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

/TM/jg
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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