REGULAR COUNCIL MEETING
A G E N D A

SEPTEMBER 23, 2013 - 7:30 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 p.m.)
The "Open Forum" segment is provided to extend the opportunity to the general public to share their questions, thoughts, comments, concerns, and complaints. Discussion of any item appearing on the agenda as a public hearing is prohibited during the Open Forum as an opportunity will be provided during consideration of that item. Citizen comments are limited to three (3) minutes. Council is prohibited from taking action since they are not in official session; however, they may schedule such items as regular agenda items and act upon them in the future.

INVOCATION BY BISHOP THOMAS L. HOLSEY

PLEDGE OF ALLEGIANCE LED BY COUNCILWOMAN WILLIAMS

AGENDA ADDITIONS/DELETIONS

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

* **1. Adoption of Minutes**
- **A. Regular Council Meeting of September 9, 2013**
- **B. Special Council Meeting of September 9, 2013**

2. Proclamations
- **A. Cyber Security Awareness Month**
- **B. Fire Prevention Week**
- **C. Halloween Trick-or-Treat**

3. Public Hearing/Final Reading of Proposed Ordinance #2013-15
The First Reading of Proposed Ordinance #2013-15 was accomplished during the Council Meeting of September 9, 2013. Copies of the proposed ordinance are available at the entrance of the Council Chambers.

- **A. Ordinance #2013-15 Amending Chapter 58 - Human Relations**

* **4. Parks, Recreation, and Community Enhancement Committee Report - September 9, 2013**

A. Presentation - Restoration and Remediation of Mirror Lake

(Committee Recommended Acceptance of the Report Provided)

B. Review of Active Recreation Area Plan - Walker Woods and Walker Woods II (Village of Sherwood)

(Committee Recommended Acceptance of the Revised Active Recreation Area Plan for Walker Woods/Walker Woods II (Village of Sherwood) with the Inclusion of Staff's Comments and Recommendations)

C. Consideration of Contribution Amount - Cash-In-Lieu of Recreation Area Construction for Nottingham Meadows

(Committee Recommended Acceptance of $14,517 Cash-In-Lieu of Recreation Area Construction Donation for Nottingham Meadows, as Recommended by Staff)

* **5. Utility Committee Report - September 9, 2013**

A. Public Notification - Power Outages

(Committee Recommended That this Matter Be Referred Back to Staff for Their Consideration in Implementing the Committee's Comments and Suggestions)

B. TEA/NAES Report *(June and July)*

(Committee Recommended Acceptance of the Reports)

C. Updates

(Committee Action Not Required)

* **6. Legislative, Finance, and Administration Committee Report - September 9, 2013**

A. Fund to Combat Violent Crime - FY14 Grant

(Committee Recommended Approval of the Grant and Intended Purchases, As Recommended by Staff)

B. "Safe Whistles" - National Recreation and Park Association Recommended Guidelines for Credentialing Volunteers (Background Screening for Youth Coaches and Sports Officials for All City Recreation Offerings*) (Lynn and Slavin)*

(Committee Recommended That Staff, Specifically Mrs. Townshend, Director of Planning and Inspections, and Mrs. Hawkins, Human Resources Director, Be Directed to Review the National Recreation and Park Association Recommended Guidelines to Conduct an Analysis and Formulate a Recommendation Regarding the Scope and Depth of the Background Checks That Should Be Required, the Cost and How it Would Be Addressed, the Period of Time the Background Check Would Remain Valid, and Some Type of Roll-out Implementation Strategy to Be Brought Back to the Committee Within One (1) Month for Their Review and Recommendation to City Council)

* **7. Monthly Report - July 2013 - Economic Development**

8. Final Change Order for Wesley College Streetscape Enhancement - Phase I

9. Council Members' Announcements

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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on September 9, 2013 at 7:30 p.m. with Council President Bonar presiding. Council members present were Mr. Dixon, Mr. Lynn (departed at 8:51 p.m. and returned at 9:15 p.m.), Mr. Perza (departed at 7:48 p.m. and returned at 7:53 p.m.; departed at 8:51 p.m. and returned at 9:15 p.m.), Mr. Slavin, Mr. Hare, and Mr. Hutchison. Mr. Anderson and Mrs. Williams were absent.

Council staff members present were Police Chief Hosfelt, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, 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. Roy Sudler, Jr., Chairman of the Dover Human Relations Commission (DHRC) read the following statement into the record:

> *"On behalf of DHRC, the Commission would like to thank the Legislative, Finance and Administration Committee for unanimously voting to approve and forward to Council the DHRC-2013 Resolution on "Cessation of Illegal Gang Formation in the City of Dover".*
>
> *This Resolution serves as a focal point for a plan of action to receive grant funding to aid the City of Dover with unique summer programs that involve family, interfaith, and community involvement in orchestrating new paradigms for eradicating hate and other social problems.*
>
> *In addition, it will manifest monetary resources for Dover Police Department to construct mini-police stations in geographic areas with high volumes of crime. Again, the Dover Human Relations Commission thanks you for considering the resolution and providing us with an opportunity to serve the Dover Community in such an essential and imperative way*
>
> *Thank You"*

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

AGENDA ADDITIONS/DELETIONS

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

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF AUGUST 26, 2013

The Minutes of the Regular Council Meeting of August 26, 2013 were unanimously approved by motion of Mr. Hare, seconded by Mr. Hutchison and bore the written approval of Mayor Carey.

CERTIFICATE OF CONGRATULATIONS - DELAWARE STATE NEWS 60TH ANNIVERSARY

The City Clerk read the following Certificate of Congratulations into the record:

CERTIFICATE OF CONGRATULATIONS

Presented to the

Delaware State News

in recognition of providing the City of Dover and our neighboring communities with 60 years of trustworthy news coverage.

We appreciate the efforts your staff has put forth and hope that you continue to provide this important service for many years to come.

The City of Dover extends its sincere congratulations on your 60th anniversary

September 9, 2013

Mayor Carey presented Mr. Ed Dulin, representing the *Delaware State News*, with the Certificate and relayed appreciation to the *Delaware State News* for providing the community with all the news, up-to-date and every day, for the past 60 years.

Mr. Dulin felt that Mr. Jack Smyth, founder of the *Delaware State News* in 1953, would have been honored to receive such recognition from City Council. For informational purposes, he provided copies of Mr. Smyth's autobiography, *"From Diamonds to Deadlines: The autobiography of one of America's most colorful (and most caring) small-town newspaper editors,"* for each member of Council.

Mr. Hutchison indicated his appreciation for the changes that Mr. Dulin and his team had made since taking over the leadership of the *Delaware State News.*

With reference to his team, Mr. Dulin stated that the successes could not have been accomplished without the assistance of staff members Andy West and Heather Cregar.

Council President Bonar also recognized Mr. Carlos Holmes, former Editor for the *Delaware State News*, stating that Mr. Holmes had done a fantastic job.

PROCLAMATION - NATIONAL PREPAREDNESS MONTH

The City Clerk read the following Proclamation into the record:

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

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

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

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

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE do hereby proclaim the month of September 2013 as ***NATIONAL PREPAREDNESS MONTH*** *in the City of Dover, and encourage all citizens, businesses, and organizations to develop their own emergency plan and work together toward creating a more prepared society.*

Mayor Carey, joined by Ms. Kay Dietz-Sass, City Public Affairs Officer/Emergency Management Coordinator, presented the Proclamation to Mr. Marny D. McLee, Sr., Citizens Corps/Community Emergency Response Team (CERT) Training and Outreach Coordinator with the Delaware Emergency Management Agency (DEMA). Mayor Carey relayed appreciation for the work done to help protect the citizens of Dover.

Mr. McLee thanked the City for the recognition and invited all to participate in the 7th Annual Family Emergency Preparedness Day event to be held on September 21, 2013, from 10:00 a.m. to 2:00 p.m., at the Delaware Agricultural Museum. He stated that it would be an event for families and would include games, preparedness messages, a K-9 demonstration, etc.

PROCLAMATION - CONSTITUTION WEEK

The City Clerk read the following Proclamation into the record:

WHEREAS, the Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a republic dedicated to rule by law; and

WHEREAS, September 17th, 2013 marks the two hundred twenty-sixth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to recognize this magnificent document and the anniversary of its creation and it is appropriate to officially commemorate this occasion with patriotic celebrations, particularly in Delaware, the first state to ratify the Constitution; and

WHEREAS, Public Law 915 guarantees the issuance of a proclamation each year by the President of the United States of America which designates September 17th through the 23rd as Constitution Week.

NOW THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim September 17th through the 23rd, 2013 to be ***CONSTITUTION WEEK*** *in the City of Dover, and ask our citizens to reaffirm the ideals held by the framers of the Constitution in 1787 by vigilantly protecting the freedoms guaranteed to us in this invaluable document.*

Mayor Carey presented the Proclamation to Ms. Dorothy Snyder, who was present representing the Daughters of the American Revolution (DAR). Ms. Snyder explained the importance of recognizing Constitution Week and urged all to take this opportunity to read the Constitution. She requested other members of the DAR in attendance to stand and thanked Council members for the recognition provided by the City each year.

PROPOSED RESOLUTION NO. 2013-23 - CHARLES L. WITT

The City Clerk read proposed Resolution No. 2013-23 expressing deepest sympathy for the recent death of former Councilman Charles L. Witt.

By motion of Mr. Hutchison, seconded by Mr. Lynn, Council, by a unanimous roll call vote (Anderson and Williams absent), adopted Resolution No. 2013-23, as follows:

WHEREAS, the Mayor and Council of the City of Dover have been greatly saddened by the death of Charles L. Witt, former Councilman, who passed away on August 21, 2013; and

WHEREAS, Charles L. Witt served as Councilman of the Third District from February 10, 1975 to May 11, 1987 and, during his years as a Councilman, served as Vice Mayor as well as Chairman of the Parks and Recreation Committee; Safety Advisory Committee; Legislative and Finance Committee; Civilian Pension Board; Police Pension Board; Building Code/Plumbing Code/Mechanical Code/Fire Prevention Code Appeals Committee; Tax Appeals Committee; and Chamber of Commerce and County Government Committee, and represented the City of Dover both locally and nationally through his active participation in the Delaware League of Local Governments and the National League of Cities; and

WHEREAS, Charles L. Witt had a significant impact on the local economy and the State and local real estate community, not only through co-founding and operating Woodburn Realty Company with his wife, Cynthia, but also by assuming key leadership positions in the real estate arena, including Chair of the Delaware Council for Real Estate Appraisers, President of the Delaware Association of Appraisers; and President of the Kent County Association of Realtors. He was recognized for his efforts by twice being presented with the Realtor of the Year Award for Kent County; and

WHEREAS, Charles L. Witt devoted many years to the City as an outstanding Councilman, a good leader, and a friend to the Mayor, Council, and citizens of Dover, who have sustained a great loss in his passing.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council express their regret for the loss of Charles L. Witt, extend their deepest sympathy to the members of his family, and hope that they will be consoled by the memories of his commendable achievements.

BE IT FURTHER RESOLVED that the Mayor and Council direct the City Clerk to place this Resolution in the permanent records of the City of Dover in recognition of the many contributions graciously given to the community by Former Councilman Charles L. Witt.

ADOPTED: SEPTEMBER 9, 2013

Mayor Carey presented the Resolution to Mrs. Cynthia Witt and relayed appreciation for the work provided by her husband to the City of Dover as a member of City Council and the various committees, as well as the contributions made to the community.

Mrs. Witt expressed the love that Mr. Witt had for the City and his joy in serving as a member of City Council.

Council President Bonar relayed his personal appreciation for the guidance Mr. Witt provided him in serving as a member of City Council and thanked Mrs. Witt for her generosity in allowing Mr. Witt to serve.

PUBLIC HEARING/PROPOSED RESOLUTION NO. 2013-24 APPROVING RIGHT-OF-WAY ABANDONMENT (UNIMPROVED) - ADJACENT TO 125 AND 126 OVERLOOK PLACE

A public hearing was duly advertised for this time and place to consider the abandonment of an unimproved right-of-way adjacent to 125 and 126 Overlook Place.

Mr. Scott Koenig, City Manager, reminded members that the right-of-way was unimproved and that there were no concerns from any City department regarding its abandonment. He noted that originally the right-of-way was intended to be extended as a part of an additional phase of the Overlook; however, commercial development along the US Route 13 corridor had prevented the extension from occurring. He stated that the Utility Committee recommended approval of the requested abandonment of the subject right-of-way and recommended conveyance of 25.5' of said

right-of-way to 125 and 126 Overlook Place, currently owned by Chu Pao Robinson and Michael P. Bouchard, respectively, with the stipulation that a public utility easement be retained for each parcel.

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

Mr. Hare moved for approval of the request to abandon the right-of-way (unimproved) adjacent to 125 and 126 Overlook Place, with the stipulation that a public utility easement be retained for each parcel. The motion was seconded by Mr. Slavin, and by a unanimous roll call vote (Anderson, Perza, and Williams absent), Council adopted Resolution No. 2013-24, as follows:

A RESOLUTION VACATING AND ABANDONING A CERTAIN RIGHT-OF-WAY 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 right-of-way:

Adjacent to 125 Overlook Place (ED-05-068.09-01-16.00)
Beginning at a point identified as the southeast corner of parcel #ED-05-068.09-01-16.00; thence running South 00 degrees 47 minutes 50 seconds West 25.50 feet along the easterly line of a 51' wide public right-of-way to a point in the same; thence running North 89 degrees 12 minutes 10 seconds West 30.00 feet to a point in the same; thence running North 00 degrees 47 minutes 50 seconds East 25.50 feet to a point in the southerly property line of parcel #ED-05-068.09-01-16.00; thence running South 89 degrees 12 minutes 10 seconds East 30.00 feet to the point and place of beginning and containing 0.0176 acres (765.00 square feet) of land be the same more or less. The above described parcel of land shall be considered a public utility easement, reserving the rights of the City of Dover, their agents or assigns to free access for ingress and egress to these premises and every part thereof at all times for purpose of installing, maintaining and operating its existing public utilities.

Adjacent to 126 Overlook Place (ED-05-068.09-01-48.00)
Beginning at a point identified as the northeast corner of parcel #ED-05-068.09-01-48.00; thence running North 00 degrees 47 minutes 50 seconds East 25.50 feet along the easterly line of a 51' wide public right-of-way to a point in the same; thence running North 89 degrees 12 minutes 10 seconds West 30.00 feet to a point in the same; thence running South 00 degrees 47 minutes 50 seconds East 25.50 feet to a point in the northerly property line of parcel #ED-05-068.09-01-48.00; thence running South 89 degrees 12 minutes 10 seconds East 30.00 feet to the point and place of beginning and containing 0.0176 acres (765.00 square feet) of land be the same more or less. The above described

parcel of land shall be considered a public utility easement, reserving the rights of the City of Dover, their agents or assigns to free access for ingress and egress to these premises and every part thereof at all times for purpose of installing, maintaining and operating its existing public utilities.

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

Section 3. 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 right-of-way.

ADOPTED: SEPTEMBER 9, 2013

PUBLIC HEARING - APPEAL OF ORDER TO VACATE - 20 NORTH NEW STREET, 29 SOUTH NEW STREET, AND 37 SOUTH NEW STREET, OWNED BY HOUSE OF PRIDE

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that on July 8, 2013, the Code Enforcement Division and Fire Marshal's Office conducted inspections of 20 North New Street, 29 South New Street, and 37 South New Street. She stated that the City inspectors identified numerous code violations during these inspections, many of which were chronic violations found in prior years. She explained that each year the violations are corrected, only to be found again in subsequent inspections. She stated that violations were initially reported on these properties following inspections conducted on April 24, 2013. Although staff allowed sufficient time to correct the violations, they remained present during the July 8, 2013 inspection. She indicated that, due to the repeated lack of compliance with code requirements, including life safety requirements, in accordance with Dover Code, Chapter 22 - Buildings and Building Regulations, Article XI - Dangerous Buildings, Section 22-382 (2), the Department of Planning and Inspections ordered the building to be vacated and closed on July 25, 2013.

Mrs. Townshend noted the receipt of a letter, dated July 25, 2013, from Ms. Marian Harris, on behalf of the House of Pride, appealing the Order to Vacate (in accordance with Section 22-384(5)(d) of the Dover Code).

Mrs. Townshend reviewed a presentation providing a chronological history and depicting conditions of the properties located at 20 North New Street, 29 South New Street, and 37 South New Street ***(Exhibit #1)***. She explained that the Order to Vacate would require repairs and obtaining a Certificate of Occupancy prior to re-occupying the properties.

Staff recommended that City Council uphold the action of the Department of Planning and Inspections to order the properties at 20 North New Street, 29 South New Street, and 37 South New Street to be vacated and closed.

Council President Bonar declared the public hearing open.

Mr. La Mar Gunn, Chairman and Chief Executive Officer (CEO) of Gunn Wealth Management, 63 Harcrest Court, Dover, advised members of his background in advanced fundraising, noting that as a certified fundraising executive, he had served on several local and national non-profit boards. At this time, he was representing the House of Pride (main office at 105 South New Street) and advised members that he had been requested to develop a new strategic plan for the House of Pride. With regard to the Order to Vacate, Mr. Gunn indicated that all noted defects at the three (3) properties had been cured and, as such, he questioned why City Council would support staff in the Order to Vacate the properties. In developing a new strategic plan, he stated that a new vision had been developed for the House of Pride. He noted that there had been issues in the past, as the pictures that were displayed reflected; however, since they had been resolved, the focus was on moving forward. It was his hope that City Council would serve as a strong partner to the House of Pride as it ventured into the future.

Referring to the concerns regarding the properties being utilized as multi-family dwellings, Mr. Gunn stated that all properties had been converted into single-family dwellings; therefore, this was no longer an issue. He advised members that the House of Pride was currently in advanced discussions regarding moving the recovery and transitional housing programs outside of City limits and off New Street. He assured members that the House of Pride was playing their part in making improvements to the community. He indicated objections to staff's recommendation to require a Certificate of Occupancy since the receipt of letters from the City of Dover, dated August 9, 2013 and August 26, 2013 indicated that all defects had been cured and the properties were in compliance with the Dover Code.

In response to Mr. Hutchison, Mr. Gunn stated that business and finance plans would be completed in conjunction with the strategic plan. Although work had begun on the strategic plan, he anticipated it would not be completed until December 2013.

Responding to Mr. Lynn, Mr. Gunn stated that he served as the party overseeing the transition for the House of Pride and was working with the Board and Ms. Marian Harris, Executive Director, on this project. With regard to the properties being used for purposes other than single-family dwellings, he reiterated that, in addition to all defects being corrected, other concerns such as the sign-in sheets had been eliminated. He noted that the properties were no longer occupied by the same residents and that the previous tenants either chose to move on their own or were relocated to a property that was more in line with the City's Code. Mr. Gunn confirmed that the attorney for the House of Pride, Ms. Sandra Dean, was present; however, he was requested to represent the House of Pride by Bishop Lott, a member of the Board, as well as the Executive Director.

In response to Mr. Perza, Mrs. Townshend stated that, due to indications remaining throughout the residences such as numbering on doors, there remained a question regarding the use of the properties as rooming houses.

At the request of Mr. Hare, Mr. Gunn assured members that as long as he remained involved, Council would have his word that none of the House of Pride properties located on North and South New Streets would be used as recovery program homes.

Responding to questions of Mr. Lynn, City Solicitor Rodriguez indicated his opinion that the burden of proof would be on the City of Dover. He noted that the Dover Code provides for a hearing, "fact finding" by Council after the hearing is closed, and then a written decision.

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

Mr. Lynn moved to uphold the action of the Department of Planning and Inspections to order the properties at 20 North New Street, 29 South New Street, and 37 South New Street to be vacated and closed. The motion was seconded by Mr. Slavin.

Responding to Mr. Hare, Mrs. Townshend explained that the House of Pride would be required to complete necessary renovations and obtain a Certificate of Occupancy prior to the properties being re-occupied. She confirmed that the properties would eventually be re-occupied as single-family dwellings. Noting that all violations had been corrected, Mr. Hare questioned what would prevent the House of Pride from obtaining the required Certificate of Occupancy. Responding, Mrs. Townshend stated that inspectors would conduct different types of inspections, since issuance of a Certificate of Occupancy would require a different level of Code review, and building plans could be involved if renovations were to be made. She confirmed that there were no current Code violations for single-family dwellings; however, this had been the case in previous instances, only for the City to become aware that the properties were being used for lodging and rooming.

For clarification, Mr. Lynn explained that the issue was the distinction between the properties being operated as residential recovery centers versus single-family residential dwellings. He stated his opinion that the mere fact that Mr. Gunn had indicated that the previous residents had been moved to other properties in and of itself is an admission that the properties were not being utilized as residential rental property. He noted Mr. Gunn's response to the question regarding the legal mechanism used to remove the residents from the properties was that they were moved to other properties. Mr. Lynn felt that this was an indication that this matter was not brought to landlord/tenant court; therefore, this implied that there were no leases and that the properties were used as a recovery center. He indicated that the basic factual distinction was that there were sign-in sheets along with house rules, which was not indicative of a residential roommate situation.

In response to Mr. Hare, Mrs. Townshend stated her understanding that the occupants of the properties had been moved out when the inspections were done; however, new occupants had been moved in since that time. She explained that the Order to Vacate would require the property to remain vacant until all renovations were made and a Certificate of Occupancy was issued. She explained that the level of review for a Certificate of Occupancy was more thorough than a housing inspection for property maintenance Code compliance. She indicated that when the City conducts housing inspections, the International Property Maintenance Code is utilized, which may have

elements that would be required if the property were newly renovated or constructed. Since the property had been occupied, some elements would not have to be brought up to Code as they would be "grandfathered," although other elements would, such as smoke detectors, etc. Mrs. Townshend stated that when an inspection is conducted for a Certificate of Occupancy, other aspects included in the International Residential Code are required.

Responding to Mr. Slavin, Mrs. Townshend stated that upon her employment with the City in 2006, the City was experiencing ongoing issues involving the House of Pride properties. In 2007, the House of Pride was required to go through the conditional use process since it was clear their properties were not being operated as single-family units, and this was reviewed on an annual basis. Ultimately, conditional use of the properties was presented to the Planning Commission to consider revoking the status since there were constant issues in this respect.

Mrs. Townshend confirmed that, at this time, staff was requesting Council's support to require the properties to be vacated and ensure that the House of Pride followed through on making necessary repairs or corrections in order for Certificates of Occupancy to be issued for single-family residences.

Mr. Hare expressed his concern that if there were actually single families residing at the properties, the City would be displacing them without allowing a period of time, such as 30 days, to ensure that the properties were being used as single-family residences before taking action to have the properties vacated. He reminded members that Mr. Gunn had assured members that the properties were now being used as single-family residences.

Considering the state of the properties, Mr. Slavin relayed concern with allowing anyone to live in those conditions.

Mr. Dixon stated his concurrence with Mr. Slavin's concerns; however, he agreed that the City should provide the owners a period of time to address the issues before requiring the properties to be vacated.

Responding to Mr. Perza, Mrs. Townshend confirmed that all issues depicted in the photos provided in the presentation had been addressed.

Council President Bonar stated he had observed the operations of the House of Pride deteriorate over the years. He indicated that what was once a well-intended and well-run operation had turned into nothing and that he would not want anyone to have to live in those conditions. He stated that it was City Council's responsibility to not only require such dwellings to be brought up to Code but ensure that they are maintained as such.

The motion to uphold the action of the Department of Planning and Inspections to order the properties at 20 North New Street, 29 South New Street, and 37 South New Street to be vacated and closed failed by a roll call vote of four (4) yes, (Lynn, Slavin, Hutchison, and Bonar), three (3) no (Dixon, Perza, Hare), and two (2) absent (Anderson and Williams).

Mr. Hare moved to uphold the action of the Department of Planning and Inspections to order the properties at 20 North New Street, 29 South New Street, and 37 South New Street to be vacated, with the stipulation that the House of Pride be provided 30 days to satisfy the concerns of City staff prior to moving forward with the Order to Vacate. The motion was seconded by Mr. Perza.

For clarification, Mr. Hare explained that the inspection conducted by City staff would require authorization to issue a Certificate of Occupancy for a single-family residence.

Responding to questions of Mr. Gunn, City Solicitor Rodriguez indicated that if City Council did not overturn City staff's decision, the Order to Vacate would remain in effect. Mrs. Townshend stated that the current motion would alter staff's recommendation, explaining that although the Certificate of Occupancy would still be required, vacating the properties would not be required for up to 30 days while the issues with the properties were being resolved in order to obtain a Certificate of Occupancy.

Of the three (3) subject properties, Mr. Gunn stated that one (1) property was currently occupied; however, he expressed confusion with the motions that had been made.

Calling a point of order, Mr. Lynn relayed objection to Mr. Gunn even representing the House of Pride, explaining that there was no resolution by which the Board had authorized him to speak on their behalf, nor was he an attorney; therefore, City Council was essentially enabling his unauthorized practice of law, noting that the House of Pride had a lawyer in attendance and there were individuals present from the Board. He questioned the capacity in which Mr. Gunn was addressing City Council.

Bishop Marion Lott, 218 Reed Street, advised members that he had been working with the House of Pride for several years. He stated that the subject properties were single-family dwellings. He explained that the House of Pride had placed emphasis on making themselves available for those in dire need and that they had focused on homeless men, women, and families. He advised members that the House of Pride had worked with the City since July 2013 in conducting inspections to ensure that all Code issues had been resolved. Understanding that there had been a history of issues involving the House of Pride, Bishop Lott stated that changes had been made to improve these issues and felt confident that the continual violations would cease. He stated that the House of Pride had instituted property managers, conducted inspections every 30 days, signed lease agreements that include the requirement to maintain property, etc. It was desired that these changes would not just provide a place for people to live but provide quality living conditions. He assured members that there had been substantial improvements made to the House of Pride properties.

Responding to Mr. Lynn, Bishop Lott stated that there were currently four (4) individuals (adult men) residing at 29 South New Street and, although they were unrelated individuals, the house itself had been designed to serve as a duplex. He stated that the property at 37 South New Street was unoccupied; however, he noted that it also had been designed to serve as a duplex, and the property at 20 North New Street was currently vacant and was designed to serve as a single-family residence. With reference to the individuals residing at 29 South New Street, Bishop Lott stated that there were

leases with two (2) of the individuals (one for each duplex) and that the residents of the lower duplex shared their expenses, as did the residents of the upstairs duplex, confirming that the House of Pride received rental income for both duplexes. The leases were signed with the individuals in approximately July/August 2013. He assured members that there were no "house rules" for these individuals and explained that there were such rules when there was a recovery program; however, the recovery program ceased and the properties were converted to single-family homes. He noted that there was a transitional period when individuals continued to reside at the properties.

Mr. Hare withdrew his motion to uphold the action of the Department of Planning and Inspections to order the properties at 20 North New Street, 29 South New Street, and 37 South New Street to be vacated, with the stipulation that the House of Pride be provided 30 days to satisfy the concerns of City staff prior to moving forward with the Order to Vacate, as did Mr. Perza, the seconder of the motion.

Mr. Hare moved to uphold the action of the Department of Planning and Inspections to order the properties at 20 North New Street and 37 South New Street to be vacated, and that the House of Pride be provided 30 days to make necessary repairs and obtain a Certificate of Occupancy for the property located at 29 South New Street, before requiring the House of Pride to vacate the property. The motion was seconded by Mr. Slavin and carried by a unanimous roll call vote (Anderson and Williams absent).

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 710 SLAUGHTER STREET - OWNED BY CLARENCE L. STEVENSON AND OTHERS

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance for property located at 710 Slaughter Street, owned by Clarence L. Stevenson and others. 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 electrical service was terminated on October 11, 2012 and that, during a follow-up inspection on November 26, 2012, several individuals were found in and around the home. She stated that the property was condemned and boarded on December 4, 2012. Mrs. Townshend advised members that the boards had been removed since that time and staff had to search the interior for possible trespassers. The property had since been re-secured by City staff. She noted that there were numerous code violations existing on the property. She provided a chronological history and a presentation on the conditions of the house located at 710 Slaughter Street ***(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 October 9, 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.

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

Mr. Perza moved that the structure located at 710 Slaughter Street be declared a dangerous building and subject to demolition, as recommended by staff. The motion was seconded by Mr. Dixon and carried by a unanimous roll call vote (Anderson and Williams absent).

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 123 BLUE BEACH DRIVE (POOL AND PUMP HOUSE) - OWNED BY DEBORAH STATLER

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance for property located at 123 Blue Beach Drive (pool and pump house), owned by Deborah Statler. Due to a conflict of interest, Mr. Lynn disqualified himself from participating in the conversation and vote regarding this issue and, there being no objections, was excused from the meeting. Mr. Perza also disqualified himself due to a conflict of interest and, without objection, was excused from the meeting.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the property consisted of an in-ground pool, which is concrete, located in the rear yard along with the pump house. She reminded members that the pool and pump house had been twice presented to City Council as dangerous structures and that there had been code violation cases over the past ten years involving the swimming pool. She indicated that the most recent dangerous building action taken by City Council was on April 23, 2012, and that afterward Ms. Statler brought the pool into Code compliance and properly covered the pool in November of 2012. Since that time, the pool cover had been collecting stagnant water and appeared to have a hole in it. She explained that the stagnant water was not only a health hazard due to attracting large amounts of mosquitos, but was also a breeding ground for them. The pump did not appear to be in running order and the pump house continued to deteriorate from lack of maintenance.

Mrs. Townshend provided a chronological history and presentation on the condition of the property located at 123 Blue Beach Drive, noting that the presentation contained an error. *(City Clerk's Office Note: A revised presentation was subsequently provided to the Clerk's Office and is included as* ***Exhibit #3****.)* As depicted in the photos taken earlier in the day, she noted that the pool had been properly covered and secured and that much of the overgrowth had been cleared; however, she reminded members that, based on the history for this property, compliance was typically "short lived" and that not long after there is typically non-compliance. She stated her office had received regular complaints related to this property for over a decade regarding mosquitos, standing water, smell, etc.

Staff recommended that City Council: 1) declare the pool and pump house on this property dangerous; 2) order the pool and pump house demolished by October 9, 2013 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of demolition to be charged

against the land on which the structures 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. *(City Clerk's Office Note: Subsequent to the meeting, Mrs. Ann Marie Townshend clarified that the date for the demolition order was incorrect as submitted and that the correct date was October 9, 2013.)*

Council President Bonar declared the public hearing open.

Ms. Deborah Statler, 123 Blue Beach Drive, advised members that the posted results of the inspection indicated that the fine had to be paid within 14 days, but that she had the right to appeal. As a result, although she appealed the results, she had received no response to this appeal or any communication whatsoever to date. She stated that staff had scheduled this matter to come before City Council way before the 14 days were up, and before any consideration was given to the appeal. In addition, she stated that no one from the Department of Inspections had returned her telephone calls and no re-inspection was scheduled or performed after the initial inspection, nor before the material was presented to City Council. She stated that she was unaware of any re-inspection being conducted and that although she had been at home today, no re-inspection was scheduled and she was not aware of staff being at the property. No attempt on the City's part had been made to verify their accusations or clarify that they were not accurate even after the appeal letter was sent. She felt that this indicated that the City's accusations were false.

Ms. Statler stated that Mrs. Townshend continued to illegally bring up history that, by court order, never happened and was inadmissible and not usable in anyway. She assured members that the judge specifically informed a City Police Officer and Mr. Tim Taraila that his ruling expunged the citations, fines, and history due to the illegal activities of the City and could not be referred to or used in any way or perused at all. She indicated that Mrs. Townshend continued to break the law by using those materials repeatedly and continuously in violation of that court order. Ms. Statler reiterated that all previous history was expunged by the judge on this property due to the City's illegal actions. She stated that, by his own admission, Mr. Taraila had the same type of tarp on his pool and applied it in the same manner as her pool and questioned why it would be all right for him to use but not her. Ms. Statler stated that there was no City ordinance specifying that a pool tarp must be used, if and/or when a pool had to be opened or closed, or that one (1) particular tarp must be used, such as the elephant tarp. Beyond that, she stated that the City's own pool inspector specialist conducted an inspection of her pool several years ago and indicated that the tarp used on her pool was an appropriate tarp and applied in an appropriate manner. In addition, she stated that her pool inspector had previously submitted a letter to the City Council stating that it was the appropriate tarp and applied in the correct manner and that the amount of water present was expected in consideration of the amount of rain there had been at the time.

Referring to the water on top of the tarp, Ms. Statler advised members that there were torrential rains for several days prior to the City's inspection. She stated that the water pump for the tarp was actively working when the inspectors were at the property; however, no inspection was conducted on the pump at that time. Due to the high amount of rainfall received, she noted that the pump had been running continuously. She explained that the pump "froze up" at some point and she had

purchased another pump, at a cost of $70, on her way home from work Monday evening for the tarp, which was running and in operation at the time City inspectors were at her house; however, she stated that they did not bother to clarify or check to determine what, if any, other provisions were being taken to address the issue but rather made assumptions based on previous, past, false assumptions.

Ms. Statler stated that the document provided by City staff erroneously indicated that the pool, pump, and filter were not working, which was a complete misstatement, assuring members that they were in full working order and had been for several years without any issue. She explained that the pump and filter are not to be run when a pool is in a closed condition and that there was anti-freeze in the lines of the filtration system of the pool to prevent freezing. She advised members that staff also erroneously stated that the tarp was sagging. Ms. Statler stated that the tarp was not sagging, nor had it been sagging, but rather resting on the surface of the water, explaining that is what that type of tarp does. She reminded members that this type of tarp was most commonly used for both above and in-ground pools, which had been attested to by the pool expert in the letter that was previously submitted.

Ms. Statler stated that a leaf net was purchased a couple of years ago in an attempt to appease the City since there was a lot of foliage in the area where she lives. This leaf net was placed on top of the tarp to help collect the leaves and make it easier to remove them, rather than allowing them to stay on top throughout the season. This leaf net was emptied several times throughout the year; however, she stated that when the net was removed in late spring/early summer, due to the amount of rain, the leaves remained wet and heavy but were contained in the net. Ms. Statler also assured members that the water was continuously being treated throughout the season. In addition, she stated that mosquito dunks were used under the leaf net and on the tarp throughout the entire season and that within 24 hours of their use, any mosquito larvae on the cover would be killed. She stated that she had continuously proved that the mosquitos were not coming from her yard. She had a specialized mosquito service inspect her property and there were no mosquitos present. She explained that, although there may have been mosquito larvae, the City did not bother to specify whether the larvae discovered were live or dead, nor did they conduct a test to make such a determination. Staff also did not question her as to what alternative provisions were being taken to help control the mosquito population.

Referring to the pump house, Ms. Statler assured members that the roof was not sagging and that the walls were not leaning any more than when the property was purchased in 1993. She stated that the shed was meant to be an open air shed for ventilation, due to the gas pool heater located inside and was not an enclosed structure when it was built. The shed had a dirt floor since there were pipes located underground into and out of the shed to the pool. She stated that the slant was put on the shed when installed, according to the previous owners, to keep the roof of the shed from showing over the top of the lattice in front. The sag in the roof of the shed on the inside was the result of a tree limb falling and denting the roof. She stated that several years ago, at the City's request, the interior part of the roof was replaced; however, the old roof was not removed in order to promote strength and stability, which was desired by the City. She assured members that the new roof was not sagging whatsoever. With reference to the door to the shed, she stated that a new door frame was

built in order to make it a fully enclosed shed, with a new door which was ready to be mounted on hinges; however, she had since been advised that it would be better to have the door placed in the slider to open and close. She stated that an individual who had been helping her with the repairs had a family emergency and had not been able to install the door. This individual had provided his name and number should members wish to speak to him directly concerning this issue.

Mrs. Townshend stated that she did not receive an appeal letter. Responding, Ms. Statler stated that the appeal letter was sent via email directly to Mr. Ron Coburn, with the subject being "appeal."

For clarification, Mrs. Townshend stated that staff had not contested the type of tarp utilized or the installation of the tarp but rather the maintenance of the tarp. She noted that the photos taken earlier in the day indicated that the tarp was secured and in good condition; however, that had not been the case during multiple inspections conducted previously, particularly during the month of August, when the tarp was sagging and holding a substantial amount of water. Responding, Ms. Statler stated that the amount of water on the tarp reflected the rainfall that was received and was waiting to be pumped off when she arrived home from work.

Responding to Mr. Hare, Ms. Statler stated that the pool was already on the property when the house was purchased. She had chosen to keep the pool because she had grandchildren and that most summers, she too enjoyed using the pool. This year, however, the pool remained closed due to all the other issues the City had with her property that cost money. Keeping the pool closed allowed her to not spend money on operating the pool but to use those funds to address other issues. In addition, she stated that the pool equated to over $80,000 worth of her property value.

Ms. Andrea Hicks, 26 South Hampton Paris Road, Landenburg, PA 19350, questioned if there was a process for someone interested in purchasing the property and how this could affect the ruling of City Council. Responding, Council President Bonar stated that the ruling would be binding on the owner of the property. Any repairs required would be the responsibility of either the buyer or seller, in accordance with their agreement.

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

Mr. Slavin moved to 1) declare the pool and pump house located at 123 Blue Beach Drive dangerous; 2) order the pool and pump house demolished by October 9, 2013 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of demolition to be charged against the land on which the structures 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. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote (Anderson, Lynn, Perza, and Williams absent).

PUBLIC HEARING/FINAL READING - PROPOSED ORDINANCE #2013-12 - REZONING OF PROPERTY LOCATED AT 1570 N. DUPONT HIGHWAY, OWNED BY KW LANDS

A public hearing was duly advertised for this time and place to consider rezoning of property located at 1570 N. DuPont Highway (west side of North DuPont Highway, east of Crawford Carroll Avenue, and north of but not adjacent to Rustic Lane), consisting of $12.6127^{+/-}$ acres, owned by KW Lands. The property was currently zoned RC (Recreation and Commercial) and C-4 (Highway Commercial) with a portion subject to the SWPOZ (Source Water Protection Overlay Zone). The proposed zoning was IO (Institutional and Office) with a portion subject to the SWPOZ. (TAX PARCEL ED-05-057.00-01-05.00-000; PLANNING REFERENCE Z-13-01; COUNCIL DISTRICT 4).

Mr. Hare moved that the Final Reading of proposed Ordinance #2013-12 be acknowledged by title only, seconded by Mr. Hutchison and unanimously carried. *(The First Reading of this ordinance was accomplished during the Council Meeting of July 22, 2013.)*

Planner's Review

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the petition to amend the zoning district and the findings and recommendations of the Planning Commission. The subject property consisted of a $12.6127^{+/-}$ acre parcel that was in the process of being subdivided into three (3) parcels (Hampton Inn, Sheraton Hotel, and a vacant lot) and road right-of-way. She advised members that a subdivision application was reviewed and conditionally approved by the Planning Commission and that the applicant continued to go through the administrative process to finalize the subdivision plan. The intent was to use the Sheraton Hotel property for dormitories and other university uses, and to continue to use the Hampton Inn property as a hotel. She noted that the purpose of the rezoning request was to allow for the conversion to university dormitory and other university uses.

Mrs. Townshend advised members that Delaware State University had entered into a lease with the property owners for the lot that fronts on DuPont Highway and had been the site of the Sheraton Hotel and Conference Center. Since the university uses were not permitted in the RC Zone, the owner and lessee applied for a rezoning of the property to IO. The lease was scheduled to take effect on July 27, 2013, which was prior to Planning Commission and City Council consideration of the rezoning application. As a result, she stated that staff issued a letter, dated July 18, 2013, allowing for a transitional period for Delaware State University to use the Sheraton Hotel rooms to house students through May 31, 2014. No other conversion of the hotel and conference center to university uses was permitted unless the rezoning application was approved. Should the rezoning application not be approved, she explained that the housing of students at this location would be required to cease no later than May 31, 2014.

The Planning Commission recommended approval of the rezoning request. Mrs. Townshend noted that due to their significance, staff's advisory comments had been provided to members with the petition to rezone.

Public Hearing
Council President Bonar declared the hearing open.

Mr. Greg Moore, Becker Morgan Group, stated that he was representing the property owners, KW Lands, and was available should members have any questions regarding the request.

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

Mr. Hare moved for approval of the rezoning request, as recommended by the Planning Commission. The motion was seconded by Mr. Hutchison and by a unanimous roll call vote (Anderson and Williams absent), Council adopted Ordinance #2013-12, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 1570 NORTH DUPONT HIGHWAY

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

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from RC (Recreation and Commercial Zone)/C-4 (Highway Commercial Zone) with a portion subject to the SWPOZ (Source Water Protection Overlay Zone) to IO (Institutional and Office Zone) with a portion subject to the SWPOZ (Source Water Protection Overlay Zone).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from RC (Recreation and Commercial Zone)/C-4 (Highway Commercial Zone) with a portion subject to the SWPOZ (Source Water Protection Overlay Zone) to IO (Institutional and Office Zone) with a portion subject to the SWPOZ (Source Water Protection Overlay Zone) on that property located at 1570 N. DuPont Highway (on the west side of North DuPont Highway, east of Crawford Carroll Avenue, and north of but not adjacent to Rustic Lane), consisting of $12.6127^{+/-}$ acres, owned by KW Lands.
   (Tax Parcel ED-05-057.00-01-05.00-000; Planning Reference Z-13-01; Council District 4)

ADOPTED: SEPTEMBER 9, 2013

There being no objections, Council President Bonar declared a five (5) minute recess.

Meeting recessed at 9:23 p.m. and reconvened at 9:28 p.m.

PUBLIC HEARING/FINAL READING - PROPOSED ORDINANCE #2013-13 - REZONING OF PROPERTY KNOWN AS WALKER WOODS AND WALKER WOODS PHASE 2 LOCATED AT 28-152 HARMONY LANE, 3-9 KLEIN COURT, AND 1357-1383 WALKER ROAD, OWNED BY WALKER WOODS PROPERTIES, LLC AND MILFORD HOUSING DEVELOPMENT CORPORATION

A public hearing was duly advertised for this time and place to consider rezoning of property known as Walker Woods and Walker Woods Phase 2 located at 28-152 Harmony Lane, 3-9 Klein Court, and 1357-1383 Walker Road (north side of Walker Road adjoining Harmony Lane), consisting of $9.0722^{+/-}$ acres, owned by Walker Woods Properties, LLC and Milford Housing Development Corporation. The property was currently zoned RG-3 (Group Housing) and ROS (Recreational and Open Space). The proposed zoning was RG-2 (General Residence). (TAX PARCEL ED-05-067.18-01-12 THROUGH ED-05-067.18-01-45 AND ED-05-067.18-01-47 THROUGH ED-05-067.18-01-66.01; PLANNING REFERENCE Z-13-02; COUNCIL DISTRICT 4).

Mr. Hare moved that the Final Reading of the proposed Ordinance #2013-13 be acknowledged by title only, seconded by Mr. Hutchison and unanimously carried. *(The First Reading of this ordinance was accomplished during the Council Meeting of July 22, 2013.)*

Planner's Review

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the petition to amend the zoning district and the findings and recommendations of the Planning Commission.

Public Hearing

Council President Bonar declared the hearing open.

Mr. Tom Ayd, Green Street Housing in Salisbury, Maryland, stated he was representing the developers and was available should members have any questions.

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

Mr. Hare moved for approval of the rezoning request, as recommended by the Planning Commission. The motion was seconded by Mr. Perza and by a unanimous roll call vote (Anderson and Williams absent), Council adopted Ordinance #2013-13, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF THAT PROPERTY KNOWN AS WALKER WOODS AND WALKER WOODS PHASE 2 LOCATED AT 28-152 HARMONY LANE, 3-9 KLEIN COURT, AND 1357-1383 WALKER ROAD

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

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from RG-3 (Group Housing Zone) and ROS (Recreational and Open Space Zone) to RG-2 (General Residence Zone).

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from RG-3 (Group Housing Zone) and ROS (Recreational and Open Space Zone) to RG-2 (General Residence Zone) on that property known as Walker Woods and Walker Woods Phase 2 located at 28-152 Harmony Lane, 3-9 Klein Court, and 1357-1383 Walker Road (north side of Walker Road adjoining Harmony Lane) consisting of $9.0722^{+/-}$ acres, owned by Walker Woods Properties, LLC and Milford Housing Development Corporation.
   (Tax Parcels ED-05-067.18-01-12 through ED-05-067.18-01-45 and ED-05-067.18-01-47 through ED-05-067.18-01-66.01; Planning Reference Z-13-02; Council District 4)

ADOPTED: SEPTEMBER 9, 2013

UTILITY COMMITTEE REPORT - AUGUST 26, 2013

The Utility Committee met on August 26, 2013 with Chairwoman Williams presiding.

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

Members reviewed a Project Tracking Report, as of June 30, 2013, for the General Fund, Community Transportation & General Fund Street Funds, and Utility (Water/Wastewater and Electric) Related Capital Investment Plan (CIP).

Mr. Scott Koenig, City Manager, advised members that the major project completed in FY2013 for the General Fund was the Library project. He stated that construction had been completed; however, final bills would be processed in the upcoming months and charged against the project. He noted that the Street and Alley Program and the Salt Storage Facility at Schutte Park would be under construction shortly.

Referring to the Community Transportation Fund Projects, Mr. Koenig explained that some of the funds for projects that had not yet begun were being reallocated to projects that were prepared to move forward at this time. He noted that the Robbins Hose Station No. 2 Ramp was complete and the Wesley College Project was near completion. He stated that work remained on the White Oak Tax Ditch as well as the Street Program that was ongoing.

Mr. Koenig advised members that a great deal of work was done last year in the Water/Wastewater Utility related to Inflow and Infiltration (I&I) improvements and that staff continued to work on several water projects associated with the development of a new water source at the Piney Point Well, as well as elevated storage tank projects. He indicated that some older projects were starting to move toward completion. The assignment of some pump station projects to consultant engineers was delayed due to changes in staffing levels and the need for staff to review these projects.

Mr. Koenig assured members that his expectation, as well as that of Ms. Sharon Duca, Director of Public Works, was that projects that had been lagging for the past couple of years would be caught up in FY 14. He explained that it was absolutely critical for the Water/Wastewater Capital Program to move forward in order for the City to maintain its current infrastructure, as well as to be able to expand for business opportunities and residential growth in the future; therefore, many man-hours would be spent working on this CIP in the next three (3) to five (5) years.

Mr. Koenig stated that a considerable amount of staff time and effort had been spent working on reliability issues related to the electric transmission system, including several projects that involved moving overhead lines underground in order to improve reliability. Staff had also been working on various substations to expand their capabilities in order to maintain reliability.

Responding to Mr. Snaman regarding an outage that occurred along Route 8 on Saturday or Sunday (August 24th or 25th) and lasted for approximately 2½ hours, Mr. Koenig stated that he would obtain information, including the cause of the outage, and forward it to members.

In response to Mr. Perza regarding the expected timeline for completion of CIP projects, Mr. Koenig stated that staff had struggled with the completion of projects for any given year. In some cases, he explained that projects are designated as multi-year; otherwise, the expectation is for projects to be completed and money expended as identified at 100% completion.

Responding to Mrs. Williams, Mr. Koenig stated that Municipal Street Aid Grant monies received are credited to the General Fund and are used to offset the cost of street lighting. The actual Capital Street Program was financed through a loan that the City obtained approximately one (1) year ago for the General Fund. The Capital Budget includes a Street and Alley Program which has typically been funded through a combination of General Fund tax money (at levels ranging from $0 to $500,000) and Community Transportation Funds (at levels ranging from $100,000, to $500,000). Mr. Koenig stated that there had been discussion regarding the need to accelerate the funding in the General Fund for street infrastructure; therefore, staff would be presenting a more robust Capital Plan related to street repairs that would directly affect the General Fund. He indicated that this would require a combination of taxation and additional requests for Community Transportation funds from legislators. He stated that as the road network enlarges, there is a larger need for maintenance. He advised members that the cost of asphalt is based on the price of oil and the cost of concrete is based on raw material.

In response to Mr. Perza regarding the Tar Ditch Interceptor Upgrade, Mr. Koenig stated that the design had been completed and that the City would now approach the residents in an attempt to obtain the necessary easements. He anticipated construction to begin in Spring/Summer 2014.

Mr. Koenig explained that there were constant struggles, such as timing, contractors, manpower, weather, etc., in completing projects. He understands the major inconvenience and disruption to the community when work is being done on projects and relayed appreciation for the cooperation of the citizens. He assured members that when water and sewer lines are repaired and/or replaced and roadways repaired, the work would be done in an expeditious manner.

The Committee took no action.

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - AUGUST 26, 2013

The Legislative, Finance, and Administration Committee met on August 26, 2013 with Chairman Lynn presiding.

City of Dover Participation in the Commemorative Partner Program

Members considered a letter from the United States Office of the Secretary of Defense requesting that the City of Dover consider participating in the Commemorative Partner Program. Mayor Carey explained that the Program is designed for federal, state, and local communities, veterans' organizations, and other non-governmental organizations to assist in thanking and honoring Vietnam Veterans and their families. Commemorative Partners are encouraged to participate in the Commemoration of the Vietnam War by planning and conducting events and activities that will recognize and honor the service, valor, and sacrifice made by Vietnam Veterans and their families. He assured members that there would be no costs associated with the City's participation; however, the City would be obligated to conduct two (2) programs per year. He stated that Chapter 850 of the Vietnam Veterans of America had agreed to partner with the City if members of Council wished to participate.

In response to Mr. Lynn, Mayor Carey indicated his understanding that funds would be raised to pay for any costs associated with the two (2) required events; however, he stated that it was anticipated that minimal funds would be required for such events. He also noted the possibility of utilizing current events, such as the Fourth of July Parade and Veterans Day activities. He advised members that the City's involvement would begin in 2015 and the City would be obligated to participate in two (2) events in 2015, 2016, and 2017.

Mayor Carey introduced Mr. Paul Davis, President of the Delaware Vietnam Veterans of America State Council, who would be responsible for managing the program.

Mr. Davis relayed appreciation for including the Delaware Vietnam Veterans of America State Council in the City's partnership with the Commemorative Partner Program. He indicated that hundreds of people have visited the Vietnam Veterans Memorial that was erected in the City. He introduced Mr. Joe Startt, President of Chapter 850 of the Vietnam Veterans of America, and Mr. Dave Skocik, President of the Delaware Veterans Coalition. Mr. Davis assured members that he, along with Mr. Startt and Mr. Skocik, would handle and manage the events on behalf of the City, explaining that the City would simply have to agree to the terms as outlined. He advised members that discussions had been held with the Mayor regarding the possibility of meeting with NASCAR to attempt to have a race dedicated to American Vietnam Veterans. He stated that there had also been discussion regarding the possibility of holding a massive parade that would include Delawareans and others from out of State. He noted that efforts were currently being made to bring to the area "The Moving Wall," a Vietnam Veterans Memorial that travels through the United States

and contains the names of 58,000 Vietnam veterans. Mr. Davis stated that the costs for the obligated events would be minimal; however, a great deal of time and dedication would be required and he assured members that veteran organizations had the desire and means to provide such time and dedication.

Mr. Startt relayed appreciation for the City's consideration of a partnership with Chapter 850 of the Vietnam Veterans of America relative to the Commemorative Partner Program.

Mr. Skocik stated that he was a Vietnam veteran and the fact that a Vietnam War Memorial was recently completed in Dover was an indication of what could be done without spending public money and with the cooperation of the City of Dover. Noting that the City of Dover is a military town, he felt confident that there would be plenty of participation in the events that would be planned.

In response to Mrs. Williams regarding where contributions could be sent, Mr. Skocik indicated that it had been suggested that the City establish a separate account for the acceptance of donations. He announced that the Governor was scheduled to sign the bill that created the Veterans Trust Fund to help post-service veterans. He suggested that any monies raised over and above the costs of the City's obligated events be donated to that Trust Fund, since 100% of those funds go directly to veterans.

As a Vietnam veteran, Council President Bonar relayed appreciation to these organizations for raising awareness in the State of Delaware regarding the Vietnam veterans and the sacrifices they made. He stated his pride in being associated with such organizations and urged members to recommend approval of the request.

The Committee recommended that the Mayor be authorized to move forward in working with the Veteran organizations and approve the City of Dover's participation in the Commemorative Partner Program.

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

Proposed Resolution No. 2013-22 With Staff Amendment (SA) #1 - Cessation of Illegal Gang Formation in Dover *(Recommended by the Dover Human Relations Commission)*

Members reviewed Proposed Resolution No. 2013-22, with Staff Amendment (SA) #1, regarding the cessation of illegal gang formation in Dover, as recommended by the Dover Human Relations Commission (DHRC).

Mr. Roy Sudler, Chairman of the DHRC, read the Proposed Resolution into the record.

The committee recommended adoption of Proposed Resolution No. 2013-22 with Staff Amendment (SA) #1.

By consent agenda, Mr. Hare moved for approval of the committee's recommendation, seconded by Mr. Hutchison and by a unanimous roll call vote (Anderson and Williams absent), Council adopted Resolution No. 2013-22 with SA#1, as follows:

A RESOLUTION PROPOSING THE CESSATION OF ILLEGAL GANG FORMATION IN DOVER, DELAWARE

WHEREAS, the City of Dover, the State Capital, strives to be a model for all cities in Delaware and the United States; and

WHEREAS, Chapter 58 - Human Relations, Article II. Human Relations Commission, Sec. 58-31. Purpose, of the Dover Code, states:

> The city council has deemed it to be in the best interest of the city to establish a human relations commission to include members who are broadly representative of the entire community and who are committed to a philosophy of inclusion, intergroup cooperation, and fair treatment that will effectively help the city meet the following needs: (1) Fairness, respect. Promote and develop an environment of fairness and respect among its citizens; (2) Monitoring. Develop ways to measure and monitor community relations, particularly those that are sources of intergroup conflict; (3) Intergroup relations. Involve all segments of the community in understanding and appreciating the benefits of positive intergroup relations; (4) Issues. Offer a range of programs and services that will help its residents and neighborhoods prevent and resolve issues of human relations; and (5) Intergroup conflict. Develop ways of anticipating, preparing for, and relieving community tensions arising from intergroup conflict; and

WHEREAS, the Mayor and City Council have granted powers and duties to the Dover Human Relations Commission, pursuant to Chapter 58 - Human Relations, Article II. Human Relations Commission, Sec. 58-36. Powers and duties, of the Dover Code; and

WHEREAS, the Dover Human Relations Commission, through open discussion with members of the community and the knowledge of local events, has found that gun possession and illegal gang activity is at an all-time high; and

WHEREAS, an illegal gang is a group of individuals consisting of three or more persons whose demoralizing influence, common interest, attitude, and graffiti signs significantly contribute to disruptive behavior and criminal enterprises in the City of Dover; and

WHEREAS, the number of illegal gang organizations in Dover and Kent County has increased over the last few years, cultivating an environment of psychic imprisonment, mistrust, and fear among citizens of Dover; and

WHEREAS, illegal gang culture and activities have played a significant role in student dropout rates, drug activity, and random acts of violence, often leaving innocent bystanders paralyzed and traumatized for life; and

WHEREAS, illegal gang graffiti promoting hate, fear, and danger has defaced public and private sector facilities, impeding home and business owners' rights to market or enjoy their properties without unwelcome and unauthorized graffiti signs.

NOW, THEREFORE, BE IT RESOLVED that the residents of Dover, Delaware; the Mayor; City Council; Dover Police Department; and the Dover Human Relations Commission have observed with dismay the escalation of gang growth and development in our communities and will merge resources and efforts to intensify the pursuit of the elimination of illegal gang formation, activities, and communication, including the display of graffiti signs in Dover, Delaware.

BE IT FURTHER RESOLVED that we will accomplish this goal and establish a New Community and Family Involvement Paradigm for Cessation of Illegal Gang Formation by:

1. Cleaning up our streets together, showing resistance to illegal gang formation and unwelcome graffiti signs through unity and clear purpose;

2. Increasing individual awareness and accountability for reporting known illegal gang activity and/or formation in your community;

3. Strengthening parent and family involvement in the childrearing and educational processes;

4. Implementing and supporting additional intervention and summer programs; and

5. Providing additional funding to the Dover Police Department through grants and other resources to establish additional police stations in areas with high volumes of crime to protect Dover residents from being targets of bias-motivated violence in the City of Dover.

ADOPTED: SEPTEMBER 9, 2013

Proposed Ordinance #2013-15 - Amending Chapter 58 - Human Relations

During the Regular Council Meeting of August 12, 2013, City Council approved the Committee's recommendation of July 22, 2013, authorizing staff to draft an ordinance that would provide for City Council to affirm the need for the Dover Human Relations Commission (DHRC); that the membership be set at nine (9), with two (2) serving from each Council district and one (1) at-large; that the number of meetings be set at a minimum of five (5) per year, one (1) in each quarter of the year and one (1) to be determined by the Commission and that special meetings may be called by the Chairperson or three (3) members of the Commission; that all meetings be held in accordance with Delaware State Laws regarding the Freedom of Information Act (FOIA) and City of Dover

procedures through the City Clerk's Office, to include agendas and minutes to be issued as all other public bodies are handled in the City; that the DHRC report to City Council on a quarterly basis regarding its affairs; and that all of the meetings of the DHRC be held in the City Council Chambers.

As a result of Council's directive, staff submitted Proposed Ordinance #2013-15, Amending Chapter 58 - Human Relations, for the Committee's review and recommendation.

Mr. Lynn noted that members should also make a recommendation for either the Mayor or Council President to be responsible for making the appointments to the DHRC.

The Committee recommended adoption of Proposed Ordinance #2013-15 and that the Council President be responsible for appointing members to the DHRC.

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

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

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - AUGUST 28, 2013

The Safety Advisory and Transportation Committee met on August 28, 2013 with Chairman Hutchison presiding.

Public Hearing - Left-Turn Restrictions from Loockerman Street onto Governors Avenue

During their Regular Meeting of August 14, 2013, City Council approved the July 24, 2013 recommendation of the Safety Advisory and Transportation Committee and set a public hearing for this time and place to receive public comments on proposed left-turn restrictions at Loockerman Street and Governors Avenue. In addition, staff was authorized to properly advertise this public hearing. *(City Clerk's Office Note: Correspondence received regarding this issue was provided to members, as follows: David Louie, dated August 16, 2013, and Jennifer Scacheri, dated August 17, 2013.)*

Mr. Anthony J. DePrima, former City Manager, recalled that there were left-turn restrictions from Loockerman Street onto all streets up to Kirkwood Street, including Governors Avenue, during the latter part of the 1990s. He stated that, at that time, he served as the City's Planning Director, principal staff member of the Dover Parking Authority, and a board member to both Main Street Dover and the Downtown Dover Development Corporation (DDDC). It was his recollection that removal of the left-turn restriction from Loockerman Street onto Governors Avenue was complaint driven, explaining that those wanting to make a left turn were required to make a series of right-hand turns in order to get to their destination, which was a nuisance. Mr. DePrima reminded members that this was considered when Main Street had just begun, the Parking Authority was just reconstituted, and the DDDC had recently been established, and many consultants were assisting the City in

downtown revitalization. The goal was to improve access to the downtown area and its parking lots. He vividly remembered that one of the consultants indicated that the desire was to allow visitors to access business and parking areas; however, left-turn restrictions on Loockerman Street, were causing vehicular traffic to be "swept" to the right. He stated that merchants were receiving complaints from their customers regarding the inconvenience of accessing parking lots.

Mr. DePrima felt that members must make the decision as to the current function of Loockerman Street, as was done in the latter part of 1990. If its main purpose was to convey traffic from east of State Street to West of Kirkwood Street as fast as possible, then the left-turn restrictions should be in place; however, if members felt that its purpose was to get visitors and residents to the downtown area as directly as possible without confusion, then the left-turn restrictions should not be present. As an example, he stated that if someone wished to go to the hospital and was traveling on Loockerman Street, they would be prohibited from making a left turn onto State Street, as well as Governors Avenue and would be forced to go to New Street. He stated that the decision was made in the 1990s that Loockerman Street should convey visitors to the downtown area as quickly and directly to wherever they were going without confusion and that through traffic would be encouraged to use North Street or Division Street. At that time, he explained that it was the City's desire for North and Division Streets to serve as funnels for traffic going east and west and Loockerman Street to serve as a direct, easy way to access the downtown area.

Mr. DePrima stated his understanding of the motorists' frustration traveling along Loockerman Street who are behind someone waiting to make a left turn, noting that this could be avoided if the individual making the left turn moved up into the intersection, allowing traffic to go around and continue to flow. He questioned if the intersection could be marked to encourage those wishing to make a left turn to move forward and clear the lane for others to go around. He also advised members that it was his observation that traffic along Loockerman Street seemed extraordinarily bad this past year and that this may have been the result of construction work in the area.

Mr. DePrima suggested that if it were the City's desire to get traffic through Loockerman Street as quickly as possible, then they should consider all of the left-turns along Loockerman Street, explaining that if a left-turn restriction were placed only from Loockerman Street onto Governors Avenue, those wishing to make a left turn would simply move the "problem" down to the next street, New Street.

Ms. Margot Brennan, 32 W. Loockerman Street (residing at the corner of Bradford and Loockerman Streets), urged members to make no changes, explaining that traffic along Loockerman Street was slow and felt that it would always be slow, regardless of restrictions. She noted that the new large parking lot currently only has 18 vacant spaces and that the smaller lot, which is metered, continuously has vacancies and felt that at a cost of only a quarter for an hour, affordable parking was available to the public.

Ms. Jeny Shurtleff, 112 Matthew Court, agreed that if left-turn restrictions were instituted at all streets along Loockerman Street, traffic would be backed up at some point. If the City wished to allow for left-turns to continue from Loockerman Street, she suggested the possibility of installing

left-turn signals. She stated that she preferred that left turns be restricted along Loockerman Street in its entirety or that turn signals be installed for left turns, and noted that her co-workers shared her sentiments regarding this issue.

Mr. Louis Colón, Executive Director of the Downtown Dover Partnership (DDP), concurred with the comments made by Mr. DePrima. He noted that visitors traveling along Loockerman Street following Google Maps or a GPS device who were not familiar with the area would not know how to get to the hospital if they were not permitted to make a left-turn onto State Street or Governors Avenue. He felt that the left-turn signals would be beneficial along Loockerman Street. He stated that in speaking with merchants in the area, some prefer the left turns and others prefer left-turn restrictions. He reminded members that any decision made would affect the merchants. Responding to Mr. Hutchison, Mr. Colón stated that five (5) downtown merchants had contacted him and that the number of those in favor and opposed to left-turn restrictions were equal.

Mr. Scott Koenig, City Manager, advised members that the City no longer owned the traffic signal system, explaining that since the action that was taken in the 1990s the system had been owned and maintained by the Delaware Department of Transportation (DelDOT). The study that was recently completed by DelDOT was only in regard to the left-turn restrictions (from 8:00 a.m. to 6:00 p.m.) from Loockerman Street onto Governors Avenue. Referring to the email received from Ms. Scacheri, he explained that her suggestion for a "lead lag condition" signal would require the review of DelDOT and, since it would require a change to overhead signals, would be a major change.

Responding to Mr. Hutchison, Police Chief Hosfelt indicated that police patrol units avoid Loockerman Street altogether, particularly if they are responding to a complaint or an issue in progress since they have to use lights and sirens and there is nowhere for traffic to move to along Loockerman Street. It was his feeling that the addition of left-turn signals would prove beneficial, explaining the difficulties in enforcing left-turn restrictions using signage.

In response to Mr. Davis, Mr. Koenig stated that if left-turn restrictions were instituted, signs indicating those restrictions would be erected on both the pedestal portion of the signal as well as the overhead section.

Mr. Hutchison suggested that DelDOT be requested to conduct a comprehensive review of the entire downtown complex so that the traffic could be reviewed in its entirety rather than piecemeal.

Mr. Perza indicated his observation that, due to the width of the street, it would be an obstacle to have a separate left-turn lane; therefore, he felt that a redesign of the intersection would be required. He suggested consideration of converting Loockerman and North Streets to one (1) way streets.

Mr. Koenig advised members that DelDOT had indicated that instituting the left-turn restriction would bring marginal operational improvements; however, it would most likely simply move the turning issue down to the next street. He stated that this issue could be delayed and discussed and considered in a broader context of the traffic flow downtown, noting that there would be more traffic downtown if there were more construction and more businesses locating to the area.

The Committee recommended that the matter be referred back to the City Manager for further review.

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

Request of White Oak/Towne Point Civic Association to Limit Parking on Miller Drive to Only One Side of the Street

Mr. Scott Koenig, City Manager, advised members that City staff was in receipt of an email request from the White Oak/Towne Point Civic Association President, Mr. Nelson Hill, to conduct a study of Miller Drive to determine if parking on both sides of the street was safe. Mr. Koenig indicated that although a number of streets in the White Oak/Towne Point Subdivision had parking limited to one (1) side of the street, there were no restrictions along Miller Drive.

Due to current staffing levels in the Department of Public Works, Mr. Koenig requested that staff be provided a 90-120 day time frame to conduct a study and report findings back to the Committee for further consideration. He noted that although staff would review the technical merits associated with the request, input from the community would be necessary if staff were to recommend any parking restrictions, since such restrictions could have a considerable impact on residents of the street.

Mr. Nelson Hill, 888 Townshend Boulevard, stated that the request of the Association was the result of complaints. He recalled that an auction was held approximately one (1) year ago, that essentially "shut" the street down due to parking on both sides of the street. He stated that the street width was 29'7", and having vehicles parked on both sides prevents two (2) cars from traveling on the roadway, forcing motorists to back up and wait for opposing traffic to pass through. As a result, several residents felt that there was a safety issue and that restricting parking to one (1) side would alleviate this concern.

In response to Mr. Hutchison, Mr. Hill stated that approximately 50 homeowners were actively involved in the White Oak/Towne Point Civic Association and estimated that four (4) of those homeowners reside along Miller Drive. He stated that he had not had an opportunity to actually speak directly with those residing along Miller Drive to get a consensus of their desires.

Mr. James Morning, 216 Bradley Road, advised members that he would recommend the side of the street with even house numbers be selected, based on discussions with the residents.

Mr. Lynn felt that the matter should be reviewed as a life safety issue, explaining that by allowing parking on both sides of the street, access to homes by emergency services is deterred. In determining which side of the street should be closed to parking, he suggested that members consider which side of the street had fire hydrants. He noted that regardless of the recommendation, half of the residents would be pleased and the other half would not; however, since this was a safety issue, members would be required to make an ultimate decision.

Referring to Mr. Hutchison's previous questions regarding membership and participation in the Civic Association, Mr. Lynn reminded members that the Association membership was free and available to anyone living in the neighborhood and that its officials are elected. He indicated that residents had the opportunity to relay neighborhood concerns through the Homeowners Association, much like members of City Council who represent the City. Although some of those entitled to vote may choose not to participate, members still have the authority to represent their constituents. He noted that the percentage of voters that elected Mr. Hutchison was approximately the same percentage of the membership of the White Oak/Towne Point Civic Association that reside on Miller Drive.

Mr. Lynn requested that this matter be addressed quickly and that a decision be made as to which side of the street parking would be permitted once the location of the fire hydrants was determined. He felt confident that since this was a fairly simple engineering decision, the City Manager could have a decision within one (1) to two (2) weeks. He suggested that the matter be brought back to the Committee in two (2) weeks for consideration of recommendations by the Engineering Department and Fire Marshal's Office in regard to this issue.

Ms. Tamera Burns-Hill, Membership Coordinator for the White Oak/Towne Point Civic Association, stated that she had brought this matter to the Association's attention due to safety concerns. She explained the difficulty for emergency apparatus, such as a fire truck, to access residences because of the narrow street since parking is permitted on both sides. She questioned why members should wait for a crisis to occur before making a change that could prevent such a crisis.

Responding to Mr. Perza, Ms. Burns-Hill noted that half of the streets in the subdivision have parking restrictions and that those that do not are considered "major" streets within the subdivision because they are wide enough to accommodate parking on both sides of the street.

In reviewing Google Maps, Mr. Perza noted that all fire hydrants along Miller Drive appeared to be located on the north side of the street; therefore, he felt confident that the Fire Marshal would recommend that parking be prohibited on the north side of the street. Since this decision would affect residents along the street, he recommended that they be contacted and advised of the consideration.

Mr. Koenig cautioned members that prohibiting parking on one (1) side of the street would address this safety concern; however, "widening" the roadway, would create another safety issue, explaining that there would be an increase in vehicular speed on the roadway.

Taking into consideration the observation made by Mr. Perza, Mr. Lynn requested that members submit a recommendation to City Council to prohibit parking on the north side of Miller Drive and that the Public Works Department and Fire Marshal's Office address any concerns they may have directly to City Council.

Concurring with Mr. Dixon, Mr. Nelson stated that the Homeowner's Association only requested that a study be done at this time to assure that it would be feasible to limit parking on Miller Drive to one (1) side of the street.

Mr. Perza felt that if this matter were presented to City Council during their first meeting in October (October 14, 2013), this would provide sufficient time for staff to confirm the location of the fire hydrants and provide the Homeowner's Association ample time to go out to the community and obtain any support that may be needed. He explained that the plan would be for a public hearing to be held that night before City Council to hear public testimony for the purpose of determining whether the north side of Miller Drive should have a parking prohibition and if parking should be limited to the south side of Miller Drive.

The Committee recommended that a public hearing before City Council be set for October 14, 2013 at 7:30 p.m. to consider prohibiting parking on the north side of Miller Drive.

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

Implementation of Security Measures in City Buildings

Mr. Scott Koenig, City Manager, advised members that as a result of a recent incident that occurred in Pennsylvania, there had been consideration of implementing security measures in City buildings. He stated that staff had obtained an estimate of between $2,500 and $3,000 for the purchase of a metal detector. Mr. Koenig explained that the problem with this concept was that staff had no means to monitor the metal detector, except for its use at the entrance of the Council Chambers, and when monitored, he questioned what action would be taken if something were detected. He also stated that there were concerns with determining the location for installing such a detector and how it would be installed and used effectively.

Responding to Mr. Hutchison, Police Chief Hosfelt stated that his main concern was that the Council Chambers had several access points at the rear which would need to be secured. If Council were to choose to install a metal detector, he felt that there would be concerns with people accessing the foyer of the Council Chambers and that minimally, two (2) police officers would be required for the operation of a metal detector. However, he stressed the need to secure the access points to the rear of the Council Chambers, which could and should be done immediately.

Mr. Hutchison suggested that the Police Chief and City Manager consider security measures throughout City Hall, focusing beyond the use of the building for City Council meetings, and formulate recommendations to address security issues.

Responding to Mr. Perza, Mr. Hutchison felt that although this matter was discussed specifically in reference to City Hall, referring the matter to staff for their review would allow them to consider security issues and possible solutions for all City buildings.

The committee recommended that the implementation of security measures in City buildings be referred to staff for their review and recommendation.

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

Update on City Ambulance Service

Mr. Scott Koenig, City Manager, reviewed a memorandum containing an Update on City Ambulance Service data. He reminded members that during the budget review last year, there were concerns that serving the City was placing a burden on some of the local ambulance providers and a discussion was held regarding whether additional ambulance service should be procured through the contract with the City's vendor or if the burden could be offset by utilizing local community ambulance providers. It was determined at that time that the City had a bigger influence on the Cheswold and Camden-Wyoming ambulance services than on other surrounding communities. Staff met with both Cheswold and Camden-Wyoming officials late in the budget preparation process and recommended that the City make a donation to both. A formula was developed to determine an amount that was considered adequate to compensate other providers for service and the inconvenience involved in calling their ambulance into the City's service territory.

Mr. Koenig advised members that on a typical day, the City has two (2) ambulances in service, and if they are not available and another call comes in, an additional call is made to Camden-Wyoming or Cheswold. He stated that a donation of $25 per call is granted for calls taken in the City's service territory. Mr. Koenig indicated that for the year 2012, the City donated $9,125 to Cheswold Ambulance Service for 365 runs and $8,125 to Camden-Wyoming Ambulance Service for 325 runs. He explained that these donations were provided in lieu of the City adding another $100,000 to the City's ambulance contract costs while still having an influence on other ambulance service providers during "off shift" hours.

Mr. Koenig indicated that both the Camden-Wyoming and Cheswold Ambulance Service companies were grateful for the City's donations, explaining that both of these providers were having difficulties raising funds and felt that the donations provided by the City were more than adequate to cover the amount of time they spent addressing the City's service territory.

Referring to the Ambulance Data Comparison provided, Mr. Koenig stated that data covering the first six (6) months of 2013 seemed to be comparable to the previous year; therefore, staff recommended that another calculation be completed at the end of 2013 and the result be included in the FY 2015 Budget for the donations. He advised members that the City's current ambulance contract would be effective through June 30, 2015 and explained that the ambulance service required an annual evaluation to ensure that the City was not taxing other service providers to the point that they could not maintain their service levels or territory.

In response to Mr. Hutchison, Mr. Koenig stated that he did not have information regarding response times and reminded members that this was a previous concern; however, it had been discovered that on several occasions, when calls were made to Cheswold and/or Camden-Wyoming, responders were already in the City's service territory since they are often dispatched from the hospital. He stated that, to his knowledge, all response times had been within acceptable parameters and assured members that there had been no violations to service requirements. Mr. Hutchison requested that staff provide details regarding all response times, including paramedics.

Mayor Carey requested that staff also provide details regarding the response location for Cheswold and Camden-Wyoming (whether they were in the City's service territory or their home base) since this could make a difference in the response time. Mayor Carey explained his concerns regarding the ability to respond to 1,000 calls each year. He felt it was the City's responsibility to continue to review this matter to assure the citizens were receiving the service they deserve.

No further action was taken by the Committee.

Prioritization of City of Dover State Capital Transportation Program (CTP) Projects

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that each year City Council develops a list of transportation priorities and shares these priorities with the Secretary of Transportation for consideration as the Department of Transportation develops the State's Capital Transportation Plan (CTP). She, along with the City Manager, had reviewed the priorities approved in September 2012 by City Council and developed a priority ranking for the coming year. She reviewed the priorities for the CTP Projects and their ranking, as follows:

1. Garrison Oak Connector Road
2. Construction of Sidewalks within the Walk Zone of the New Dover High School
   a. Mifflin Road
   b. South Side of Route 8 West of Mifflin Road
   c. Kenton Road (must be coupled with Kenton Road Corridor Upgrades)
3. Route 8/Hazlettville Road Connector
4. US Route 13 Sidewalk Construction
5. Crawford Carroll Avenue Extension
6. Kenton Road Corridor Upgrades
7. Loockerman Street/Forest Street Improvements
8. Kings Highway/Route 13 Intersection Improvements
9. US Route 13 Service Road Corridor
10. College Road Corridor Upgrades
11. Dover Transit Hub – Public/Private Partnership for Building

Mrs. Townshend explained that although the West Dover Connector remained a priority (and was included on previous priority lists), it was removed from the 2013 priorities because funding had been allocated and construction was scheduled to begin next year.

In response to Mr. Hutchison, Mrs. Townshend confirmed that staff could draft the letter to the Secretary of Transportation to be presented to City Council along with the list of transportation priorities for their approval. She indicated that the letter could include more explanation regarding the projects and their priority placement.

The committee recommended approval of the prioritization of City of Dover State Capital Transportation Program (CTP) Projects, as presented.

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

Update - Dover High School Construction

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the construction on the Dover High School Project and monthly coordination meetings continued. She indicated that concerns had been relayed by the Capital School District regarding the availability of funds and it was indicated that the District may need to re-evaluate whether they could construct the east entrance, as previously planned. She explained that if the entrance were removed, the matter would require the review of the Planning Commission and a public hearing. Mrs. Townshend noted that the issuance of a Certificate of Occupancy was anticipated by April/May 2014; therefore, she urged the District to make this determination as soon as possible, since the final decision would be made by the Planning Commission and would not be based on whether or not funds were available. She stated that this had been explained in a letter sent to the Capital School District and it was made clear that until the site complies with the Planning Commission's approvals, the City would not be able to issue a Certificate of Occupancy. She indicated that this matter would be further discussed during the coordination meeting in September.

In addition, Mrs. Townshend stated that the parking shown on the school site plan was significantly less than the parking shown on the plan approved by the Planning Commission. She reiterated that a letter had been sent to the School District explaining the importance of resolving these issues as soon as possible to avoid delays in the issuance of the Certificate of Occupancy and the planned school opening.

Responding to Mr. Davis, Mrs. Townshend confirmed that the east entrance was the planned bus entrance.

Bicycle and Pedestrian Subcommittee

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the Bicycle and Pedestrian Subcommittee submitted a Bicycle Friendly Community Application and was scheduled to meet again next week, at which time members would focus more on pedestrian issues. She stated that maps would be provided at the meeting with aerial photographs for members to identify areas where there were pedestrian impediments.

Ms. Margot Brennan, 32 W. Loockerman Street, questioned if the bicycle signage along Loockerman Street could be made larger, explaining that she had been "run over" on several occasions by bicyclists.

Responding, Mr. Hutchison stated that one of the functions of the Bicycle and Pedestrian Subcommittee was to promote educational programs on bicycle and pedestrian safety. As pedestrians, he stated that we must be alert and attentive to bicycle and vehicular traffic.

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

MONTHLY REPORTS - JULY 2013

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

Budget Report
Chief of Police Report
City Assessor's Report
City Manager's Report
City Planner's Report

APPOINTMENT RECOMMENDED BY COUNCIL PRESIDENT BONAR - PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE - COUNCILMAN JAMES L. HUTCHISON, SR. (TO FILL THE UNEXPIRED TERM OF BEVERLY C. WILLIAMS - TERM TO EXPIRE MAY 2014)

Council President Bonar recommended the appointment of Councilman James L. Hutchison, Sr., to serve on the Parks, Recreation, and Community Enhancement Committee for a term to expire May 2014, to fill the unexpired term of Councilwoman Beverly C. Williams.

By consent agenda, Mr. Hare moved for approval of the appointment of Mr. Hutchison as recommended by Council President Bonar. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote (Anderson and Williams absent).

FEE PROPOSAL - ATTORNEY SERVICES FOR MEDIATION - INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW)

Mr. Scott Koenig, City Manager, noted the receipt of an Engagement Letter, dated August 26, 2013, from Mr. Glenn C. Mandalas of Baird, Mandalas, Brockstedt, LLC, to represent the City of Dover in the labor negotiations with the International Brotherhood of Electrical Workers (IBEW) Local 1238. He stated that both the City and the IBEW notified the Public Employment Relations Board (PERB) that they had reached an impasse in their negotiations and had requested that a mediator be assigned. He advised members that the mediator had been assigned and that the first mediation session had been scheduled for October 4, 2013. He stated that three (3) mediation session were permitted with payment to be made by the PERB. Although negotiations continued, it was felt that the addition of a third party mediator would provide a means to move forward with the negotiations.

Mr. Koenig stated that the fee proposed by Baird, Mandalas, Brockstedt, LLC, was $10,000 which was consistent with the previous mediations.

In response to Mr. Lynn regarding Paragraph #2, Costs, Mr. Koenig stated his opinion that there was a lump sum fee in the amount of $10,000 for mediation and that if more than three (3) mediation sessions were required, there would be additional fees. He stated that it was not anticipated that there would be any additional expenses over and above the $10,000 lump sum fee.

Mr. Lynn moved for approval of the Engagement Letter with Baird, Mandalas, Brockstedt, LLC, as presented. The motion was seconded by Mr. Lynn and carried by a unanimous roll call vote (Anderson and Williams absent).

FIRST READING - PROPOSED ORDINANCE #2013-15 AMENDING CHAPTER 58 - HUMAN RELATIONS

Council President Bonar reminded the public that copies of the proposed ordinance were available at the entrance of the Council Chambers or could be obtained from the City Clerk's Office. Final action by Council on the proposed ordinance would take place during the Council Meeting of September 23, 2013.

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

PROPOSED ORDINANCE #2013-15 AMENDING CHAPTER 58 - HUMAN RELATIONS

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Lynn wish his big brother Brian a happy birthday.

Mr. Perza announced that the Holy Cross Fall Festival would be held on Saturday, September 28, 2013, from 10:00 a.m. to 4:00 p.m. on the grounds of Holy Cross Church. He stated that the Festival would be a community celebration with carnival games, rides, food and drinks, crafts, and raffles that would benefit the student body of Holy Cross School. He invited the public to attend and participate in the event.

Mayor Carey congratulated Kent County Tourism for another successful Amish Country Bike Tour, with over 2,300 cyclists.

Council President Bonar announced that the 7th Annual Family Emergency Preparedness Day would be held on September 21, 2013 from 10:00 a.m. to 2:00 p.m., at the Delaware Agricultural Museum, 866 N. Dupont Highway. He indicated that the City of Dover Emergency Management Staff and Dover Police Department would be attending and providing information and demonstrations.

Council President Bonar also noted that this week marked the Annual Delaware Firefighters Association Conference which was being held at Dover Downs Hotel. He stated that the parade through downtown Dover on State Street would begin promptly at 1:00 p.m.

Mr. Hare moved to adjourn into the Special Council Meeting, seconded by Mr. Perza and unanimously carried.

Meeting adjourned at 9:37 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of September 9, 2013, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
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Exhibits
Exhibit #1 - Presentation - Appeal of Order to Vacate - 20 N. New Street, 29 S. New Street, and 37 S. New Street
Exhibit #2 - Presentation - Violation of Dangerous Building Ordinance - 710 Slaughter Street
Exhibit #3 - Revised Presentation - Violation of Dangerous Building Ordinance - 123 Blue Beach Drive (Pool and Pump House)

Appeal of Order to Vacate
29 & 37 South New Street
20 North New Street

Planning & Inspections Department

Dover, Delaware

September 9, 2013

Regular Council Meeting of 09/09/2013 **EXHIBIT #1**

House of Pride
Order to Vacate – Case Background

- History of code violations on House of Pride properties
- Conditional Use authorization for residential recovery program and transitional housing in January 2008
- After repeated violations of building codes, fire codes, and zoning requirements, Conditional Use revoked in September 2012

House of Pride
Order to Vacate – Case Background

- Letter from Sandra Dean, September 12, 2012 acknowledges that House of Pride will revert to rental of single family dwellings.
- Inspections of subject properties reveal signs of lodging and rooming:
  - Numbering of bedroom doors
  - House rules/fire escape plans posted
  - Keyed locks on rooms
  - Food and toiletries stored in bedrooms

House of Pride
Order to Vacate – Case Background

- While many violations have been corrected, there is a long-standing pattern of short-lived compliance.
- Concerns about lodging and rooming use not compliant with zoning requirements

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

(5) *Unfit for habitation* - Those which have become or are so … unsafe … so utterly fail to provide the amenities to decent living that they are unfit for human habitation … so as to work injury to the health, morals, safety or general welfare of those living therein

(9) *General welfare* - Those which, because of their condition or use, are unsafe…

(10) Code violations - Those existing in violation of any provisions of the building code of this city, or any provision of the fire prevention code, or other ordinances of this city

Chapter 22 Article XI, Sec. 22-382 - Standards for repair, vacation or demolition

The following standards shall be followed in substance by the building inspector in ordering repair, vacation, or demolition of dangerous buildings:

(2) *Vacation.* If the dangerous building is in such a condition or is being used as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated and closed. **Buildings ordered closed shall not be reopened until a certificate of occupancy is issued.**

20 North New Street

20 North New Street

- April 24, 2013 – Inspection conducted
  - 15 violations found - deteriorated floor coverings, weak floors, broken windows, exposed electric wiring, non-operational light fixtures
- July 8, 2013 – Follow-up inspection
  - Four violations remain
- August 9, 2013 – All corrections made


04/24/2013 10:29


07/08/2013

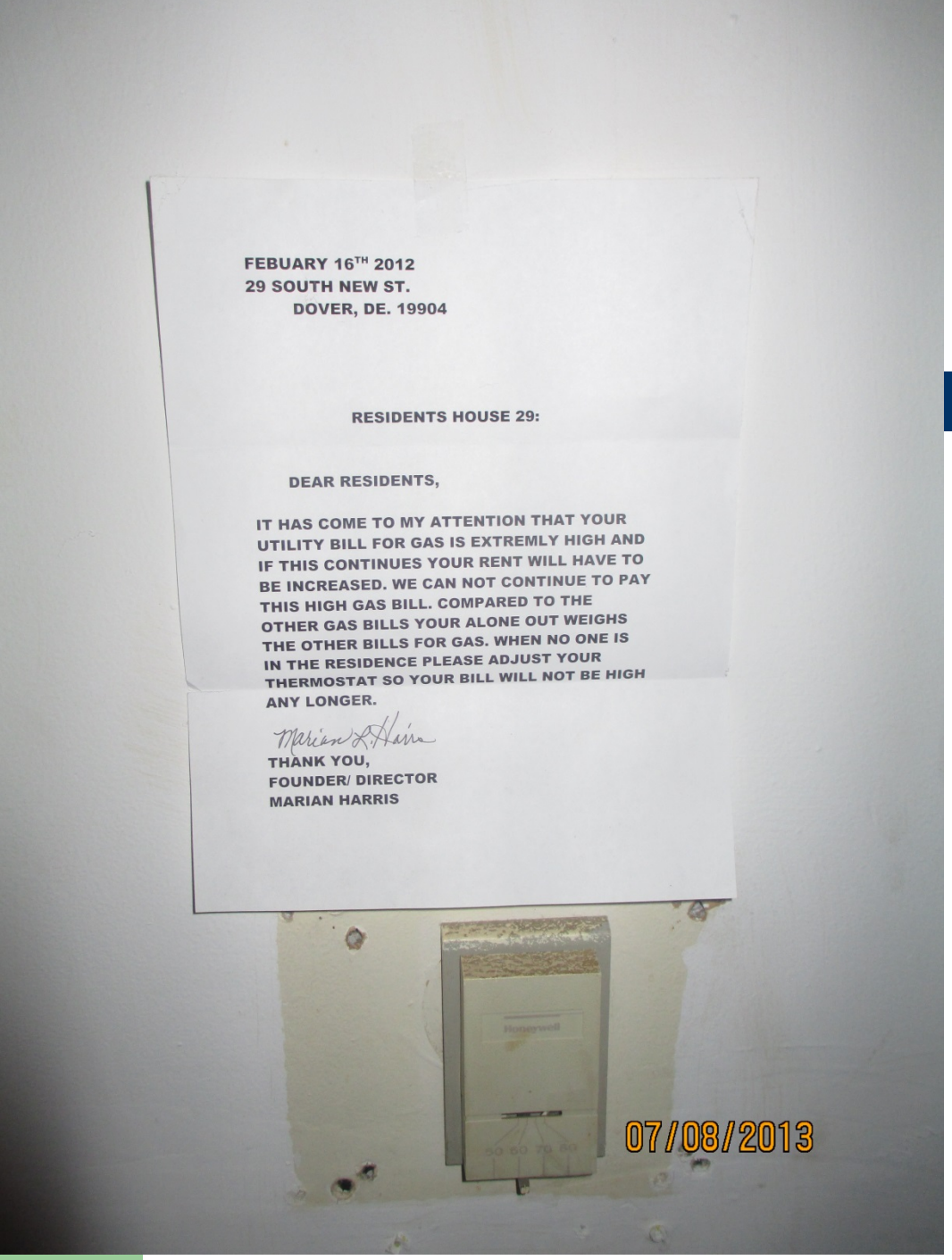

04/24/2013 10:40


House of Pride
Resident Sign-Out Sheet
House# 20
NAME
Destination
DATE
TIME OUT
TIME IN
House 20 Office 2-25-13 9:00
Jimmie Cra[illegible]cenclw 3-5-13 8:23
JERRY OFFICE/KCC 3-10 8:45
Leroy Nester OFFICE 7-9-13 8:50
Fire Exit Plan
Monthly Records in Blue Binder
BR
Exit
F.D.
P.B.
B.D.
Exit
08/09/2013

29 South New Street

29 South New Street

- July 8, 2013 – Inspection conducted
  - 18 violations found in two units and exterior
  - Water leaks, weak floors, faulty outlets, holes in walls, deteriorated siding
- August 26, 2013 – Violations corrected


FEBUARY 16TH 2012
29 SOUTH NEW ST.
DOVER, DE. 19904
RESIDENTS HOUSE 29:
DEAR RESIDENTS,
IT HAS COME TO MY ATTENTION THAT YOUR UTILITY BILL FOR GAS IS EXTREMLY HIGH AND IF THIS CONTINUES YOUR RENT WILL HAVE TO BE INCREASED. WE CAN NOT CONTINUE TO PAY THIS HIGH GAS BILL. COMPARED TO THE OTHER GAS BILLS YOUR ALONE OUT WEIGHS THE OTHER BILLS FOR GAS. WHEN NO ONE IS IN THE RESIDENCE PLEASE ADJUST YOUR THERMOSTAT SO YOUR BILL WILL NOT BE HIGH ANY LONGER.
THANK YOU,
FOUNDER/ DIRECTOR
MARIAN HARRIS
Honeywell
07/08/2013


Please Use
Door as
Emergency
Only


Fritos
Suavitel
Gillette
08/09/2013




Crisp Rice
08/09/2013



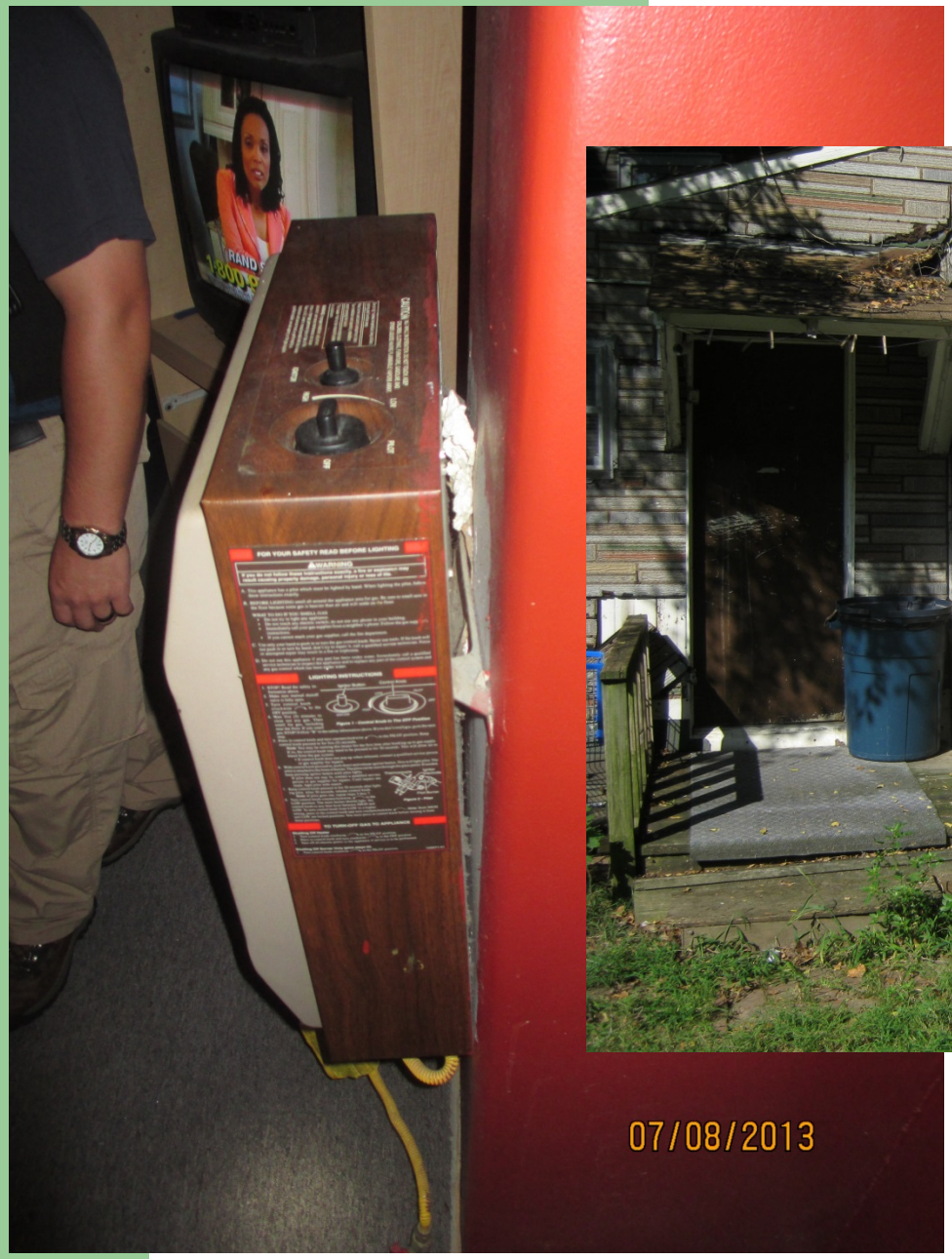




Multiple refrigerators
– one in the hallway


07/08/2013


07/08/2013


07/08/2013


08/26/2013 09:45

37 South New Street

37 South New Street

- April 24, 2013 – inspection conducted
  - 21 code violations found
  - Roof leaks, exterior wood rot, electrical issues (exposed wiring, light fixtures)
  - Weak flooring
- July 8, 2013 – follow-up inspection
  - Two violations remain (roof, exterior woodwork)
- August 26, 2013 – 4th inspection
  - One violation remains (exterior woodwork)


04/24/2013 09:49


04/24/2013 10:04

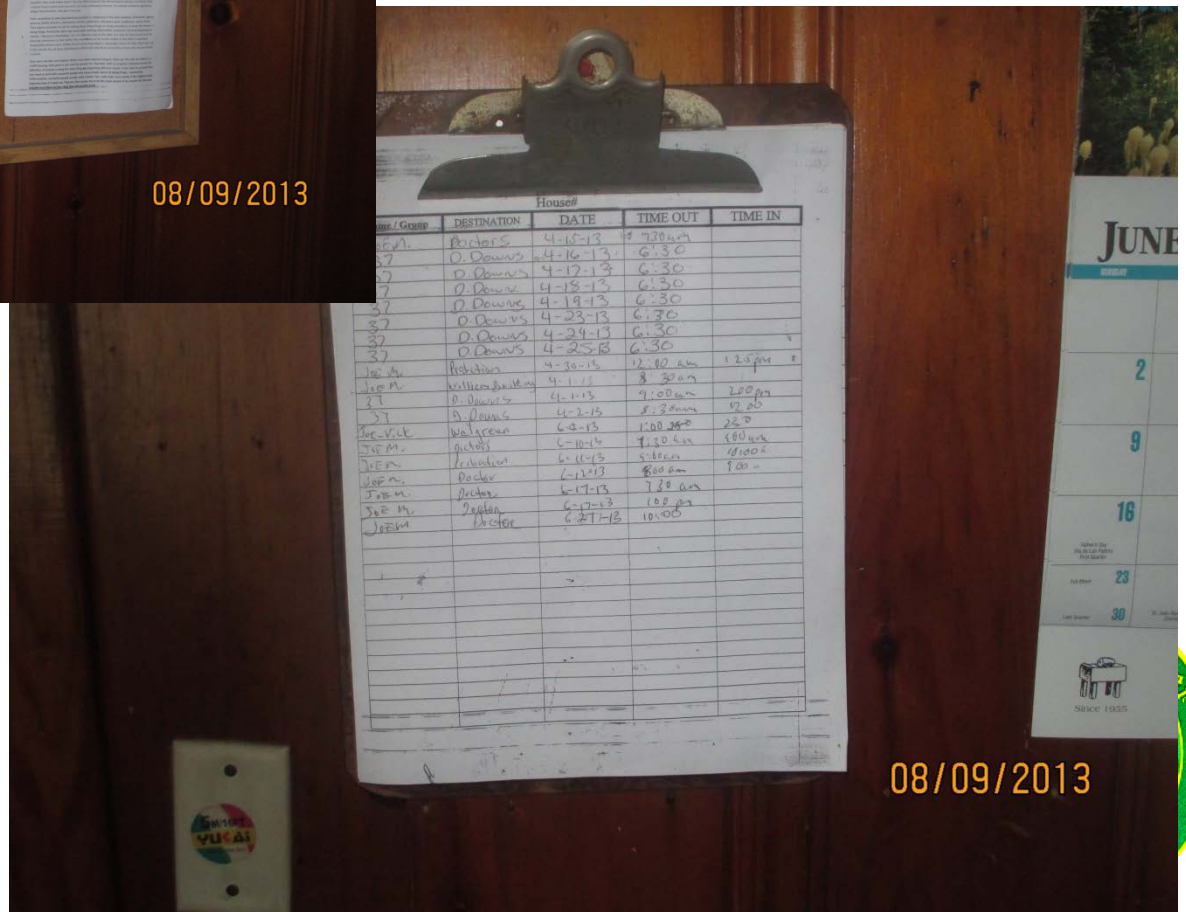


Smoke detector removed




04/24/2013 10:02


House of Pride
Wake Up
Mon. Thru Friday
6:00 AM
Sat. & Sunday
Wake Up
7:00 AM
During the week Breakfast
Will start at 7:00am. Breakfast
Will end at 7:30am.
RECEIVED
08/09/2013


House#
DESTINATION
DATE
TIME OUT
TIME IN
08/09/2013


04/24/2013 10:09


08/09/2013

Recommended Council Action

Staff recommends that City Council uphold the action of the Department of Planning and Inspections to order the properties at 20 North New Street, 29 South New Street, and 37 South New Street to be vacated and closed.

Violation of Dangerous Building Ordinance 710 Slaughter Street

Planning & Inspections Department

Dover, Delaware

September 9, 2013

EXHIBIT #2
Regular Council Meeting of 09/09/2013

710 Slaughter Street
Case History

- 11 code enforcement cases since July of 2012
  - Exterior code violations
  - Closing of a vacant building
- The utilities were terminated on October 4, 2012
- Condemned by City Staff on November 26, 2012 due to no active utilities, missing windows, boarded windows & boarded doors.
- Source of neighbor complaints.
- Outstanding Charges
  - Taxes
  - Boarding Charges
  - Grass cuttings & debris removal
  - Code Enforcement Fines


08/29/2013 14:45


08/29/2013 14:46


08/29/2013 14:46


08/29/2013 14:46


08/29/2013 14:47


08/29/2013 14:47


08/29/2013 14:48


08/29/2013 14:48


08/29/2013 14:48

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

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*

Recommended Council Action

- Declare this property dangerous.
- Order the property repaired or demolished by **October 9, 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.

Violation of Dangerous Building Ordinance 123 Blue Beach Drive

Planning & Inspections Department

Dover, Delaware

September 9, 2013

EXHIBIT #3
Regular Council Meeting of 09/09/2013

123 Blue Beach Drive
Case History

- 9 code enforcement cases since 2001
  - Numerous exterior code violations regarding the pool, pool equipment and stagnant water.
- Source of neighbor & police complaints.
- Outstanding Charges
  - Utility Billing
  - Code Enforcement Fines

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


05/29/2013 10:00


05/29/2013 10:01


05/29/2013 10:01


08/27/2013 11:00


08/27/2013 11:00


08/27/2013 11:01


09/09/2013 11:17


09/09/2013 11:17


09/09/2013 11:17


09/09/2013 11:17


09/09/2013 11:18

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

(9) *General welfare.*

(10) *Code violations.*

Recommended Council Action

- Declare this property dangerous.
- Order the pool & pump-house demolished by **October 9, 2013** 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 **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 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.

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on September 9, 2013 at 9:40 p.m. with Council President Bonar presiding. Members present were Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Slavin, Mr. Hare, and Mr. Hutchison. Mr. Anderson and Mrs. Williams were absent.

Council staff members present were Mr. Koenig, Mrs. Mitchell, and Mrs. McDowell. Mayor Carey and Police Chief Hosfelt were also present.

AGENDA ADDITIONS/DELETIONS

By unanimous consent, the agenda was approved as presented.

Mr. Hutchison moved to recess into Executive Session pursuant to 29 Del. C. §10004(b)(6) - Discussion of Medical Records, seconded by Mr. Hare and unanimously carried.

Meeting recessed at 9:41 p.m.

Mr. Hare moved to adjourn the Executive Session, seconded by Mr. Hutchison and unanimously carried.

Executive Session adjourned at 9:43 p.m.

REQUEST FOR EXTENSION OF WORKERS COMPENSATION BENEFITS

During the Executive Session, Police Chief James Hosfelt provided information relative to a work-related injury sustained by Officer Derek Lawson. As a result of the necessary treatment, his recovery time extended eight (8) 8-hour days beyond his Worker's Compensation benefit; therefore, Chief Hosfelt requested that, in accordance with the Fraternal Order of Police (FOP) labor contract, the eight (8) days of Officer Lawson's vacation time used for recovery be reinstated.

Mr. Hare moved for approval to reinstate eight (8) of Officer Lawson's 8-hour vacation days, seconded by Mr. Lynn and carried by a unanimous roll call vote (Mr. Anderson and Mrs. Williams absent).

By motion of Mr. Hare, seconded by Mr. Hutchison, the Special Council Meeting adjourned at 9:44 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Special Meeting of September 9, 2013 are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM
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PROCLAMATION

WHEREAS, *we recognize the vital role that technology has in our daily lives and in the future of the City of Dover, whereby today many citizens, schools, libraries, businesses, and other organizations use the Internet for a variety of tasks, including keeping in contact with family and friends, managing personal finances, performing research, enhancing education, and conducting business; and*

WHEREAS, *critical sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, utilities, health care, and emergency response systems; and*

WHEREAS, *the use of the Internet at the primary and secondary school levels in our city enhances the education of youth by providing them access to online educational and research materials; and at institutions of higher education, the use of information technology is integral to teaching, learning, research, outreach, and service; and*

WHEREAS, *Internet users and our information infrastructure face increasing threats of malicious cyber-attack, invasion of privacy from spyware and adware, and significant financial and personal privacy loss due to identity theft and fraud; and*

WHEREAS, *maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role, and awareness of computer security essentials will improve the security of the City of Dover information infrastructure and economy.*

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, *do hereby proclaim October 2013 as*

Cyber Security Awareness Month

in the City of Dover and urge all citizens to learn about cyber security and put that knowledge into practice.

_____

CARLETON E. CAREY, SR.
MAYOR

PROCLAMATION

WHEREAS, *the City of Dover is committed to ensuring the safety and security of all those living in and visiting our City, and fire is a serious public safety concern both locally and nationally; and*

WHEREAS, *cooking is the leading cause of home fires and home fire injuries. Between 2007 and 2011, fire departments in the United States responded to an estimated annual average of 156,000 cooking-related fires, which resulted in over 5,000 injuries, 400 deaths, and $853 million in damages; and*

WHEREAS, *according to the National Fire Protection Association, two out of five home fires start in the kitchen. Leading factors are unattended cooking; ignition of food, other cooking materials, or clothing; and faulty equipment, such as ovens and ranges; and*

WHEREAS, *the City of Dover Fire Marshal and Volunteer Fire Department are dedicated to reducing the occurrence of home fires and home fire deaths and injuries through prevention and proper education; and*

WHEREAS, *the 2013 Fire Prevention Week theme, "Prevent Kitchen Fires" effectively serves to remind us to cook with caution and practice safe cooking measures.*

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, *do hereby proclaim October 6 – 12, 2013 as*

Fire Prevention Week

in the City of Dover and urge all residents to practice a home fire escape plan during this time, and to support the many public safety activities and efforts of fire and emergency service personnel.

_____

Carleton E. Carey, Sr.
Mayor

PROCLAMATION

WHEREAS, *the children of the City of Dover enjoy the fun and festivities associated with the observance of the Halloween Trick-or-Treat custom of traveling with friends and family going from door to door in their neighborhood, displaying their costumes, and gathering treats; and*

WHEREAS, *parents are urged to join in the festivities by accompanying their children throughout their journeys in celebrating Halloween Trick-or-Treat; and*

WHEREAS, *residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes which are lighted; and*

WHEREAS, *the Mayor of the City of Dover has deemed it advisable to observe the celebration of Halloween Trick-or-Treat on Thursday, October 31, 2013 between the hours of 6:00 p.m. and 8:00 p.m.*

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, *do hereby proclaim that the Halloween Trick-or-Treat observance be held on the 31st day of October 2013, between the hours of 6:00 p.m. and 8:00 p.m. in the City of Dover and urge all residents, both young and old, to make this a happy and safe occasion for our children.*

_____

CARLETON E. CAREY, SR.
Mayor

FINAL READING

CITY OF DOVER PROPOSED ORDINANCE #2013-15

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

That Chapter 58 - Human Relations, Article II - Human Relations Commission, be amended by inserting the bold, blue text and deleting the text indicated in bold, red, strikeout as follows:

Sec. 58-31. Purpose.

The city council has deemed it to be in the best interest of the city to establish a human relations commission to include members who are broadly representative of the entire community and who are committed to a philosophy of inclusion, intergroup cooperation, and fair treatment that will effectively help the city meet the following needs:

(1) *Fairness, respect*. Promote and develop an environment of fairness and respect among its citizens;

(2) *Monitoring*. Develop ways to measure and monitor community relations, particularly those that are sources of intergroup conflict;

(3) *Intergroup relations*. Involve all segments of the community in understanding and appreciating the benefits of positive intergroup relations;

(4) *Issues*. Offer a range of programs and services that will help its residents and neighborhoods prevent and resolve issues of human relations; and

(5) *Intergroup conflict.* Develop ways of anticipating, preparing for, and relieving community tensions arising from intergroup conflict.

(Code 1981, § 2-16; Ord. of 2-11-2002)

Sec. 58-32. Established; composition; appointment; representation; holding other office; removal from office; terms of office; vacancies; reappointments.

(a) *Established*. There is hereby established an advisory commission to be known as the "City of Dover Human Relations Commission," to carry out the objectives as described in this article.

(b) *Composition; appointment*. The **members of the human relations** commission shall **be appointed by the president of the council, based upon recommendations from and subject to confirmation by the council. The human relations commission shall** consist of ~~15~~ **nine** members, all residents of the city. ~~**Five of these members shall be appointed by the mayor and confirmed by the city council. Ten of these members shall be appointed by the president of the council, based upon recommendations from the council and confirmed by the council.**~~ **Two members shall be selected from each council district and one member shall serve from the city at-large.**

Draft

(c) *Representation*. In selecting the membership of the commission, ~~the mayor and president of the council and the council shall take~~ particular care **shall be taken** to ensure that the commission is broadly representative of racial, religious, gender and ethnic groups residing in the city.

(d) *Holding other office; removal*. No member of the commission shall hold any elected or appointed office under the government of the United States or the state, county, or city. The ~~mayor or~~ city council president may remove members of the commission, with the concurrence of the city council, for substantial neglect of duty, or gross misconduct in office.

(e) *Terms of office; vacancies*. A member of the commission shall be appointed for a term of office of three years and until his successor has been appointed ~~and has qualified~~. The appointees shall be appointed for staggered terms of office. When a vacancy occurs in the membership of the commission, it shall be filled by appointment for the unexpired portion of the term in the same manner as the original appointment.

(f) *Reappointments*. Members may be reappointed.

(Code 1981, § 2-17; Ord. of 2-11-2002; Ord. No. 2010-23, 8-23-2010)

Sec. 58-33. Organization; quorum; meetings; rules of procedure; limitation of functions; agreements; compensation; legal counsel; reports.

(a) *Organization*. The human relations commission shall annually elect its own chairperson to preside over its meetings and may create and fill such other offices and committees among its members as may be found necessary and proper for its effective organization.

(b) *Quorum*. A majority of the membership of the commission shall constitute a quorum and, if a quorum is present, a vacancy on the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

(c) *Meetings*. The commission shall hold **at least five meetings per year; one each quarter and one to be determined by the commission.** ~~such meetings as may be deemed necessary for the completion of its purposes, responsibilities and functions. Regular meetings shall be held at least once per month unless there is no business to be considered by the commission.~~ Special meetings may be called by the chairperson or three members of the commission.

All meetings shall be held at City Hall and in accordance with the Laws of Delaware regarding the Freedom of Information Act (FOIA) and City of Dover procedures. The commission will distribute its agendas and minutes through the City Clerk's Office.

(d) *Rules of procedure*. The commission is also authorized to adopt rules of procedure for the conduct of its meetings.

Draft

(e) *Functions limited*. The commission shall not involve itself in activities or functions already assigned by law or decree to other governmental bodies.

(f) *Agreements*. The commission may enter into agreements and build partnerships with other entities and organizations for the purpose of more efficiently and effectively carrying out its responsibilities.

(g) *Compensation*. Members of the commission shall receive no compensation.

(h) *Legal counsel*. The city solicitor shall provide legal counsel to the commission and shall be the legal representative of the commission in connection with its duties hereunder, on a case-by-case basis, or determine that outside counsel is needed and obtain such outside counsel for a particular matter.

(i) *Reports*. The commission shall ~~make such reports~~ **report** to the ~~mayor and~~ city council ~~as shall be periodically necessary~~ **on a quarterly basis regarding its affairs**. An annual report of its accomplishments and a summary of its recommendations~~, as appropriate,~~ shall be ~~sent~~ **provided** to the mayor and the city council.

(Code 1981, § 2-18; Ord. of 2-11-2002)

Sec. 58-34. Expenses.

(a) *Budget*. The city council may appropriate a budget for the city human relations commission to provide for necessary expenses and expenditures.

(b) *Other funding*. The commission may also receive funding from other governmental, philanthropic or private organizations for the exclusive purpose of carrying out its responsibilities.

(Code 1981, § 2-19; Ord. of 2-11-2002)

Sec. 58-35. Conflicts of interest.

If any member of the human relations commission concludes that ~~he has~~ **they have** a conflict of interest with respect to a matter which is pending before the commission, that member shall disqualify ~~himself~~ **themself** from participating in any deliberations, discussions and decision making processes of the commission.

(Code 1981, § 2-20; Ord. of 2-11-2002)

Draft

Sec. 58-36. Powers and duties.

The powers and duties of the human relations commission shall be to:

(1) *Recommendations*. Review city programs, activities, functions and ordinances, and make recommendations to the city council for new, amended or changed programs, functions, activities or ordinances which would support inclusiveness and civility among city residents and enhance communication and understanding among residents of the city;

(2) *Intergroup conflicts*. Inquire into incidents of intergroup conflicts and disputes within the city and take such action as may be designed to alleviate such conflicts and disputes;

(3) *Intergroup cooperation*. Promote and encourage communications between and cooperation of all groups interested in bettering human relations in the city;

(4) *Complaints*. Seek the active assistance of the state human relations commission in the solution of complaints of alleged discrimination which fall within the jurisdiction of the state commission;

(5) *Research, education, etc*. Engage in such research, education and advocacy as, in the judgment of the commission or the city council, may be needed to improve human relations in the city;

(6) *Programs*. Develop and maintain programs that build positive relations among communities and enhance problem-solving skills among residents throughout the city;

(7) *Other functions*. Do all other acts and deeds necessary and proper to carry out and effectively accomplish the objectives, functions and services contemplated by the provisions of this article.

(Code 1981, § 2-21; Ord. of 2-11-2002)

ADOPTED: *

S:\ORDINANCES\2013\Draft\2013-15 Amending Chapter 58 - Human Relations-Final Reading.wpd

SYNOPSIS

*

(SPONSORS: LF&A COMMITTEE)

Actions History

September 23, 2013 - Scheduled for Public Hearing/Final Reading
September 9, 2013 - First Reading at Council
August 26, 2013 - Introduced at the Legislative, Finance, and Administration Committee

Draft

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee Meeting was held on September 9, 2013, at 12:02 p.m. with Chairman Dixon presiding. Members present were Mr. Perza, Mr. Caldwell, and Mrs. Horsey. Mrs. Williams was absent.

AGENDA ADDITIONS/DELETIONS

Chairman Dixon suggested that Agenda Item #3, Presentation - Restoration and Remediation of Mirror Lake - Rick Greene, Department of Natural Resources and Environmental Control (DNREC), be moved to Agenda Item #1.

Mrs. Horsey moved to approve moving Agenda Item #3 to Item #1, seconded by Mr. Perza and unanimously carried.

Mrs. Horsey moved for approval of the agenda as amended, seconded by Mr. Perza and unanimously carried.

Presentation - Restoration and Remediation of Mirror Lake - Rick Greene, Department of Natural Resources and Environmental Control (DNREC)

Mr. Scott Koenig, City Manager, reminded members that, last summer, Mr. Rick Greene, Department of Natural Resources and Environmental Control (DNREC), provided a detailed description of the Restoration and Remediation of Mirror Lake Project. He stated that since Mr. Greene was not able to attend this meeting, he would provide an update on the project.

Mr. Koenig stated that Mr. Greene had secured all project funding and that the Restoration and Remediation of Mirror Lake Project could now begin. He advised members that engineering plans and specifications were complete, and federal permits and the State's erosion and sediment control plans had been approved. The State's Subaqueous Lands Permits were being finalized and awaited final signature. Mr. Koenig stated that Mr. Greene had secured an access agreement from the City of Dover for the area off Park Drive and was working on the access agreements from Colonial Investments for the west side and from the State Office of Management and Budget for the area downstream from Court Street. He indicated that State and/or other grants would be funding the entire project.

With regard to public relations, Mr. Koenig indicated that a press release was being developed and a press event was tentatively planned for November 1, 2013. He stated that a sign was being developed and that content and placement was being coordinated with the City.

In relation to water quality monitoring, Mr. Koenig stated that baseline monitoring was scheduled to begin on September 6, 2013 during preconstruction and would include the lake itself, as well as areas upstream and downstream. He indicated that Mr. Greene had a mandatory erosion and sediment pre-construction meeting scheduled for October 1, 2013 regarding the lake portion of the project. The pre-construction site preparation, including stake-out, survey, stabilization of the access road off Park Drive, and the placement of the turbidity curtain, was scheduled to begin in mid-October. The Mirror Lake portion of the project would take approximately three (3) weeks and

would include carbon application. Mr. Koenig indicated that all major work on the project would be completed by Thanksgiving, weather permitting, and demobilization and cleanup should be complete by early December. He stated that some planting for the project would occur in the Spring of 2014. After the planting, post-construction monitoring would occur in both 2014 and 2016.

Mr. Koenig reminded members that the Restoration and Remediation of Mirror Lake Project was related to improving the water quality of Mirror Lake and the downstream area due to the sediment conditions associated with polychlorinated biphenyls (PCBs) and other materials that had gotten into the sediment. He explained that this was a demonstration project that Mr. Greene had been working on for quite some time and was the first application of its kind in this part of the country.

Responding to Mrs. Horsey, Mr. Koenig stated that, to his knowledge, there had been no changes since the project was first presented to members. He noted that the project would include a re-fabrication of the east side of the bank where a small planting island would be located, and that carbon would be placed across the bottom of the lake. He projected that next year there would be fewer plants growing up out of the water due to disturbance at the bottom.

In response to Mr. Caldwell regarding whether research had proved this approach to be effective, Mr. Koenig stated that enough research had been done on this type of project to obtain Environmental Protection Agency (EPA) approval. Although similar projects had been completed in other areas, he stated that none had been of this magnitude.

Mrs. Horsey moved to accept the report provided on the Restoration and Remediation of Mirror Lake Project, seconded by Mr. Caldwell and unanimously carried.

Review of Active Recreation Area Plan - Walker Woods and Walker Woods II (Village of Sherwood) (*North Side of Walker Road and East of Kenton Road*)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, provided members with a revised Active Recreation Area Plan for Walker Woods/Walker Woods II (Village of Sherwood) ***(Attachment #1)***, located on the north side of Walker Road and east of Kenton Road. She noted that changes from the plan previously submitted were highlighted in yellow. Mrs. Townshend advised members that the proposed project would re-develop Walker Woods and Walker Woods II into an apartment complex. This would include consolidation of the parcels that currently make up the townhouse community. She explained that the proposed project included 77 dwelling units on $9.0722^{+/-}$ acres, which is a density of approximately 8.5 dwelling units per acre; therefore, the development qualified for the open space exemption in Article 5 - Supplementary Regulations, §10.5 of the Zoning Ordinance.

Mrs. Townshend advised members that, based on the proposed 77 dwelling units and 150 square feet of recreation area required per unit, the site was required to have 11,550 square feet of recreation area. She noted that the applicant had proposed to meet this requirement through a variety of amenities throughout the development. On the southwest portion of the site, there would be a community center building with meeting and activity rooms and a playground area adjacent to the community center. On the east side of the site, a small tot lot was proposed, as well as an Americans

with Disabilities Act (ADA) accessible picnic area with a series of picnic tables and grills. There was also a proposed five (5)-foot-wide mulch path leading from the picnic area to the end of the cul-de-sac and an ADA accessible path extending from this to the west side of the site where the playground would be located. There were three (3) 15'x12' exercise stations proposed throughout the development. Mrs. Townshend stated that, in addition to these amenities, the applicant had proposed a series of benches and relaxation stations scattered through the development. The relaxation stations included a bench, trash receptacle, recycling receptacle, and smoking receptacle on a concrete pad. There would be four (4) relaxation stations and nine (9) stand-alone benches distributed throughout the proposed development. She stated that the plan also showed tree plantings throughout the development, including areas adjacent to the recreation amenities.

Staff submitted a number of comments and recommendations regarding the Active Recreation Area to be constructed, which were included in the Revised Active Recreation Area Plan.

Mrs. Townshend introduced Mr. Tom Ayd of Green Street Housing, LLC, who was present representing the developer, should members have any further questions.

In response to Mr. Perza, Mrs. Townshend stated that the items depicted on the map did not currently exist. Mr. Ayd indicated that the original building footprint resembled the new footprint. He further explained that there were currently two (2) townhouses located where the community center was proposed and confirmed that the townhouses would require demolition.

Mrs. Townshend advised members that staff had not had the opportunity to review the site plan, which was submitted on September 6, 2013.

Responding to Mr. Perza, Mrs. Townshend confirmed that the City would not be responsible for maintaining the property. Mr. Ayd clarified that the amenities were intended for the tenants and not the public; however, he explained that it would be difficult to ensure that neighbors would not use them.

In response to Mrs. Horsey, Mr. Ayd stated that although the plan reflected a mulch path, it would likely be a "stone and dust" path, which would be stable and allow for the penetration of water with less maintenance. He explained that when the Plan was originally submitted, the developers did not put much thought into the design of the area; however, the developers revisited the Plan prior to the submission of the site plan and felt that it could be revised to bring more functionality to the area.

Mr. Caldwell questioned if other options were considered in terms of what was being used in the active recreation area and the cost versus how often amenities would be used, as well as the purpose of the community center. Responding, Mr. Ayd stated that the developers planned to provide a package of amenities for the community center including office space, a consultation room, a central laundry facility, a business center to include computers, etc.

Mrs. Townshend explained that the Active Recreation Area Plan was being presented as a part of the Redevelopment Plan and that the developers were in the process of purchasing all of the land and planned to redevelop the units into apartment units. As a result, some of the tenants may continue to reside there and others may not.

Mr. Caldwell indicated his concern regarding the use of the proposed amenities, such as the nine (9) benches and four (4) relaxation stations. Responding, Mr. Ayd assured members that consideration would be given to the placement and practicality of the benches.

Responding to Mr. Caldwell regarding the rezoning request for the property, Mrs. Townshend advised members that the rezoning application was scheduled to be reviewed by City Council during their Regular Meeting later in the evening. Since the developer had submitted a site plan to be reviewed by the Planning Commission in October, she explained that the Committee's recommendation regarding the Active Recreation Area Plan would be considered by the Planning Commission at that time. If the property were not rezoned, she stated that it would be necessary to determine which variances might be required in order to construct the project as presented. She reminded members that the role of the Committee was to make a recommendation to the Planning Commission regarding the Active Recreation Area Plan, rather than the rezoning.

Mr. Perza moved to recommend acceptance of the revised Active Recreation Area Plan for Walker Woods/Walker Woods II (Village of Sherwood) with the inclusion of staff's comments and recommendations. The motion was seconded by Mr. Caldwell and unanimously carried.

Consideration of Contribution Amount - Cash-In-Lieu of Recreation Area Construction for Nottingham Meadows

During their Regular Meeting of June 24, 2013, City Council approved the Parks, Recreation, and Community Enhancement Committee's recommendation to approve the Revised Active Recreation Area Plan for Nottingham Meadows, as recommended by staff, and accept the petition from 28 lot owners in the development in favor of the proposal. At that time, members were advised that the proposed plan for cash-in-lieu payment met the area requirements for the Active Recreation Area. The plan was required to provide $0.6818^{+/-}$ acres of Active Recreation Area and was proposing $0.6818^{+/-}$ acres of Active Recreation Area via cash-in-lieu.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that Article 5, Section 10, of the Zoning Ordinance addresses Open Space, Recreation and Other Public Facilities, and that Subsection 10.17 provides the process and calculation of the amount for cash-in-lieu of recreation area construction. In addition, she noted that Subsection 10.7 specifies that City Council, through the Parks, Recreation, and Community Enhancement Committee, must approve the cash donation amount prior to final acceptance by the Planning Commission.

Mrs. Townshend advised members that the Zoning Ordinance specified the calculation of the amount of the cash donation, as follows: "cash donation shall be equivalent to the appraised value of land required…" and that this value shall be "based on the appraisal prepared for the developer to secure construction financing." She indicated that an appraisal performed by Dover Consulting

Services, Inc., dated July 5, 2013, was submitted to the Planning Office and that the appraisal valued the subdivision at $21,292 per acre. Based on this amount, she stated that the value of the 29,700 square feet of land required for Active Recreation Area was $14,517 and that funds received would go into the Parkland Reserve Fund.

Staff recommended acceptance of the $14,517 cash-in-lieu of recreation area construction donation, as the amount complied with the requirements of the Zoning Ordinance.

Mr. Perza moved to accept the $14,517 cash-in-lieu of recreation area construction donation for Nottingham Meadows, as recommended by staff. The motion was seconded by Mrs. Horsey and unanimously carried.

Mr. Perza moved for adjournment, seconded by Mrs. Horsey and unanimously carried.

Meeting adjourned at 12:30 p.m.

Wallace R. Dixon
Chairman

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Attachment
Attachment #1 - Revised Active Recreation Area Plan - Walker Woods/Walker Woods II (Village of Sherwood)

City of Dover

REVISED

DATA SHEET FOR RECREATION PLAN REVIEW

PARKS, RECREATION AND COMMUNITY ENHANCEMENT COMMITTEE
MEETING OF September 9, 2013

Plan Title:	Walker Woods/Walker Woods II (Village of Sherwood)
File Number:	MI-13-17
Plan Type:	**Active Recreation Area Plan**
Location:	North Side of Walker Road East of Kenton Road
Owner:	Walker Woods Properties, LLC Milford Housing Development Corporation
Site Area:	77 Residential Units on 9.0722 ± acres
Property Use:	Proposed Apartments
Number of Dwelling Units:	Total - 77 dwelling units proposed
Zoning Classification:	**Current Zoning** – RG-3 (Group Housing Zone) and ROS (Recreation and Open Space Zone) **Proposed Zoning** – RG-2 (General Residence Zone) – City Council will act on rezoning request on September 9, 2013. (Application #Z-13-02/ Ordinance #2013-13)

PROJECT SUMMARY

The proposed project is to redevelop Walker Woods and Walker Woods II into an apartment complex. This will include consolidation of the parcels that currently make up the townhouse community. The proposed project includes 77 dwelling units on 9.0722 acres, which is a density of approximately 8.5 dwelling units per acre. Therefore, the development qualifies for the open space exemption in the *Zoning Ordinance*, Article 5 – Supplementary Regulations, § 10.5:

> 10.514 *Residential developments of ten (10) or fewer acres with a density over six units per acre.* These developments shall be exempt from the area requirements set forth in section 10.16, but shall be required to provide 150 square feet of active recreation area per dwelling unit or 10,000 square feet of active recreation area, whichever is greater. If the commission determines that the construction of some or all of the required active recreation area is not practical or desirable, the commission shall require a cash in lieu donation for the active recreation area determined as not practical or desirable. Cash-in-lieu amount shall be in accordance with subsection 10.173 of this article.

Proposal for Active Recreation Plan

Based on the proposed 77 dwelling units and 150 square feet of recreation area required per unit, the site is required to have 11,550 square feet of recreation area. The applicant has proposed to meet this requirement through a variety of amenities throughout the development. On the southwest portion of the site, there is a community center building with meeting rooms and activity rooms. A playground area is adjacent to this community center. A small tot lot is proposed on the east side of the site. On the east side of the site there is also an ADA accessible picnic area. There is also a proposed five-foot-wide mulch path leading from the picnic area to the end of the cul de sac and an ADA accessible path extended from this to the west side of the site where the playground is. There are three (3) 15'x12' exercise stations proposed throughout the development.

In addition to these amenities, the applicant has proposed a series of benches and relaxation stations scattered through the development. The relaxation stations include a bench, trash receptacle, recycling receptacle, and smoking receptacle on a concrete pad. There are four (4) relaxation stations and nine (9) stand-alone benches distributed throughout the proposed development.

The plan shows tree plantings throughout the development, including areas adjacent to the recreation amenities.

The following table provides information from the submitted Plan for the Active Recreation Area:

	Required	**Provided on Plan**	**On Revised Plan**
Active Recreation Area (Article 5 §10.514)	150 S.F. per dwelling unit or a minimum of 10,000 SF 77 DU = 11,550 SF required • Age Oriented to development • Parking • Setbacks: 30 feet from residential lots and 25 feet from right-of-way for street • Landscaping	12,050 SF provided as follows: • Community Center Meeting and Activity Rooms • Playground • 5' wide mulch path – 277' long • Picnic area with 8 tables and 8 grills • ADA picnic area with table and grill • 9 benches • 4 relaxation stations • Exercise stations	11,567 SF provided as follows: • Community Center Meeting and Activity Rooms • Playground • Tot Lot • 5' wide mulch path • ADA accessible path • ADA picnic area with table and grill • 9 benches • Covered public area • 4 relaxation stations • 3 Exercise stations

STAFF RECOMMENDATIONS

The following are comments and recommendations from Staff of the Department of Planning & Inspections following review of the Active Recreation Area Plan.

1. Staff recommends approval of the Active Recreation Area Plan as submitted with the following recommended changes:

    a. Please provide additional detail on what amenities will be provided as a part of the exercise stations.

    b. The mulch path should include a defined edging that will prevent encroachment of grass and/or weeds into the mulch path area.

    c. Includes a grill at the picnic area.

2. The ability of the Site Development Plan for this project to move forward is subject to City Council approval of the rezoning application (Z-13-02), which is scheduled for City Council Action on Monday, September 9, 2013.

3. The project, including the Active Recreation Plan, is subject to review and approval of the Site Development Plan by the Planning Commission, which includes:

    a. Review of the building architecture for the community center;

    b. Compliance of Site Development Plan with tree planning and landscape requirements in the *Zoning Ordinance*, Article 5 – Supplementary Regulations, §15 Landscape Guidelines and §16 Tree Planting and Preservation.

4. The applicant is reminded of the requirements for construction phasing of the recreation area as associated with the development of the residential units.

    > 10.6 *Construction phasing.* The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that 100 percent of the recreation and open space areas shall be completed prior to issuing building permits for the final 20 percent of the dwelling units proposed. Building permits shall not be issued for dwelling units unless the requirements of this section are met.

5. There shall be provisions which ensure that the common open space land and community room (including active recreation area) shall continue as such and be properly managed and maintained. The developer shall either retain ownership and responsibility for maintenance of such open land; or provide for and establish one (1) or more organizations for the maintenance of all common open space.
    a. Add a note on the Site Plan regarding who is responsible for maintenance, and insurance on the common open space.

The Parks, Recreation, and Community Enhancement Committee shall submit to the Planning Commission a report detailing the recommendations as to the Recreation Area Plan.

Attachments: Recreation Plan Sheet dated September 6, 2013.

UTILITY COMMITTEE

The Utility Committee Meeting was held on September 9, 2013 at 5:30 p.m. with Councilman Perza presiding in the absence of Chairwoman Williams. Members present were Mr. Slavin, Mr. Blakeman, and Mr. Snaman. Members of Council present were Mr. Dixon and Mr. Hutchison. Mayor Carey was also present (arrived at 5:36 p.m.).

AGENDA ADDITIONS/DELETIONS

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

Public Notification - Power Outages

Members reviewed the existing Electric Outage Public Notification Procedure and the Internal Standing Orders for the City's Electric Department. Mr. Scott Koenig, City Manager, advised members that the Public Notification Procedures were currently being implemented when more than one-third (1/3) of the City is affected or the outage is expected to be four (4) hours or longer in duration. He noted that the Electric Director's Standing Orders specify who is to be contacted during electric outages.

In addition to the City's current procedures, Mr. Koenig stated that the System Operations Center had begun sending internal email notifications to the City Manager when there are power outages. He indicated that since the System Operations staff is involved in system restoration, depending on the intensity of the work involved in restoring the outage, some of these emails occur after the fact and others occur when the outage is in the process of being restored. He offered to forward these emails to City Council if they desired.

Staff recommended a review of the Electric Outage Public Notification Procedures and Internal Standing Orders on an annual basis and implementing changes based on comments received during the review.

Responding to Mr. Perza, Mr. Koenig stated that staff was not recommending any revisions at this time and that the information was being provided for the Committee's review for possible amendments. He acknowledged that it was difficult to communicate information publicly regarding the expected duration of an outage and stated his opinion that the current procedures were adequate for public notification.

Regarding customers notifying the City of an outage, Mr. Steve Enss, Interim Electric Director, stated that it is always helpful for the City to be contacted. He explained that City staff is aware of an outage when an entire breaker is involved; however, if an outage is caused by a blown fuse, the City will not be made aware until a customer notifies the City of the outage. During an outage, customers should contact the City's 24/7 Emergency Number at 302-736-7086.

Mr. Slavin noted that the preferred way for people to obtain information is through social media such as Twitter, Facebook, etc. and since these can be very effective tools, he encouraged staff to consider their use for disseminating such information.

Referring to a power outage that occurred on August 25, 2013, Mr. Blakeman advised members that he contacted the City and received a recording indicating that the City was experiencing power outages and requesting that the customer call back if the power had been out for more than two (2) hours. He called back several times and received the same recording. He then called other phone numbers in the Electric Department and the City Manager's Office and there was no answer. He called the Police Department and was advised to quit calling because they had work to do. It was his opinion that the City could quickly get a bad reputation due to the lack of communication during power outages. Since he had always made contact in the past with the City's System Operator, who had been able to provide information regarding an outage, he felt that this was likely an isolated incident; however, he wanted the City to be made aware. Mr. Blakeman noted that the current procedures did not include providing additional personnel to handle telephone calls during "off-hour" outages. He advised members that in previous years (when he served as the City's Electric Director), employees were called in to work for the sole purpose of answering telephone calls.

In response to Mr. Perza, Mr. Koenig stated that the City did not have the ability to maintain the City's website and information systems internally during "off hours" electric outages. He noted that since there would always be customers who use the telephone, if additional personnel were required to maintain information on the website and other information systems, additional personnel should also be called in to man telephones. He indicated that if members wished to have staff called in for these purposes, there would be costs involved and it would be necessary to budget for these expenses, which currently were not included in the budget.

Mr. Perza noted that many people use technology and social media today in order to obtain information and, since only one (1) employee would be involved in posting information on the City's website and keeping it updated, he suggested that staff consider requiring the City's website to be maintained in this way when there is an "off hour" outage.

Responding to Mr. Perza, Mr. Koenig stated that staff would consider the comments made by members and attempt to include them in the City's procedures and orders for implementation. Mr. Slavin suggested that the IT Department could assist in determining the easiest way to disseminate information. It was his feeling that using existing channels, such as Twitter, Facebook, email and/or text push notification systems that allow people to opt in to receive such messages, could be used. Mr. Blakeman suggested that staff include a footnote in the telephone book with the 24/7 emergency phone number that explained the steps to be taken to obtain updated information, noting that he would not think to check Facebook unless he were directed to do so in some way.

Referring to the outage informational message provided when calls are made to the 24/7 emergency phone number, Mr. Slavin suggested that the information be periodically updated and that the message include the date and time.

Mr. Slavin moved to recommend that this matter be referred back to staff for their consideration in implementing the comments and suggestions made by members of the Committee. The motion was seconded by Mr. Blakeman and unanimously carried.

TEA/NAES Report (June and July)

The TEA/NAES Monthly Reports for June and July 2013 were provided to members to enable them to monitor electric sales and revenues received, which will provide a better understanding of any fluctuations that occur and allow the opportunity to make improvements if deemed necessary.

Mr. Scott Koenig, City Manager, noted that the overall cost of power was much lower than budgeted during the previous year and that those savings had been captured in the new rates that went into effect on July 1, 2013. Referring to the Power Supply Summary for July 2013 (Page 44 of the packet), he stated that as the City began Fiscal Year 2014, the overall power supply costs were over budget due to the higher than budgeted cost of energy purchases. In addition, he noted that an insurance payment was made in August that was typically due in July. He assured members that staff would be very conscious of the numbers during FY 2014 since the budget versus actual expenses had tightened based on the rate adjustment that was implemented.

Referring to the picture on Page 13 of the July TEA/NAES Report, which depicted improved lighting in the Hot Water Boiler Room, Mr. Blakeman noted that the hot water boilers were previously used to heat oil, which is no longer used. Since the City now uses No. 2 oil, which is not heated, he questioned the need for lighting in the Hot Water Boiler Room, which should be an area no longer utilized unless used to heat water for another use. Responding, Mr. Koenig stated that safety was required to be maintained throughout the entire plant; however, he would check to determine the current use of the room.

Mr. Blakeman moved to recommend acceptance of the TEA/NAES Monthly Reports for June and July 2013, seconded by Mr. Slavin and unanimously carried.

UPDATES

Members were provided the following updates:

Calpine Energy Center

Mr. Scott Koenig, City Manager, advised members that the Calpine Energy Center had been under construction since April 2013 and foundations, piping, etc. had been worked on. Administratively, vendors had been working with the Delaware Department of Transportation (DelDOT) to obtain the necessary permits to allow for large equipment to be brought to the site. He stated that weekly teleconferences continued and that many issues were ongoing and on track at this point.

Dover Sun Park

Mr. Scott Koenig, City Manager, referred to the spreadsheet provided by Mrs. Donna Mitchell, Controller/Treasurer, that provided the incremental costs for FY2013 for the White Oak Solar Park. He noted that the cost per MWh was $91.29 for July 2013 and the City had budgeted for $86.23 per MWh.

Garrison Oak Technical Park Project

Mr. Scott Koenig, City Manager, stated that the Garrison Oak Technical Park (GOTP) Project was somewhat of a companion project to the Calpine Energy Center. He advised members that the design of the roads and entrances was being completed and the City was hoping to obtain final

approvals from the Delaware Department of Transportation (DelDOT) for the entrance design in order for bids to be requested. In addition, he stated that the design of the pump station, which would accommodate the flows from the Garrison Oak Technical Park, was almost complete; therefore, it was anticipated that bids would be requested sometime very soon.

Mr. Koenig reminded members that the design/build contract for the $1.5M elevated storage tank had been authorized and was underway. He assured members that City staff continued to pursue tenants for the park. Although a land offer had been made to Uzin Utz Manufacturing Corporation, as authorized by City Council, he stated that this transaction had not yet been finalized. He stated that Mr. Bill Neaton, Economic Development Director, continued to entertain interest on other parcels at the GOTP, and that staff hoped to present proposals from these potential tenants to City Council for their consideration.

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

Meeting adjourned at 5:53 p.m.

Adam M. Perza
Acting Chairman

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LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on September 9, 2013, at 6:00 p.m. with Chairman Lynn presiding. Members present were Mr. Hare, Mr. Slavin, Mr. Rushe, and Mr. Shevock. Members of Council present were Mr. Dixon and Mr. Hutchison. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Rushe moved for approval of the agenda, seconded by Mr. Shevock and unanimously carried.

Fund to Combat Violent Crime - FY14 Grant

Police Chief Hosfelt advised members that the Fund to Combat Violent Crime Program was a new grant program managed by the Department of Safety and Homeland Security for use by local law enforcement agencies in connection with initiatives to combat violent felonies pursuant to Section 4201(c) of Title 11 of the Delaware Code. The first increment of funding was released during FY13; however, it was uncertain at that point whether the program would be recurring. During the last quarter of FY13, the Dover Police Department was made aware that a FY14 grant was anticipated and the amount appropriated ($75,523.53) was much higher than the previous year's amount ($46,785.34). As a result, there were not enough funds budgeted in FY14 for the total amount of the grant, so a budget adjustment would also be needed to cover the portion remaining.

Police Chief Hosfelt explained that approval of this request would allow for the Police Department to use its grant allocation from this program. He stated that a portion of the funds would be used to upgrade the duty weapons for all police officers ($17,649), purchase rifles for supervisors' vehicles ($16,067.94) and for technology upgrades to boost the signal and reception of the cellular lines in the Department's police vehicle fleet and start a long-term project to enable the download of information from police vehicles wirelessly ($21,806.59). The remaining portion ($20,000) would be used to target violent crime throughout the City with extra duty overtime patrols and to provide education to citizens on measures they can take to avoid or cope with violent crime related activities.

Staff recommended approval of the grant and the intended purchases.

Responding to Mr. Lynn, Chief Hosfelt stated that all officers wear body armor (vests) and explained that the vests are replaced on a regular basis to remain up to date. With regard to duty weapons, he explained that old weapons are traded in, which helps to offset the cost of purchasing new weapons. He stated that rifles are carried by a limited number of officers and the purchase of rifles would allow for all supervisors' vehicles to carry a patrol rifle while on duty. The purchase of these rifles would add to the Police Department's current inventory.

Mr. Hare moved for approval of the Fund to Combat Violent Crime - FY14 Grant and intended purchases, as recommended by staff. The motion was seconded by Mr. Shevock and unanimously carried.

"Safe Whistles" - National Recreation and Park Association Recommended Guidelines for Credentialing Volunteers (Background Screening for Youth Coaches and Sports Officials for All City Recreation Offerings) ***(Lynn and Slavin)***

Members reviewed National Recreation and Park Association Recommended Guidelines for Credentialing Volunteers. Mr. Slavin explained his request for staff to review the information and develop a recommendation for requiring background screening for youth coaches and sports officials. In his experience as a sports official, he had observed a screening process for coaches, volunteers, and officials in scholastic sports, etc. and felt that this should be required for recreational sports as well. Mr. Slavin indicated that this was a national concern, not unique to Dover or Delaware, and stated that several states were now requiring a thorough background check of all officials, coaches, volunteers, etc. in order to certify that a safe environment was being provided. He stated that there had been some high profile cases, noting a recent incident involving the Director of an Amateur Athletic Union (AAU) basketball team in Washington, D.C. who was recently arrested for holding a kilo of cocaine in his basement and serving as a major drug dealer in that area. Mr. Slavin felt that it was the City's responsibility to ensure that when the City sponsors a program for children, a safe environment will be provided.

At the request of Mr. Slavin, Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained the City's current process in this regard for youth programs. She stated that all City staff, regardless of their status (full-time, part-time, temporary, etc.) must pass a standard City background check. Volunteers involved in youth programs are checked with the Sex Offense Registry for the State of Delaware only. In regard to officials, since the City contracts with organizations rather than individuals, the City takes no action in the selection/hiring process. She indicated that she had discussed the possibility of requiring those organizations to conduct background checks and expressed her support of Mr. Slavin's request.

Mr. Slavin stated that he did not feel that the "flow" of volunteers would be affected by instituting such guidelines and indicated that the guidelines would only eliminate volunteers whom the City would prefer not to have working with its youth. Should City Council adopt the National Recreation and Park Association Recommended Guidelines, he explained that there would be specific guidelines that would be followed for sex offenses, felonies, misdemeanors, etc.

Noting her involvement with Little League and Pop Warner football, Mrs. Townshend stated that all volunteers go through a background check for both of these organizations; therefore, she felt that the requirement would be no different from what other non-profit and volunteer organizations do.

Referring to the costs that may be associated with such a requirement, Mr. Slavin requested that staff investigate the various types of background checks and research the costs of outsourcing to a third party, consider employing in-house resources, and determine if the City Police Department could possibly play a role.

Responding to Mr. Lynn, Mrs. Townshend stated that the City typically has a one (1) year contract with various organizations and often uses the same officials/volunteers that other recreation programs contract. Should the City implement this requirement, she expected that other organizations would do so as well. Mr. Lynn suggested that the City include the requirement of a background check as a specific enumerated contract requirement and also include that the contractor

would bear the cost so that the City does not incur any further expenses. He explained that the two (2) primary types of background checks are: 1) through the State Bureau of Investigation (SBI), which checks the Delaware Criminal Justice Information System (DELJIS), and 2) a comprehensive check through the National Crime Information Center (NCIC). Mr. Lynn relayed his support; however, he requested that any costs be incurred by the vendor and urged a mandate to require a NCIC background check in order to obtain information from databases in other states as well.

Mr. Hare stated that although he was not aware of the costs of an NCIC background check, the school districts require substitute teachers to obtain an SBI background check. He suggested that the costs of both background checks be obtained for comparison.

In response to Mr. Lynn, Mr. Slavin indicated that his intention would be to require a check for anyone involved in the City's delivery of a recreation program, which would include coaches, volunteers, officials, etc.

Mrs. Townshend questioned if the desire would be to have such a requirement only for youth programs or for all programs. Responding, Mr. Slavin suggested that staff consider the options and provide a recommendation regarding the matter.

Responding to Mr. Shevock regarding potential duplication of checks performed by other organizations, Mrs. Townshend felt that the idea would be for the City to include a background check certification requirement within the contract for officials. She suggested that periodic auditing be conducted to ensure that background checks have been completed.

Noting that an NCIC background check may take longer to complete, Mr. Dixon questioned if the background check requirement could delay the start of a program. Responding, Mrs. Townshend stated that this would be an issue that would require further review, explaining that it is often a struggle to obtain volunteer coaches for basketball; therefore, timing, costs, etc. would be issues that staff would review in formulating a recommendation for the Committee's review.

Mr. Slavin moved to recommend that staff, specifically Mrs. Townshend and Mrs. Hawkins, Human Resources Director, be directed to review the National Recreation and Park Association Recommended Guidelines to conduct an analysis and formulate a recommendation regarding the scope and depth of the background checks that should be required, the cost and how it would be addressed, the period of time the background check would remain valid, and some type of roll-out implementation strategy to be brought back to the Committee within one (1) month for their review and recommendation to City Council. The motion was seconded by Mr. Rushe and unanimously carried.

By unanimous consent, the meeting adjourned at 6:17 p.m.

Sean M. Lynn
Chairman

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Monthly Report

July 2013

Economic Development Office

2013_July Economic Development Monthly Update

- Weekly Calpine Conference Call
- Started dialogue with DEDO with regard to Project Niox
- Provided City Manager with the utility requirements for Project Niox
- Discussed energy assessment survey with Gordon Schweitzer from the University of Delaware with regard to manufacturing facilities in Dover
- Met with Tim Taraila with regard to vacant building registration for The Greene Turtle
- Conference call with owners of The Greene Turtle to discuss the vacant building registration
- Met with Executive Director of the Downtown Dover Partnership and Joe Petrosky to establish a payment plan for his loan with the Partnership
- Conference call with DEDO and the site consultant for Project Limestone with regard to multiple Garrison Tract issues
- Met with Becker Morgan group to clarify the flood plain issues on Lot 14 at Garrison Tract and to define the construction limit lines on Lot 14
- Reviewed Project Limestone's counterproposal at the Garrison Tract
- Discussed with Project Limestone's site selection team the advantages of Lots 1, 2 or 12 with respect to Lot 14 and provided construction limit lines on those lots
- Conference call with Barb DeHaven from DEDO to develop discussion points for site visit with the project manager from Project Niox
- Prepared Economic Development packet for Project Niox and reviewed with Mayor Carey
- Met with County Economic Development Director to request tax incentive information for Uzin Utz
- Responded to questions from Uzin Utz regarding their due diligence for Lot 12
- Attended Central Delaware Chamber of Commerce Board Meeting
- Hosted Project Niox project manager, provided overview of city's capabilities at Garrison Tract and escorted him on a site visit
- Provided DEDO with address information for all the lots at the Garrison Tract
- Attended DSU Convocation Center Advisory Committee meeting
- Met with DEDO, City Manager, and President of Uzin Utz to discuss final negotiation for Lot 12
- Reviewed cost recovery package from DNREC for 680 Forest Street
- Provided Project Niox project manager with a map showing distance to major metropolitan markets and other demographic information
- Confirmed with Calpine the right of ways needed along Lot 6 and determined no right of ways needed for Lots 1, 4, and 5
- Requested property tax information for Uzin Utz on Lot 12 from the city assessor and forwarded to the President of Uzin Utz with a schedule showing the 10-year tax abatement percentages
- Forwarded Project Niox electric use information to Steve Enss for review
- Met with owners of Beehive Salon and realtor to discuss use of former Hunter House location for salon
- Met with Champe Fisher, VP of Calpine, to discuss project status and future requests Calpine may have for the city
- Attended DDP Economic Development Committee meeting
- Attended DEEDS Environmental and Energy Subcommittee meeting
- Confirmed balance of Westside Redevelopment Grant and DDP's ability to use funds for demolition at the Chesapeake Supply site

- Multiple conference calls with Tim McLaughlin to discuss counterproposal from Uzin Utz and how to proceed from perspective of both the City of Dover and State of Delaware
- Attended and made a presentation at the Economic Development Business Roundtable at Levy Court Building
- Follow-up conversations with Project Manager from Project Niox to assess their interest in Dover, confirmed they have a strong interest in building plant here
- Contacted Energizer with regards to energy assessment by the University of Delaware
- Provided Shane Breakie at Chesapeake Gas, Garrison Tract information and site plan so that he can prepare an estimate to install gas pipelines to serve all the industrial lots
- Met with marketing coordinator from EDIS to discuss building future building projects in Dover
- Attended breakfast meeting hosted by the Mayor with representatives from our sister city in Japan
- Attended DDP Board meeting
- Discussed total economic impact findings with the Director of Capital Resources from DEDO regarding Uzin Utz
- Reviewed the city's memorandum offering to Uzin Utz
- Met with M. Kandez, General Manager of Collins Business Systems, with regard to commercial communications systems at the Garrison Tract
- Reviewed and approved the Kent Economic Partnership Economic Development Summit Flyer
- Reviewed and approved "Post Issuance Compliance Policy" of the Delaware Health Facilities Authority
- Attended the dedication ceremony of NRG's new power plant

Measures:

- 1. Maintain an unemployment rate for the City of Dover that is lower than national and state averages.

	2011-2012 Actual	**2012-2013 Actual**	**2013 - 2014 Projected**
Results	<10% unemployment rate in June 2012 8.2% - U.S. Rate 6.8 % - DE Rate 8.6% - City of Dover Rate June 2012 – Actual	< 10% unemployment rate in June 2013 7.6% - U.S. Rate 7.3% - DE Rate 9.8% - City of Dover Rate June 2013 Actual	<10% unemployment rate in June 2014 7.4% - U.S. Rate 7. % - DE Rate 9.7% - City of Dover Rate July 2013 Actual

- 2. Monitor number of contacts with small businesses and with out-of-town companies interested in locating in Dover.

	2011-2012 Actual	**2012-2013 Actual**	**2013 - 2014 Projected**
Results	≥20 contacts with potential small businesses; **10 contacts YTD** ≥11 contacts with out-of-town companies interested in locating in Dover. **9 Contacts YTD**	≥20 contacts with potential small businesses; **18 Contacts YTD** ≥11 contacts with out-of-town companies interested in locating in Dover **7 Contacts YTD**	≥20 contacts with potential small businesses; **8 Contacts YTD** ≥11 contacts with out-of-town companies interested in locating in Dover **3 Contacts YTD**

2013_July Downtown Dover Partnership Monthly Update

- Provided technical assistance to six (6) prospective small business individuals on overall business development within the Downtown Dover Business District
- Provided technical assistance (orientation) to two (2) existing small business owners in preparing and submitting small business loan application for loan consideration
- Continuing technical assistance to eight (8) prospective small business individuals on locating available space within the downtown district, three (3) have signed leases to occupy vacant spaces within downtown
- Coordinated and implemented ongoing logistics for the Farmers Market Program in July
- Coordinated media (newspaper announcement), website and social media press releases of series of Special Events which occurred during July'13 in downtown Dover
- In collaboration with the SCORE Chapter Delaware scheduled a series of eleven (11) small business development trainings on Business Development Basics for the next quarter
- Represented the Downtown Dover Partnership at the Kent County is Open for Business Forum
- Provided Technical Assistance to the Kent County Consortium in the development of the Kent County Economic Summit scheduled for September 24th
- Continued working with the DDP Executive Director on the development of the Recruitment Materials for the program Phase II
- Continued working with the DDP Executive Director on the development of Fund Raising program Phase II
- Continued working with the DDP Executive Director on the assessment of the parking lots within the downtown Phase II
- Conducted Grand Opening for Amici's Neighborhood Market on July 23rd, this business created 2.5 FTEs
- Represented the Downtown Dover Partnership as a member of the Delmarva Black Chamber - Capacity Building Sub Committee and assisted in creating strategies for working plan document
- Completed second draft of the DDP's revamped Website
- Completed and submitted 4th Quarter Program Statistics to Delaware Economic Development Office
- Reviewed and discussed possibility collaboration in submitting the "Cities of Service Impact Volunteering Fund" Grant with the Communities in Schools of Delaware Phase II
- Secured commitment from property owners of vacant buildings eligible for the Pop Up Project' 13 sponsored by the Delaware Economic Development Office
- Provided technical assistance to Pressley Ridge in the development of the scheduled "5k Walk" to benefit foster care children

ACTION FORM

PROCEEDING: Council	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works - Streets	**DATE SUBMITTED**: 9/13/13
PREPARED BY: Sharon Duca, P.E., Public Works Director / City Engineer	
SUBJECT: Final Change Order for Wesley College Streetscape Enhancement - Phase 1	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: City Manager and Controller	
EXHIBITS: Exhibit 1 (Site Plan), Attachment A (Prior Approved Change Orders), Attachment B (Change Order Submission)	
EXPENDITURE REQUIRED: $5,805.17 (Original Approved Bid and prior approved Change Orders- $119,769.17) **AMOUNT BUDGETED**: $700,000* **FUNDING SOURCE (Dept./Page in CIP & Budget)**: Community Transportation Funds - $148,604 *The City budget includes $700,000 for potential CT Agreements that get approved throughout the year.	
TIMETABLE: Upon approval, project should be completed within two (2) weeks.	
RECOMMENDED ACTION: Staff recommends City Council approval of the final change order request, submitted by Corrado Construction in the amount of $5,805.17, and authorize staff to execute the request.	

BACKGROUND AND ANALYSIS

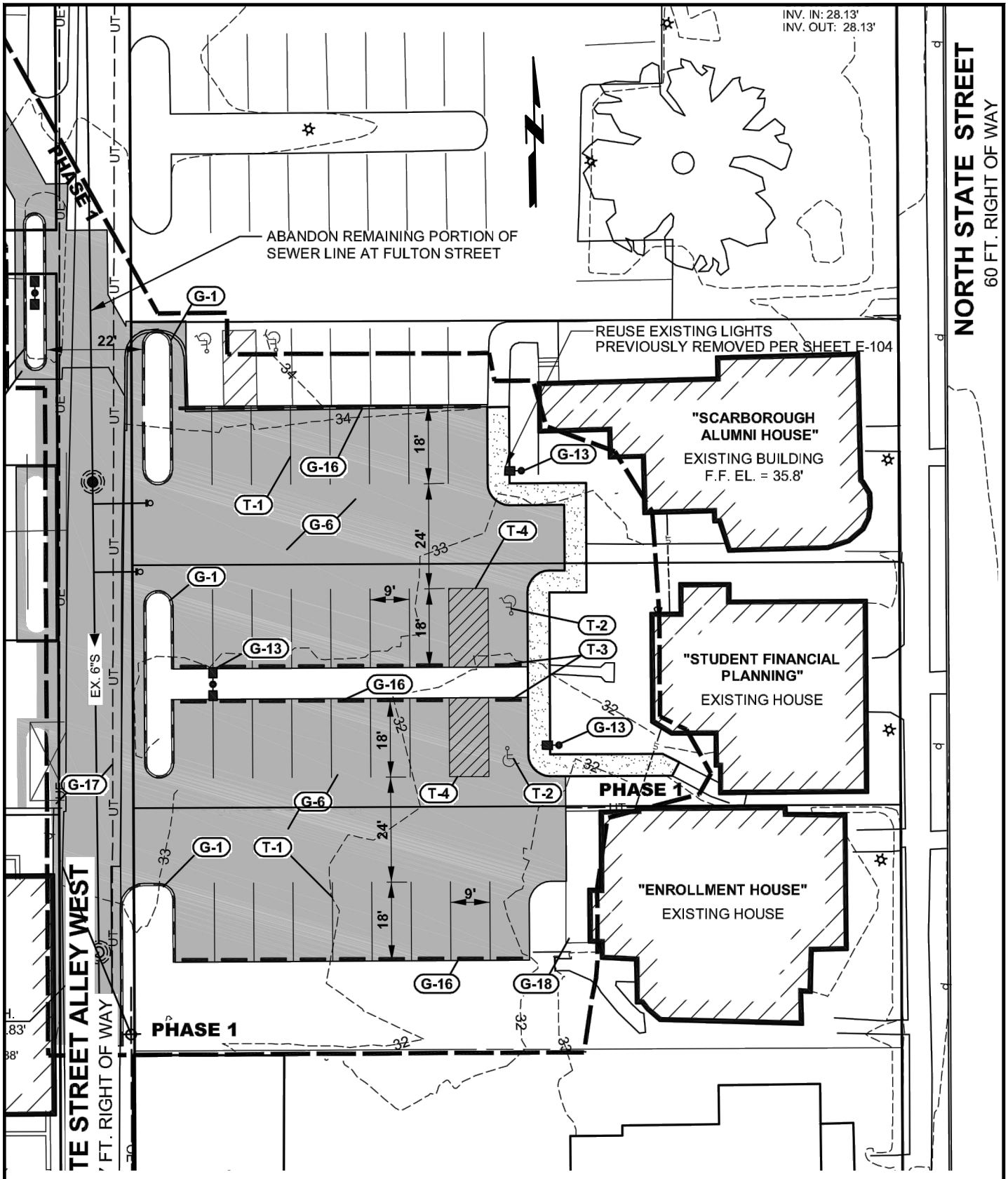
This project, which was approved by Council on December 10, 2012, began in earnest in mid-March 2013. The contractor, Corrado Construction, Co., has experienced significant unforeseen challenges that needed addressed in order to accomplish the project assigned to them by the City of Dover. A total of four (4) change orders have been previously submitted to the City of Dover, please refer to Attachment B for specific information on each change order. Per the *City of Dover Purchasing Policy & Procedures*, Amended February 28, 2011, section 3.10.B.i, the City Manager is authorized to approve change orders up to twenty-five percent (25%) of the original purchase amount. Any change order that exceeds twenty-five (25%) of the original purchase amount shall require City Council Approval. For this particular project, the threshold would be $120,514.69. The table below represents a summary of all change orders for this project:

Date	Description	Change Order Amount	Total Project Budget	Cumulative Change Order % against Original Bid
12/10/12	CAF Approved	n/a	$96,411.75	n/a
4/17/13	Change Order #2 Approved – Excavation/Material Removal	$10,131.00	$107,098.57	10.5%
4/17/13	Change Order #3 Approved – Additional Backfill Material	$2,294.60	$109,393.17	12.8%
6/26/13	Change Order #4 Approved – Storm Sewer Conflict Adjustments	$10,376.00	$119,769.17	23.6%
9/13/13	Change Order #5 Request – Concrete & Asphalt Quantity Corrections	$5,805.17	$125,574.34	29.7%

Note: Change Order #1 was denied by the City of Dover.

The proposed change order (see Attachment C) would put the total project total at $125,574.34, which is greater than the project threshold of $120,514.69, therefore, requiring Council approval. Staff believes that change order #5 is reasonable and is needed to properly finish the project. In accordance with the City of Dover Purchasing Policy & Procedures, Section 3.10, staff respectfully requests Council Approval for this Change Order.

Exhibit 1



NOTE: SITE PLAN CREATED BY OTHERS

City of Dover

SITE PLAN
WESLEY COLLEGE STREETSCAPE
ENHANCEMENT - PHASE 1

DEPARTMENT OF PUBLIC WORKS

DRAWN: JAL	DATE: OCTOBER 10, 2012
CKD:	SCALE: 1" = 30'
APRVD:	DWG. NO: WESLEY PHASE 1

Attachment A

Wesley College Streetscape Enhancement Phase 1

Prior Approved Change Orders

Department of Public Works
P.O. Box 475
Dover, Delaware 19903
Phone: (302)736-7025
Fax: (302)736-4217

CHANGE ORDER NO: 2

DATE: April 8, 2013

STATE: DE

COUNTY: Kent

CONTRACT CHANGE ORDER

CONTRACT FOR: Wesley College Streetscape Enhancement Phase 1, Project # 13-0018PW

OWNER: City of Dover, Public Works Department

To: Corrado Construction, Co
(Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supporting Documents Attached)	DECREASE in Contract Price	INCREASE In Contract Price
1. Excavate and remove estimated area 100' x 60' x 1' deep Estimated 244 CY x $41.52/CY	$0.00	$10,131.00
2. Additional 3 calendar days to be added to overall contract time.	$0.00	$0.00
NET CHANGE IN CONTRACT PRICE	**$0.00**	**$10,131.00**

1. JUSTIFICATION: This work under this change order includes excavating and removing the unsuitable material from the site that was discovered during preparation of the parking lot subgrade. The new contract end date is now May 4, 2013.

CONTRACT CHANGE ORDER FORM
CHANGE ORDER NO.: 2
13-0018PW

The original amount of the Contract: Ninety Six Thousand, Nine Hundred Sixty Seven and 57/100 Dollars ($ 96,967. 57)

The amount of the Contract as adjusted by all previously approved Change Orders: Zero Dollars ($0.00)

The amount of the Contract will be increased through this Change Order by the sum of: Ten Thousand, One Hundred Thirty-one Dollars and 00/100 Dollars ($10,131.00)

The Contract Total including this and all previous Change Orders will be: One Hundred Seven Thousand, Ninety-Eight and 57/100 Dollars ($107,098.57)

The Contract Period provided for completion will be (Increased) by: 3 Calendar Days

This document will become a supplement to the contract and all provisions will apply hereto.

Requested: David A. Morgan — (Contractor – Corrado Construction, Co) — 4-17-13 (Date)

Recommended: Sharon Duca — (Sharon Duca, P.E., City of Dover Public Works Director / City Engineer) — 4-8-13 (Date)

Accepted: Scott D. Koenig — (Scott Koenig, P.E., City of Dover City Manager) — 4.8.2013 (Date)

CORRADO CONSTRUCTION CO.

Change Order Request

C.O.R. # 002

March 21, 2013

Jason Lyons
15Lockerman Plaza
Dover DE

Re: Wesley College Street Scape Ph I

Description: Excavate and remove estimated area 100' x 60' x 1' deep
Replace with select fill import
Estimated 244 CY x $41.52 / CY $10,131

Final Quantity confirmed in field by inspector

This Change Order will ***X Add*** *n/a* *Deduct* ***3*** *Day(s) to our Proposed Schedule*

If have any questions or comments about this pricing, please do not hesitate to contact this office.

Respectfully,

Richard D Barnhart
Senior Estimator / Project Manager

Direct Phone: 302-669-6036

210 Marsh Lane * New Castle, DE 19720 * TELE. #: 302-652-3339 * FAX #: 302-652-2239

Department of Public Works
P.O. Box 475
Dover, Delaware 19903
Phone: (302)736-7025
Fax: (302)736-4217

CHANGE ORDER NO: 3

DATE: April 8, 2013

STATE: DE

COUNTY: Kent

CONTRACT CHANGE ORDER

CONTRACT FOR: Wesley College Streetscape Enhancement Phase 1, Project # 13-0018PW

OWNER: City of Dover, Public Works Department

To: Corrado Construction, Co
(Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supporting Documents Attached)	DECREASE in Contract Price	INCREASE In Contract Price
1. Additional CY @ Contract Contingency Item #17 $20.86/CY	$0.00	$2,294.60
2. Additional 1 calendar days to be added to overall contract time.	$0.00	$0.00
NET CHANGE IN CONTRACT PRICE	**$0.00**	**$2,294.60**

1. JUSTIFICATION: The work under this change order includes backfilling the excavated area created by the removal of the unsuitable material with select fill. The new contract end date is now May 5, 2013.

CONTRACT CHANGE ORDER FORM
CHANGE ORDER NO.: 3
13-0018PW

The original amount of the Contract: Ninety Six Thousand, Nine Hundred Sixty Seven and 57/100 Dollars ($ 96,967. 57)

The amount of the Contract as adjusted by all previously approved Change Orders: One Hundred Seven Thousand, Ninety Eight and 57/100 Dollars ($107,098.57)

The amount of the Contract will be increased through this Change Order by the sum of: Two Thousand, Two Hundred Ninety-four Dollars and 60/100 Dollars ($2,294.60)

The Contract Total including this and all previous Change Orders will be: One Hundred Nine Thousand, Three Hundred Ninety Three and 17/100 Dollars ($109,393.17)

The Contract Period provided for completion will be (Increased) by: 1 Calendar Days

This document will become a supplement to the contract and all provisions will apply hereto.

Requested: David A. Morgan — 4-17-13
(Contractor – Corrado Construction, Co) (Date)

Recommended: Sharon Duca — 4-8-13
(Sharon Duca, P.E., City of Dover Public Works Director / City Engineer) (Date)

Accepted: Scott D. Koenig — 4.8.2013
(Scott Koenig, P.E., City of Dover City Manager) (Date)

CORRADO CONSTRUCTION CO.

Change Order Request

C.O.R. # 003

March 21, 2013

Jason Lyons
15Lockerman Plaza
Dover DE

Re: Wesley College Street Scape Ph I

Description: Provide and install additional import

110 CY @ Contract Contingency Item #17	**$20.86/CY**	**ADD**	**$2,294.60**

This Change Order will **X** *Add* *n/a* *Deduct* **1** *Day(s) to our Proposed Schedule*

If have any questions or comments about this pricing, please do not hesitate to contact this office.

Respectfully,

Richard D Barnhart
Senior Estimator / Project Manager

Direct Phone: 302-669-6036

210 Marsh Lane * New Castle, DE 19720 * TELE. #: 302-652-3339 * FAX #: 302-652-2239

Department of Public Works
P.O. Box 475
Dover, Delaware 19903
Phone: (302)736-7025
Fax: (302)736-4217

CHANGE ORDER NO: 4

DATE: June 14, 2013

STATE: DE

COUNTY: Kent

CONTRACT CHANGE ORDER

CONTRACT FOR: Wesley College Streetscape Enhancement Phase 1, Project # 13-0018PW

OWNER: City of Dover, Public Works Department

To: Corrado Construction, Co
(Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supporting Documents Attached)	DECREASE In Contract Price	INCREASE In Contract Price
1. Grade site to revised grades; install 10" and 8" PVC C-900 storm drain; modify penetration inlet 13 & 14; make additional penetration inlet 14; install two (2) Nyoplast basins; install four (4) concrete encasements at sanitary and storm sewer crossing.	$0.00	$10,376.00
2. Additional 87 calendar days to be added to overall contract time.	$0.00	$0.00
NET CHANGE IN CONTRACT PRICE	**$0.00**	**$10,376.00**

1. JUSTIFICATION: The existing sanitary sewer laterals were in conflict with the proposed storm sewer infrastructure, re-grading of the site was necessary. The new contract end date is now July 31, 2013.

CONTRACT CHANGE ORDER FORM
CHANGE ORDER NO.: 4
13-0018PW

The original amount of the Contract: Ninety Six Thousand, Nine Hundred Sixty Seven and 57/100 Dollars ($ 96,967. 57)

The amount of the Contract as adjusted by all previously approved Change Orders: One Hundred Nine Thousand, Three Hundred and Ninety Three and 17/100 Dollars ($109,393.17)

The amount of the Contract will be increased through this Change Order by the sum of: Ten Thousand, Three Hundred and Seventy Six Dollars and 00/100 Dollars ($10,376.00)

The Contract Total including this and all previous Change Orders will be: One Hundred Nineteen Thousand, Seven Hundred and Sixty Nine and 17/100 Dollars ($119,769.17)

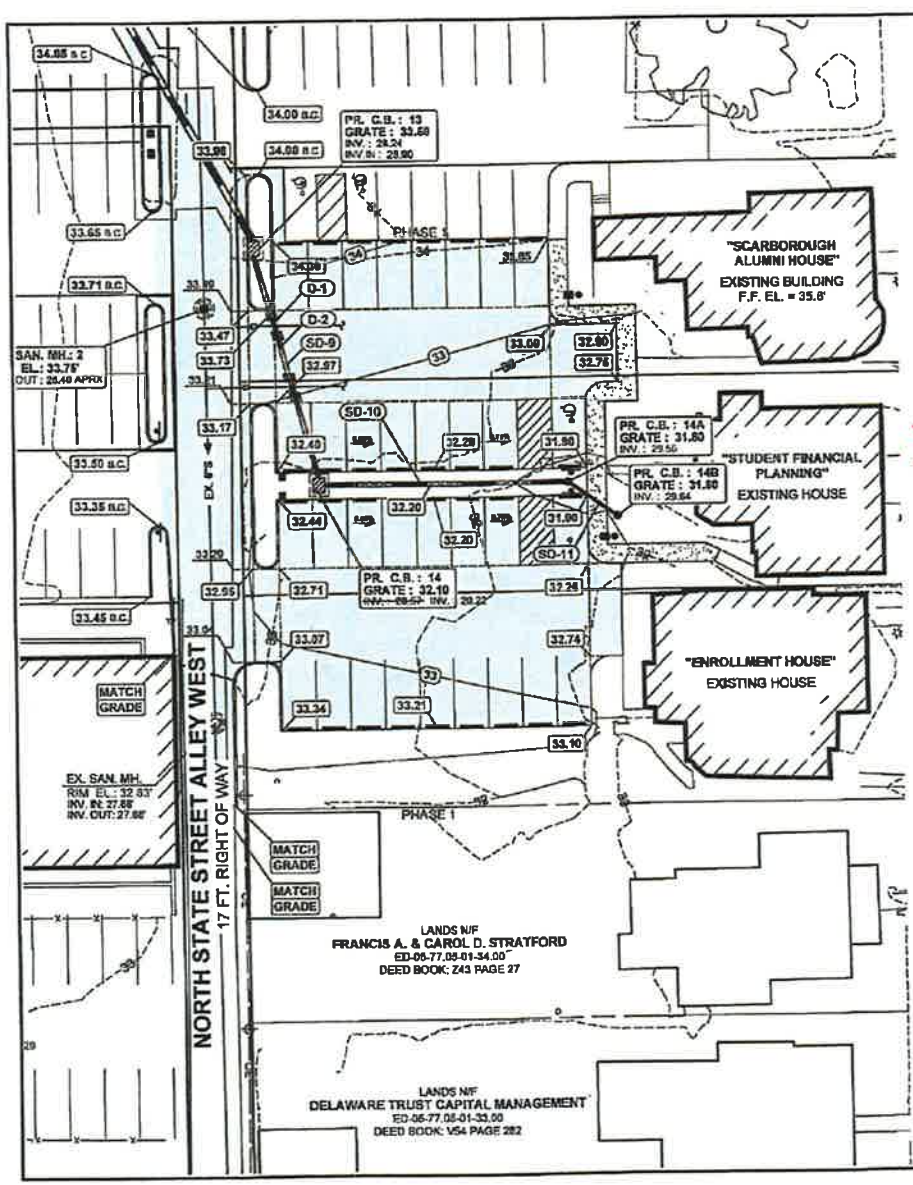
The Contract Period provided for completion will be (increased) by: 87 Calendar Days (Substantial Completion by July 31, 2013)

This document will become a supplement to the contract and all provisions will apply hereto.

Requested: _____ June 14, 2013
(Contractor – Corrado Construction, Co) (Date)

Recommended: _____ 6-17-13
(Sharon Duca, P.E., City of Dover Public Works Director / City Engineer) (Date)

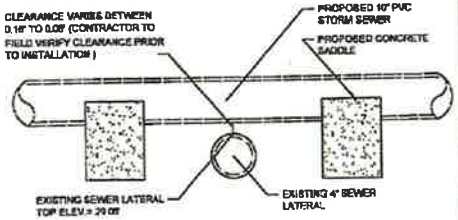
Accepted: _____ 6.26.13
(Scott Koenig, P.E., City of Dover City Manager) (Date)



D-1 CONTRACTOR TO CONSTRUCT CONCRETE PIPE SADDLE AS SHOWN FOR PROPOSED 10" PVC STORM DRAIN PIPE AS SHOWN ON THIS PLAN (TYP.), SEE DETAIL THIS SHEET)

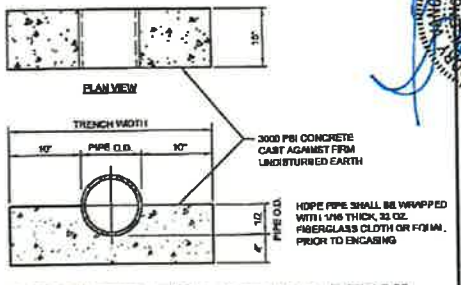
D-2 CONTRACTOR TO INSTALL PROPOSED 10" PVC OVER THE EXISTING SEWER LATERALS SHOWN ON THIS PLAN. CONTRACTOR TO FIELD VERIFY PROPER CLEARANCE BETWEEN SEWER LATERAL AND THE PROPOSED 10" PVC PIPE PRIOR TO CONSTRUCTION. PIPE JOINTS IN THE STORM DRAIN ARE TO BE AS FAR FROM THE CONFLICT AS POSSIBLE.

CITY OF DOVER
PUBLIC WORKS DEPARTMENT
APPROVED
☒ AS SHOWN ☐ WITH CONDITIONS
Signature
05 JUNE 13
Date



CONCRETE PIPE SADDLE SECTION

NO SCALE



CONCRETE PIPE SADDLE DETAIL

NO SCALE

SMG NO. : SS-6A

CATCH BASIN SCHEDULE

CB NO.	INLET BOX	TOP UNIT	FRAME/GRATE	GRATE EL.	INV. IN	INV. IN	INV. OUT
14	34" x 24"	TYPE B	TYPE 1	32.10	29.22'	-	29.22'
14A	NYLOPLAST	-	LOCKABLE	31.80		29.56'	29.56'
14B	NYLOPLAST	-	LOCKABLE	31.80	-	29.64'	29.64'

STORM DRAIN PIPE SCHEDULE

PIPE No.	SIZE	PIPE TYPE	LENGTH	SLOPE	INVERT IN	INVERT OUT
SD-9	10"	C-900 PVC	60'	0.55%	29.22'	29.22'
SD-10	10"	C-900 PVC	62'	0.50%	29.56'	29.56'
SD-11	8"	C-900 PVC	8'	0.50%	29.64'	29.64'

ARCHITECTURE
ENGINEERING
Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965
BECKER MORGAN GROUP

SMG 20091132.02
SCALE : 1" = 30'
DATE : 6/21/2013
DRAWN BY : J.N.S.
1

F:\Auto\CAD\Projects\2009\09113\DWG\20091132-SITE.dwg, Jun 03, 2013 - 10:44am

WESLEY COLLEGE STREETSCAPE
PHASE 1
GRADING AND DRAINAGE REVISION
CITY OF DOVER
KENT COUNTY, DELAWARE

Attachment B

Wesley College Streetscape Enhancement Phase 1

Change Order #5 Request

Department of Public Works
P.O. Box 475
Dover, Delaware 19903
Phone: (302)736-7025
Fax: (302)736-4217

CHANGE ORDER NO: 5

DATE: September 13, 2013

STATE: DE

COUNTY: Kent

CONTRACT CHANGE ORDER

CONTRACT FOR: Wesley College Streetscape Enhancement Phase 1, Project # 13-0018PW

OWNER: City of Dover, Public Works Department

To: Corrado Construction, Co
(Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supporting Documents Attached)	DECREASE in Contract Price	INCREASE In Contract Price
1. Line Item 7: Additional 95 linear feet of Concrete Curb	$0.00	$3,803.80
2. Line Item 8: Additional 25 SY of Concrete Sidewalk	$0.00	$1,046.25
3. Line Item 10: Additional 36 Tons of Asphalt Type B	$0.00	$3,525.12
4. Line Item 11: Removal of 20 Tons of Asphalt Type C	$2,004.60	$0.00
5. Line Item 12: Removal of 4Tons of Asphalt Type C Overlay	$565.40	$0.00
6. Additional 87 calendar days to be added to overall contract time.	$0.00	$0.00
CHANGES IN CONTRACT PRICE	**$2,570.00**	**$8,375.17**
NET CHANGE IN CONTRACT PRICE	**$0.00**	**$5,805.17**

1. JUSTIFICATION: The existing contract documents created by a consultant did not have accurate quantities for the curb work or sidewalk. Additional asphalt was needed due to the topography of the site.

The original amount of the Contract: Ninety Six Thousand, Nine Hundred Sixty Seven and 57/100 Dollars ($ 96,967. 57)

The amount of the Contract as adjusted by all previously approved Change Orders: One Hundred Nineteen Thousand, Seven Hundred and Sixty Nine and 17/100 Dollars ($119,769.17)

The amount of the Contract will be increased through this Change Order by the sum of: Five Thousand, Eight Hundred and Five Dollars and 17/100 Dollars ($5,805.17)

The Contract Total including this and all previous Change Orders will be: One Hundred Twenty Five Thousand, Five Hundred and Seventy Four and 34/100 Dollars ($125,574.34)

The Contract Period provided for completion will be (Increased) by: 61 Calendar Days (Substantial Completion by September 30, 2013)

This document will become a supplement to the contract and all provisions will apply hereto.

Requested:_____ _____
(Contractor – Corrado Construction, Co) (Date)

Recommended:_____ _____
(Sharon Duca, P.E., City of Dover Public Works Director / City Engineer) (Date)

Accepted:_____ _____
(Scott Koenig, P.E., City of Dover City Manager) (Date)

CORRADO CONSTRUCTION CO.

Change Order Request

June 13, 2013

Jason Lyons
15Lockerman Plaza
Dover DE

Re: Wesley College Street Scape Ph I

Description: Final Unit Price quantities:

Concrete Curb additional 95 LF @$40.04 / LF		**$3,803.80**
Base bid 87 LF; Alt. #1 37 LF;	Actual 219 LF	
Concrete sidewalk	**additional 25 SY @ $41.85 / SY**	**$1,046.25**
Base bid 50 SY;	Actual 75 SY	
Asphalt Pavement Type B ADD 36 tons @ $97.92 / Ton		**$3,525**
Asphalt Pavement Type C DEDUCT 20 Tons @ $100.23		**[$2004.60]**
Asphalt Type C overlay DEDUCT 4 Ton @ $141.35		**[$565.40]**

This Change Order will Add n/a Deduct 0 Day(s) to our Proposed Schedule

If have any questions or comments about this pricing, please do not hesitate to contact this office.

Respectfully,

Richard D Barnhart
Senior Estimator / Project Manager

Direct Phone: 302-669-6036

210 Marsh Lane * New Castle, DE 19720 * TELE. #: 302-652-3339 * FAX #: 302-652-2239