REGULAR COUNCIL MEETING

The Regular Council Meeting was held on May 28, 2013 at 7:30 p.m. with Council President Bonar presiding. Council members present were Mr. Dixon, Mr. Lynn, Mr. Perza (arrived at 7:33 p.m.), Mr. Slavin, Mrs. Williams, Mr. Hare, and Mr. Hutchison. Mr. Anderson was absent.

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

OPEN FORUM

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

There was no one present wishing to speak during the Open Forum.

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

AGENDA ADDITIONS/DELETIONS

Council President Bonar indicated that staff requested the deletion of Item #10 - Proposed Resolution No. 2013-17 Authorizing Signatures for Banking Services.

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

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

ADOPTION OF MINUTES - ANNUAL COUNCIL MEETING OF MAY 13, 2013

The Minutes of the Annual Council Meeting of May 13, 2013 were unanimously approved by motion of Mr. Hare, seconded by Mrs. Williams and bore the written approval of Mayor Carey.

SET PUBLIC HEARING - ELECTRIC FUND BUDGET

A public hearing on the Electric Revenue Fund Budget is required for compliance with Section 505 of the 1993 Electric Revenue Refunding Bond Issue (Refunding 1985 Electric Revenue Bond) prior to adoption of the budget. Staff recommended that the public hearing be set for June 10, 2013 at 7:30 p.m.

Mr. Hutchison moved to set a public hearing for June 10, 2013 at 7:30 p.m. for the 2013/2014 City of Dover Electric Fund Budget, seconded by Mr. Hare and unanimously carried.

VIOLATION OF DANGEROUS BUILDING ORDINANCE - 92 ORCHARD AVENUE (GARAGE ONLY), OWNED BY JUAN M. CALLAZO (Emergency Case)

In accordance with Chapter 22 - Buildings and Building Regulations, Article XI - Dangerous Buildings, Sec. 22-388 - Emergency cases, of the Dover Code, in cases where it reasonably appears that there is an immediate danger to the life or safety of any person, unless a dangerous building is

immediately repaired, vacated and closed, or demolished, the building inspector shall report such facts to the council, which may cause the immediate repair, vacation, or demolition of such dangerous building.

Mrs. Ann Marie Townshend, Director of Planning, Community Development, and Recreation, provided a chronological history and presentation on the conditions of the property located at 92 Orchard Avenue (garage only), owned by Juan M. Collazo ***(Exhibit #1)***. She noted that the property consists of a one (1) story wood-framed detached garage and that the structure was vacant and had no utilities. The dwelling was condemned as unfit for human habitation on May 14, 2013 due to the degree of deterioration of the structure. The exterior wall facing west has visible deterioration from water damage and, due to the extensive deterioration, the structure appears as though it has the possibility of imminent collapse. Due to the concern of the potential for collapse, this was brought forward as an emergency case.

Mrs. Townshend indicated that the case regarding concerns of the garage was opened in October 2012 and that an extension was given to the property owner until January 2013. She stated that although the owner indicated he would proceed with demolition in April 2013, to date, no demolition permit has been issued nor has there been any progress. She noted an error in the PowerPoint presentation and advised members that there were no police complaints or outstanding charges related to this property.

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 June 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 five (5) days of the date established by City Council; and 4) order the City Manager with the assistance of the City Solicitor to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Council President Bonar declared the public hearing open.

Property owner, Mr. Juan M. Collazo, 92 Orchard Avenue, advised members that staff was incorrect in their report, explaining that he had obtained a demolition permit. In accordance with the demolition permit, he stated that neighbors must be notified in writing. Mr. Collazo noted that the structure is located off the side of the street, at a dead-end, and not accessible to the public. He stated that just prior to him demolishing the structure, the City placed notices on the garage indicating that no action whatsoever could be taken on the property, which is why the demolition had not been done.

Responding to Mr. Lynn, Mr. Collazo stated that he agrees that the garage needs to be demolished and that it is his desire to do so.

In response to Mr. Hare, Mr. Collazo requested that the City provide him 20 days to have the garage demolished. He confirmed that changing the date of the order for the property to be repaired or demolished from June 8th to June 18th would be sufficient.

Responding to Mrs. Williams, Mrs. Townshend stated that although there was discussion regarding the property owner obtaining a demolition permit, she was not advised that he had done so. Mr. Collazo indicated that, to his recollection, the permit was issued on May 2, 2013. Mrs. Townshend assured members that she can verify that the permit was issued and explained that the condemnation notice placed on the garage by the City was not intended to stop the demolition of the building but rather to assure the structure was not utilized. She indicated that notification to neighbors could be required if there is concern that a property being demolished would be close to a property line and affect a neighboring property.

Mr. Collazo advised members that the disconnection of utilities involved more than just requesting the utility companies to disconnect service, explaining that he had to obtain an electrician, plumber, etc., to totally disconnect such services.

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

Mr. Slavin moved to defer this matter for two (2) weeks to provide the property owner and City staff the opportunity to resolve the issue. The motion was seconded by Mrs. Williams.

In response to Mr. Perza, Mrs. Townshend indicated that a demolition permit is good for six (6) months.

The motion to defer the matter for two (2) weeks to provide the property owner and City Staff the opportunity to resolve the issue was carried by a roll call vote of seven (7) yes, one (1) no (Perza), and one (1) absent (Anderson).

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - 528 FULTON STREET, OWNED BY FREDDIE E. WILSON AND RANAE A. BARLOW

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 528 Fulton Street, owned by Freddie E. Wilson, Ranae A. Barlow, and others. Mrs. Ann Marie Townshend, Director of Planning, Community Development, and Recreation, provided a chronological history and presentation on the conditions of the property located at 528 Fulton Street ***(Exhibit #2)***. She explained that the property consists of a one (1) story, wood-framed, single-family home and that the dwelling was condemned as unfit for human habitation on December 14, 2012 due to the degree of deterioration of the structure. She noted that the home had numerous windows and doors boarded, with possible structural damage to part of the rear roof. Currently, the structure is vacant with no utilities and in a serious state of disrepair.

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 June 28, 2013 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of

the structures if not completed by the owner within 10 days of the date established by City Council; and 4) order the City Manager with the assistance of the City Solicitor to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Responding to Mr. Lynn, Mrs. Townshend stated that the "other" property owners are: Juanita Cooper, Wayne J. Cooper, Oliver Cooper, and the Kent County Tax Office, which includes not only property owners but lien holders as well.

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

Mr. Hare moved that the structure located at 528 Fulton Street be declared a dangerous building and subject to demolition, as recommended by staff. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote (Anderson absent).

EVALUATION OF PROPOSALS - UNDERGROUND UTILITY LOCATING SERVICES

Mr. Scott Koenig, City Manager, advised members that the City of Dover is a member of the Utilities Service Protection Center of Delmarva, Inc., also known as Miss Utility, which is an organization that receives excavation requests from all parties and notifies the facility owners of locating requests in the City's service area. Currently, the City of Dover utilizes W Locco, LLC as its sole locating contractor.

Mr. Koenig stated that proposals were solicited for underground utility locating services, with three (3) responses received. These proposals were evaluated based on work experience with locating water, wastewater, electric, and fiber lines; safety record; ability to meet response time; cost; geographical knowledge of Dover; ability to handle all aspects of ticketing and contractors and ability to sustain locators. He stated that the proposer, W Locco, was evaluated the highest and submitted the lowest cost proposal. He assured members that the contractor would be responsible for locating underground utilities owned by the City of Dover and will be liable for damaged utilities due to incorrect locating. In addition, the contractor will manage the Miss Utility ticket process, which includes receiving the tickets directly from Miss Utility, marking the involved utilities, and entering the information on the web-based reporting system. Dover will be responsible for providing the contractor with periodic updated prints and files of newly installed utilities.

Mr. Koenig indicated that the proposals had two (2) methods of billing - the first was a price per ticket, and the second was an hourly rate. Staff concluded that the hourly rate would be the cheaper option, noting that historical data indicated that W Locco can process roughly thirty (30) tickets per day and, based on W Locco's proposed hourly rates, this would equate to $232/day. If the per ticket method were utilized, the same thirty (30) tickets would cost the City $405. The proposed contract from W Locco is for a period of one (1) year with two (2), one (1) year extensions and includes an annual increase of 2% the second year and 1% in the third year. Members were provided a summary of the hourly expense from each proposer. For informational purposes, members were advised that

over the last three (3) calendar years (2010-2012), the average cost for using W Locco, LLC has been $63,308 and, based upon the proposal, this cost would be $65,569. Staff estimated that hiring two (2) full time employees with benefits, equipment, and a vehicle would cost the City $145,468.

Staff recommended awarding a one (1) year contract with the option for two (2), one (1) year extensions to W Locco, LLC, as per the proposal submitted in response to RFP #13-0032COD.

In response to Mr. Perza, Mr. Koenig stated that the option to renew is the City's and that there would be a three (3) to six (6) month notification period since the City would need to re-bid for the services.

Mrs. Williams moved for approval of staff's recommendation to award a one (1) year contract for providing underground utility locating services, with the option for two (2), one (1) year extensions, to W Locco, LLC. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote (Anderson absent).

REVISION TO THE GARRISON OAK TECHNICAL PARK PROFESSIONAL SERVICES CONTRACT

Mr. Scott Koenig, City Manager, reminded members that in 2009, the City of Dover's Economic Development Office solicited Requests for Proposals (RFP) for engineering services related to the future development of Garrison Oak Technical Park. Land planning and engineering design of the subdivision had been ongoing since then. He advised members that additional costs had been identified related to tasks necessary to bring the project to completion which were not included in previous proposals, as follows: 1) separate water line installation package to meet Garrison Energy Center construction schedule; 2) wastewater coordination and analysis; 3) right-of-way stakeout for farmer to start planting; 4) additional hydrology/hydraulic analysis to model final design characteristics and basin changes since original design four (4) years ago; 5) geotechnical evaluation in proposed roadway to better define scope of work for bid specification to minimize change orders; 6) recordation of the final subdivision plat reflecting all necessary utility parcels and easement changes; and 7) development of bid specification package and provision of consulting assistance during bid process.

Mr. Koenig also reminded members that in September 2009, City Council authorized $322,100 for the engineering services contract with Becker Morgan Group. He stated that two (2) of the original tasks were eliminated from the contract, reducing the contract value to $289,500. In August 2012, City Council authorized an additional $88,000 to address utility design changes and environmental considerations, for a current approved total of $377,500. Members reviewed a table outlining each engineering task in terms of the original contract cost, amendments previously accepted by City Council, and the proposed amendments presented for consideration.

Staff recommended that the City Manager be authorized to sign an engineering services contract amendment with Becker Morgan Group to complete the Subdivision Design and Construction Documents for the Garrison Oak Technical Park at a cost not to exceed $86,900 over the $377,500 previously authorized by City Council from 2009 to 2012.

In response to concerns of Mr. Lynn, Mr. Koenig explained that the additional tasks were not included in the original documents that were approved since some of the tasks, such as the separation of the water line installation package, were not anticipated in the original scopes that were developed when finalizing the bid packages for construction. He clarified that the major tasks that were not anticipated were the separation of the water line installation package, explaining that it was hoped that the City could develop the bid specifications for the water line installation package in-house; however, the City simply does not have the engineering capacity to complete the task. The recordation of the final plat was not anticipated since the City had to create a number of utility easements and ultimately will be creating utility parcels for the water tower and pump station that were not a part of the original engineering authorization to Becker Morgan Group. Mr. Koenig stated that the only task that was previously done where there are additional changes being made is with the wastewater coordination and analysis and the additional hydrology/hydraulic analysis, explaining that additional information is needed either by Kent Conservation District or the City that was not originally anticipated.

Responding to Mr. Perza, Mr. Koenig stated that at the time the last changes were presented, these tasks were not anticipated. He felt confident that there were no additional changes anticipated in the near future; however, he stated that there was no definite assurance.

Mrs. Williams moved to approve staff's recommendation to authorize the City Manager to sign an engineering services contract amendment with Becker Morgan Group to complete the Subdivision Design and Construction Documents for the Garrison Oak Technical Park at a cost not to exceed $86,900 over the $377,500 previously authorized by City Council from 2009 to 2012. The motion was seconded by Mr. Hutchison and carried by a roll call vote of seven (7) yes, one (1) no (Lynn), and one (1) absent (Anderson).

PROFESSIONAL SERVICES AGREEMENT - RECRUITMENT OF ELECTRIC DIRECTOR

Mr. Scott Koenig, City Manager, noted that the City has been without a permanent Electric Director since Mr. Ron Lunt resigned his position as Public Utilities Director on January 6, 2012. In the intervening period, several employees have served as the Interim Electric Director. Now that City Council has accepted the Electric System Valuation Study, he requested the opportunity to begin the recruitment of a new Electric Director. Due to the critical nature and specialized expertise related to the Electric Director position, Mr. Koenig also requested the use of a professional recruitment service for this placement. He advised members that he had requested staff to begin researching executive recruitment services several months ago in preparation for this recruitment. After contacting vendors in the local market, the American Public Power Association (APPA), Burns & McDonald, and Pike Energy Solutions, staff received information on three (3) firms, as follows: Kelly Services, MyCoff, Fry and Prouse, and Aerotek. Staff contacted each of the three (3) firms and requested information and proposals from each of the vendors. A summary of the responses was provided to members.

After reviewing the information provided, Mr. Koenig stated that he elected to contact Mr. Christopher Picariello, Account Manager of Aerotek, and that a meeting was held to discuss their services and fees, as follows: 1) Their fee is 35% of annualized first year salary; 2) There are

no upfront costs - the City does not pay them until they place a candidate; 3) If the candidate is fired within the first 30 days of employment (other than for a reduction in force or reorganization), the entire fee is refunded; and 4) If the candidate is fired within 31-60 days, two-thirds of the fee is refunded; within 61-90 the refund is one-third and there is no refund after 90 days. Based on their meeting, Mr. Koenig relayed confidence that Aerotek can find a qualified candidate for this position that will meet the needs of the City of Dover. He indicated that the only concern raised during their discussion was the salary for this position. He stated that the approved pay range for this position is $84,137 - $132,264 and that the recruiter expressed concerns regarding this range and recommended that the City remain flexible when negotiating compensation for this position.

Staff recommended that the City Manager be authorized to execute a professional services agreement with Aerotek for the recruitment of the Electric Director position.

In reviewing the proposals, Mr. Lynn noted that it appears that Aerotek is the most expensive. Responding, Mr. Koenig estimated that the travel costs to and from Colorado that would be involved for MyCoff, Fry and Prouse would be several thousand dollars. He explained that his decision was mostly based on the $39,000 minimum fee proposed by MyCoff, Fry and Prouse. Mr. Koenig confirmed that there were no "additional fees" such as for advertisement, etc., involving Aerotek, assuring members that their only fee is the percentage of the first year salary. He stated that although there has been no discussion with Aerotek regarding the reimbursement of travel expenses for candidates, he anticipated those costs to be paid by the City of Dover.

Mr. Lynn questioned the possibility of not utilizing professional services and instead placing ads in trade periodicals, similar to the process used for filling the City Manager's position instead. He also suggested using the assistance of the City's Attorney, Mr. Kirk Betts, in the selection. Responding, Mr. Koenig explained his concerns regarding the future of the electric utility such as the rebuilding of Units #1 and #2, use of a Power Purchase Agreement (PPA), updating the North American Energy Services (NAES) contract, etc. He felt that monies spent to assure that the City would be hiring the candidate needed would be money well spent. He indicated that the real difference is that recruitment companies have contact with people who have been successful in the industry and the ability to contact them to determine their interest in the position. Mr. Koenig further explained that, often an individual may not necessarily be looking for a new position, but if contacted regarding the availability of a position, they would consider it.

Referring to the concerns involving the recruitment of the last Electric Director, as well as important issues coming forward in the electric utility industry, Mrs. Williams relayed her support for the use of a third party in the selection of an Electric Director.

Concurring with Mr. Lynn, Mr. Hare suggested that staff place employment ads for the Electric Director in trade periodicals to determine if there are any qualified candidates for the City Council's consideration. If this were not successful within a 60 day time-frame, then staff could move forward with the professional services to recruit the Electric Director.

In response to Mr. Slavin regarding the salary concerns of Aerotek, Mr. Koenig stated that Aerotek felt that the City's salary range was low and that the market level was more than $150,000. He noted that the salary for the Electric Director included in the City's budget was approximately $115,000.

Responding to Mr. Lynn, Mr. Koenig stated that although the fees for the Professional Services had not been budgeted, there were three (3) vacant positions; therefore, the funds were available.

Mrs. Donna Mitchell, Controller/Treasurer, advised members that funds had been budgeted for legal and consulting services that would be available for the professional services fees. In supporting the request, she explained her opinion that it would be beneficial for a professional who has expertise in the industry to assist the City in the hiring of an Electric Director. She noted that neither she nor the City Manager have the technical expertise that would be necessary in interviewing for such a position.

Mr. Hutchison reminded members that the Electric Director is one of the most important positions within the City of Dover and that the City should utilize experts to assist in filling the position; therefore, he urged members to support staff's recommendation.

Responding to Mr. Lynn, Mr. Koenig reiterated that he delayed bringing this matter forward until City Council made a decision regarding the Electric System Valuation Study. Since the Study was accepted by Council and no further action was taken, this was an indication that the City will remain in the utility business. As a result, he began moving forward with the recruitment of an Electric Director.

In response to Mr. Hare, Mr. Koenig indicated his opposition to having two (2) concurrent searches at the same time (City advertising and Aerotek search). He explained that the responsibility of the "headhunter" is to conduct the initial vetting of candidates and bring the City someone that meets the criteria for education, work history, ideas, etc., and is well qualified. However, he assured members that the selection of the candidate to fulfill the position would be determined by the City.

Mr. Koenig stated that since this is a non-bargaining position, there is no need to post the position in-house.

Mr. Slavin relayed concerns with the affect this would have on the City's budget, noting that it had already been mentioned that the salary scale for the Electric Director is insufficient. He noted that, if staff's recommendation were approved, there would be a one-time expense for recruitment and an additional cost for FY2014 and the years thereafter based on the decision regarding a final salary for the Electric Director.

In response to questions of Mr. Lynn, Mr. Koenig stated that the Electric Director would be determining selections for the remaining vacant positions. He reminded members that the budget included three (3) top level vacant positions in the Electric Department (Director, Engineer II, and Line Crew Superintendent).

Mrs. Williams moved for approval of staff's recommendation authorizing the City Manager to execute a professional services agreement with Aerotek for the recruitment of the Electric Director position. The motion was seconded by Mr. Hutchison and carried by a roll call vote of five (5) yes (Dixon, Slavin, Williams, Hutchison, and Bonar), three (3) no (Lynn, Perza, and Hare), and one (1) absent (Anderson).

DRAFT PROPOSED LETTER IN OPPOSITION TO HOUSE BILL 135 AMENDING TITLES 3 AND 29 OF THE DELAWARE CODE RELATING TO THE LICENSING OF VIDEO LOTTERY CASINOS AND HARNESS RACING DAYS

Mayor Carey advised members that it had recently been brought to his attention that State Legislation would be introduced (House Bill 135) relating to the licensing of video lottery casinos and harness racing. He stated that the proposed legislation would authorize the addition of two (2) new video lottery agents, one in Sussex County and one in New Castle County, through an application process conducted by a Lottery Economic Development Committee. He explained that the proposed legislation would be detrimental not only to Kent County but to Delaware as a whole.

Members were provided a draft proposed letter to the General Assembly, to be signed by the Mayor and Council President, relaying the City's strong opposition to House Bill 135.

Council President Bonar noted that Dover Downs had indicated their opposition to the proposed legislation and, as indicated in the proposed letter, he emphasized that the additional casinos would only exacerbate the financial difficulties of Dover International Speedway and Casino, which employs approximately 1,500 individuals, an estimated 98% of whom were residents of Dover and/or Kent County.

Mr. Lynn moved to authorize that the letter in opposition to House Bill 135 be sent as requested by Mayor Carey *(Exhibit #3)*, seconded by Mr. Hare and carried by a roll call vote of seven (7) yes (Lynn, Perza, Slavin, Williams, Hare, Hutchison, and Bonar), one (1) no (Dixon), and one (1) absent (Anderson).

2013/14 MISCELLANEOUS APPOINTMENT RECOMMENDED BY COUNCIL PRESIDENT - KENT ECONOMIC PARTNERSHIP - CARLETON E. CAREY, SR.

Council President Bonar recommended the appointment of Mayor Carleton E. Carey, Sr. to the Kent Economic Partnership.

By consent agenda, Mr. Hare moved for approval of the appointment of Mayor Carleton E. Carey, Sr., to serve on the Kent Economic Partnership, as recommended by Council President Bonar. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote (Anderson and Perza absent).

2013/14 COMMITTEE APPOINTMENTS - MAYOR *(This item was deferred on May 13, 2013)*

By consent agenda, Mr. Hare moved for approval of the Committee Appointments for 2013/14, as recommended by Mayor Carey. The motion was seconded by Mrs. Williams and by a unanimous roll call vote (Anderson and Perza absent), the following appointments were made:

Compensation Commission
K.C. Sheth

Dover 4th of July Celebration Committee
Greg Patterson, President/Vice Chairman
Mayor Carleton E. Carey, Sr., Chairman (ex-officio)
Donna Mitchell, Treasurer/Secretary (Staff Liaison)
Ann Marie Townshend (Staff Liaison)
Susan Betts
Elaine Brenchley
Andrea Maucher
Karen Nickerson

Dover Public Library Advisory Commission
Sean M. Lynn (Council Liaison Member)

Downtown Dover Development Corporation
Michael Harrington - Real Estate Professional Whose Practice Includes Downtown Area
Maxine Lewis - Downtown Retailer
Joseph McDaniel - Financial Services Professional Whose Practice Includes Downtown Area
Laura Simmons, State of Delaware Representative
Councilman Sean M. Lynn - Council Representative
Councilman David L. Bonar - Council Representative
Councilman Wallace Dixon - Council Representative
Scott D. Koenig - City Manager
Ann Marie Townshend - Director of Planning, Community Development, and Recreation

Election Board
Lillie M. Johnson - Fourth District

Property Maintenance Code Board of Appeals
Heather Ennis (Representative of Homeowners)
Charles Martin (Representative of Local Real Estate)

Silver Lake Commission
James Burcham
David L. Edgell
Dean Holden
Ann Marie Townshend
Melanie Tymes
Lyle Allen Jones

FINAL READING - PROPOSED ORDINANCE #2013-07

The First Reading of the following proposed ordinance was accomplished during the Council Meeting of May 13, 2013.

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

Proposed Ordinance #2013-07 Amending Chapter 2 - Administration, Article VI - Other Post-Employment Benefits Fund (Medicare Part B Reimbursement Eligibility Clarification)

Mr. Scott Koenig, City Manager, reminded members that the proposed amendment would allow employees who were transferred or promoted to non-bargaining positions prior to the adoption of this ordinance to receive Medicare Part B premium reimbursements. Non-bargaining employees hired after July 27, 2009 or employees promoted or transferred to non-bargaining positions after May 28, 2013 who were not previously entitled to Medicare Part B premium reimbursement shall not be entitled to the reimbursement. Additionally, this section has been re-worded to remove redundant language and improve readability. Mr. Koenig explained that the purpose of the amendment was to close a loophole to prevent additional employees from becoming eligible for Medicare Part B reimbursement.

Mr. Hare moved for adoption of the Ordinance, seconded by Mr. Hutchison and, by a unanimous roll call vote (Anderson absent), Ordinance #2013-07 was adopted, as follows:

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

That Chapter 2 - Administration, Article VI - Other Post-Employment Benefits Fund, Section 2-505 - Medicare Part B Premium Reimbursements, be amended to read as follows:

Sec. 2-505. - Medicare part B premium reimbursements.

Effective July 27, 2009, Medicare Part B premium reimbursement was discontinued for non-bargaining employees hired after that date. Employees hired on or before July 27, 2009 who were not previously entitled to Medicare Part B premium reimbursement who were promoted or transferred to a non-bargaining position after May 28, 2013 (Date of Adoption), shall not be entitled to the reimbursement.

The city will continue the practice of providing Medicare Part B premium reimbursement for non-bargaining employees hired on or before July 27, 2009 and those eligible due to promotion or transfer to a non-bargaining position on or before May 28, 2013 (Date of Adoption), with the understanding that it is not considered a vested right and can be changed or eliminated by council at any time by ordinance or resolution enacted to that effect and, further, as required by Section 3 of the Charter, that the fund for payment of the costs of such premium reimbursement shall be continued, as in the past.

ADOPTED: MAY 28, 2013

COUNCIL MEMBERS' ANNOUNCEMENTS

Council President Bonar announced that the African American Festival was scheduled for June 22, 2013 and encouraged all to attend.

Council President Bonar reminded members that Budget Hearings would be held from 6:00 p.m. to 9:00 p.m. on Wednesday, May 29, 2013 at City Hall, and were open for anyone to attend.

Council President Bonar thanked his colleagues for the opportunity to serve as their Council President and for the assistance provided by the City Clerk, Mrs. Traci McDowell, in conducting the meeting.

Mr. Hare moved to adjourn into the Special Council Meeting to discuss legal matters, seconded by Mr. Slavin and unanimously carried.

Meeting Adjourned at 8:40 p.m.

TRACI A. McDOWELL
CITY CLERK

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

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
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Exhibits
Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 92 Orchard Avenue
Exhibit #2 - Presentation - Violation of Dangerous Building Ordinance - 528 Fulton Street
Exhibit #3 - Draft Proposed Letter in Opposition to House Bill 135

Violation of Dangerous Building Ordinance
92 Orchard Avenue – Garage Only

Planning & Inspections Department

Dover, Delaware

May 28, 2013

EXHIBIT #1
Regular Council Meeting of 05/28/2013

92 Orchard Avenue
Case History

- Case opened on garage in October 2012
- Extension given until January 2013
- Owner indicated he would proceed with demolition in April 2013 – No permit issued or progress to date.
- Source of neighbor & police complaints.
- Outstanding Charges
  - Utility Billing
  - Boarding Charges
  - Code Enforcement Fines

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

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*

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

Sec. 22-388. - Emergency cases.

In cases where it reasonably appears that there is an immediate danger to the life or safety of any person, unless a dangerous building is immediately repaired, vacated and closed, or demolished, the building inspector shall report such facts to the council, which may cause the immediate repair, vacation, or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in section 22-385(5).


05/17/2013 15:05


05/17/2013 15:05


05/17/2013 15:03


05/17/2013 15:04


DANGER
05/17/2013 15:06

Recommended Council Action

- Declare this property dangerous.
- Order the property repaired or demolished by **June 8, 2013** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause the repair or demolition of the property if not completed by the owner **within 5 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of repairs or demolition to be charged against the land on which the property exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Violation of Dangerous Building Ordinance 528 Fulton Street

Planning & Inspections Department

Dover, Delaware

May 28, 2013

EXHIBIT #2
Regular Council Meeting of 05/28/2013

528 Fulton Street
Case History

- 9 code enforcement cases since 2001
  - Exterior code violations
  - Interior code violations
  - Closing of a vacant building
- The utilities were terminated on July 31, 2012
- Condemned by City Staff on December 14, 2012 due to no active utilities, missing windows, boarded windows & boarded doors.
- Source of neighbor & police complaints.
- Outstanding Charges
  - Utility Billing
  - Boarding Charges
  - Code Enforcement Fines

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

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*


DANGER
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Recommended Council Action

- Declare this property dangerous.
- Order the property repaired or demolished by **June 28, 2013** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause the repair or demolition of the property if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of repairs or demolition to be charged against the land on which the property exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

City of Dover

MAYOR AND COUNCIL

May 29, 2013

Dear *:

We are writing to express strong opposition to House Bill 135, which would authorize the addition of two new video lottery agents, one in Sussex County and one in New Castle County, through an application process conducted by a Lottery Economic Development Committee: a nine member, politically-balanced Committee with financial, accounting, or banking experience created to select the sites and licensees. This proposal would also increase the number of required racing days to reflect the current amount of racing and prevent the addition of video lottery agents from triggering a reduction in the minimum number of days that existing harness tracks must offer harness racing. Finally, this Act expresses the intent of the General Assembly that the new video lottery casinos will be subject to a one-time license fee and ongoing license fees, as well as fees necessary to create a level playing field for competition with video lottery agents operating horse or harness racing.

As civic leaders in the City of Dover, we urge you to reject the proposal, as it would be detrimental not only to Kent County but to Delaware as a whole.

Expanding the number of Delaware gaming venues would negatively impact employees at existing Delaware racinos and would dilute an already watered-down revenue stream for the State, while harming the long-term viability of the existing racinos and the establishments that rely on them.

Most alarmingly, the legislation could create serious financial damage to Dover International Speedway and Casino, not only one of the City's biggest employers, but also one of the largest organizations in Kent County. The addition of new venues would only exacerbate the financial difficulties Dover International Speedway and Casino currently face due to competition in neighboring states, potentially forcing them to lay off more employees, further cut benefits, or reduce operations.

Thank you for your time and careful consideration of these issues.

DAVID L. BONAR
COUNCIL PRESIDENT

CARLETON E. CAREY, SR.
MAYOR

DLB/CEC/tam
S:\Correspondence\Council Meeting\2013\05-28-2013 Letter in Opposition of HB 135.wpd