REGULAR COUNCIL MEETING
A G E N D A

JULY 22, 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 COUNCILMAN LYNN

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

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

* 1. **Adoption of Minutes - Regular Council Meeting of July 8, 2013**

2. **Remarks by Tsuneaki Iguchi, Mayor, City of Iwanuma, Japan**

3. **Presentation by Lutheran Senior Services of Dover, Inc. - Payment in Lieu of Taxes (PILOT)**

4. **Certificate of Appreciation - Delaware League of Local Governments' 50th Anniversary**

5. **Recognition of Service**
   - **A. Goldie Legates - Election Board (February 2004 - May 2013)**
   - **B. David A. Lewis, Jr. - Parks, Recreation, and Community Enhancement Committee (May 2006 - May 2013) and Dover Public Library Advisory Commission (March 2008 - May 2011)**

6. **Proposed Resolution No. 2013-20 - Ronald Shomo**

7. Parks, Recreation, and Community Enhancement Committee Report - July 8, 2013

* **A. Proposed Splash Park**

(Committee Recommended that Staff be Instructed to Move Forward with the Proposed Splash/Spray Park by Performing Public Outreach and Examining Local Parks to Determine the Most Suitable Location, Taking the Concerns Expressed by the Committee Into Consideration, and Subsequently Presenting the Findings to the Committee)

B. Future Use of the Dover Park Recreation Center

(Committee Recommended Moving Forward with the Demolition of the Dover Park Recreation Center Building, Based on the Reports Provided, as Recommended by Staff)

* **8. Legislative, Finance, and Administration Committee Report - July 8, 2013**

A. Proposed Amendments to Chapter 58 - Human Relations Commission

(Tabled by Committee)

9. Utility Committee Report - July 22, 2013

(*Except for the Following Time Sensitive Issue, the Utility Committee Report from July 22, 2013 Will Be Presented to Council During Their Regular Meeting of August 12, 2013 for Review and Consideration)*

A. Proposed Amendments - Water/Wastewater Capital Improvement Projects (CIP)

10. Legislative, Finance, and Administration Committee Report - July 22, 2013

(*Except for the Following Time Sensitive Issue, the LF&A Committee Report from July 22, 2013 Will Be Presented to Council During Their Regular Meeting of August 12, 2013 for Review and Consideration)*

A. Proposed Amendment to Pricing for Sale of Garrison Oak Technology Park Lots

* **11. Quarterly Revenue Report**

12. Evaluation of Proposals

A. Garrison Water Storage Tank (1.5 MG)

(Staff Recommends Awarding the Contract to CB & I, Inc., in Response to City of Dover Bid #13-0037DPW, for an Amount Not to Exceed $3,487,660)

B. Janitorial Services at Specific City Buildings

(Staff Recommends Awarding the Contract to Mid-Atlantic Services, A-Team Corp., in Response to City of Dover Proposal #13-0035PW, in the Amount of $51,108 for FY 2014)

* **13. Reappointment Recommended by Mayor Carey - Ethics Commission - Thomas C. Jackson - Five-Year Term to Expire July 31, 2018**

14. Rezoning Requests/First Reading of Proposed Ordinances

Recommended for referral to the Planning Commission on August 19, 2013 and that a Public Hearing Before City Council be set for September 9, 2013 at 7:30 p.m.

A. Proposed Ordinance #2013-12 - 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 is 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 is IO (Institutional and Office) with a Portion Subject to the SWPOZ (Source Water Protection Overlay Zone)
(TAX PARCEL ED-05-057.00-01-05.00-000; PLANNING REFERENCE Z-13-01; COUNCIL DISTRICT 4)

B. Proposed Ordinance #2013-13 - 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 is Currently Zoned RG-3 (Group Housing) and ROS (Recreational and Open Space). The Proposed Zoning is RG-2 (General Residence)
(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)

15. First Reading - Proposed Ordinance #2013-11

The First Reading is offered on the following proposed ordinance. Final action by Council will take place during the Second Reading of the ordinance on August 12, 2013. Copies of all proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office.

A. Proposed Ordinance #2013-11 Amending Chapter 1 - General Provisions, Section 1-9 - Sponsoring, Consideration, Passage and Effective Date of Ordinances and Charter Amendments, Subsection (c) - Sponsors
(Legislative, Finance, and Administration Committee)

16. Final Reading - Proposed Ordinance #2013-10

The First Reading of the following Proposed Ordinance was accomplished during the Council Meeting of July 8, 2013. Copies of the proposed ordinance are available at the entrance of the Council Chambers.

A. Proposed Ordinance #2013-10 Amending Chapter 2 - Administration, Article IV - Officers and Employees, Division 7 - General Employee Pension Plan, Section 2-331 - Form of Benefits (Civil Marriage)

17. Council Members' Announcements

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on July 8, 2013 at 7:30 p.m. with Councilwoman Williams presiding in the absence of Council President Bonar. Council members present were Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Slavin, Mr. Hare, and Mr. Hutchison. Mr. Anderson was 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. Acting Council President Williams declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

Ms. Felicia Dorman, previously resided at 114 Thames Drive in Dover - now has an address of PO Box 1743, Seaford, read the City's Mission Statement, and stated that she begged to differ with its content. She reminded members that she addressed them during their meeting of June 10, 2013 and had requested assistance regarding an incident that occurred on May 3, 2013 which she felt was the result of her being racially profiled. Although she had written a letter to the Police Department on May 8, 2013 regarding her concerns, she stated that she had yet to receive a response and that by May 20, 2013, all three (3) of her vehicles were towed from her residence illegally. She noted that it had been 50 days and her vehicles still had not been returned. Ms. Dorman again requested assistance in this matter and that her vehicles be returned. She reminded members that she was a single mother, trying to put her child through college and needed her cars back. She advised members that racism was alive and well and that the City had put citizens in a position where they are afraid to speak about such issues. She questioned how many other minorities in the City of Dover were suffering from similar situations. She advised members that the police officer had included a statement in the warrant indicating that the Dover Police would pay for the cars to be released, yet they had not. She questioned if the Police Chief was willing to make the necessary call tomorrow morning to have her vehicles (BMW, Mercedes, and Expedition) released.

Responding to Mr. Richard Smith, Delaware State Conference President of the National Association for the Advancement of Colored People (NAACP), Police Chief Hosfelt indicated his willingness to meet with him as he had in the past.

Mr. Cecil Wilson, 130 Brandywine Drive, representing Whatcoat United Methodist Church, expressed appreciation to the Dover Police Department and Fire Department for their assistance with their security plan. He stated that Corporal Chandler and Corporal Davis of the Dover Police Department provided a very fruitful presentation to the Church congregation and that Deputy Fire Marshal Tim Mullaney provided a "walk through" to determine what action was necessary to maintain the building's safety. Mr. Wilson informed members of three (3) important ministries serving the homeless and those less fortunate offered by Whatcoat United Methodist Church, as follows: 1) a soup kitchen; 2) a clothing closet; and 3) a food distribution center. He thanked the City for its cooperation, particularly Mrs. Ann Marie Townshend, Director of Planning and Community Development; Mrs. Traci McDowell, City Clerk; and Mrs. Donna Mitchell, Controller/Treasurer.

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. Perza requested the removal of Item #9 - Reappointments to the Historic District Commission from the Consent Agenda.

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF JUNE 24, 2013

The Minutes of the Regular Council Meeting of June 24, 2013 were unanimously approved by motion of Mr. Hutchison, seconded by Mr. Slavin and bore the written approval of Mayor Carey.

CERTIFICATE OF CONGRATULATIONS - SANDY DALE

The following Certificate of Congratulations was read into the record by Mrs. Traci McDowell, City Clerk:

Certificate of Congratulations

presented to

Mrs. Sandy Dale

for 22 years of faithful service to the Central Delaware Chamber of Commerce

We thank you for your dedication, commitment, and immeasurable contributions to the Dover community and wish you the best in all your future endeavors as you enjoy your retirement.

July 8, 2013

Mayor Carey presented that Certificate to Mrs. Sandy Dale and relayed appreciation for her years of service and her contributions to the City of Dover.

Mrs. Dale indicated it was an honor to receive such recognition. Although she had been the composer of many resolutions for the State, County, and City, she never thought she would be a recipient.

Mr. Hutchison noted that Mrs. Dale had served as a foundation for the Central Delaware Chamber of Commerce and commended the work she had done for the State, County, and City. He noted that there are 800-900 business leaders serving as members of the Chamber today and that this was the result of the dedication of Mrs. Dale. He wished her the very best in her retirement.

PUBLIC HEARING - VIOLATION OF DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 45 S. QUEEN STREET, OWNED BY JOE W. BURDEN

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 45 S. Queen Street, owned by Joe W. Burden. Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the property consisted of a two (2) story, wood-framed structure, which was condemned on May 17, 2013 as unfit for human habitation due to the numerous open code violations that still existed from a housing inspection that occurred on November 1, 2012. Currently, the home had no active utilities and was registered by the City as a vacant building. Mrs. Townshend provided a chronological history and presentation on the conditions of the house located at 45 S. Queen Street ***(Exhibit #1)***.

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 August 8, 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 existes 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.

Acting Council President Williams declared the public hearing open.

Mr. Richard Smith, Delaware State Conference President of the National Association for the Advancement of Colored People (NAACP), stated that Mr. Burden had contacted him because he felt that he was being targeted since he owned numerous properties in the City and that the City of Dover wished to do work or build at some of these locations. After speaking with Mr. Burden and his representatives, the NAACP was requesting that Mr. Burden meet with them to obtain assistance such as property management, a lawyer, and someone that can handle his business, such as collecting rent, repairs, etc. He requested that the recommended date of August 8, 2013 be extended in order to provide them an opportunity to meet with City Planning Department staff in order to develop a plan to assist Mr. Burden in the management of his property. Mr. Smith expressed his opinion that it would not reflect well on the City to target a minority, when the City offered no program that would assist Mr. Burden in the maintenance of his properties. He acknowledged that this was not the City's responsibility; however, he stated that Mr. Burden had taken on too many roles and was not able to maintain his business. He reiterated that the NAACP wished to meet with City staff to develop a plan.

Bishop Gregory Gordon, 56 S. New Street, advised members that he had met with Mr. Burden last year to discuss his properties and develop a solution. At that time, he stated that Mr. Burden was not willing to accept the solution; however, after speaking with him again today, Mr. Burden had agreed to step back and allow another party to assist in resolving some of the problems. He stated that the goal was to prevent thousands of dollars being assessed against Mr. Burden, who had essentially been a social worker to the community. He assured members that it was understood that

some of the properties owned by Mr. Burden would require demolition; however, some of the properties could be salvaged and his business could become fruitful. Bishop Gordon requested the opportunity to review Mr. Burden's assets and develop a plan to be presented to City Council for their consideration.

Mr. Joe W. Burden, PO Box 1977, Dover, referred to the photo depicting the damaged porch and advised members that the porch was damaged by the City of Dover while they were demolishing a structure adjacent to his property; therefore, two-by-fours were placed at the structure to prevent further damage.

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

Mr. Hare noted that there were three (3) additional public hearings scheduled regarding the demolition of properties owned by Mr. Burden. He suggested that members table the remaining three (3) public hearings and provide Mr. Burden an additional 60 days to take appropriate action. Responding, Acting Council President Williams indicated that the remaining public hearings were required to be held since they had been advertised and that each would need to be acted on separately by members of Council rather than as one (1) item.

Responding to Mr. Slavin, Bishop Gordon indicated that the desire was to review all properties owned by Mr. Burden, noting that there were approximately 100, to develop a plan of action. He felt that those properties that could not be repaired with a reasonable amount of money would be sold, and this would make funds available to repair others. He felt confident that 60 days would provide ample time to develop and present a plan to City Council for consideration.

Mr. Perza relayed concerns with the idea of transferring the properties since there were safety concerns related to them, and the sale of the properties would only transfer and not resolve the issues. It was his feeling that there may be a desire to review the remaining properties owned by Mr. Burden for the development of a plan; however, the four (4) properties were being presented to City Council at this time due to safety concerns. As a result, he stated that he would support staff's recommendation with an amendment to change the date for the repair or demolition of the properties from August 8th to August 26th.

Mr. Perza moved that the structure located at 45 S. Queen Street be declared a dangerous building and subject to demolition, as recommended by staff, with an amendment changing the date for ordering the property repaired or demolished to August 26, 2013 (from August 8, 2013). The motion was seconded by Mr. Dixon.

Mr. Hare stated his opinion that the owner should be provided 60 days to take appropriate action, as he previously suggested. Responding, Mr. Perza stated that the motion would prevent the matter from being brought back to City Council, explaining that if the property owner resolves the issues, no further action would be necessary; however, if the property owner did not resolve the issues, City

staff could move forward after August 26, 2013 without the matter being brought back to City Council. Mr. Hare reiterated his desire to provide the property owner 60 additional days. Acting Council President Williams indicated that an additional 60 days would be September 9, 2013.

In response to Mr. Perza, Mrs. Townshend stated that anytime progress is being made on a property, City staff will continue to work with the property owner. She explained that violations are not brought before City Council until staff has been unsuccessful in working with the property owner. Mr. Perza indicated that, in his experience, the further out Council sets the date, the longer property owners delay taking any action and then as the date approaches, the property owner requests additional time. He encouraged members to approve the August 26, 2013 date, which would provide an additional 50 days rather than staff's recommendation of 30 days.

For clarification, Mrs. Townshend stated that City staff does not initiate any activity until 10 days beyond the date set by City Council. Taking this into consideration, Mr. Perza stated that with the additional 10 days, the August 26, 2013 deadline date would essentially provide the property owner 60 days.

Mr. Hare explained that his suggestion for the 60 days would be for the completion of any necessary repairs or demolition - all repairs to the property or demolition would need to be completed prior to September 9, 2013. Responding, Mrs. Townshend stated that in order for the property to be repaired initial work, such as a structural engineering report, building plans, etc., would be required. This would make it nearly impossible to have all work completed within 60 days.

Mr. Slavin requested that members be sensitive to the fact that for many years, the City was criticized for not conducting code enforcement in the area and that the residents requested that the City improve its efforts in Code enforcement.

On a call for the questions, the motion to 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by August 26, 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 was carried by a roll call vote of five (5) yes (Dixon, Perza, Hare, Hutchison, and Williams), two (2) no (Lynn and Slavin), and two (2) absent (Anderson and Bonar).

PUBLIC HEARING - VIOLATION OF DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 67 S. QUEEN STREET, OWNED BY JOE W. BURDEN, SR.

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 67 S. Queen Street, owned by Joe W. Burden, Sr. Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the property has a two (2) story, wood-framed, single-family home along with an ancillary single-story, wood-framed home, which had an address of 316 W. Reed Street. The two (2) story house was

condemned as unfit for human occupancy on May 17, 2013, due to the numerous code violations the existed from a housing inspection that occurred on February 15, 2013. Since that time, a fire occurred on June 18, 2013 leaving the second-story windows unsecured. She advised members that there were numerous code violations that still existed on the property. Currently, there was one code violation case opened on this home for an annual housing inspection, but no inspections had been conducted. In addition, she noted that the electric was still active. Mrs. Townshend provided a chronological history and presentation on the conditions of the house located at 67 S. Queen 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 August 8, 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.

Mrs. Townshend assured members that City staff was not targeting Mr. Burden, explaining that many more properties would be brought before City Council. City Staff was presenting the worst of the structures throughout the City and reminded members that many buildings had been demolished throughout the City, none of which were owned by Mr. Burden. She advised members that some of the buildings owned by Mr. Burden that were problematic and previously presented to City Council for consideration were actually repaired. She indicated that the properties brought forward previously did not have the problems of structural integrity that the properties being presented to Council at this time had.

Acting Council President Williams declared the public hearing open.

Mr. Richard Smith, Delaware State Conference President of the National Association for the Advancement of Colored People (NAACP), referred to the previous agenda item involving property owned by Mr. Burden and assured members that the NAACP does not put their reputation on the line. He stated that if Mr. Burden did not work with the City or take whatever action may be necessary to cause the repairs or demolition of the property, the NAACP would notify the City and indicate that they would no longer support Mr. Burden in this way. It was his desire for Mr. Burden to be a part of the community and work with the City.

Bishop Gregory Gordon, 56 S. New Street, reiterated the comments he made during the public hearing held earlier in the meeting regarding the Violation of Dangerous Building Ordinance - 45 S. Queen Street.

Ms. Roxy Smiley-Carter, resident of Towne Point and President of the Local Chapter of the NAACP, advised members that several of the properties owned by Mr. Burden were acquired through a "City auction." She questioned how properties could be auctioned in such deplorable condition.

Responding, Mrs. Townshend stated that when properties that are sold at Sheriff's Sale, it is typically due to delinquent City taxes and they are not brought up to Code but are rather purchased "as is." However, she noted that Mr. Burden had owned the properties being considered at this time for several years.

Mr. Joe Burden, Jr.,1422 McKee Road, noted that, as mentioned by staff, a fire occurred at the residence and stated that it was determined to be criminal in nature. He indicated the difficulty for grass to grow where people are standing, explaining that there were people standing around who were constantly selling drugs on any intersection on Queen Street, including this property. He stated that this was not a problem in other residential areas where children go outside to play. He indicated that African-American children were not safe in this area and agreed with the desire to make this area safe, as well as all areas throughout the City. If criminal activity were an issue, as staff had mentioned, he felt that there should be surveillance in the area. He noted that there was not the same depletion of grass in certain socioeconomic areas and would not be in the future because people would not allow it to happen. Mr. Burden requested that the City support their efforts to grow grass and to allow children to run and play safely in the area.

Mr. Joe W. Burden, Sr., PO Box 1977, Dover, stated that since he had not received any rent in 2012, he did not make the necessary repairs to the building until City staff condemned the building (on May 17, 2013). He noted that he was provided until June 21, 2013 to make the necessary repairs; therefore, he began doing so and working hard and long in order to get the work done. One evening he was contacted and advised that the house was on fire and someone had stolen the cookstove and kitchen sink. In speaking with police officers, he was advised that there were cameras facing directly toward the house; however, when he questioned who was seen on the cameras committing the acts, he was advised that the cameras were not working.

Responding to Mr. Lynn, Mr. Burden confirmed that it was his intention to turn his properties over to a property manager, explaining that he had a "soft" heart in trying to help the poor and homeless people in the community. He stated that his properties were no worse than others throughout the community and felt that he was being targeted and harassed for the same problems that he has observed with other properties.

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

Mr. Perza moved that the structure located at 67 S. Queen Street be declared a dangerous building and subject to demolition, as recommended by staff, with an amendment changing the date for ordering the property repaired or demolished to August 26, 2013 (from August 8, 2013). The motion was seconded by Mr. Dixon.

In response to Mr. Lynn, Mrs. Townshend confirmed that the investigation regarding the fire that occurred had been completed.

Responding to Mr. Hare, Mr. Burden stated that he did not have any insurance on this property. Mrs. Townshend also confirmed that there was no mortgage for this property and that the lien search showed Mr. Burden and Kent County as the only lien holders or owners.

Mr. Slavin explained that his opposition to the motion was due to concerns that August 26, 2013 would not provide enough time for the property owner to address the four (4) properties that were being presented in violation of the dangerous building ordinance. He felt that providing anything less than 60 days for four (4) properties, would make it too difficult for the property owner.

Responding, Mr. Hare stated that the additional 10 days beyond August 26, 2013 would be close to 60 days. He explained that the property owner had until August 26, 2013 to take a first step in making the repairs to the properties.

Mr. Slavin stated that his concern was that a commitment of finances would ultimately be required on behalf of the property owner which he felt may require additional time to secure.

On a call for the questions, the motion to 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by August 26, 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 was carried by a roll call vote of five (5) yes (Dixon, Perza, Hare, Hutchison, and Williams), two (2) no (Lynn and Slavin), and two (2) absent (Anderson and Bonar).

PUBLIC HEARING - VIOLATION OF DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 101 S. QUEEN STREET, OWNED BY JOE W. BURDEN, SR.

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 101 S. Queen Street, owned by Joe W. Burden, Sr. Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the property was a two (2) story, wood-framed, single family home. The house had been vacant since September of 2011 and was registered as a vacant building on February 28, 2012. Since that time, she noted that there had been numerous occasions where the home was found unsecured. On February 21, 2013, the City had the windows and doors boarded. She stated that there were numerous code violations that still existed on the property. Mrs. Townshend provided a chronological history and presentation on the conditions of the house located at 101 S. Queen Street ***(Exhibit #3)***.

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 August 8, 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.

In response to Mr. Perza, Mrs. Townshend stated that the properties, owned by Mr. Burden and located on South Queen Street, that were being presented this evening had been a source of complaints by area residents.

Responding to Mr. Dixon, Mrs. Townshend stated that repairs to any of these properties would be a significant expense for the property owner, explaining that there would be costs associated with the required structural engineering report, building plans, and actual construction.

Acting Council President Williams declared the public hearing open.

At the request of Mr. Richard Smith, Delaware State Conference President of the National Association for the Advancement of Colored People (NAACP), Mrs. Townshend indicated that staff would provide details and the total amount Mr. Burden currently owed the City.

Bishop Gregory Gordon, 56 S. New Street, reiterated the comments he made during the public hearing held earlier in the meeting regarding the Violation of Dangerous Building Ordinance - 45 S. Queen Street.

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

Mr. Perza moved for approval of staff's recommendation with an amendment changing the date for ordering the property repaired or demolished to August 26, 2013 (from August 8, 2013), as follows: 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by August 26, 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. The motion was seconded by Mr. Dixon and carried by a roll call vote of five (5) yes (Dixon, Perza, Hare, Hutchison, and Williams), two (2) no (Lynn and Slavin), and two (2) absent (Anderson and Bonar).

PUBLIC HEARING - VIOLATION OF DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 43 S. KIRKWOOD STREET, OWNED BY JOE W. BURDEN

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 43 S. Kirkwood Street, owned by Joe W. Burden. Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that

the home was a two (2) story, wood-framed structure. The property was condemned on February 13, 2013 as unfit for human occupancy due to the numerous Code violations that still existed from a housing inspection that occurred in January of 2012 and from an uncorrected sewage leak that occurred on February 11, 2013. She advised members that, as of today, no permits had been obtained to correct the sewage leak. Currently the home was registered by the City as a vacant building and had no utilities. Mrs. Townshend provided a chronological history and presentation on the conditions of the house located at 43 S. Kirkwood Street ***(Exhibit #4)***. She noted that although the report indicated that there was a sewer leak on February 11, 2013, it was actually a major sewer backup in the lateral on the side of the property.

Mrs. Townshend stated that prior to staff condemning the property, the City was contacted by the tenant at that time who relayed concerns regarding the lack of running water. Staff conducted an inspection which resulted in the discovery of the sewer problem. They also discovered that there was no electricity. The City worked with the Dover Housing Authority to get the tenant and her children transferred into one (1) of their units. She reminded members that this action took place during the winter and that City staff took the necessary steps to assure no one was left homeless as a result of the condemnation.

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 August 8, 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.

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

Mr. Perza noted the objections made during the previous agenda items involving the Violation of Dangerous Building Ordinance for properties owned by Mr. Burden (Agenda Items #3A, #3B, and #3C), which would also apply for this property.

Mr. Perza moved for approval of staff's recommendation with an amendment changing the date for ordering the property repaired or demolished to August 26, 2013 (from August 8, 2013), as follows: 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by August 26, 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. The motion was seconded by Mr. Dixon and carried by a roll call vote of five (5) yes (Dixon, Perza, Hare, Hutchison, and Williams), two (2) no (Lynn and Slavin), and two (2) absent (Anderson and Bonar).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - JUNE 24, 2013

The Legislative, Finance, and Administration Committee met on June 24, 2013 with Chairman Lynn presiding.

Proposed Ordinance #2013-10 Amending Chapter 2 - Administration, Article IV - Officers and Employees, Division 7 - General Employee Pension Plan, Section 2-331 - Form of Benefits (Civil Marriage)

Mr. Scott Koenig, City Manager, informed members that on May 7, 2013, Governor Jack Markell signed the Civil Marriage Equality and Religious Freedom Act of 2013, amending Title 13 of the Delaware Code relating to domestic relations to provide for same-gender civil marriage and to convert existing civil unions to civil marriages, effective July 1, 2013.

As a result, staff prepared proposed Ordinance #2013-10, which would amend Chapter 2 - Administration, Article IV - Officer and Employees, Division 7 - General Employee Pension Plan, Subdivision I - In General, Section 2-331 - Form of Benefits of the Dover Code to recognize spouses and children of civil marriage as eligible survivors of pension participants.

Staff recommended adoption of proposed Ordinance #2013-10 for compliance with State law.

The Committee recommended adoption of proposed Ordinance #2013-10.

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

Discussion - Fiscal Year 2013 Audit Program

Mrs. Donna Mitchell, Controller/Treasurer, reviewed a presentation entitled "Auditor's Responsibility for Communicating with Audit Committee." She reminded members that City Council decided that the Legislative, Finance, and Administration Committee would also serve as the City's Audit Committee.

The Committee recommended acceptance of the Auditor's Responsibility for Communicating with Audit Committee report.

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

Review of Ordinance Sponsorship *(Tabled by Committee on June 10, 2013)*

During their meeting of June 10, 2013, members reviewed a history of the requirement for three (3) sponsors to propose amendments to the Dover Code. Members were advised that currently all ordinances or proposed Charter changes must have three (3) sponsors (three (3) members of Council) before they are presented to the appropriate committee for consideration and subsequent recommendation to the Council. The only exceptions are emergency ordinances, zoning ordinances or map amendments, ordinance amendments submitted by Council-appointed staff or a committee, and ordinances passed in consideration of a comprehensive review of the Code. After much discussion, the matter was tabled to allow time for members of the Committee and Council to review the history of how the current procedure came about.

The Committee lifted this matter from the table.

Mr. Hare stated his opinion that the requirement should be changed from three (3) to two (2) Council sponsors and that amendments proposed by Council-appointed staff should not be excepted from the requirement but should be required to have the sponsorship of at least one (1) member of Council.

The Committee recommended that staff be directed to prepare an ordinance to amend Chapter 1 - General Provisions, Section 1-9 - Sponsoring, Consideration, Passage and Effective Date of Ordinances and Charter Amendments, Subsection (c) - Sponsors, to reduce the number of Council member sponsors required from three (3) to two (2), stipulating that ordinance and Charter changes proposed by one (1) Council-appointed staff member would require sponsorship by one (1) member of Council, noting that all other exceptions would remain unchanged.

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

Proposed Amendments to Chapter 58 - Human Relations Commission

During their meeting of June 10, 2013, Council approved the Committee's recommendation of May 28, 2013 that the Chair of the Legislative, Finance, and Administration Committee schedule a Special Meeting for the purpose of discussing recommendation Items #1-5 included in the committee action form pertaining to the Dover Human Relations Commission (DHRC).

During the Committee meeting of June 24, 2013, Mr. Hutchison stated that since the creation of the DHRC in 2002, it had served a very important part in addressing some critical issues in the City; however, based upon past performance, there were some issues and concerns which needed to be reviewed and addressed. He voiced his concerns regarding the size of the Commission, stating that 15 members were too many, and the serious problem of retaining members, noting the Mayor and Council had received resignations from numerous members.

Mr. Lynn stated that the Committee would review each of the five (5) recommendation items and then open the floor for public comments. The first recommendation item questioned whether the Commission was fulfilling its purpose as defined in Section 58-31 of the Dover Code.

Mr. Hare stated his opinion that each election district should be represented by the Commission, and suggested the possibility of reducing the Commission to nine (9) members, to include two (2) from each district and one (1) at-large.

Mr. Slavin expressed his observation that the Commission was fulfilling its purpose as defined in the Code; however, he noted that the Code was overly broad and questioned whether this should remain the purpose of the Commission going forward.

Mr. Dixon agreed that it would be more beneficial for the Commission to be comprised of representatives from each election district to create a balance. He stated his opinion that the Commission should provide training to City officials, as the Delaware State Human Relation Commission (SHRC) does, to ensure the fair treatment of all people.

In regard to the second item for consideration, Mr. Slavin recalled that, in the past, the SHRC had taken over numerous complaints that were filed with the DHRC. He questioned whether the frequency of the SHRC's involvement was tracked and whether there were clearly established jurisdictional boundaries between the Commissions.

Mr. Lynn stated that these were issues which would require further review and discussion, realizing that it was unknown whether the DHRC was duplicating the services of the SHRC.

Reminding members of his membership on the SHRC, Mr. Dixon stated that the SHRC had jurisdiction within the City. With regard to the DHRC request for an apology for slavery, there was a conflict because the Commission presented it with the impression that it was a SHRC recommendation. Mr. Dixon expressed his understanding that the DHRC was created in 2001 to help restore peace within the community and subsequently maintain open communication to keep similar problems in abeyance.

In response to Mr. Slavin, Mr. Lynn stated that the SHRC would have precedence over the DHRC in matters and that there was a possibility of having two (2) concurrent investigations into a matter which could result in two (2) different outcomes.

Mr. Hare stated that a City resident could file a complaint directly with the SHRC and noted that the SHRC would have the final authority in all matters. He expressed his opinion that the DHRC was a duplication of services and oversteps at times. Referring to the flyer prepared and distributed by Mr. Roy Sudler, DHRC Chair, for the DHRC Special Meeting of June 13, 2013 which indicated that the purpose of the meeting was to review the rules and regulations of a newly adopted City ordinance, Mr. Hare stated that it was not within the scope of the Commission to review action taken by Council.

Mr. Slavin questioned the City's authority in regard to matters governed by State law. Mr. Lynn suggested the possibility that questions regarding the viability and feasibility of the formation of the Commission may have been raised and legal opinions previously provided during the 2001 discussions which could be provided to members for review.

Mr. Dixon clarified that the citizens who file complaints with the SHRC maintain the right to file these matters with the civil court.

Mr. Hare requested information pertaining to the number of complaints filed since 2001.

Mr. Hutchison expressed concern that the DHRC does not have a legal representative present during meetings, noting that a representative from the Attorney General's Office was present at each SHRC meeting.

In regard to the possibility of amending the Dover Code to limit the Commission to meeting on an as needed basis, Mr. Hare concurred that the Commission should meet on an as needed basis and that this should occur when a complaint is filed.

Mr. Rushe agreed with Mr. Hare, noting, for example, that the Board of Adjustment meets on an as needed basis and if there are no variance requests received, they do not meet.

Responding to Mr. Slavin, Mr. Hare stated that complaints would be filed and vetted through the City Clerk's Office.

Referring to the possibility of amending the Dover Code to reduce the membership of the Commission from fifteen (15) to seven (7), which would maintain the threshold originally proposed during the Dover Community Meeting of December 4, 2001, Mr. Lynn stated that a review of the DHRC minutes revealed that there was an attendance problem as well as a problem in finding individuals willing and able to serve on the Commission and that he was in support of reducing the number of members to seven (7).

In response to Mr. Rushe, Mr. Lynn stated that he was not aware of any other committees, commissions, or boards in the City of Dover with such a large number of members.

Mr. Lynn provided an opportunity for members of the public in attendance to share their comments, reminding those wishing to speak that citizen comments were limited to three (3) minutes.

Mr. Roy Sudler, Jr., Chair, reviewed the DHRC Response to Action Form, dated June 24, 2013 *(as on file in the Clerk's Office)*, and read a statement, as follows:

> *On behalf of the Commission, it is my intent to submit factual evidence demonstrating the actions, special forums, outreach community programs and meetings of the commission, not only being relevant, but essential for promoting tolerance and understanding in the great City of Dover, where diversity is valued.*
>
> *Under my Chairmanship, the Dover Human Relations Commission only seeks to increase the quality of living for all races by implementing a proactive approach, rather than a reactive approach to racial tension and unfair-treatment in the workplace.*

In our DHRC response to the action form packet, prepared by Denise Devine, City's Clerk Assistant, and filed by James Hutchison, City Councilman; the Commission is appalled to hear the allegation stated in your Legislative, Finance, and Administration Packet. For the record, throughout the last three years, the commission has partnered with various city and state agencies, that have played a significant role in helping the Dover Human Relations Commission to fulfill their decree as commissioner. For example:

1. *The Dover Police Department;*
2. *Dover Planning, and Inspections Division;*
3. *Delaware's Department of Justice;*
4. *State Human Relations Commission;*
5. *Dover Interfaith Agencies;*
6. *Delaware State University's Police Department;*
7. *Delaware State University's Students and Counseling Division; and*
8. *Community Leaders*

all partnered with the Dover Human Relations Commission to help alleviate, assess and monitor fair housing initiatives, racial tension, hate crime activity and unfair-treatment in the City of Dover.

The Commission requests that the Legislative Finance and Administration Committee carefully analyze all of the evidence provided not only in your Legislative, Finance and Administration Committee Packet, but also in the Dover Human Relations Commission's Response to Action Form Packet, submitted for your review by the Dover Human Relations Commission's Chairman Roy Sudler, Jr.

In addition, in good faith, we ask that you consider completing the (8) Recommendation provided by DHRC Chairman; voted on and unanimously approved in January's 2012 Legislative, Finance and Administration Committee Meeting before additional recommendations are provided for implementation.

In response to Mr. Hare's comments regarding the DHRC Special Meeting of June 13, 2013, Mr. Sudler stated that the DHRC conducted a review of the landlord and tenant obligations of Ordinance #2013-04 (adopted April 8, 2013) to help educate the community, not to review or scrutinize Council's action.

In response to Mr. Slavin, Mr. Sudler stated that the Commission had not discussed the Committee Action Form of May 28, 2013 or voted on the response provided; however, explained his opinion that, as Chair of the Commission, he had the authority to speak on their behalf, according to the by-laws.

Mr. Rushe expressed his support for the the Commission's proactive approach and inquired as to Mr. Sudler's opinion regarding reducing the number of members. Responding, Mr. Sudler confirmed that 15 members were a lot and that it was difficult to get people to commit, and stated the importance of ensuring representation for different ethnic groups.

Mr. Lynn suggested that the Commission could benefit from more organizational help from the City, including mandating that all meetings are held at City Hall, packets and agendas are created by the Clerk's Office, and requesting the City Solicitor or Deputy City Solicitor to attend each meeting. He stated his observation that there was a consistent problem with proposals not being voted on, as well as a perceived problem with Freedom of Information Act (FOIA) violations, and questioned whether the Commission would benefit from assistance in the creation of agendas to ensure that meeting minutes were created, reviewed, and approved at each meeting. He also inquired as to Mr. Sudler's opinion regarding reducing the number of members and ensuring representation for each election district.

Responding to Mr. Lynn, Mr. Sudler stated his agreement with reducing the number of Commission members; however, he disagreed with the suggestion of incorporating individuals from each election district. It was his opinion that ethnic representation was more important than election district representation. He stated that many Commissioners believe they cannot fulfill their duties because of micro-management by the City Clerk's Office.

In response to Mr. Hutchison, Mr. Sudler expressed his opinion that it would not work for the Commission to meet on an as needed basis because the City Clerk's Office would micro-manage the complaint intake process and members could not be confident that matters would be referred. He indicated that the Commission by-laws provided a flow chart for the review process. Mr. Sudler reminded members of the Demand for Hearing, Written Complaint and Memorandum of Record received from Mr. Eshed Alston, which he provided to members during their meeting of May 28, 2013, stating that he had not been informed of the complaint until Mr. Alston contacted him directly. *(Clerk's Office Note: This document, in addition to two (2) others filed by Mr. Alston, was received by the City Manager's Office on November 5, 2012 and City staff acted in accordance with the advice of legal counsel.)*

In response to Mr. Hutchison's comment that a Deputy Attorney General attends each SHRC meeting to ensure adherence to all rules and regulations, Mr. Sudler stated that the DHRC follows the by-laws of 2001. *(Clerk's Office Note: The by-laws on file with the City of Dover indicate an adopted date of September 6, 2002 and an amended date of December 15, 2004.)*

Mr. Hutchison expressed concern regarding the Commission's history of looking into matters that were not brought forward as complaints.

Mrs. Williams questioned whether there had been any meetings between the DHRC, the SHRC, and general counsel to clarify the roles of each group.

Responding to Mrs. Williams and Mr. Lynn, Mr. Sudler agreed to meet with the SHRC as well as contact Ms. Fuentes-Bowles.

Mr. EShed Alston, 406 Arnold Court, Dover, stated that he had previously filed three (3) written complaints with the City of Dover in November 2012 which had not yet been addressed, noting that one (1) of the complaints was referenced by Mr. Sudler earlier in the meeting. *(Clerk's Office Note: The three (3) documents referenced were filed with the City Manager's Office by Mr. Alston on*

November 5, 2012 and City staff acted in accordance with the advice of legal counsel.) At the request of Mr. Alston, members were provided with correspondence which he submitted to the City Clerk's Office on June 24, 2013 *(as on file in the Clerk's Office).*

Noting that Mr. Alston's three (3) minute time limit had elapsed, and there being no additional questions from members in attendance, Mr. Lynn requested him to relinquish the podium.

Dr. Jahi Issa, 1300 S. Farmview Drive, expressed his frustration with the lack of response to complaints he conveyed to the DHRC during their meeting in October 2012 regarding the allegations of lynchings occurring in Dover, as well as his request to Mr. Sudler for a copy of the audio recording from that meeting. He also stated his belief that he was constantly being followed by City of Dover and State Police officers.

Mr. Hare questioned whether Dr. Issa or Mr. Alston had expressed their concerns to the SHRC and the outcome they received.

In response to Mr. Hare, Dr. Issa stated that he had attended SHRC meetings as well and made oral complaints but received no follow up. It was his opinion that the lack of response was the result of the subject matter being "too touchy."

Also responding to Mr. Hare, Mr. Alston stated that Mr. Vincent Petroff, Supervisor, Delaware Division of Human Relations, invited him to attend a State-wide teleconference; however, he had not received any follow up information since that time.

The Committee tabled the matter until the next meeting to allow the opportunity for members to obtain and review the DHRC by-laws, the number and type of complaints received, and research regarding the City Solicitor's review of the formation of the DHRC.

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

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - JUNE 26, 2013

The Safety Advisory and Transportation Committee met on June 26, 2013 with Chairman Hutchison presiding.

Bicycle/Pedestrian Subcommittee Update

Mr. Scott Koenig, City Manager, on behalf of Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that a Bicycle/Pedestrian Subcommittee had been formed and had been meeting regularly. Mr. Koenig provided a copy of the "Bicycle Friendly Community Application 2012" that the Subcommittee had completed for submission to the League of American Cyclists. The deadline for submission is July 16, 2013. Mr. Koenig stated that any comments should be provided to either himself or Mrs. Townshend by the end of the week of July 5, 2013 so they could be considered and incorporated into the application.

Mr. Koenig informed members that the Governor had placed high priority on the Capital Bike Trail and that construction had begun behind Legislative Hall. He also stated that the Delaware Department of Transportation (DelDOT) had been aggressively working on Loockerman Street paving to make the streets and corners, as well as other local and state roads and highways, American Disability Act (ADA) compliant. Mr. Koenig noted that the City was also working diligently to improve the roads and make the City more pedestrian and bicycle friendly. He noted that this would be a long process.

Mr. Hutchison stated that the City was also reaching out to the City of Dover Police, State of Delaware Police, and DelDOT to concentrate on bicycle and pedestrian safety.

Mr. Koenig stated that there had been a lot of complaints about speeding in neighborhoods and City streets, such as North State Street, as well as some crashes as a result of speeding. He reiterated the importance of improving the safety of pedestrians and bicyclists crossing the City streets.

Mr. Koenig advised that when DelDOT repaved U.S. 13, they striped a narrow bike lane. He noted that, in order to incorporate the bike lane, the width of the other lanes was reduced, leaving a four (4) foot lane dedicated to cyclists.

Mr. Dixon expressed his concern regarding bicycling on Loockerman Street, stating that the bike lanes are not safe because if someone were to open a car door as a cyclist approached, the cyclist would be knocked off of their bicycle. Mr. Dixon also expressed some concern surrounding the left turn lane going into the Dover Mall.

No action was taken by the Committee.

Dover High School Construction Update

Mr. Scott Koenig, City Manager, on behalf of Mrs. Ann Marie Townshend, Director, Planning and Community Development, advised members that the new Dover High School had made significant progress and was on target to open in the Fall of 2014. He stated that the contractors had been under some pressure from the Department of Natural Resources and Environmental Control (DNREC) for stormwater control and site management issues; however, these issues were being resolved. In addition, Mr. Koenig advised that the paving and final striping had been completed up to the main entrance, along with the utility relocation on the north side.

Mr. Koenig advised members that when the project was started, monthly coordination meetings were being held with the City, EDIS, Becker Morgan, and the Delaware Department of Transportation (DelDOT), as well as any other entity that wanted to participate. The group will resume meeting on a regular basis on Thursday, June 27, 2013 to iron out the details as the end stage of the project approaches and to follow up on some of the issues discussed by the Safety Advisory and Transportation Committee. Mr. Koenig cited installation of a traffic signal at the second entrance to the school as one of the issues discussed by the Committee. He noted that a HAWK Pedestrian System would be installed instead of a traffic signal. Mr. Koenig stated that a HAWK system was in use near the University of Delaware, where the conditions are similar to those at the second entrance of the new Dover High School.

Mr. Koenig advised members that Mrs. Townshend had been working closely with the Capital School District and DelDOT on the appropriation of funds to install sidewalks on the north side of Route 8 at Mifflin Road, continuing down the north side by Heatherfield East, Heatherfield, and a portion of the Draper Farm in front of Cranberry Run. The sidewalks, which will provide a walking path along the north side of the road, should be completed when the school opens in the fall of 2014. Additionally, a second phase is planned to install sidewalks on the south side. Mr. Koenig noted that the state was willing to fund the sidewalk project since the approximate cost of $600,000 - $800,000 was less expensive than providing bus transportation to the students who could walk to school if there were an acceptable walking path.

Responding to Councilman Hutchison, Mr. Koenig stated that it was his understanding that part of the certificate to build the new high school included the requirement to decommission the old high school. He noted that discussions had taken place regarding use of the athletic fields for recreational leagues. Mr. Koenig indicated that the District had no interest in selling the property. It was his feeling that it would be very unfortunate if the old high school was torn down because the facility was not in bad condition and the gym was relatively new.

Mr. Dixon suggested that the school be used to shelter homeless people, especially in the winter.

Responding to Mr. Dixon's concern regarding horseplay on Division Street, Mr. Koenig agreed that the schools could be made aware of this situation.

No action was taken by the Committee.

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - JULY 8, 2013

The Legislative, Finance, and Administration Committee on July 8, 2013 with Chairman Lynn presiding. Except for the following time sensitive issue, the Committee Report from July 8, 2013 will be presented to Council during their Regular Meeting of July 22, 2013 for review and consideration.

FY13 Edward Byrne Justice Assistance Grant Program - Police Voicemail System and Technology Upgrades

During the Committee meeting held earlier this evening, members considered FY13 Edward Byrne Justice Assistance Grant Program - Police Voicemail System and Technology Upgrades. Police Chief James Hosfelt advised members that the Dover Police Department recently received its annual allocation from the Office of Justice Programs (OJP) for the 2013 Justice Assistance Grant (JAG), in the amount of $48,375. Similar to previous years, the Dover Police Department was identified as a disparate funding agency along with Kent County because there is no law enforcement function at the County level, unlike New Castle County in northern Delaware. Chief Hosfelt explained that Kent County has no share in the allocation based on a Memorandum of Understanding, which indicates that Kent County has no claims to the money.

Chief Hosfelt requested approval to utilize FY13 Edward Byrne Justice Assistance Grant Program funds to upgrade/replace the Department's voicemail system and use any remaining funds for other non-budgeted technology upgrades. He noted that the cost for the voicemail system was approximately $35,000 and it would be procured from Collins Business Systems, Inc. through the State of Delaware Contract; therefore, bids would not be required.

Staff recommended approval of the grant project as requested.

The Committee recommended acceptance of staff's recommendation for the approval of the grant project, seconded by Mr. Shevock and unanimously carried.

During the Council meeting, in response to Mr. Slavin, Chief Hosfelt stated that the funds granted are allocated to the City to be utilized as the City deems necessary and are not specific to the Police Voicemail System and Technology Upgrades. He explained that since these upgrades would be a future CIP Project, it was staff's opinion that the upgrades should be addressed at this time with the grant funding.

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

MONTHLY REPORTS - MAY 2013

By motion of Mr. Hutchison, seconded by Mr. Slavin, the following monthly reports for May 2013 were accepted by consent agenda:

Budget
Chief of Police
City Assessor
City Manager
City Planner
Economic Development Office

PROPOSED RESOLUTION NO. 2013-19 - ADOPTION OF OFFICIAL CITY OF DOVER MAP OF RECORD

Members were advised that in accordance with Article I - Powers of the City, Section 1.04 - Municipal Corporation Continued; Boundaries, of the Charter of the City of Dover, "the municipal corporation of the State of Delaware known as 'the City of Dover' shall continue to be a body politic and corporate. The boundaries of the City of Dover are hereby established and declared as recorded on the official map of record in the Recorder of Deeds Office in and for Kent County and State of Delaware as presently existing and as hereinafter amended." Accordingly, Resolution No. 2013-19 and a map were provided to members for consideration for adoption as the official map of record for recordation with the Recorder of Deeds Office.

Staff recommended adoption of Resolution No. 2013-19.

By consent agenda, Mr. Hutchison moved for approval of staff's recommendation, seconded by Mr. Slavin and by a unanimous roll call vote (Anderson and Bonar absent), Council adopted Resolution No. 2013-19, as follows:

A RESOLUTION PROPOSING ADOPTION OF THE OFFICIAL MAP OF THE MUNICIPAL BOUNDARIES OF THE CITY OF DOVER, DELAWARE

WHEREAS, Article I - Powers of the City, Section 1.04 - Municipal Corporation Continued; Boundaries, of the Charter of the City of Dover requires that the municipal boundaries of the City of Dover be established and declared as recorded on the official map of record in the Recorder of Deeds Office in and for Kent County and the State of Delaware, as presently existing and as hereinafter amended; and

WHEREAS, City staff has prepared a map depicting the municipal boundaries of the City of Dover which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET, that the map attached hereto is hereby adopted as the official map of the City of Dover which shall be recorded at the Office of the Kent County Recorder of Deeds.

ADOPTED: JULY 8, 2013

REAPPOINTMENTS - RECOMMENDED BY MAYOR CAREY - HISTORIC DISTRICT COMMISSION - THREE-YEAR TERM TO EXPIRE JULY 26, 2016

Mayor Carey recommended the reappointments of Mr. Charles A. Salkin (Resident) and Mr. Richard Scrafford (Professional) to the Historic District Commission for a three-year term to expire July 26, 2016.

Mr. Perza reminded members that a series of public hearings was held during the past late winter/early spring to consider the future purpose of the Historic District Commission, its membership, etc. It was his recollection that there were concerns regarding whether the current membership reflected a broad enough spectrum of opinions from members of the public and whether or not all points of view were being taken into consideration. Mr. Perza questioned if the Mayor's Office solicits other potential appointees when considering candidates for such appointments.

Responding, Mayor Carey stated that no other potential appointees were offered. He explained that he typically determines if there has been an interest expressed from and/or request for an individual to serve. He also checks with the appropriate City department to assure that the current membership is providing proper response and participation, talks with the Chairperson to determine if there are any concerns with the current membership or recommendations in this regard, and speaks with proposed appointees prior to submitting names for Council's consideration.

Mr. Hare moved for approval of the reappointments, as recommended by Mayor Carey.

In reference to the public forums held at the Dover Public Library relative to this issue, Mr. Lynn stated that a concern that continuously presented itself was a distinct lack of diversity on the Historic District Commission. He questioned if consideration had been given to comments and concerns voiced by members of the public in this regard. It was his feeling that the recommended reappointments would continue the lack of diversity that is currently on the Commission. He suggested that the Mayor publish a request for individuals who were interested in serving on the Commission rather than reappointing the same individuals. He indicated assurance that the suggestion was in no way a discourtesy or meant to be disrespectful to Mr. Salkin or Mr. Scrafford or a reflection of their years of service.

Responding, Mr. Perza stated that he would not wish to spend funds advertising for possible appointees. However, he felt it would be beneficial for the City to examine the possibility of soliciting public input for other persons who may be interested in serving and be able to provide a spectrum of advice and input based on professional or residential experience in Dover or elsewhere. He reiterated that his concerns should in no way be interpreted as a reflection of Mr. Salkin or Mr. Scrafford. Mr. Perza suggested delaying the appointments until the August 12, 2013 Council Meeting to allow the Mayor additional time to review applications that may be submitted by other members of the public.

The motion to approve the reappointments of Mr. Charles A. Salkin (Resident) and Mr. Richard Scrafford (Professional) to the Historic District Commission for three-year terms to expire on July 26, 2016, as recommended by Mayor Carey, was carried by a role call vote of five (5) yes (Dixon, Slavin, Hare, Hutchison, and Williams), two (2) no (Lynn and Perza), and two (2) absent (Anderson and Bonar).

FIRST READING - PROPOSED ORDINANCE #2013-10

Acting Council President Williams 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 ordinances will take place during the Council Meeting of July 22, 2013.

Proposed Ordinance #2013-10 Amending Chapter 2 - Administration, Article IV - Officers and Employees, Division 7 - General Employee Pension Plan, Section 2-331 - Form of Benefits (Civil Marriage)

Mr. Scott Koenig, City Manager, reminded members that on May 7, 2013, Governor Jack Markell signed the Civil Marriage Equality and Religious Freedom Act of 2013, amending Title 13 of the Delaware Code relating to domestic relations to provide for same-gender civil marriage and to convert existing civil unions to civil marriages, effective July 1, 2013. As a result, staff prepared proposed Ordinance #2013-10, which would amend Chapter 2 - Administration, Article IV - Officer and Employees, Division 7 - General Employee Pension Plan, Subdivision I - In General, Section 2-331 - Form of Benefits of the Dover Code to recognize spouses and children of civil marriage as eligible survivors of pension participants and provide compliance with State law.

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 #2013-10 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE IV - OFFICERS AND EMPLOYEES, DIVISION 7 - GENERAL EMPLOYEE PENSION PLAN, SECTION 2-331 - FORM OF BENEFITS (CIVIL MARRIAGE)

FINAL READING - PROPOSED ORDINANCE #2013-08

The First Reading of the following proposed ordinance was accomplished during the Council Meeting of June 24, 2013.

Ordinance #2013-08 Amending Chapter 70 - Offenses and Miscellaneous Provisions, Section 70-7 - Registered Sexual Offenders, Subsection (b) - Prohibition on Residency and Employments

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

Mr. Lynn reminded members that adoption of Ordinance #2013-08 would amend Chapter 70 - Offenses and Miscellaneous Provisions, Section 70-7 - Registered Sexual Offenders, Subsection (b) - Prohibition on Residency and Employments. He explained that the amendment would remove the requirement for offenders residing or employed within 500 feet of a day care center at the time of adoption of the ordinance (April 9, 2012) to move or resign their employment.

Mr. Hutchison moved for adoption of Ordinance #2013-08, seconded by Mr. Slavin, and by a roll call vote of five (5) yes (Dixon, Slavin, Hare, Hutchison, and Williams), two (2) no (Lynn and Perza), and two (2) absent (Anderson and Bonar), Council adopted Ordinance #2013-08, as follows:

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

That Chapter 70 - Offenses and Miscellaneous Provisions, Section 70-7 - Registered Sexual Offenders, Subsection (b) - Prohibition on Residency and Employments, Paragraph (2) of the Dover Code be amended to read as follows:

(b) Prohibition on residency and employments.

(1) Sex offenders assigned as Risk Assessment Tier II or Tier III under the provisions of 11 Del. C., c. 41, § 4120, shall be prohibited from residence or employment within 500 feet of a day care center as defined in Appendix B—Zoning, Article 12—Definitions, of the Dover Code.

(2) Any sex offender assigned as Risk Assessment Tier II or Tier III who maintained a residence or was employed within 500 feet of a day care center on April 9, 2012, the date of adoption of this section, shall be permitted to maintain that residence or employment. Any subsequent change of residence or employment would be subject to the prohibitions of section (b)(1).

(3) Any sex offender who is under 18 years of age and resides with a parent or legal guardian shall be exempt from the provision of subsection (b) (1) of this section.

ADOPTED: JULY 8, 2013

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Perza thanked the Fourth of July Committee for performing a spectacular job throughout the week, noting that events were held throughout the week and were not just limited to Thursday (the 4th of July).

Mr. Lynn relayed appreciation to Red Frog Events, organizers of the Firefly Festival, noting that it was a successful event, with the exception of some traffic issues on Friday. It was his opinion that the event was a huge economic driver and provided a well-needed boost for the community. He also thanked Dover Downs for their participation and cooperation with the event.

By unanimous consent, the meeting adjourned at 8:53 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of July 8, 2013, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

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Exhibits Attached to Original Minutes and File Copy
Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 45 S. Queen Street
Exhibit #2 - Presentation - Violation of Dangerous Building Ordinance - 67 S. Queen Street
Exhibit #3 - Presentation - Violation of Dangerous Building Ordinance - 101 S. Queen Street
Exhibit #4 - Presentation - Violation of Dangerous Building Ordinance - 43 S. Kirkwood Street

Certificate of Appreciation

presented to the

Delaware League of Local Governments

for

50 years of dedicated support for municipalities through legislative advocacy at the state and federal levels.

The Mayor, Council, and Staff of the City of Dover appreciate your continued commitment to Dover and the surrounding communities.

July 22, 2013

Carleton E. Carey, Sr.
Mayor

David L. Bonar
Council President

Resolution

Council Resolution No. 2013-20

Whereas, Ronald Shomo was appointed to the City of Dover Planning Commission on June 14, 2010 and has served with diligence and distinction in this capacity as an advocate for sound land use planning in the public interest, ensuring fundamental fairness and careful forethought in the planning and development of the Capital City; and,

Whereas, Ronald Shomo has influenced the pattern and appearance of development in Dover through his contributions as a Planning Commissioner to the implementation of the *2008 Comprehensive Plan* and his participation in the development of numerous amendments to the City of Dover *Zoning Ordinance* including the AEOZ and ROS zones, and amendments to the environmental provisions, the application procedures, and other site development improvements; and,

Whereas, Ronald Shomo completed his service on the City of Dover Planning Commission on June 17, 2013.

Now Therefore Be It Resolved that the Mayor, Council and Planning Commission do hereby express their sincere appreciation to **Ronald Shomo** for his faithful and exemplary service to the Citizens of the City of Dover as an active member of the City of Dover Planning Commission.

Be It Further Resolved that the Mayor, Council and Planning Commission wish **Ronald Shomo** success in all future endeavors and direct the City Clerk to make this resolution a part of the permanent records of the City of Dover as a lasting symbol of appreciation and gratitude to **Ronald Shomo**.

Adopted:

Carleton E. Carey, Sr. Mayor	David Bonar Council President	Col. Robert D. Welsh Planning Commission Chairman

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee Meeting was held on July 8, 2013, at 12:03 p.m. with Chairman Dixon presiding. Members present were Mr. Caldwell and Mrs. Horsey. Mr. Perza and Mrs. Williams were absent.

AGENDA ADDITIONS/DELETIONS

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

Proposed Splash Park

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that when the North Dover Athletic Pool was removed and swimming became restricted at Silver Lake, the City determined that there was a need to begin planning for water recreation. After conducting research, it was determined that a Splash/Spray Park would be a viable option for providing water-based recreation without the costs and liabilities that would be associated with operating a public pool, explaining that since a Splash/Spray Park would not hold water, it would not require a life guard and would not have the same liability issues as a pool.

Mrs. Townshend stated that once the City made the determination for a Splash/Spray Park, park locations were evaluated. Although there was discussion of locating the Splash Park at Silver Lake, it was staff's belief that there were constraints, making it infeasible. The City was also in the process of developing a master plan for Schutte Park, and the decision was made that this would be the appropriate location for the Splash Park.

Mrs. Townshend noted that the Splash Park was added to the Parks and Recreation Capital Improvement Plan (CIP); however, due to the City's fiscal constraints, it was moved to out years for design in FY15, in the amount of $20,000, and construction in FY16, in the amount of $280,000. She stated that the location at Schutte Park has been discussed with the City Manager, and it has been determined that a public process to evaluate appropriate locations should be undertaken, with a location ultimately to be approved by City Council following a recommendation of the Parks, Recreation and Community Enhancement Committee. She indicated that the City Manager felt that the park should be more centrally located and accessible by walking. Mrs. Townshend indicated that the City has three (3) parks, Schutte Park, Dover Park, and Silver Lake Park. At this time, staff felt that public opinion as to the best location should first be determined and then the City could address infrastructure issues and other concerns so that the design process could begin, with the following schedule being proposed for the Splash Park project: FY14 - Outreach and Siting, FY15 and FY16 - Design and Construction.

Staff recommended that public outreach and the feasibility of potential locations be performed to determine the most suitable location for the proposed Splash Park so that the design can proceed in FY15, with a recommendation being made to the Committee regarding the proposed location following the public outreach.

Responding to Mr. Caldwell, Mrs. Townshend advised members that although there are no other splash parks within the State of Delaware, there are in Pennsylvania (near Delaware) and Maryland. Mr. Caldwell relayed concern regarding the initial and ongoing costs, explaining that there would be costs for maintenance, employees, equipment, etc. He also relayed concerns regarding security and safety.

Mrs. Horsey referred to an article she read in the *Wilmington News Journal* regarding some type of water fountains located throughout the City of Wilmington. She felt that the City of Wilmington may be able to provide additional information regarding costs, design, etc. She indicated her support for obtaining public input regarding the location of the park.

In response to Mr. Dixon, Mr. Scott Koenig, City Manager, indicated that the proposed Splash Park was one of those "nice to have" projects and would not be a revenue generator. He felt that the age group of users of the park needed to be determined since this would determine the actual design of the park.

Regarding costs, Mrs. Townshend explained that instituting a charge for use of the park would only drive costs up since there would be a need for the City to hire someone to ensure users have made payment for use of the park, which was not the original intention.

Mr. Koenig reiterated that staff should be directed to determine if the City was addressing the needs of the right age group and if such a park would be the best method to address the needs of that group. He stated that once that is determined, along with the location, the cost issues would be addressed and explained the possibility that the initial set-up costs may be significant. In addition, he stated that security concerns and issues such as what would happen to the park after hours would need to be further researched before the park could be designed.

In response to Mr. Caldwell's previous concerns, Mr. Koenig confirmed that the City needed to determine whether a splash park was an option desired by the community, noting that currently, there were no water-related activities in the City and that a splash park would be the least expensive option, compared to cleaning up Silver Lake or consideration of a public swimming pool. He explained that there was also a question as to how often such a park would be used.

Concurring with Mr. Caldwell's concerns regarding costs, Mr. Dixon reminded members that the City recently expended funds for basketball courts on Kirkwood Street as well as a playground and park on New Street, which are now seldom used.

Mrs. Horsey moved to recommend that staff be instructed to move forward with the proposed Splash/Spray Park by performing public outreach and examining local parks to determine the most suitable location, taking the concerns expressed by the Committee into consideration, and subsequently presenting the findings to the Committee. The motion was seconded by Mr. Caldwell and unanimously carried.

Future Use of the Dover Park Recreation Center

Mr. Scott Koenig, City Manager, advised members that since the opening of the John W. Pitts Center in April 2008, the demand for use of the Recreation Center building at Dover Park had declined. Although the City continued to rent the Dover Park Recreation Center out for parties, the Pitts Center became the primary focus of the City's recreation programming. He noted that the Recreation Center, which had been a hub of community activity during previous years, no longer served the purposes of the City's recreation programming and that programs that were scheduled for the Recreation Center were frequently cancelled due to low attendance.

Mr. Koenig also advised members that the building, which was constructed in 1974, had become dated and in need of investment to maintain functionality. He stated that staff offices continued to be located at the Recreation Center until August 2012, when all Recreation staff were relocated to the Pitts Center. He indicated that the City had discontinued rental of the building and that the FY2013 budget included $30,000 in the Capital Improvement Plan (CIP) to replace the roof of the building, explaining that the roof had routinely been patched to repair leaks.

Mr. Koenig reminded members that during FY2013, there was discussion about potentially renting the building out to a non-profit organization. Before investing funds to replace the roof and pursuing the potential of leasing the building to a non-profit organization, staff felt it was important to do a full assessment of the building to determine what other investments would be necessary to make the building functional, as all of the building's systems were dated and in need of some update. As a result, he stated that Compliance Environmental, Inc., was retained to do a Building Condition Survey. Members reviewed the "Report of Findings from a Building Condition Survey" dated May 6, 2013. Mr. Koenig noted that Table 1 in Attachment A included a summary of the recommended repairs as well as cost estimates. He advised members that although the Building Condition Survey did not include a structural engineering report, if City Council wished to keep the building and renovate it, staff would recommend that a structural engineering report be obtained prior to any renovations. However, based on the information contained in the Building Condition Survey, he stated that staff recommended demolition of the structure and noted that the costs associated with demolition, estimated at $20,000 for Asbestos Removal and $30,000 for Demolition (bids would require City Council approval), were not currently budgeted.

Staff recommended that the Recreation Center building at Dover Park be demolished.

Mr. Caldwell indicated his concerns regarding the demolition of the building and felt that this would cause the City to lose funds. Responding, Mrs. Townshend advised members that the YMCA was currently using the building for their Summer Camp Program and that they had a separate reservation for fields and pavilions. She noted the benefit of having a presence in the park since there had been problems with vandalism (broken windows) and that the City had been spending money to maintain the building. One of the benefits of the YMCA utilizing the building was that the associated agreement included a provision that the YMCA was responsible for paying the utility bill.

Mrs. Townshend stated that the City would need to make a significant investment to complete the renovations that would be required to the building and that it would be less expensive to demolish it. She explained that not only had the design of the building caused the City a great deal of money, but there were other concerns with the building, such as lead paint and asbestos issues, as mentioned in the Building Survey Report.

Mrs. Horsey indicated that she typically opposes the demolition of buildings; however, she was aware of the substantial costs the building had caused the City, as well as the issues included in the Building Survey Report.

Mr. Koenig noted that it would cost the City approximately $150,000 to $170,000 in order to address those issues listed in the Building Survey Report. If Council decided to move forward with addressing those issues, he explained, the next question would be for what purpose the City would use the building and what type of security would be utilized. If the building were demolished, he indicated that staff would need to develop an alternative plan for the use of the site.

In response to concerns that the City would discount the park if the building were removed, Mrs. Townshend assured members that this was not staff's intent, explaining that the City's best tennis courts are located there and continued to be used, a church softball league played there, the YMCA used the multi-purpose field this year for its soccer program, etc. Noting that it was a beautiful City park, she explained the need for staff to determine how to increase use of the park and develop a plan to make it a community asset.

Mrs. Horsey moved to recommend moving forward with the demolition of the Dover Park Recreation Center building, based on the reports provided, as recommended by staff. The motion was seconded by Mr. Caldwell and unanimously carried.

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

Meeting adjourned at 12:50 p.m.

Wallace R. Dixon
Chairman

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LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on July 8, 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. Shevock moved for approval of the agenda, seconded by Mr. Slavin and unanimously carried.

FY13 Edward Byrne Justice Assistance Grant Program - Police Voicemail System and Technology Upgrades

Police Chief James Hosfelt advised members that the Dover Police Department recently received its annual allocation from the Office of Justice Programs (OJP) for the 2013 Justice Assistance Grant (JAG), in the amount of $48,375. Similar to previous years, the Dover Police Department was identified as a disparate funding agency along with Kent County because there is no law enforcement function at the County level, unlike New Castle County in northern Delaware. Chief Hosfelt explained that Kent County has no share in the allocation based on a Memorandum of Understanding, which indicates that Kent County has no claims to the money.

Chief Hosfelt requested approval to utilize FY13 Edward Byrne Justice Assistance Grant Program funds to upgrade/replace the Department's voicemail system and use any remaining funds for other non-budgeted technology upgrades. He noted that the cost for the voicemail system was approximately $35,000 and it would be procured from Collins Business Systems, Inc. through the State of Delaware Contract; therefore, bids would not be required.

Staff recommended approval of the grant project as requested.

Mr. Slavin moved to recommend acceptance of staff's recommendation for the approval of the grant project, seconded by Mr. Shevock and unanimously carried. *(City Clerk's Office Note: Due to time constraints, this item was placed on the Council agenda for the meeting being held later in the evening.)*

Proposed Amendments to Chapter 58 - Human Relations Commission

During their meeting of June 10, 2013, Council approved the Committee's recommendation of May 28, 2013 that the Chair of the Legislative, Finance, and Administration Committee schedule a Special Meeting for the purpose of discussing recommendation Items #1-5 included in the Committee Action Form (CAF) pertaining to the Dover Human Relations Commission (DHRC).

During the Committee meeting of June 24, 2013, Mr. Hutchison stated that since the creation of the DHRC in 2002, it had served a very important part in addressing some critical issues in the City; however, based upon past performance, there were some issues and concerns which needed to be reviewed and addressed. He voiced his concerns regarding the size of the Commission, stating that 15 members were too many, and the serious problem of retaining members, noting the Mayor and Council had received resignations from numerous members. The Committee reviewed each of the

five (5) recommended items and then opened the floor for public comments. After much discussion, members tabled the matter until the next meeting to allow the opportunity for members to obtain and review the DHRC by-laws, the number and type of complaints received, and research regarding the City Solicitor's review of the formation of the DHRC

Mr. Shevock moved to remove the matter from the table, seconded by Mr. Rushe and unanimously carried.

Mr. Hare reiterated his desire to reduce the membership of the Commission to nine (9) members, to include two (2) members from each Council district and one (1) at-large, similar to the Planning Commission membership, feeling that each Council district should be represented and that all members should be City of Dover residents.

Concurring, Mr. Dixon felt that it would be more beneficial for the Commission to be comprised of representatives from each election district to create a balance. He stated his opinion that the Commission should provide training to City officials, as the Delaware State Human Relation Commission (SHRC) does for State officials, to ensure the fair treatment of all people.

Mr. Rushe questioned if there was a need for the Commission to meet on a monthly basis and suggested that their meeting requirements be reduced to quarterly or on an as needed basis.

Bishop Gregory Gordon, 56 South New Street, felt that the three (3) minute time limit was insufficient for public testimony. He reminded members that the DHRC was a link between the City and the citizens of Dover that afforded the citizens the ability to come before a body that would listen and take action. He noted that many DHRC members took a personal vested interest in the problems relayed to them and would advise citizens of solutions or direction regarding how to alleviate their problem. Bishop Gordon advised members of concerns regarding equality for those merchants located on the west end of Loockerman Street beyond Governors Avenue, noting that they were not provided the same funding as businesses located east of Governors Avenue. In addition, he noted that previously there was no ability to display street banners on the west end of Loockerman Street, although subsequently changes were made that allowed for banners to be hung in this area.

Mr. EShed Alston, 406 Arnold Court, concurred with the objections of Bishop Gordon regarding the three (3) minute time limit for public testimony. He explained his main concern was how the DHRC, the City administration, or City Council "dropped the ball" which resulted in two (2) dead children (Connelly and Clark). He expressed his belief that in these cases contemporaneous records exist and have been obstructed. He referred to records he had obtained that he felt raised pertinent issues, such as whether direction came from the City of Dover or Delaware Department of Justice, and questioned who was running the City of Dover. He stated that initially, in September 2012, a contemporaneous record was made that was obstructed by the City of Dover and indicated that he alleged and intended to prove beyond any reasonable doubt that the City of Dover was well aware of what was going on and obstructed it. Mr. Alston stated that there had been obstruction of justice, collusion, and conspiracy to collude, which were serious charges that he could prove.

Ms. Gail Tolbert, member of the White Oak Homeowners Association, stated that with the exception of Councilman Lynn and an additional representative, no other members of Council visit the area during elections, which she stated made it difficult when she attempted to encourage new residents to vote. She questioned why no one knows who they are when there is a problem in that area. She indicated that there were residents moving in and out of the White Oak and Towne Point subdivisions and requested that all elected officials visit the residents in the area.

Ms. Rochelle Jackson requested that Bishop Gordon be provided her allotted time to speak.

Mr. Hare moved to suspend the rules to allow the public additional time beyond the allotted three (3) minutes to speak. The motion was seconded by Mr. Rushe and unanimously carried.

Bishop Gordon noted that the City had expended funds to beautify the downtown area and had erected buildings, created parks, etc.; however, he questioned what was being done for others in the area that do not have jobs. He felt that the DHRC had pulled together, with the assistance of his ministry, to develop what is called "Second Chance Partners." The DHRC was able to hold a bank of people with employable gifts that could be used to support their family. By offering such opportunities, he advised members that 300 people had been able to acquire jobs through his ministry and that the DHRC had been very instrumental in providing him with direction in this regard. Bishop Gordon explained that some of the "Second Chance" employers accept the individuals with their backgrounds, knowing that they had come through his ministry and its teachings and that they were trying to rehabilitate themselves. Bishop Gordon indicated that these individuals were drug tested and offered drug prevention scenarios. Although his ministry assists the homeless, he explained that some people do not want to change; therefore, there would always be a homeless presence. However, he assured members that there were some individuals that need and want the help offered. In relaying his support of the DHRC, he requested those in the audience that felt that the Commission was necessary to stand and noted that there were 11 people who stood in support.

Mr. Rushe felt that members did not wish to eliminate the DHRC but desired to make it better. Noting that the Dover Code currently provided for 15 members to serve on the Commission, it was his feeling that the Commission could be better structured with fewer members serving and questioned the meeting requirements (monthly, quarterly, etc.).

Responding, Bishop Gordon felt that the DHRC should meet more often than monthly and did not feel that it would be beneficial to reduce the membership. He requested that members look into their hearts and, while they are eating lavish meals (such as Thanksgiving) in their big, nice homes, with several family members and friends, that they consider the person eating a can of spam with some dried toast and sharing it with their family. He stated that the DHRC wholeheartedly understood these types of situations and that members had helped facilitate meals for others. With this kind of help being provided, Bishop Gordon stated that rather than reducing the membership, he felt there was a need for the Commission to have 30 members.

Noting the passion of Bishop Gordon, Mr. Alston felt that it would be a different Commission if someone like Bishop Gordon served as a member or someone like himself with legal training. He suggested that City Council recruit the "Gordons" and "Alstons" in the community since they had the skills and passion to do the things that were not being done. He stated that the problems were not due to economics or politics but rather issues of "will or will not" and, in this case, it had been a "will not." He questioned if members had the will to make a change or not. He noted that if there were no change, the status quo would continue. If members did not take action to resolve these issues, he stated that such matters would be reviewed and resolved by a court.

Dr. Jahi Issa, 1300 S. Farmview Drive, explained that his intent and that of others in attendance was not to embarrass the City but rather to make Dover a better place for all citizens. He felt that if any citizen felt unsafe, it was the right of the elected official to alleviate this feeling. It was his opinion that members of City Council wished to ignore the complaints made rather than addressing the issues. He suggested that members take the issues seriously and not run from them.

Dr. Issa advised members of complaints made to the DHRC and, although the minutes of the meeting were not available, he had a video of a legitimate DHRC meeting that everyone was "pretending never happened." He stated that the complaints consist of murders and attempted murders by the individuals that lived at 30 Governors Avenue and were brought to the attention of the Mayor, with names and addresses. He expressed hope that there would be a proper investigation or citizens would be allowed to create a task force and launch an investigation so that they did not have to walk the streets in fear. He noted that white citizens did not have this fear; however, black citizens were familiar with this ugly, age-old fear.

Responding and taking offense to certain comments, Mr. Hare assured Dr. Issa that such fear was not relative to citizens being black or white. He explained that recently, while his grandchildren were visiting, his home was broken into and burglarized while everyone was sleeping and that he, a white man, had fear, along with several others in the neighborhood. He stated that it was not just the black residents in the community or those who live in certain locations in the City that had fear of certain things, explaining that such actions were taking place all over the City and to all people. He stated that the burglary incident at his house was not taken to the DHRC but rather reported to the Dover Police Department.

In response to Mr. Hare, Dr. Issa explained that he was referring to murders and attempted murders that were being covered up and that the fears of black residents were a totally different, historical reality.

Mr. Doug Beatty, 50 N. Draper Circle, Magnolia, stated that he served as a talk show host during the weekends for WGMB radio. He referred to Page 13 of the DHRC Response to Action Form, dated June 24, 2013, which was an email from Councilman Anderson indicating that Dr. Issa was traveling in dangerous company with the War on the Horizon website radicals and this posed a danger. Mr. Beatty advised members that the gentleman known as "Irritated Genie" on this website interviewed himself, Dr. Issa, Henery Fordham, and Johnny Clark's mother when no one else would touch the story. Mr. Beatty stated that War on the Horizon was not the first choice of media outlets

and that other media outlets and law enforcement agencies were contacted before this website was approached. He stated his understanding that Council's sensibilities might be shocked by the website; however, he felt the content was "nothing" compared to the feelings experienced by someone who had worn a badge and risked their life to uphold the oath of office when they review what happened to Henery Fordham. He questioned why no one could catch the two (2) individuals involved, noting that he had personally given the first and last name, address, and landlord's name of one of them to the Mayor. Mr. Beatty stated that if he had to obtain a Facebook picture of this individual he would. He noted that it was not his wish to embarrass the City or cause trouble. He indicated that he had been asked to help in this situation and no one else would listen to those involved. He urged members of Council to retain the DHRC, request an investigation into the lynching incidents, and determine what happened to Henery Fordham.

For the record, Mr. Alston stated that he was an honorably discharged American veteran and would not allow anyone to speak to him disrespectfully. Responding, Mr. Hare apologized.

Mr. Hutchison stated his opinion that the DHRC served as a very important body for the City, that there should be four (4) mandatory meetings each year (quarterly), and that all other meetings should be called based upon complaints. In addition, he felt that reducing the membership to seven (7) to nine (9) would be sufficient and allow the membership to work together regarding concerns related to the community.

In regard to the meetings, Mr. Rushe suggested, in addition to specifying a minimum number of meetings being held, that the current by-laws be continued that would allow any three (3) members to call a meeting.

Mr. Dixon reiterated his desire for the Commission to provide training to the leadership of the City to provide an understanding of the mission of the DHRC.

Based on the discussion, Mr. Slavin noted that there was a desire to have a large membership on the Commission; however, the past experience was that some members do not attend meetings. He felt that the Commission should be involved with education on issues seminal to the City and its residents. He suggested that the model they could adopt would be to have a series of mandatory meetings, have the ability to call a meeting if the need arose, and to establish a series of workshops that could be held throughout the year. He stated that the workshops could be sponsored by the Commission but not necessarily "meetings of the Dover Human Relations Commission," which he felt could be accomplished without having a quorum of the Commission since they would only be sponsoring the workshop.

Chairman Lynn reminded members that the recommendation as presented by Councilman Hutchison was for the Legislative, Finance, and Administration Committee to examine the role and performance of the Dover Human Relations Commission to determine the following: 1) if the Commission is fulfilling its purpose; 2) if there is evidence of a continued necessity for the Commission, or if it is a duplication of services provided by other agencies, committees, etc. within the City and/or State of Delaware; 3) the possibility of amending Sec. 58-33 (c) - Meetings, of the

Dover Code to limit the Commission to meeting on an as needed basis, in the same manner as many other City committees, commissions and boards, including the Awards Committee, Election Board, Ethics Commission, and Property Maintenance Code Board of Appeals; 4) the possibility of amending Sec. 58-32 (b) - Composition; appointment, of the Dover Code to reduce the membership of the Commission from fifteen (15) to seven (7), which would maintain the threshold originally proposed during the Dover Community Meeting of December 4, 2001; and 5) direct staff to prepare a Proposed Ordinance reflecting the recommendations of the Committee.

As a result of the discussions regarding this matter, Chairman Lynn expressed his opinion that the responses to the above recommendations were as follows:

1) To some extent, the Commission was fulfilling its purpose.
2) There was continued evidence of necessity for the Commission.
3) Additional discussion was required regarding the Commission meetings.
4) Additional discussion was required regarding the desired number of members for serving on the Commission.
5) Members needed to provide further direction in order for staff to prepare any necessary ordinance amendments.

He questioned if there were any suggestions as to how the desires of the Committee could be "distilled down" and put into an appropriate format for staff to develop any necessary ordinance amendments for Council's consideration.

Responding, Mr. Slavin felt that there was not enough time left during the meeting for members to further discuss the issues and develop a recommendation. Given the importance of this issue and to allow more time for discussions, he suggested that this matter be brought back at the next scheduled Committee meeting.

Mr. Slavin moved to table the matter and request that it be put on the agenda for the next Legislative, Finance, and Administration Committee Meeting. The motion was seconded by Mr. Hare and unanimously carried.

At the request of Mr. Rushe, those members of the Dover Human Relations Commission that were in attendance stood (two (2) members). Noting that several of the DHRC members were not in attendance, he urged all DHRC members to attend the next meeting in order for them to provide their input, feeling that it would be beneficial for members in making a final determination.

Chairman Lynn requested that Mr. Sudler reach out to the membership and request their attendance during the next Committee meeting in order for them to state their feelings regarding the issue.

Mr. Slavin indicated that anyone who wished to directly discuss this issue with any member of Council should feel free to do so.

By unanimous consent, the meeting adjourned at 6:48 p.m.

Sean M.Lynn
Chairman

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ACTION FORM

PROCEEDING: Utility Committee	**AGENDA ITEM NO.**: 1
DEPARTMENT OF ORIGIN: Finance	**DATE SUBMITTED**: 07/22/13
PREPARED BY: Donna Mitchell, Controller/Treasurer	
SUBJECT: Revised Water/Wastewater CIP – FY13 through FY14	
REFERENCE: Garrison Oak Technology Park infrastructure build out & improvements	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller/Treasurer, Public Works Director	
EXHIBITS: Revised CIP Schedule	
EXPENDITURE REQUIRED: FY13 & FY14 $14,801,300 **AMOUNT BUDGETED**: REVISED $15,801,300	
FUNDING SOURCE (Dept./Page in CIP & Budget): Water Management, CIP Account No.: 417-6800-568.40-31 and Wastewater Management CIP Account No 417-6900-569-40-31. Funds will be transferred upon City Council approval later this evening.	
TIMETABLE: Projects to proceed within timetables submitted in the FY14 CIP program.	
RECOMMENDED ACTION: Approval of Revised Capital Improvement Plan for FY14.	

Background

During the Utility Committee Meeting of February 13, 2012 Mr. Koenig provided the Committee with information on the Calpine project and requested support for City funding for infrastructure improvements of up to a target of $6 million dollars. At the time of the request, it was not known how much would need to be allocated for streets, storm water, water and wastewater. As a placeholder in the FY13 CIP, the $6 million was divided up as $2 million for streets and storm water, $2 million for water, and $2 million for wastewater. These projects were budgeted in the FY13 CIP.

Revised Project Estimates

The conceptual design and technical specifications of the elevated water tank by URS was approved by Council in September 2012 in the amount of $49,000 and completed in April 2013. The original scope of the Water project was changed to increase the pipe size and tank size. The tank was originally estimated for 1.0 million gallons and the pipe was a 12 inch main. The size needed based on requirements of the Calpine project is a 1.5 million gallon tank and a 16 inch main. These factors as well as the soil condition have resulted in a revised project estimate of $4,235,000.

The design of the wastewater facilities by Pennoni was approved by City Council in September 2012 in the amount not to exceed $365,000 and will be completed by August 2013. They were tasked with pump station design, analysis and design of existing force main and gravity sewer, analysis and upgrade design to existing PS #5, and abandonment and design of existing PS #14. In order to facilitate the tie into the County system this project estimate needs to be increased to $3,224,200.

The streets and storm sewer design is close to completion by Becker Morgan. Based on current information the Public Works Director expects this project to be within the estimate of $2 million.

In order to cover the increased estimated cost of these projects, now totaling $9,459,200, we have re-worked the Capital Investment Plan as follows. If other funding sources become available or actual costs are lower, we will replenish the projects affected by priority of need.

Revisions to Water/Wastewater Capital Improvement Plans FY13 & FY14

Project	Current Estimate	Revised Estimate
GOTP – Water System Improvements - Bond	$2,000,000	$4,235,000
Transfer Water Quality Improvements – FY13	250,000	
Transfer Water Quality Improvements – FY14	905,000	
Transfer Emergency Generators – FY14	80,000	
Transfer – WW System Improvements – Bond – FY13	1,000,000	
Total GOTP – Water System Improvements	$4,235,000	
GOTP – Wastewater System Improvements – Bond	$2,000,000	$3,224,200
Transfer to GOTP – Water Infrastructure – FY13	(1,000,000)	
Transfer Wastewater Impact Fees – FY14	1,000,000	
Transfer Inflow Infiltration Improvements – FY14	1,013,800	
Defer purchase of Jet Truck – FY14	210,400	
Total GOTP – Wastewater System Improvements	$3,224,200	

Table 7
Water/Wastewater Capital Improvement Plan FY13 - FY18
7/14/2013

CAPITAL PROJECTS	Revised 2013	Projection 2014	Projection 2015	Projection 2016	Projection 2017	Projection 2018	Yr 14 - Yr 18 5 Yr. Total
Meter Reading - Meters (Split W/WW 50%)	$ -	$ -	$ -	$ 150,000	$ 200,000	$ 200,000	$ 550,000
Vehicles & Equipment (Split W/WW 50%) Eng/Insp/Mtrng	29,200	-	-		17,100	17,800	34,900
							-
Water, Water Construction & Water Treatment							-
Vehicles & Equipment - Water	263,400	116,800	460,200	166,800	232,900	70,600	1,047,300
1.0 MG Elevated Storage Tank	2,166,000	390,000	-	-	-	-	390,000
Piney Point Well	505,600	-	-	-	-	-	-
Garrison Farm Improvements - GOTP Infrastructure	3,000,000	1,235,000	-	-	-	-	1,235,000
Columbia Well Installation	55,000	-	-	-	-	-	-
Projects with Locations to be Determined							
Future Well Installation	-	-	55,000	98,800	408,900	-	562,700
Emergency Generators	80,000	-	-	-	-	-	-
Wellhead Redevelopment	70,000	75,000	80,000	82,500	85,000	87,500	410,000
Water Quality Improvements	641,800	-	960,000	950,000	950,000	950,000	3,810,000
SCADA Upgrades	-	-	80,000	80,000	-	-	160,000
Treatment Plant Improvements	-	-	150,000	350,000	550,000	-	1,050,000
Total Water	**6,781,800**	**1,816,800**	**1,785,200**	**1,728,100**	**2,226,800**	**1,108,100**	**8,665,000**
Wastewater							
Vehicles & Equipment - Wastewater	265,100	26,800	59,900	241,100	353,900	236,800	918,500
Batray Pump Station Replacement	100,000	-	-	-	-		-
Tar Ditch Interceptor Upgrade (Impact Fees)	490,300	-	-	-	-	-	-
SCADA System Technology Upgrade	29,300	-	-	-	-	-	-
Fox Hall Pump Station Replacement DSRLF	144,800	-	-	-	-	-	-
Brandywine Pump Station Replacement	350,000	-	-	-	-	-	-
Garrison Farm Improvements - GOTP Infrastructure	1,000,000	2,224,200	-	-	-		2,224,200
Lepore Road Pump Station Replacement DSRLF	384,200	-	-	-	-	-	-
Rolling Acres Pump Station Replacement	-	-	-	52,000	360,500	-	412,500
Dover Brook Gardens Pump Station Upgrade	50,000	-	-	-	-	-	-
McKee Road Pump Station Communicator Replacement	45,000	-	-	-	-	-	-
DelTech Pump Station Replacement	-	-	-	-	52,000	403,000	455,000
Westover Pump Station & Force Main Upgrade - Impact Fees	65,000	-	703,800	-	-	-	703,800
Lakeview Drive Pump Station Replacement	52,000	-	450,000	-	-	-	450,000
Lepore Road Sanitary Sewer Main	-	-	-	-	50,000	275,000	325,000
Sliver Lake Pump Station Replacement	-	-	-	-	-	52,000	52,000
Hazlettville Road Interceptor - Impact Fees	30,000	-	740,000	-	-	-	740,000
Retreat Pump Station Replacement	-	-	52,000	360,500	-	-	412,500
Location/Pump Station to be Determined							
Inflow/Infiltration Removal/System Improvements	1,916,800	-	1,264,500	1,200,000	1,207,500	1,250,000	4,922,000
Total Wastewater	**4,922,500**	**2,251,000**	**3,270,200**	**1,853,600**	**2,023,900**	**2,216,800**	**11,615,500**
Total	$ 11,733,500	$ 4,067,800	$ 5,055,400	$ 3,731,700	$ 4,467,800	$ 3,542,700	$ 20,865,400
FUNDING SOURCES	**Revised 2013**	**Projection 2014**	**Projection 2015**	**Projection 2016**	**Projection 2017**	**Projection 2018**	**Yr 11 - Yr 15 Total**
I & E Fund Budget Balance - Water	$ 3,811,200	$ 1,727,300	$ 1,513,000	$ 940,300	$ 849,700	$ 126,800	
I & E Fund Budget Balance - Wastewater	$ 2,641,000	$ 166,400	$ 257,900	$ 115,800	$ 164,700	$ 9,800	
Transfer from Operating Fund - Water	1,700,000	1,200,000	1,200,000	1,700,000	1,600,000	1,700,000	7,400,000
Transfer from Operating Fund - Wastewater	1,200,000	1,330,000	1,800,000	1,800,000	1,800,000	2,100,000	8,830,000
Transfer from Impact Fee Reserve - Water	-	390,000	-	-	-	-	390,000
Transfer from Impact Fee Reserve - Wastewater	250,000	1,000,000	1,315,600	165,000	165,000	182,000	2,827,600
Net Bond Proceeds - Water (Bond) net proceeds	3,000,000	-	-	-	-	-	-
Net Bond Proceeds - Wastewater (Bond)	1,000,000	-	-	-	-	-	-
Interest Income	25,000	25,000	25,000	25,000	25,000	25,000	125,000
Total Sources of Funds (incl. Budget Balances)	$ 13,627,200	$ 5,838,700	$ 6,111,500	$ 4,746,100	$ 4,604,400	$ 4,143,600	$ 19,572,600
Water	$ 1,727,300	$ 1,513,000	$ 940,300	$ 849,700	$ 126,800	$ 622,300	$ 1,513,000
Wastewater	$ 166,400	$ 257,900	$ 115,800	$ 164,700	$ 9,800	$ (21,400)	$ 257,900
Total Budget Balances	$ 1,893,700	$ 1,770,900	$ 1,056,100	$ 1,014,400	$ 136,600	$ 600,900	$ 964,195

Prepared for: City Council
Council Meeting: July 22, 2013

CITY OF DOVER
FISCAL YEAR JULY 1, 2012 TO JUNE 30, 2013
REVENUE REPORT
As of June 30, 2013 - PRELIMINARY

	GENERAL FUND	FY13 BUDGET	FY13 REVISED BUDGET	JUNE YTD REVENUES	100.0% % BUDGET RECEIVED	FY14 BUDGET	COMMENTS	FY12 REVENUES	FY11 REVENUES
1	Property Taxes	$ 10,767,600	$ 10,761,800	$ 10,768,800	100.1%	$ 10,782,300		$ 10,765,741	$ 10,647,362
2	Payment In Lieu of Taxes	281,400	329,000	357,600	108.7%	387,200		284,457	257,547
3	Transfer from Electric Fund	8,000,000	8,000,000	8,000,000	100.0%	8,000,000		7,876,288	8,856,000
4	Intrafund Service Receipts Electric	3,224,500	3,177,100	2,931,300	92.3%	3,319,400	Through May	3,105,015	3,150,761
5	Transfer Tax	1,370,000	1,370,000	1,107,700	80.9%	1,315,500		1,373,208	1,462,154
6	Business Licenses	1,455,000	1,455,000	1,462,500	100.5%	1,460,000		1,470,097	1,467,382
7	Intrafund Service Receipts Water/Wastewater	1,104,600	1,045,800	952,200	91.0%	1,134,900	Through May	894,186	892,538
8	Sanitation Fees	2,690,200	2,676,500	2,624,900	98.1%	2,676,500		1,903,623	2,173,433
9	Permits & Other Licenses	1,053,300	1,053,300	1,162,800	110.4%	1,167,500		1,346,769	949,982
10	Transfer from Municipal Street Aid Fund	527,400	527,400	530,900	100.7%	527,400		527,042	527,226
11	Fines & Police Revenue	668,000	668,000	582,500	87.2%	666,000	Not all June received/billed	681,952	698,522
12	Police Extra Duty Fees	494,400	636,100	712,500	112.0%	650,000	Est. May/June Extra Duty	600,310	334,023
13	Court of Chancery Fees	753,800	807,200	836,400	103.6%	863,200	Through May	863,220	766,340
14	Transfer from Water/Wastewater Fund	500,000	500,000	500,000	100.0%	500,000		424,508	-
15	Transfer from Civil Traffic Penalties Fund	750,000	350,000	280,700	80.2%	600,000	Through May	518,638	967,020
16	Library Revenues & County Reciprocal Pymt.	472,100	472,100	466,500	98.8%	466,600		475,822	444,455
17	Franchise Fees	550,000	600,000	460,200	76.7%	606,200		568,240	549,353
18	Grants	708,500	735,600	782,200	106.3%	733,500	$50k Verizon to Reserve; $578k Pension to Police Pension Trust; Est. Extra Duty Grants	1,010,452	963,152
19	Recreation Revenue	130,000	130,000	144,700	111.3%	133,000		112,480	144,114
20	Other Miscellaneous Receipts	128,500	199,100	193,400	97.1%	213,800		232,535	312,836
21	Interest Income	75,000	75,000	102,500	136.7%	75,000		53,175	49,779
	TOTALS	$ 35,704,300	$ 35,569,000	$ 34,960,300	97.9%	$ 36,278,000		$ 35,087,758	$ 35,613,979
	Final Budget							**$ 35,016,778**	**$ 35,641,080**

	WATER/WASTEWATER FUND	FY13 BUDGET	FY13 REVISED BUDGET	JUNE YTD REVENUES	100.0% % BUDGET RECEIVED	FY14 BUDGET	COMMENTS	FY12 REVENUES	FY11 REVENUES
1	Water Fees	$ 4,730,700	$ 4,730,700	$ 4,551,800	96.2%	$ 4,730,700		$ 4,707,918	$ 4,945,385
2	Wastewater Fees	3,834,600	3,642,700	3,564,600	97.9%	3,642,700		3,722,985	3,694,020
3	Wastewater Adjustment Fees - County Trtmt	3,090,800	2,980,400	2,926,600	98.2%	2,980,300		3,050,127	3,058,656
4	Groundwater Inflow Adjustment	1,257,600	1,324,600	1,314,000	99.2%	1,324,600		1,290,968	1,171,376
5	Water Impact Fees	350,000	350,000	221,500	63.3%	357,000		308,700	393,750
6	Wastewater Impact Fees	317,000	380,000	386,000	101.6%	323,000		277,400	354,825
7	Water Tank Space Leasing	313,500	313,500	300,100	95.7%	333,800		313,101	300,137
8	Interest Income	25,800	18,900	17,700	93.7%	23,100		31,889	9,808
9	Other Miscellaneous Revenues	77,000	81,400	72,400	88.9%	82,000		104,634	83,056
	TOTALS	$ 13,997,000	$ 13,822,200	$ 13,354,700	95.4%	$ 13,797,200		$ 13,807,722	$ 14,011,013

Prepared for: City Council
Council Meeting: July 22, 2013

CITY OF DOVER
FISCAL YEAR JULY 1, 2012 TO JUNE 30, 2013
REVENUE REPORT
As of June 30, 2013 - PRELIMINARY

Final Budget **$ 13,819,800** **$ 13,707,200**

	ELECTRIC REVENUE FUND	FY13 BUDGET	FY13 REVISED BUDGET	JUNE YTD REVENUES	100.0% % BUDGET RECEIVED	FY14 BUDGET	COMMENTS	FY12 REVENUES	FY11 REVENUES
1	Sales to Customers	$ 85,071,400	$ 87,519,500	$ 86,887,000	99.3%	$ 76,286,700		$ 96,483,053	$ 99,859,602
2	Purchased Power Adjustment	-	-	-	0.0%	-		(6,083,282)	(2,290,989)
3	Utility Tax	1,595,200	1,498,900	1,443,900	96.3%	1,492,200		1,548,209	1,944,543
4	Transfer from Rate Stabilization Reserve	5,400,000	5,400,000	5,400,000	100.0%	4,000,000		1,000,000	-
5	Miscellaneous Revenue	1,204,700	1,314,700	1,509,500	114.8%	988,800		1,463,117	1,381,300
6	Interest Income	107,800	107,800	153,400	142.3%	119,400		95,708	12,662
7	Intrafund Service Fees - Water/Wastewater	130,800	130,800	123,000	94.0%	98,500		156,204	171,646
	TOTALS	$ 93,509,900	$ 95,971,700	$ 95,516,800	102.1%	$ 82,985,600		$ 94,663,009	$ 101,078,764
	Final Budget							**$ 93,958,400**	**$ 99,934,036**

ACTION FORM

PROCEEDING: City Council	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works	**DATE SUBMITTED**: 07/12/13
PREPARED BY: Sharon J. Duca, P.E. – Director of Public Works / City Engineer	
SUBJECT: Evaluation of Proposals – Garrison Water Storage Tank (1.5 MG) Design / Build	
REFERENCE: CIP – Garrison Farm Improvements	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller	
EXHIBITS: Aerial Map	
EXPENDITURE REQUIRED: $3,487,660.00	**AMOUNT BUDGETED**: REVISED $4.235,000
FUNDING SOURCE (Dept./Page in CIP & Budget): Water Management, CIP Account No.: 417-6800-568.40-31. Funds will be transferred upon City Council approval. The Revised 5 Year CIP was presented to the Utility Committee and Council earlier this evening.	
TIMETABLE: Work is to be completed within 470 days of receipt of notice to proceed.	
RECOMMENDED ACTION: Award the contract to CB & I, Inc., in response to City of Dover Bid #13-0037DPW, for the amount not to exceed $3,487,660.00	

BACKGROUND AND ANALYSIS

This project proposes designing and installing a new one and one-half million gallon (1.5 MG) elevated water storage tank. This new well, located within Garrison Oak Technical Park, will be a primarily used for the forthcoming tenants in the park. This tank will provide necessary water for demand and fire protection in the general area east of Delaware Route 1. Staff decided to utilize a design/build method to construct this elevated water storage tank. The contractors are responsible for submitting designs that meet the requirements outlined in the Request for Proposals, as well as all applicable regulations. The specific work for this project includes the design and construction of a new 1.5 MG composite elevated water storage tank and associated piping valves, appurtenances, excavation, backfill, testing, startup, paving, fencing and site restoration. The proposal was advertised to the public as a Request for Proposal in accordance with the City's purchasing policy by the City's Purchasing Agent under RFP #13-0037DPW. Proposals were opened on June 27, 2013. Each contractor was reviewed based upon the following criterion:

Factor	Point Range
Experience: Demonstrated experience with similar projects and history of achieving highest and best results among its peers.	0 to 20
Staff: Qualifications and utilization of the firm's employees assigned to the provision of these services, including previous work experience, technical management experience, education and training.	0 to 20
Costs: Proposed Cost of the Project	0 to 30
Service Ability: Firm's ability to provide full spectrum of engineering services including personnel, managerial and other resources as and when required to meet the project's objectives.	0 to 20
Location: Geographical location in relation to the City of Dover	0 to 10
Maximum Points	**100**

The City of Dover received four (4) proposals which were reviewed and analyzed, one (1) of the proposers withdrew their submission in accordance with the City's purchasing policy. Two (2) staff members conducted evaluations of the proposals. The following is a summary of the point-based evaluations:

Contractor	Address	Average Score	Total Bid
Caldwell	4000 Tower Road Louisville, KY 40232	70.5	$3,550,000
CB & I, Inc.	24 Reads Way New Caste, DE 19720	95.5	$3,487,660
Landmark Structures, L.P.	1665 Harmon Road Fort Worth, TX 76177	81.0	$4,182,000
Whitemarsh Environmental	1100 S. Little Creek Road Dover, DE 19901	*WITHDRAWN*	

Based on the average score of the evaluations, as well as the proposed cost; staff recommends awarding the contract to CB & I, Inc. in the amount not to exceed $3,487,660.00

Proposed Garrison Water Tower (1.5 MG)



0 250 500 Feet

Date Printed: July 11, 2013
File: m:\gis_data\projects\tech_mxds
\proposed_garrison_water_tower
Department: Public Works GIS
City of Dover, Delaware

N

Legend

Dover Parcels

WHITE MARSH
ENVIRONMENTAL SYSTEMS, INC.
1100 South Little Creek Road
Dover, Delaware 19901

June 27, 2013

Mr. Peter Gregg
City of Dover Procurement Manager
710 William Street
Dover, DE 19904

RE: Garrison Water Storage Tank RFP Number: 13-0037PW

Dear Mr. Gregg:

On behalf of White Marsh Environmental Systems, Inc., I respectfully request immediate withdraw of our submission for the proposal number 13-0037PW dated June 27, 2013. The lump sum proposal was submitted inaccurately, thus creating a substantial and material mistake. I regret the error and any inconvenience this may have caused the City of Dover.

Your consideration to honor this request favorably is greatly appreciated.

If I can be of any assistance to you in this matter please contact me at 410-980-0127.

Respectfully,

W. Michael Newnam
Business Development Manager
White Marsh Environmental Systems, Inc.

Received by: _____

Date: 6/28/13

302-734-7500 1-800-523-7224 fax 302-734-9295

ACTION FORM

PROCEEDING: City Council	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works	**DATE SUBMITTED**: 07/12/13
PREPARED BY: Sharon J. Duca, P.E. – Director of Public Works / City Engineer	
SUBJECT: Evaluation of Proposals – Janitorial Services at Specific City Buildings	
REFERENCE: DPW Facilities Management – Operating Budget	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller	
EXHIBITS: N/A	
EXPENDITURE REQUIRED: $51,115.96	**AMOUNT BUDGETED**: $40,500.00
FUNDING SOURCE (Dept./Page in CIP & Budget): Facilities Management, Operational Budget, Account No.: 110-2500-552.30-31. Deficit to be transferred from salary savings realized in the 10 series related to the Building Craftsperson II position to be filled in August. Funds will be transferred upon City Council approval.	
TIME TABLE: Contract is to be awarded, notice to proceed shall be issued and work shall commence by September 1, 2013.	
RECOMMENDED ACTION: Award the contract to Mid-Atlantic Services, A-Team Corp., in response to City of Dover Proposal #13-0035PW, in the amount of $51,108.00 for FY 2014.	

BACKGROUND AND ANALYSIS

The Facilities Management Division of the Department of Public Works is responsible for custodial services at the Electric Department (Buttner Place), J.W. Pitts Center (Electric Avenue), Public Works (William Street), Weyandt Hall (Reed Street), City Hall (Loockerman Plaza) and the Library (Loockerman Plaza). In FY 2013 five (5) custodians were budgeted to service these locations. During FY 2013, two (2) of the five (5) custodians resigned and/or retired. Due to this staffing shortage, it was decided to contract out custodial services for the City buildings located outside of the downtown campus. The proposal for these services was advertised to the public as a Request for Proposal in accordance with the City's purchasing policy by the City's Purchasing Agent under RFP #13-0035PW. Proposals were opened on June 6, 2013. Each contractor was reviewed based upon the following criterion:

FACTOR	POINT RANGE
Experience: Demonstrated experience with similar projects; familiarity with public work including its requirements, systems and problems; and history of achieving highest and best results among its peers.	0 to 20
Staff: Qualifications and utilization of the firm's employees assigned to the provision of these services, including previous work experience.	0 to 10
Costs: Proposed Cost of the Project	0 to 40
Service Ability: Firm's ability to perform the services requires and to meet the requirements of the project (i.e. staffing levels, adequacy of firm's financial responsibility and credit worthiness).	0 to 20
Location: Geographical location in relation to the City of Dover	0 to 10
Maximum Points	**100**

The City of Dover received four (4) proposals which were reviewed and analyzed. Two (2) staff members conducted evaluations of the proposals. The following is a summary of the point-based evaluations:

CONTRACTOR	ADDRESS	AVERAGE SCORE	PER WEEK EXT. PRICE	PER 8 HR DAY EXT. PRICE	FY 2014 COST	FY 2015 / FY 2016 COST
Elite Cleaning Co., Inc.	630 Churchmans Road Newark, DE 19702	45	$777.45	$112.00	$37,007.80	$43,227.40
Mid-Atlantic Services, A-Team Corp.	**5921 West Denny's Road Dover, DE 19901**	**84**	**$1,077.09**	**$148.96**	**$51,115.96** $49,582.48*	**$59,732.68** $57,940.70*
Network Building Concepts, LLC	P.O. Box 9 Cornwall, PA 17016	69	$1,224.18	$140.96	$57,387.92	$67,181.36
STL & Associates, LLC	P.O. Box 126 Smyrna, DE 19977	64	$985.14	$200.00	$48,346.16	$56,227.28

**Reflects three percent (3%) M/WBE / local vendor preference.*

Based on the average score of the evaluations, which includes evaluation of the proposed cost; staff recommends awarding the contract to Mid-Atlantic Services, A-Team Corp. in the amount of $51,115.96. This represents the forty-four (44) weeks necessary to complete work this fiscal year at the proposal locations of the Electric Department, John W. Pitts Recreation Center and Public Works well as vacation coverage or similar for internal custodial staff at City Hall, the Library and Weyandt Hall.

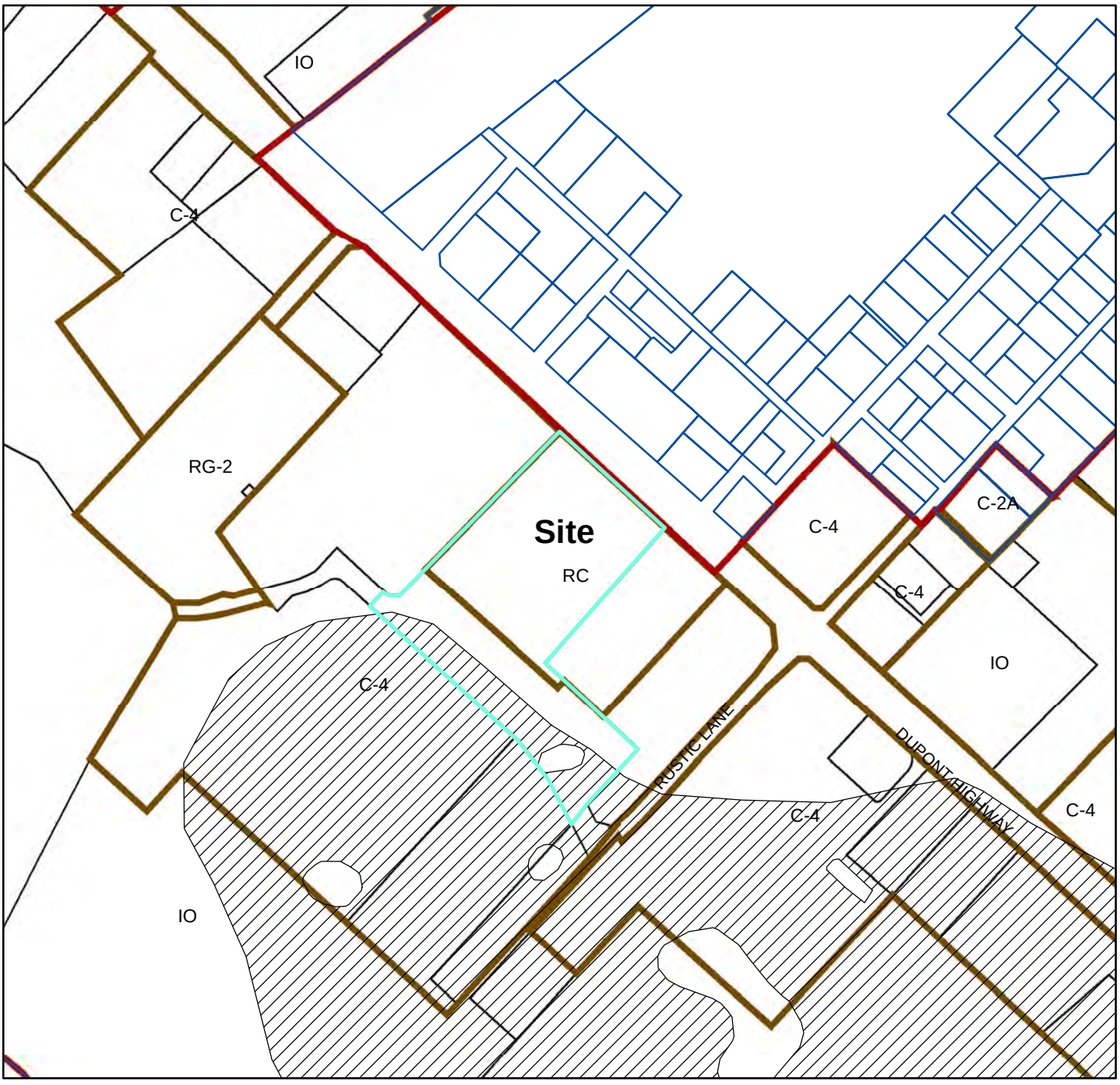
PETITION TO AMEND AND ZONING DISTRICT
First Reading before the Dover City Council
July 22, 2013

Applicants/Owners:	KW Lands
Address:	1570 North DuPont Highway
Location:	West side of North DuPont Highway north of Rustic Lane of
Tax Parcel ID #:	ED05-057.00-01-05.00-000
Size:	12.6127 ac. +/-
Present Use:	Commercial (Hotels)
Proposed Use:	Institutional (University)
Comprehensive Plan Designation:	Commercial
Present Zoning:	RC (Recreational and Commercial Zone), C-4 (Highway Commercial Zone)/ SWPOZ (Source Water Protection Overlay Zone) Tier 3 – Excellent Recharge Area (a portion of)
Proposed Zoning:	IO (Institutional and Office Zone)/SWPOZ (Source Water Protection Overlay Zone) Tier 3 – Excellent Recharge Area (a portion of)
Reason for Request:	To allow for use university uses with Delaware State University
File Number:	Z-13-01

City of Dover

Department of Planning & Inspections

Application No.: Z-13-01



Plan Title: Lands of KW Lands
Location: 1570 North DuPont Highway
Plan Type: Rezoning
Tax Parcel: ED-05-057.00-01-05.00-000
Current Zoning: RC, C-4 and SWPOZ Tier 3
Proposed Zoning: IO and SWPOZ Tier 3
Owner: KW Lands
Date: 7/9/13

Legend

- Zoning
- SWPOZ Tier 3
- Dover Parcels
- Kent County Parcels
- Dover Boundary

0 300 600 1,200 Feet

FIRST READING

CITY OF DOVER
PROPOSED ORDINANCE #2013-12

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: *

S:\ORDINANCES\2013\Draft\2013-12 Rezoning - 1570 N. DuPont Highway.wpd

Actions History
July 22, 2013 - Scheduled for First Reading by Council

Draft

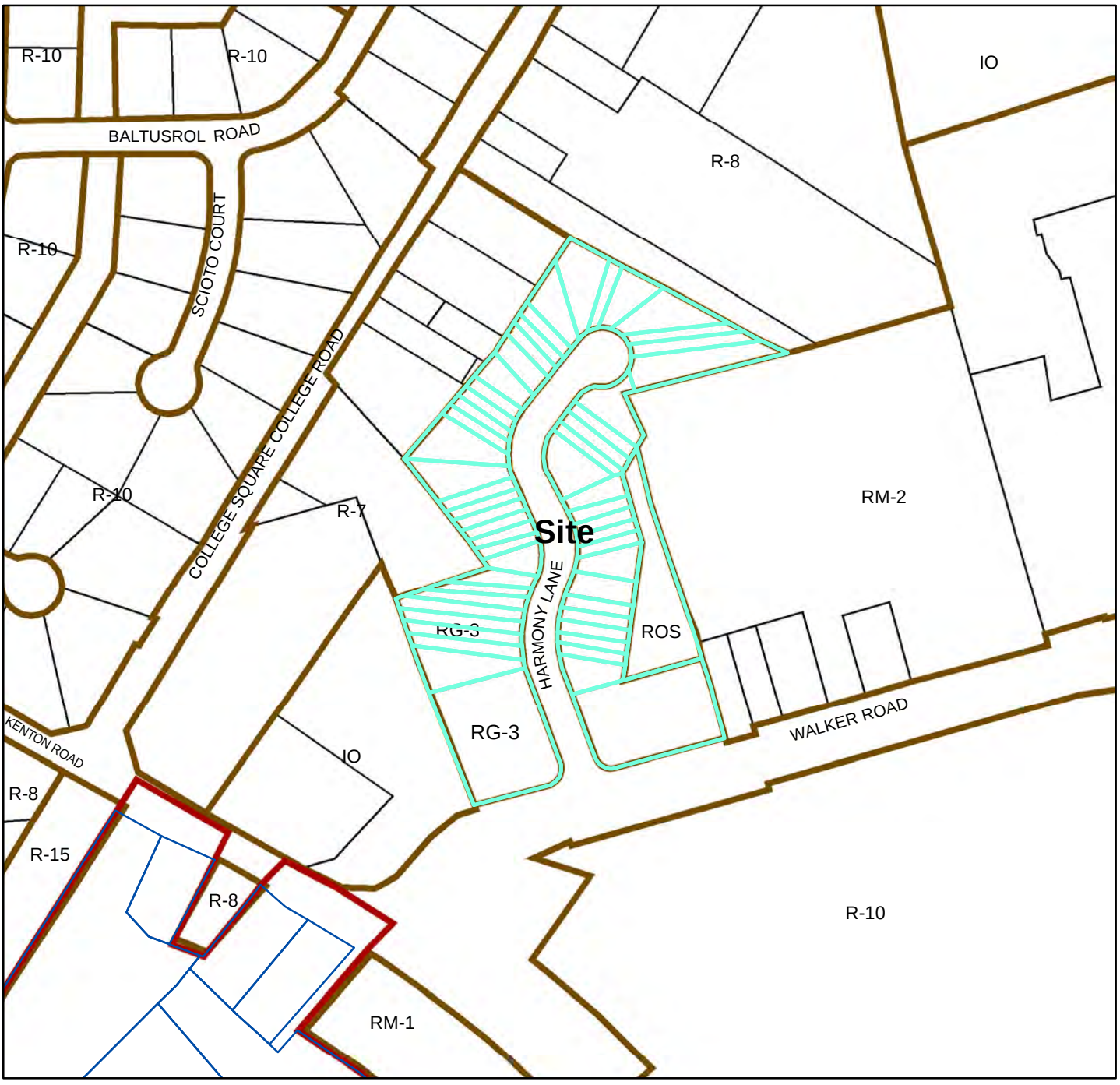
PETITION TO AMEND AND ZONING DISTRICT
First Reading before the Dover City Council
July 22, 2013

Applicants/Owners:	Walker Woods Properties, LLC Milford Housing Development Corporation
Address:	Walker Woods
Location:	North side of Walker Road adjoining Harmony Lane
Tax Parcel ID #:	Multiple
Size:	9.07227 ac. +/- (including existing right-of-way)
Present Use:	Residential
Proposed Use:	Residential
Comprehensive Plan Designation:	Residential High Density
Present Zoning:	RG-3 (Group Housing Zone) and ROS (Recreational and Open Space Zone)
Proposed Zoning:	RG-2 (General Residence Zone)
Reason for Request:	To allow for different residential use
File Number:	Z-13-02

City of Dover

Department of Planning & Inspections

Application No.: Z-13-02



Plan Title: Lands of Walker Woods Properties, LLC and Milford Housing Development Corporation
Location: Walker Woods
Plan Type: Rezoning
Tax Parcels: Multiple
Current Zoning: RG-3 and ROS
Proposed Zoning: RG-2 and ROS
Owners: Lands of Walker Woods Properties, LLC and Milford Housing Development Corporation
Date: 7/9/13

Legend

- Zoning
- Dover Parcels
- Kent County Parcels
- Dover Boundary

N W E S

0 150 300 600 Feet

FIRST READING

CITY OF DOVER
PROPOSED ORDINANCE #2013-13

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: *

S:\ORDINANCES\2013\Draft\2013-13 - Rezoning - Walker Woods and Walker Woods Phase 2.wpd

Actions History
July 22, 2013 - Scheduled for First Reading by Council

Draft

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2013-11

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

That Chapter 1 - General Provisions, Section 1-9 - Sponsoring, Consideration, Passage and Effective Date of Ordinances and Charter Amendments, Subsection (c) - Sponsors, of the Dover Code, be amended by inserting the bold, blue text and deleting the text indicated in bold, red, strikeout as follows:

Sec. 1-9. Sponsoring, consideration, passage and effective date of ordinances and Charter amendments.

(a) Requirements for passage. No ordinance, except emergency ordinances, shall be passed by the council until it is:

(1) Announced at one regular council meeting, which announcement shall be made by the city clerk outlining the nature of the ordinance and ~~**stated**~~ **stating** when it will be considered for passage at a subsequent regular council meeting; and

(2) Read by synopsis, outline or otherwise at the ~~**subsequently announced**~~ **aforementioned subsequent** meeting of the council prior to being voted upon by the council.

(b) Emergency ordinances; effective date of ordinances. Emergency ordinances may be passed by the council at any time, but must be designated as such that their immediate passage is necessary to serve the health and welfare of the city. Ordinances shall be passed in accordance with the provisions of section 10 of the Charter. All ordinances which do not state an effective date shall be effective immediately upon their adoption by the council and their approval by the mayor, except as otherwise provided in section 10 of the Charter.

(c) Sponsors. With the exception of emergency ordinances, zoning ordinances or map amendments, ordinance amendments submitted by ~~**council-appointed staff or**~~ a committee, and ordinances passed in consideration of a comprehensive review of the Code, all ~~**other**~~ ordinances or proposed Charter changes must have ~~**three**~~ **two (2)** sponsors, to consist of ~~**three**~~ **either two (2)** members of the council **or one (1) council-appointed staff member and one (1) member of the council**, before they are presented to the appropriate committee for consideration and subsequent recommendation to the council.

(Code 1968, § 1-8; Ord. of 3-12-1990; Ord. of 7-10-1995; Ord. of 2-12-2001; Ord. of 11-24-2003; Code 1981, § 1-6)

ADOPTED: *

SYNOPSIS

THIS AMENDMENT WOULD REDUCE THE NUMBER OF SPONSORS REQUIRED FROM THREE (3) TO TWO (2) AND WOULD REMOVE COUNCIL-APPOINTED STAFF FROM THE EXCEPTIONS.

(SPONSORS: LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

Actions History

July 22, 2013 - First Reading by Council

Draft

FINAL READING

CITY OF DOVER PROPOSED ORDINANCE #2013-10

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

That Chapter 2 - Administration, Article IV - Officers and Employees, Division 7 - General Employee Pension Plan, Section 2-331 - Form of Benefits, be amended by inserting the text indicated in bold, blue, font and deleting the text indicated in bold, red strikeout as follows:

Sec. 2-331. - Form of benefits.

(a) *Normal form*. A monthly benefit shall be payable on the first day of the second month preceding the date on which application for such benefit is filed. Payment will be retroactive to the retirement date. Payments of benefits shall be payable monthly thereafter during his lifetime, and terminating with the last payment on the first day of the month of the death of the participant.

(b) *Death of participant, etc*. Upon the death of a participant who has retired, or who is eligible to be retired under any of the provisions of this division, payment shall be made to his eligible survivors in the amount of 50 percent of the monthly payments to which the participant was or would have been entitled. Upon the death of a participant who has completed a minimum of 20 years of service but is not yet eligible to retire because of age, payment shall be made to his eligible survivors in the amount of 50 percent of the monthly payment that would have resulted by using his service time; however, the benefit is to be computed at a reduced rate of one-half percent for each month the participant was under the correct age for normal retirement. In no instance shall actual monthly payments be less than $200.00, to be effective July 1, 2000. Upon the death of both the participant and eligible survivor, if the benefit payments received in aggregate are less than the member's contributions, the balance of the member's contributions, plus 5 percent interest, will be paid to the surviving beneficiary designated or his estate if no designation has been made and submitted to the pension board. The amount of benefit payments received and the amount of the member's contributions shall be determined from the record of the pension board of trustees

(c) *Eligible survivor*. An eligible survivor shall be one of the following in the order of preference listed:

(1) *Spouse~~/partner~~*. The participant's spouse who was married to the participant for at least one year. Surviving spouse shall be required to provide supporting documents of marriage. **~~The participant's partner in a civil union, who entered into a lawful civil union in Delaware, or whose legal union is recognized as a civil union under Delaware law, will have all of the same rights, benefits, protections and responsibilities as married persons under Delaware law. (13 Del. C. c. 2). Surviving partner shall be required to provide supporting documents of legal civil union.~~**

Draft

(2) *Children, unmarried.*

a. The surviving children, biological or legally adopted, of the participant, who have not attained their 18th birthday.

b. If said child is attending school on a full-time basis and provides proof of attendance each year of eligibility, with the payment due for the month in which he ceases to attend school on a full-time basis or with the payment due for the month in which his 22nd birthday shall occur, whichever shall occur first.

(d) *Commencement of payment*. Benefits payable to eligible survivors shall commence on the first day of the month following the date of the participant's death.

(e) *Benefits payable*. Benefits payable to eligible survivors shall cease:

(1) *Spouse~~/partner~~*. With respect to an eligible survivor who is a spouse ~~or partner of a civil union~~, with the payment due for the month in which their remarriage or death shall occur, whichever occurs first.

(2) *Children*. With respect to an eligible survivor who is a child(ren), with the payment due for the month in which his 18th birthday or death shall occur, whichever shall occur first. Payments shall be made in accordance with subsections (2)a. and b.

(f) *Eligibility for benefits*. The eligibility of any person or persons to receive payment of benefits as an eligible survivor shall be determined conclusively by the pension board based on application of such person or persons and any other information which the pension board deems to be appropriate.

ADOPTED: *

S:\ORDINANCES\2013\Draft\2013-10 Amending Ch 2-Administration, Art IV, Div 7, Subdiv 1, Sec 2-331 - Form of Benefits-FINAL Reading.wpd

SYNOPSIS

Recognition of spouses and children of civil marriage as eligible survivors of pension participants.

(STAFF SPONSORED TO COMPLY WITH STATE LAW)

Actions History

July 22, 2013 - Scheduled for Final Reading at Council
July 8, 2013 - First Reading at Council
June 24, 2013 - Introduced at Legislative, Finance, and Administration Committee

Draft