth W. Murphey School, stated that the organization was looking for athletes that are willing to work hard to train in judo. He noted that the instructor, Tommie Little, had taught judo from Paris Island, S. C., where he worked as a Marine Corps drill sergeant and judo instructor, to Africa, where he established an Olympic judo team. Mr. Cook advised members that free training sessions are held twice a week, on Wednesday evenings from 6:30 - 8:30 p.m. and Saturday mornings from 9:30 - 11:30 a.m. He also stated that this is a non-profit organization and that approximately $3,000 was needed to obtain additional mats for their students. Mr. Cook invited Council members to attend a Wednesday evening training session to see the program first-hand.

Councilman Lynn advised members that Tommie Little is an attorney who practices in family court and Scott Cook is a court officer at family court. He noted that they are doing fantastic work and are helping a lot of children.

Mr. Maurice Miles, Washington, DC, stated that he was involved with the Hip Hop Caucus, the Congressional Black Caucus, the Let's Move campaign, and Teach America. Last year, he created A Billion Children (ABC), which is an outreach movement that brings together students, teachers, schools and neighborhoods, in a culturally competent way to educate and empower youth to revitalize and bring change to their communities. Mr. Miles stated that he would be in the area for a while volunteering his services.

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

## AGENDA ADDITIONS/DELETIONS

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

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

**ADOPTION OF MINUTES - COUNCIL WORKSHOP OF SEPTEMBER 18, 2013**

**The Minutes of the Council Workshop of September 18, 2013 were unanimously approved by motion of Mr. Hare, seconded by Mrs. Williams and bore the written approval of Mayor Carey.**

**ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF OCTOBER 14, 2013**

**The Minutes of the Regular Council Meeting of October 14, 2013 were unanimously approved by motion of Mr. Hare, seconded by Mrs. Williams and bore the written approval of Mayor Carey.**

**PUBLIC HEARING - VIOLATION OF DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 24 NORTH NEW STREET, OWNED BY MARY BESSIE M. BROKENBROUGH**

In accordance with Chapter 22, Article XI – Dangerous Buildings, Sec. 22-385 - Hearing before Council, Sec. 22-288 – Emergency Cases, and Chapter 22, Article XI - Dangerous Buildings, 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.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the property consisted of a two (2) story, wood-framed, single-family home. She advised members that the house was condemned on October 8, 2013 due to insanitary conditions within the home and the degree of structural damage caused by numerous water leaks. The house was stacked from floor to ceiling with belongings, creating concerns about the weight on the structure and the fire hazard. City crews boarded the structure and had re-boarded on several instances due to people removing the boards and accessing the house. On Friday, October 18th, City inspectors found the house unsecured and boarded the house to secure it. On Saturday, October 19th, a City contractor boarded the house and secured the windows after the Police Department apprehended suspects burglarizing the house on the evening of October 18th. Currently, there were no utilities and there were numerous code violations on the property. Due to the chronic nature of people accessing the house and the challenges with keeping the property secure, as well as the fire hazard and structural concerns with the structure, staff was bringing this forward as an emergency case, requiring immediate action. Mrs. Townshend provided a chronological history and a presentation on the conditions of the house located at 24 North New Street ***(Exhibit #1)***.

Staff recommended that City Council: 1) declare this building and all accessory structures on this property dangerous; 2) order the property demolished immediately by the owner or equity owner at their own risk; 3) order the building inspector to cause the demolition of the structure if not completed by the owner by October 30, 2013; 4) order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Responding to Mr. Slavin, City Solicitor Rodriguez advised members that the City could legally provide shorter notice due to the condition of the property and the urgency of the situation.

Mrs. Townshend advised members that staff had been in contact with Mrs. Brokenbrough's heirs; however, they had provided no feedback regarding their intentions. She also noted that the mortgage company contacted staff with concerns about the situation. Mrs. Townshend advised members that there was a mortgage, but no liens, on the property.

Police Chief Hosfelt noted that the Police Department had responded to the residence eight (8) times within a 15-day period this month, twice for burglaries from the residence and several times for trespassing complaints. He noted that it had become a place of drug dealing, drug use, and prostitution, as well as a safety and health hazard for the officers and others.

Responding to Mrs. Williams, Mrs. Townshend stated that there were structural concerns with the building, especially if items were removed from the premises.

Council President Bonar declared the public hearing open.

Mr. Timothy A. Brokenbrough, 24 North New Street, advised members that his mother, the owner of the property, passed away on September 3, 2013. He stated that City employees came to the house with no notice and no search warrant and the family had no time to remove their personal items.

Ms. Kim Williams, friend of the Brokenbrough family, stated that they were in favor of the demolition because the property was a hazard. She advised that it was an estate property that belonged to the mortgage company because Mrs. Brokenbrough did not leave the house to anyone. Ms. Williams acknowledged that the house was infested with mice and roaches and that it contained mold. She stated that there were a lot of pictures, mementos, and family heirlooms that they would like to have time to retrieve. Ms. Williams advised members that they had begun removing items; however, they needed more time. Responding to Mr. Lynn, Ms. Williams stated that they would like to have two (2) or three (3) weeks to remove the personal items.

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

Responding to Mr. Lynn, Mrs. Townshend stated that the family had been granted access to retrieve their belongings. She stated that her concerns were related to keeping the property secure at night and the impact to the structural integrity as items are shifted around in the house.

Responding to Mrs. Williams, City Solicitor Rodriguez stated that he did not feel that the City would be liable if the homeowners chose to go inside the building, knowing its condition, and something happened.

Mr. Perza asked Chief Hosfelt if there were any safety risks or concerns on behalf of the Police Department regarding the necessity to monitor and safeguard the property for the next two (2) weeks to ten (10) days. Chief Hosfelt stated that they could not give the house undivided attention and, as calls come in, they will be responded to in order of priority. His main concern was with having to enter the building in an emergency situation. Chief Hosfelt stated that the officers would be placed in greater than usual danger because of the condition of the house.

Responding to Mr. Lynn, Mrs. Townshend stated that the bid specifications for the demolition were ready to be sent out and quotes should be received by the end of the week. She felt that it would take approximately one (1) week to select a contractor for the demolition. Mrs. Townshend stated that it was hoped that an asbestos survey could be conducted later in the week as a first step. She requested, if Council were inclined to allow the family more time, that staff be permitted to proceed with the asbestos survey while the family was removing their items.

Mrs. Williams asked if the clutter was supporting the walls or the structure of the house. Mrs. Townshend responded that she was not sure that the clutter was holding the house up; however, if the support system to the house was damaged and structurally unsound due to the deterioration associated with the leaks, problems could arise if weight is shifted and there would be a fear of collapse. Mrs. Townshend emphasized that staff was unsure if this was the case because it had not been evaluated by a structural engineer.

Responding to Mrs. Williams, City Solicitor Rodriguez recommended, due to the condition of the house and the legal status of the estate, requiring anyone entering the premises to sign a statement that they would be entering the property on their own volition and without any liability to the City and that they had the right to claim the property within the residence. At the request of Mr. Lynn, City Solicitor Rodriguez indicated that he would have the necessary document prepared by morning.

Mr. Hare moved for approval of staff's recommendation that City Council: 1) declare this building and all accessory structures on this property dangerous; 2) order the property demolished immediately by the owner or equity owner at their own risk; 3) order the building inspector to cause the demolition of the structure if not completed by the owner by October 30, 2013; 4) order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the 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, with the stipulation that demolition will not occur for a minimum of two (2) weeks, and that any family members who enter the structure must sign a document to be drafted by the City Solicitor indicating that those entering the structure do so on their own volition without any liability to the City and have the right to claim the property on the premises. The motion was seconded by Mr. Dixon.

**On a call for the question, the motion was carried by a roll call vote of seven (7) yes (Dixon, Lynn, Slavin, Williams, Hare, Hutchison, Bonar), one (1) no (Perza), and one (1) absent (Anderson).**

**PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 142 BRANDYWINE DRIVE, OWNED BY THE UNITED STATES OF AMERICA/VET20**

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance for property located at 142 Brandywine Drive, Owned by the United States of America/VET20. Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the property consisted of a two (2) story, wood-framed, single-family home with a full basement. She advised members that house had been vacant since April of 2010 when the electric service was terminated. Since then, the basement had been flooded by water due to the sump pump

not being able to operate. This had caused the basement level to become filled with mold and mildew and was causing water damage to the floors and walls of the home. In addition, the pool in the rear yard was covered but had stagnant water on the tarp. There are numerous code violations that exist on the property. Mrs. Townshend provided a chronological history and a presentation on the conditions of the house located at 142 Brandywine Drive ***(Exhibit #2)***.

Staff recommended that City Council: 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by November 28, 2013 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner within 10 days of the date established by City Council; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Responding to Council President Bonar, Mrs. Townshend stated that a lien would be placed on the property and the Veteran's Administration (VA) would not be able to sell the property until the lien was satisfied.

Council President Bonar declared the public hearing open.

Mr. Ed Hammond, Broker of Remax Horizons Real Estate, 1198 South Governors Avenue, Dover, stated that he was the future listing agent for this property. He stated that he had a master listing agreement with Vendors Resource Management, the asset management company that had a contract with the VA to handle all the properties that they own throughout the United States, including those in Delaware. Mr. Hammond stated that he primarily handled the properties in Kent County.

Mr. Hammond stated that it was their intention to make the repairs and he was in favor of having the property condemned in order to accelerate the process. He noted an electrical inspection had been scheduled to try to restore electric to the main part of the house so that sump pumps could be used to remove the water. Once that was accomplished, the basement would be stripped down to an unfinished basement to remove the mold. Mr. Hammond advised members that they had bids for the completion of the demolition work in the basement and noted that the work would not be disruptive to the neighbors. He also noted that the house was structurally sound and still had value.

Responding to Mr. Lynn, Mr. Hammond stated that he could not estimate when the contractors could begin. He felt that condemnation would help to expedite the process with the VA.

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

**Mr. Perza moved that the structure located at 142 Brandywine Drive be declared a dangerous building and subject to demolition, as recommended by staff. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote (Anderson absent).**

**PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - OCTOBER 14, 2013**

The Parks, Recreation, and Community Enhancement Committee met on October 14, 2013 with Chairman Dixon presiding.

**Future Use of the Dover Park Recreation Center**

During the Committee Meeting of July 8, 2013, members recommended approval of staff's recommendation to demolish the recreation center at Dover Park. Since that meeting, several members of the community relayed opposition to the demolition, as recommended by the Committee. As a result, when the Committee's recommendation was presented to City Council during their meeting of July 22, 2013, members of City Council referred the matter back to the Committee to allow staff time to research methodologies for funding repair or replacement or finding a public/private partnership to keep the recreation center in operation.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that since the opening of the John W. Pitts Center in April 2008, the demand for use of the recreation center at Dover Park declined and that, while the City continued to rent the Dover Park recreation center for parties, the Pitts Center became the primary focus of the City's recreation programming. She explained that the recreation center no longer serves the purposes of the City's recreation programming and noted that the programs that were scheduled for the Dover Park recreation center were frequently cancelled due to low attendance.

Mrs. Townshend advised members that the building was constructed in 1974 and that it needed investment to maintain functionality. She stated that the City had discontinued rental of the building and that the FY2013 budget included $30,000 in the Capital Improvement Plan (CIP) to replace the roof of the building, explaining that the roof had routinely been patched to repair leaks.

Mrs. Townshend indicated that, during FY2013, there was discussion about potentially renting the building out to a non-profit organization. Before investing funds to replace the roof and pursuing the potential of leasing the building to a non-profit organization, staff felt it was important to do a full assessment of the building to determine what other investments would be necessary to make the building functional, as all of the building's systems were dated and in need of some update. As a result, she stated that Compliance Environmental, Inc., was retained to do a Building Condition Survey. Members were provided a copy of the "Report of Findings from a Building Condition Survey" dated May 6, 2013, which included a summary of the recommended repairs, as well as cost estimates totaling $110,475. Although the Building Condition Survey did not include a structural engineering report, should City Council wish to keep the building and renovate it, staff would recommend that a structural engineering report be obtained prior to any renovations. However, based on the information contained in the Building Condition Survey, staff recommended demolition of the structure and noted that the costs associated with demolition, estimated at $20,000 for asbestos removal and $30,000 for demolition (bids would require City Council approval), were not currently budgeted.

Mrs. Townshend reviewed a Presentation - Future Use of Dover Park Recreation center. Having received concerns from the community regarding the recommendation for demolition, she stated that staff's alternative recommendation was for the City to hire a consultant to do a Parks and Recreation

System Plan for the City, which would include the Dover Park. She explained that the Plan would address indoor and outdoor recreation needs and guide investment in the City's parks to help meet system-wide needs. In addition, the Plan would make recommendations on building partnerships to meet the City's recreation needs. As an interim plan, Mrs. Townshend recommended performing maintenance and minimal repairs to the building; making the building available for rentals and for programming; utilizing partners to provide programming; and, allowing the building to be open only for scheduled events or programming.

Responding to Mr. Hutchison, Mrs. Townshend stated that the repairs indicated in Table 1 of the Executive Summary of Building Condition Survey do not include any ADA requirements and that significant renovations would be necessary to provide restrooms that are handicapped accessible. Although such requirements may not be required by Code, she felt that if the City opted to maintain the facility, it would need to be made accessible to any and everyone. She advised members that one of the main concerns relayed by the public was the accessibility of the City's parks. It was her opinion that to include ADA Standards in the repairs recommended, the costs would be between $175,000 and $200,000.

Ms. Dolores Blackman, 7 Starboard Court, questioned the security of the City's buildings, feeling that if people felt safe, they would use the facilities more often. Responding, Mr. Scott Koenig, City Manager, indicated that the Police Department monitors all City parks; however, they are not provided a schedule for the use of the parks. Ms. Blackman felt it was imperative for the City to provide security and questioned the possibility of an entry gate being installed to limit individuals from accessing the area during certain hours. Responding, Mr. Koenig stated that there is a gate beyond the building which limits access to the park (open space), noting that such gates are installed at all open space parks; however, he felt that a gate could also be installed closer to the roadway, prohibiting access to the building during certain times.

Mr. Reuben Salters, 109 Bertrand Drive, noted that it costs the City to provide recreation on the west side of Dover and that there are also taxpayers residing on the east side of the City. It was his feeling that the City should not let monetary issues prohibit providing recreation to all resident of the City. Mr. Salters suggested that members consider the human value in this regard, particularly for the youth, and indicated confidence in the State providing funding assistance for recreational programming. He advised members that a petition opposing the demolition of the Dover Park recreation center was submitted (as on file in the Office of the City Clerk).

Mr. James Fogell, 360 Nimitz Road, advised members that Manchester Square was not in existence when the Dover Park recreation center was constructed and that it was originally planned to serve senior citizens. He relayed opposition to the demolition of the building and explained the importance of the City maintaining such assets. Mr. Fogell also noted that the buildings' availability for rent had never been advertised. He advised members that he visits the City's parks regularly and urged members not to demolish the Dover Park recreation center.

Responding to Mr. Perza, Mrs. Townshend stated that, at some point in time the City made Schutte Park the number one priority for recreation investment and, in doing so, attention was not paid to other recreation assets. She advised members that the City has been very proactive with the City-wide playground replacement program, upgrading equipment throughout the City. She noted

that the City has numerous parks located throughout the City and, with the exception of replacing playground equipment, no consideration has been given to the needs of the residents in those areas. She felt that a City-wide review of all parks should be conducted to determine the needs of the community and to make the wisest investment.

Mr. Perza questioned whether it would be better to invest in the building or other aspects of Dover Park. Responding, Mrs. Townshend stated that staff had discussed developing a plan for Dover Park that would include the management of vegetation to improve sight lines. She noted that there are a lot of concealed spaces in the park and managing vegetation could address some of the safety concerns. If staff was requested to make Dover Park a priority and bring forward a plan to make upgrades, Mrs. Townshend stated that would include a combination of interior and exterior improvements. She reminded members that, in recent years, the City had invested in the exterior infrastructure, such as the tennis courts, which are utilized for tennis programs, but had not invested in the building.

Mr. Perza noted that many of the parks throughout Dover do not have buildings and questioned whether a study had been conducted to determine whether a demand for a building at Dover Park would exist today, if it were considered as a new park.

Ms. Blackman explained the importance of aesthetics, noting that it has a lot to do with an individual's decision whether to participate or not. She suggested that the use of horseshoes, shuffleboard, and chess be considered in improving the park, explaining that individuals would not want to be there if the facility and grounds were not maintained.

Mr. Salters stated that he served on City Council during when the development of Schutte Park was taking place. He felt that the east side of Dover was neglected since everyone was focused on Schutte Park. Mr. Salters suggested that the City give the east side of Dover a priority in considering recreation for the next few years. He felt confident that the City could afford to make any necessary improvements and repairs to the building at Dover Park and requested that City Council give this consideration in the preparation of the City's budget.

Mr. Roddie Byers, 606 Walker Road, advised members that it was his recollection that when the development of Schutte Park was being considered, the original plan was to provide transportation for children residing on the east side of Dover to Schutte Park. In addition, he stated that there were plans to upgrade the sidewalk system to assist in getting children to Schutte Park.

Mr. Fogell advised members that there are other maintenance issues involving the City parks, such as the ballfields having ruts that need filled.

Mr. Hutchison stated that he has observed residents using the park for outdoor recreation and noted that the building does not meet the recreation needs for the community. He questioned if the City should invest $110,000 into a building that doesn't begin to meet the recreation needs of today or whether that money should be invested into the park (that comes with the real value). Mr. Hutchison noted that there is only one (1) local facility for senior citizens, the Modern Maturity Center, which serves 20,000 members from all areas of the City. He relayed support for improving and upgrading the Park; however, he questioned if it should include the building.

Mr. Carl Barnes, 43 Homberg Circle, suggested that members not only consider the monetary value but the intangibles as well. Although the park would continue to function without the structure, he questioned what message demolition of the building would send. It was his feeling that the ADA issues should have been addressed several years ago. Concurring with Mr. Fogell, Mr. Barnes stated that he was not aware that the building was available for use and felt that there may not have been enough advertising. Mr. Barnes also indicated that whether there is a building on the property or not, security will still be required at the Park. He suggested the installation of outside restrooms, especially if the building is demolished. It was his opinion that the City would need to provide something in return for the community if the building is demolished and providing outside restrooms may be such an option.

Concurring, Mr. Fogell advised members that the only public restrooms available in the area are portable toilets located near the tennis courts. He suggested that the City consider additional restrooms throughout the park.

Mr. Byers suggested that the City conduct a community survey to assist in determining what action should be taken related to the Dover Park recreation center.

Mr. Edward Christian, 9 Pennwood Drive, Dover, felt that the City should stop doing things piecemeal and develop short-term and long-term plans instead. He reminded members that an extensive study was conducted when Schutte Park was constructed and suggested that members use such studies to help determine what action should be taken. He recommended a cost and benefit review approach, explaining that if the benefits exceed the costs, the improvements and/or repairs should be completed; however, if the costs exceed the benefits, additional consideration should be given to determine if such improvements and/or repairs should be done. He noted that, for years, there had been concerns with the lack of recreation for youth and that this concern remains in the community today.

Mrs. Townshend advised members that, in 1996, when she served as the Recreation Planner for the State of Delaware, a State-Wide Comprehensive Outdoor Recreation Plan was conducted. When the survey data was gathered from 1995, Dover was over-sampled so that there was better validity because the City of Dover was in the process of conducting recreation planning at that time. In 2002, when she left that position, the State was in the process of conducting the 2002 State-Wide Comprehensive Outdoor Recreation Plan and that, at that time, there was no over-sampling, resulting in the review of the needs at the County level.

Mr. Wayne Voshell, City of Dover Recreation Coordinator, advised members that, for several years, the citizens had indicated a desire for more outside activities, such as bike trails, walking trails, etc. He stated that, with the exception of basketball, the citizens had not indicated their desire for indoor recreation activities. Mr. Voshell indicated that one of the main issues with the Dover Park recreation center was the design of the building, noting difficulty hearing in the main room. Although most leagues and activities are outdoors, he stated that girl scout and boy scout club meetings were held in the building; however, he asked members to imagine trying to hear with several boys and girls talking in the room at the same time.

Mr. Voshell agreed with the concerns regarding safety, explaining that he had been at the building late in the evening and did not feel safe. Responding, Mr. Salters stated that individuals feel safer at Schutte Park because of the excessive lighting. He relayed the simplicity of installing additional lighting at the Dover Park recreation center and suggested that the ceiling could be dropped at a minimal cost (less than $20,000), which would make the room very usable.

Noting the lengthy discussion, Mr. Dixon suggested the possibility of creating a committee to review this matter. He suggested a recess to allow members to tour the building and park. Mr. Dixon stated that, following the tour, members should know which direction the City should take regarding this matter.

Mr. Ellis Louden, 3 Michael Court, felt that more clear walking points were necessary. In addition, he questioned if the committee to be created would include community members and whether those members would be present when the City makes their determination. He questioned if there was a real Recreation Plan for the City.

The Committee recommended assigning the Dover Park Study to the Planning Department for the purpose of: 1) developing a Request for Proposals (RFP) to address the most appropriate investment of city-wide park resources in Dover Park, Schutte Park, and the parks located in the southwest and southeast corners of the City; 2) to determine whether the investment of sufficient resources is necessary to address all outdoor use, indoor use, restroom facilities, security facilities; 3) as a part of the RFP, to make a recommendation on what the best and most effective expenditure of resources is before a decision is made to expend additional resources on any of the park facilities within the City; 4) as a part of this review, there should be a resource inventory to determine whether or not the City has any of the prior studies and to determine if they are practical for future use; and, 5) to gather additional input not only from the communities on the east side of Route 13, but also from communities that have parks in the southern, western, and northern parts of the City. This is to be accomplished before the City commits to expending any resources to demolish any park buildings or for the purposes of creating or constructing additional park services in the City.

The Committee recommended that the City re-open the Dover Park recreation center for use, noting that anyone wishing to rent the facility can do so by contacting the City of Dover to coordinate the event as needed; the building itself will not be closed for future use until the recommended Dover Park Study is reviewed.

Responding to Ms. Blackman, Mr. Dixon announced that the availability of the building will be publicized.

Ms. Roxie Smiley-Carter, 320 Broadstair Place, questioned if members of the community will be included in the decision process by serving on the committee. She relayed concerns regarding the reopening of the building, explaining that there was a mold odor and that any mold and mildew issues should be resolved to assure no one gets sick. She also felt that the building needed to be cleaned and sanitized.

Concurring, Mrs. Horsey, stated her surprise with the motion to re-open the building, explaining her feeling that the building was not suitable to re-open at this time. She felt that it would take a lot of work to clean the building to make it suitable for activities. It was her hope that, with the motion, it was implied that the building would be made suitable before anyone would be permitted to use it.

Mrs. Townshend stated that there is a major moisture issue, which is causing the mold and mildew. She explained that unless the roof is replaced, the moisture cannot be controlled. In addition, there are issues with drainage. When the Study was completed by the Environmental Consultant, she stated that there were no findings that indicated that the building was unsafe. However, Mrs. Townshend indicated that there are certain rooms within the building that will not be opened due to mold issues caused by excessive moisture. She assured members that there would be a thorough cleaning of the building; however, she reminded them that this issue was before them because of the issues with the building, which need to be addressed if the building is going to be maintained for years.

Responding to Ms. Smiley-Carter, Mrs. Townshend stated that there are roof leaks located in the back section of the building and there are issues involving rainwater flowing towards the building rather than away from the building, which causes more moisture. Unless the City invests a substantial amount of money, there will continue to be a moisture problem.

Mr. Perza explained that, at this time, there was no authorization to correct the problems with the building; therefore, there would be limitations on its use and anyone wishing to use the building would do so with the understanding that it will be used as it is today.

Referring to the City-wide survey conducted several years ago, Mr. Byers stated that the John W. Pitts Center at Schutte Park was not built large enough to accommodate the needs of the community. To assist in meeting those needs, he suggested that the City allocate funding for the east side of Dover, since it is known that recreation is needed in that area.

Mr. Perza explained that the reality of the City's budget is that there are limited resources. At this time, the Planning Department staff will utilize what resources are available to benefit everyone in the City. He stated that Schutte Park seemed to be the focal point for the City's planning during the past 15 years and that no other areas in Dover, including the east side of Route 13, have received any park amenities during these past years either. Mr. Perza stated that a recommendation not to demolish the building, but to conduct a study, did not necessarily mean that all future recreation investment would be made in Dover Park. He explained that such investment may be divided among parks located in other parts of Dover. As a representative of the Second District, Mr. Perza stated that the communities in the south side of Dover have recreation needs and expressed his belief that communities in other parts of the City also feel that their recreation needs are not being met; therefore, he reiterated that the recommended study would be City-wide.

Responding, Mr. Byers felt that, with the exception of Schutte Park, the City's more populated recreation facility is located on the east side of Dover, explaining that the parks located in other parts of the City are very small. As such, he stated that Dover Park should be the anchor park for the east side of Dover.

Ms. Rebecca Gordon, 167 Westhill Drive, Camden, DE, stated her feeling that the City had planned for the demolition of the Dover Park recreation center when Schutte Park was being constructed.

Mr. Koenig explained that the City has a Capital Investment Program (CIP) that is available to the public with the Budget on the City's website. He stated that this portion of the budget outlines the capital investments that the City has planned for the park system, by park, for the next five (5) years. It was his recollection that this investment equates to several million dollars. Mr. Koenig assured members that the CIP did not mention the demolition of the building and that staff presented the idea of demolition when it was determined that there were excessive costs involved with repairing the building, including the replacement of the roof at a cost of $30,000. In previous years, he stated that the City employed staff that could have done the work in-house, which would have saved on these expenses. Prior to putting any investment into the building, staff wanted to know the condition of the building and, as a result, Compliance Environmental, Inc., was retained to do a Building Condition Survey. Upon receipt of their report (Findings from a Building Condition Survey), staff was made aware that there was a need to spend $110,000 just to bring the building up to what would be considered the existing standard. Mr. Koenig assured members that it was never staff's intention to demolish the building. He explained that the question is whether the City should invest $200,000 in the existing building or take the $200,000 and invest it elsewhere. He reminded members that the City is facing a $7.5M budget short-fall over the next five (5) years. He stated that the reality is that recreation improvements, along with vehicles, street cleaning, parking improvements, etc., often get deferred in order to provide funding for the City's current operations.

Mr. Koenig advised members that there was no public interest in the Dover Park recreation center until the demolition of the building was presented for consideration. He requested that residents make the City aware if there is an issue that is important to the community. Mr. Koenig noted that the City has never taken action against an issue that is important to the community, explaining that if it is important to the community, the City will find the means to support them; however, this support may require an increase in property taxes.

Mr. Dixon relayed appreciation for all the participation regarding this matter.

During the City Council meeting, Mrs. Ann Marie Townshend, Director of Planning and Community Development, noted that there was a strong musty smell and evidence of moisture in the building when the Committee met at the recreation center. She advised members that she had since spoken with Mr. Val De Rocili of Compliance Environmental who suggested that, before re-opening the building, the HVAC system be cleaned and repaired. Mrs. Townshend indicated that the cleaning and repairs would cost approximately $10,000 to $15,000 and, due to the cost, she felt that the building should not be utilized.

Responding to Mr. Slavin, Mrs. Townshend stated that no steps were taken to "mothball" the building before vacating it. She stated that the HVAC in the large room had been on; however, the individual units in the smaller rooms had been turned off. Mr. Scott Koenig, City Manager, stated that the HVAC system was turned off; however, it was still connected to power. Mr. Slavin asked if steps had been taken at the former library building to ensure that a similar mold situation was not being created. Mr. Koenig responded that he thought the systems were being run at their minimum.

Mr. Hare reminded members that the building was closed because registration and activity had decreased since Schutte Park was built, not because of its condition.

Mr. Dixon stated that, although the building was available to rent for private functions, it had never been properly advertised. He felt strongly that Schutte Park was too expensive for many families and that appropriate programming for the residents of the east side of Dover should be determined.

Mrs. Williams stated that there were a number of after school programs being offered at Manchester Square through the Dover Housing Authority. She expressed concern with the vacant building being used for drug drops and illegal activity. Mrs. Williams stated that, if money were not spent to repair the building, it should be taken down.

Mr. Lynn expressed concern, not with the building, but with all of the hiding places created by the layout of the park. He questioned if there were findings of health risks in the Building Condition Report prepared by Mr. De Rocili. Responding, Mrs. Townshend stated that, although there were signs of mold, there were no indications of a health risk. She stated that as long as the systems were off, the condition would worsen and that the building should not be used unless the system were repaired, cleaned, and used.

Mr. Slavin suggested that Compliance Environmental could perform an air quality test to determine what they were dealing with.

Mr. Dixon reminded members that the Committee had recommended looking at all of the City parks for potential improvements.

Responding to Mr. Lynn, Mrs. Townshend stated that a Recreation Planning Study could not be done in-house. She indicated that there was a manpower issue and suggested that data collection and public outreach should be done by experienced people so that the outcome would be meaningful. Mrs. Townshend stated the 2003 and 2008 Comprehensive Plans recommended developing a city-wide parks and open space plan and, even after the Recreation Director's position was filled, the study was not done.

Responding to Mrs. Williams, Mrs. Townshend stated that they were discussing the HVAC repairs because the Committee has recommended reopening the building for use while all of the parks are evaluated.

Mr. Hare suggested determining the cost to replace the building, which he thought would be more cost-effective than repairing the existing building.

Mr. Slavin suggested looking at partners to pay for renovations in lieu of rent. Mrs. Townshend expressed concern with losing control of the building, which was located in the public park. Mr. Slavin suggested that, as the landlord, they would maintain control of the rest of the park.

Mr. Lynn recommended reviewing the past programming and trying to determine what might interest the children on the east side of Dover so that they do not ride their bikes across the highway to get to Schutte Park. He suggested that it would be much cheaper to replace the building now than it will

be in the future. Mr. Hare stated that no one had complained about the programs until they started discussing demolition of the building. He agreed that acting now would be more cost effective than acting later.

Mrs. Williams moved to either decide to partner with someone to use the building in lieu of repairs or to decide to repair the building when there were funds available. The motion failed for the lack of a second.

Mr. Hutchison noted that the recreation center at Dover Park was more of an office building than a recreation building and he believed it should be demolished.

Mr. Perza stated that it was necessary to determine what would best for Dover Park, whether it be investing in the building or in the park itself. It was his feeling that there was a need to commit to safeguarding the future of Dover Park in some way. Mr. Hare suggested that a splash park, a gym, or a skateboard park could be considered for Dover Park instead of a recreation building.

**Mr. Lynn moved to postpone demolition of the Dover Park recreation center and to resubmit to the Parks, Recreation, and Community Enhancement Committee the question of programming a new building and its possible configuration, whether it be a splash park, gym, or other proposal, for a recommendation to Council, employing special meetings and experts in the community, within 60 days. The motion was seconded by Mr. Dixon and carried by a roll call vote of six (6) yes (Dixon, Lynn, Slavin, Hare, Hutchison, and Bonar), two (2) no (Perza and Williams), and one (1) absent (Anderson).**

**Benchmarks Established for the Economic Development Office**
Due to time constraints, this item was deferred until the next Committee Meeting.

**Update - CDBG Program**
Due to time constraints, this item was deferred until the next Committee Meeting.

**Mr. Slavin moved for acceptance of the Parks, Recreation, and Community Enhancement Committee Report, seconded by Mr. Hutchison and carried by a unanimous roll call vote (Anderson absent).**

**LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - OCTOBER 14, 2013**
The Legislative, Finance, and Administration Committee met on October 14, 2013 with Chairman Lynn presiding.

**Creation of Ad Hoc Financial and Operational Advisory Committee**
Due to concerns for the City's financial future, Mr. Hutchison advised members that he, along with Mrs. Williams, have requested consideration of the creation of an Ad Hoc Financial and Operational Advisory Committee to review the City in total and make recommendations for achieving efficiencies and preparing for long-range objectives. He reminded members that it is projected that there will be a $7.5M shortfall for the City over the next five (5) years.

Mr. Hutchison suggested that the Committee, to be appointed by the Council President and confirmed by City Council, be comprised of himself, Councilman Lynn, Councilwoman Williams, and three (3) civilian members. The qualifications for the three (3) civilian members are recommended to be as follows: Two (2) members with an extensive financial background, preferably dealing with large budgets; must hold at least a bachelor's degree in financial management or related field; and must have at least seven (7) years experience. One (1) member with an extensive background in operations management or business development; must hold at least a bachelor's degree in business administration, operations management, or related field; and must have at least seven (7) years experience.

Mr. Hutchison indicated an expectation that this committee would work with the City Manager and Treasurer/Controller to develop a plan and provide their recommendations to the Legislative, Finance, and Administration Committee on January 13, 2014, with Council consideration taking place on January 27, 2014.

Chairman Lynn expressed his opinion that, rather than create another committee to perform the same responsibilities as the Legislative, Finance, and Administration Committee, a series of Special Meetings be held by the Legislative, Finance, and Administration Committee to address these financial and operational concerns. Considering that certain issues may be outside of the scope or expertise of the current membership of the Committee, he suggested that two (2) additional Committee members be appointed for the purpose of serving during these Special Meetings either in a capacity as special members, advisory members, or friends, etc.

Mr. Slavin advised members that during his previous term on Council, he had requested that the City Manager (Mr. DePrima) consider the Delaware Economic and Financial Advisory Council (DEFAC) revenue forecast model, used by the State of Delaware, to review the manner in which the City forecasts revenues. He stated that the revenue report which members currently receive was a result of this request. He felt that a dispassionate "set of eyes" is necessary to review the issues. He preferred that an advisory council comprised fully of citizens be created to review the revenue side and make recommendations to City Council. The expenses could be reviewed by the Legislative, Finance, and Administration Committee and City Council. He noted that there is a lot of untapped brain power available to the City between the Universities, business men and women in the community, and others. If the City were to establish such a committee, Mr. Slavin questioned whether the decisions would be binding on Council, noting that DEFAC decisions were binding on the General Assembly. He relayed his support for pursuing the idea and reiterated his suggestion that such a committee serve as a fully citizen advisory committee.

Mr. Shevock questioned the creation of another a committee, and suggested that it be created as an ad hoc committee with a sunset provision of three (3) or five (5) years.

Council President Bonar urged members to support establishing the committee, consisting of up to seven (7) members, with recommendations to be presented to the Legislative, Finance, and Administration Committee for their review and recommendation to City Council.

It was the consensus of members that this matter not be included on the consent agenda when presented to City Council, to allow members an opportunity for discussion.

The Committee recommended forwarding this matter to City Council for discussion of a reconfigured composition of the proposed committee, with the understanding that the members endorsed the idea in principle.

**Mr. Hutchison moved to create an Ad Hoc Committee consisting of five (5) members that will serve for a period of one (1) year that will advise the Legislative, Finance, and Administration Committee, who will in turn advise the City Council as a whole, on operations, financial issues, and organizational structure within the City of Dover. Members need not be residents of the City of Dover, but must have demonstrated financial, business, and organizational abilities that will enhance the operation of the Committee. The members shall be appointed by the Council President, upon confirmation by City Council, and shall serve without compensation. The motion was seconded by Mr. Slavin and carried by a roll call vote of six (6) yes (Dixon, Slavin, Williams, Hare, Hutchison, and Bonar), two (2) no (Lynn and Perza), and one (1) absent (Anderson).**

**By unanimous consent, the Legislative, Finance, and Administration Committee Report was accepted.**

**QUARTERLY REVENUE REPORT**

**By motion of Mr. Hare, seconded by Mrs. Williams, the Quarterly Revenue Report was accepted by consent agenda**.

**SEMI-ANNUAL INSPECTION BY CITY MANAGER - ROBBINS HOSE COMPANY**

In accordance with Chapter 46 - Fire Prevention and Protection, Article II - Fire Department, Division 1 - Generally, Section 46-43 - Semiannual Inspections, of the City Code, the City Manager, Mr. Scott D. Koenig, met with the Fire Chief to discuss fire company issues. He reported that the ramp at Station #1 was showing wear due to salt and age and would be closely monitored; the Chief and Assistant Chief verbally conveyed that Engine #3, a 2003 Pierce, was showing considerable wear and they intend to request replacement in the coming budget cycle; the Chief and Assistant Chief also expressed concerns about Engine #7, a 1997 Pierce; the parking lot to the rear of the building had an orange barrel covering the grease interceptor and City staff was replacing some of its framing; the Chief indicated that the Air Pack cylinders on the SCBAs would need to be replaced soon, at an estimated cost of $150,000; and they were in the process of recruiting for the Fire Chief's Assistant.

**By consent agenda, Mr. Hare moved for acceptance of the report of the Semiannual Robbins Hose Company Inspection, as submitted by the City Manager, seconded by Mrs. Williams and carried by a unanimous roll call vote (Anderson absent).**

**EVALUATION OF BIDS - BUCKET TRUCK REPLACEMENT (ELECTRIC)**

Mr. Scott Koenig, City Manager, advised members that the purpose of the bucket truck purchase would be to replace an aging 2001 Freightliner bucket truck that was in need of many repairs. He explained that bucket trucks are normally replaced in 10 – 15 years depending on the condition of the vehicle.

Mr. Koenig stated that the Electric Department budgeted for the basic model at $225,000. The plan was to use the trade-in value of the 2001 bucket truck to equip the new truck with recommended safety lights, decals, winches, inverter, etc. He noted that the City has a procedure for selling used vehicles that recommends the sale of the used vehicle and discourages trade-ins. Assets have to be recorded at cost for depreciation purposes and any trade-in value would be recorded as a gain/loss on the sale of the vehicle. Mr. Koenig indicated that the City had also experienced a better return by selling used vehicles on internet auction sites. This procedure also prevents budget variances in the estimated trade-in value.

Mr. Koenig noted that the Controller/Treasurer would monitor the budget for savings or unplanned revenue to cover the shortfall. If this could not be accomplished, the difference of $16,828 would be covered through the beginning budget balance through a budget ordinance.

Responding to Mrs. Williams, Mr. Koenig explained that the shortfall was due to the department budgeting for a trade-in, which was not permitted under the Purchasing Policy. The truck, which was valued at $38,000 to $58,000, would be sold on GovDeals.com and the funds would be accounted for as revenue. Mrs. Mitchell stated that the proceeds from the sale of the truck would be applied to that fund and would cover the difference.

The department evaluated two bucket truck manufactures and both companies (Altec and Terex) were part of the National Joint Powers Alliance (NJPA) vendor contract and recognized by the State of Delaware and the City of Dover's purchasing policy. The Terex bucket truck was found to be more practical and useful for overhead line work. The last few trucks were purchased through Altec and the department felt that opening an opportunity for a second vendor would be in the best interest of the City.

Staff recommended purchasing the 2014 bucket truck from Dueco (vendor of Terex) for the total cost of $241,828.

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

**APPOINTMENT OF JUDGES - ROBBINS HOSE COMPANY ELECTION - NOVEMBER 18, 2013**

The Robbins Hose Company election is scheduled for November 18, 2013. The following persons have been recommended to serve as judges for the election:

1. Jim Hurley 2. Bill Hurley 3. Jim Howlett (alternate)

**By consent agenda, Mr. Hare moved for approval of the appointment of judges for the Robbins Hose Company election as recommended, seconded by Mrs. Williams and carried by a unanimous roll call vote (Anderson absent).**

**COUNCIL MEMBERS' ANNOUNCEMENTS**

Mr. Bonar wished Mayor Carey a happy belated birthday.

Mr. Lynn announced that he and his wife, Alexis, had a baby boy, Henry, on Wednesday, October 23, 2013 at 4:24 p.m. Henry weighed 7 lbs. 13 oz.

Mayor Carey reminded members that Halloween trick-or-treat would be held on Wednesday, October 31st between the hours of 6:00 and 8:00 p.m.

**Mr. Hutchison moved to adjourn into the Special Council meeting, seconded by Mr. Hare and unanimously carried.**

Meeting adjourned at 9:16 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of October 28, 2013, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM
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*Exhibits*
*Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 24 North New Street*
*Exhibit #2 - Presentation - Violation of Dangerous Building Ordinance - 142 Brandywine Drive*

# Violation of Dangerous Building Ordinance 24 N New Street

Planning & Inspections Department

Dover, Delaware

October 28, 2013

**EXHIBIT #1**
Regular Council Meeting of 10/28/13

# 24 N New Street
# Case History

- 27 code enforcement cases since 1998
  - Exterior code violations, trash, rubbish & overgrowth
  - Deteriorated wall siding, broken windows
  - Numerous tall grass complaints
- Condemned by City Staff on October 8, 2013.
- Staff gained entry into the home with a search warrant.
- Home is full of household items, junk, garbage, trash & rubbish.
- Numerous areas within the home have water damage which has caused deterioration of walls, ceilings and floors including subfloors & walls.

# 24 N New Street
# Case History

- Egress was not possible from some rooms due to the amount of clutter.
- Mold & mildew throughout the home.
- Home has repeatedly been found unsecured with people getting in.
- Police arrested two subjects on October 18th for burglary in progress.
- **Outstanding Charges**

  -code citations / grass cutting

  -taxes / utilities

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

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

# Dangerous Building Code – Chapter 22 Article XI, Sec. 22-388

Sec. 22-388. Emergency cases.

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.


24
24
PRIVATE PROPERTY
NO TRESPASSING
10/08/2013 09:16


PRIVATE PROPERTY
24
10/08/2013 09:15


24
24
10/08/2013 09:16


10/08/2013 09:17


10/09/2013 09:30


10/09/2013 09:31


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10/09/2013 09:13


RE-BUILT
MASS
10/09/2013 09:18


10/09/2013 09:18


14006
10/09/2013 09:26


PRO FORCE
10/09/2013 09:22


10/09/2013 09:27

10/09/2013 09:17


BRUCE LEE
10/09/2013 09:21


WE
OUR CUSTOMERS
10/09/2013 09:21


10/09/2013 09:28


10/09/2013 09:19


10/09/2013 09:19

Sunbeam
10/28/2013 11:15


10/28/2013 11:15

# Recommended Council Action

- Declare this property dangerous.
- Order the property demolished **immediately** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause the demolition of the property if not completed by the owner **by October 30, 2013**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the property exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

# Violation of Dangerous Building Ordinance 142 Brandywine Drive

Planning & Inspections Department

Dover, Delaware

October 28, 2013

**EXHIBIT #2**
Regular Council Meeting of 10/28/13

# 142 Brandywine Drive
# Case History

- 9 code enforcement cases since 2010
  - Exterior code violations
  - Tall grass / Vacant property / Stagnant water
- The utilities were terminated on May 20, 2013
- First registered as a vacant property on April 26, 2010
- Condemned by City Staff on July 25, 2013 due to no active utilities, lack of pool/yard maintenance, and for the mold & mildew throughout the home.
- Source of neighbor complaints
- Outstanding Charges
  - Vacant building fee / Code citations
  - Taxes & Utilities / Total due over $1,800.00

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

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*


08/15/2013 15:13


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09/10/2013 14:07


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08/15/2013 15:23


08/15/2013 15:23

09/10/2013 14:09


08/15/2013 15:28

# Recommended Council Action

- Declare this property dangerous.
- Order the property repaired or demolished by **November 28, 2013** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause the repair or demolition of the property if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of repairs or demolition to be charged against the land on which the property 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.