# REGULAR COUNCIL MEETING

The Regular Council Meeting was held on March 25, 2013 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Bonar, Mr. Hare, and Mr. Hutchison. Mrs. Williams was absent.

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

## OPEN FORUM

The Open Forum was held at 7:15 p.m., prior to commencement of the Official Council Meeting. Council President Leary 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 Pastor Steven LaMotte, Hope United Methodist Church/Wesley College Campus Minister, followed by the Pledge of Allegiance.

Council President Leary announced that the Dover Fire Department had lost its longest-serving member, Mr. Herb Abbott, who had been with the organization for 75 years, noting that Mr. Abbott had passed away earlier in the day. He requested a moment of silence for Mr. Abbott and his family.

## AGENDA ADDITIONS/DELETIONS

Council President Leary advised members that staff had requested the deletion of Item #7A - Dedication of Rights-of-Way and Public Infrastructure - Village of Cannon Mill - Phase I and Item #8A - Evaluation of Bids - Cannon Mill Paving Improvements Program.

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

Mr. Anderson requested that Item #5A - Legislative, Finance, and Administration Committee Report - March 11, 2013 - Permanent Assignment of Duties Associated with Interim Managerial Plan and Organizational Changes be removed from the Consent Agenda.

**Mr. Bonar moved for approval of the consent agenda as amended, seconded by Mr. Dixon and carried by a roll call vote of seven (7) yes (Anderson, Dixon, Lynn, Bonar, Hare, Hutchison, and Leary), one (1) no (Perza), and one (1) absent (Williams).**

## ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF MARCH 11, 2013

**The Minutes of the Regular Council Meeting of March 11, 2013 were unanimously approved by motion of Mr. Bonar, seconded by Mr. Dixon and bore the written approval of Mayor Carey.**

**PRESENTATION - AWARDS BY DOWNTOWN DOVER PARTNERSHIP - ST. PATRICK'S DAY PARADE**

Council President Leary indicated that the Downtown Dover Partnership had submitted the winners of the 19th Annual St. Patrick's Day Parade. As the winners were announced, Mayor Carey presented the awards, as follows:

| Category | Recipient |
|---|---|
| Pot O' Gold - Anything with Wheels Award | Little Creek Fire Department |
| Rainbow Award - Car Clubs Only | First State Corvette Club |
| The Blarney Award - Best Mascot | Texas Roadhouse |
| The Green Machine Aware - Best Float | Rori & Company |
| The Aran Award - Best Animal (Large) | Delmarva Chapter American Mustang & Burro Assoc. |
| The Aran Award - Best Animal (Small) | Dover Celebrity Poms |
| The Harp Award - Best Musical Group (Not a Band) | Rising Stars Dance Team (Booker T. Washington ES) |
| Emerald Isle Award - Most Authentic Irish Theme | Irish Mike's |
| Leprechaun Award - Best Brigade/Marching Unit | First State Young Marines |
| McNamara Award - Best HS Marching Band | Dover High School |
| Shamrock Award - Best Adult Band | Dover Police & Fire Pipes & Drums |
| Mary Fitzpatrick Award (Best Overall) | W. T. Smithers |

Council President Leary introduced members of the Dover Police and Fire Pipes and Drums, as follows: Pipe Major Master Corporal Christopher Hermance, Dover Police Department; Pipe Sergeant Fire Fighter Mike O'Connor, Dover Fire Department; Piper Caroline Hermance, Dover Police Department; Piper Bill Frantz, Dover Fire Department; Drummer Past Chief Sean Christiansen, Dover Fire Department; Drummer Fire Fighter Will Davis, Dover Fire Department; and Drummer Blake Hermance, Dover Police Department.

Mayor Carey relayed appreciation for all those who participated in the parade and those who came out to enjoy the festivities.

**PRESENTATION - CERTIFICATE OF CONGRATULATIONS - WILMA MISHOE - INDUCTION INTO THE HALL OF FAME OF DELAWARE WOMEN**

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

WHEREAS, throughout her life, Dr. Wilma Mishoe has championed such causes as education, social action, juvenile justice, housing, foster care, and prostate cancer awareness in the Dover community, the State of Delaware, and beyond, and through these efforts has made lasting contributions that have influenced countless individuals; and

WHEREAS, Dr. Mishoe has committed her career to assisting others to attain their academic goals through her work as an administrator at Wilmington College and at Delaware Technical and Community College, where she ultimately became Dean of Student Services and Dean of the Office of Instruction; and

WHEREAS, Dr. Mishoe has played key roles in numerous organizations throughout our community, state, and nation, including Chair of the Delaware Public Integrity Commission, Secretary of the Board of Trustees of Wilberforce University, President of the Capital School District Board of

Education, and member of The College Board, the African American Heritage Advisory Council of the Delaware Historical Society, the Delaware Humanities Forum, the Middle States Regional Assembly, and many other organizations and boards; and

WHEREAS, Dr. Mishoe has been selected from a distinguished roster of candidates by the Delaware Commission for Women for induction into the Hall of Fame of Delaware Women for 2013.

NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DOVER, DELAWARE, are privileged to present this Certificate of Congratulations to **Dr. Wilma Mishoe** in recognition of her significant contributions and her selection for this prestigious honor which acknowledges and celebrates her many achievements.

Mayor Carey presented the Certificate to Dr. Wilma Mishoe and relayed congratulations for the achievement.

Dr. Mishoe thanked the Mayor and Council for the recognition and thanked Senator Bushweller. She indicated that she enjoyed representing the State of Delaware and more particularly the City of Dover and was proud to be a resident of the City.

**DOVER HUMAN RELATIONS COMMISSION ANNUAL REPORT PRESENTATION**

The Dover Human Relations Commission (DHRC) submitted their Annual Report, dated February 22, 2013, to City Council. Mr. Roy Sudler, Jr., Chairman of the DHRC reviewed a presentation depicting highlights of the report. He provided details and referred to specific pages within the Annual Report, dated February 22, 2013, regarding the following topics: 1) Origin of the Commission; 2) Enabling Legislative Powers and Duties; 3) Operating Procedural Flowchart; 4) Intake Forms Reported; 5) Complaint Against DHRC; 6) DHRC Concerns and Recommendations; 7) Certificates of Training; 8) Special Forum on How to Report Hate Crimes; and 9) Proposed Resolution and Funding.

In conclusion, Mr. Sudler read the DHRC - 2012 Proposed Resolution & Funding - Cessation of Illegal Gang Formation in Dover, Delaware, which was approved by members during their meeting of June 27, 2012 (begins on Page 13 of the DHRC Annual Report).

**Mr. Anderson moved for acceptance of the Dover Human Relations Commission (DHRC) Annual Report and to authorize the Council President to refer the 2012 Proposed Resolution and Funding - Cessation of Illegal Gang Formation in Dover, Delaware to the appropriate committee for further consideration. The motion was seconded by Mr. Dixon and unanimously carried.**

**PROPOSED RESOLUTION - NO. 2013-09 - REQUESTING THE GENERAL ASSEMBLY TO AMEND ARTICLE II - MAYOR AND COUNCIL, SECTION 5 - COUNCIL TO BE LEGISLATIVE BODY; SIZE; DISTRICTS; TERMS OF MAYOR AND COUNCILMEN; QUALIFICATIONS, OF THE CITY OF DOVER CHARTER**

Mrs. Traci McDowell, City Clerk, reminded members that it was recently brought to staff's attention that the current wording of Article II - Mayor and Council, Section 5 - Council to be Legislative

Body; Size; Districts; Terms of Mayor and Councilmen; Qualifications, indicates that in order to be eligible to be elected as mayor or as a member of council, the person must, as of the date of the election, be: (4) Eighteen years of age. This amendment would correct that language to be "Eighteen years of age or older." She also noted that additional amendments were proposed to make the language in this section more concise. *(City Clerk's Office Note: This matter was previously considered by members of Council during the Regular Meeting of March 11, 2013; however, a motion for approval of staff's recommendation failed by a roll call vote of four (4) no (Perza, Williams, Hare, and Hutchison), three (3) yes (Dixon, Lynn, and Leary), and two (2) absent (Anderson and Bonar).)*

Mrs. McDowell explained that the proposed Charter Amendments would require the adoption of Proposed Resolution No. 2013-09 requesting the General Assembly to approve the amendments. Upon adoption, staff would forward it to local legislators for submission.

**By motion of Mr. Hare, seconded by Mr. Bonar, Council, by a unanimous roll call vote (Williams absent), adopted Resolution No. 2013-09 as follows:**

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

That the Mayor and Council have determined that the Charter of the City of Dover should be amended to correct the wording for the age requirement to run for office and to improve readability. Therefore, the Mayor and Council of the City of Dover respectfully request the General Assembly of the State of Delaware to amend Article II - Mayor and Council, Section 5. - Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications, of its Charter, which amendments, if adopted by the General Assembly, would be as follows:

CITY OF DOVER CHARTER - ARTICLE II - MAYOR AND COUNCIL

Sec. 5. - Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications.

The council shall be the legislative body of the city and composed of nine members nominated and elected as herein provided.

The city shall be divided into four election districts, the boundaries of which shall be established by council so that they are nearly equal in population based on the latest federal decennial census information. The district boundaries established for municipal elections shall be used for the next regular municipal election and shall continue in effect until the next succeeding federal decennial census is made available for use by municipalities in the State of Delaware.

At the regular municipal election held in April of 2012, the mayor shall be elected at-large. The term of mayor elected at the April 2012 regular municipal election shall be for a period of three years, commencing on the second Monday in May following his/her election and continuing for a term of three years until the second Monday in May 2015, or until his/her successor has been duly elected and qualified.

Thereafter, commencing with the regular municipal election to be held in April of 2015, the term of mayor shall be for a period of four years commencing on the second Monday in May following his/her election and continuing for a term of four years until the second Monday in May, or until his/her successor has been duly elected and qualified.

At the regular municipal election held in April of 2012, four councilmen shall be elected by district voting from each of the districts of the city. The term of the councilmen elected at the April 2012 regular municipal election shall be for three years, commencing on the second Monday in May following their election and continuing for a term of three years until the second Monday in May 2015, or until their successors have been duly elected and qualified.

At the regular municipal election held in April of 2013, five councilmen shall be elected, four by district voting being from the districts and one at-large. The term of the councilmen elected at the April 2013 regular municipal election shall be for a period of four years, commencing on the second Monday in May following their election and continuing for a period of four years until the second Monday in May, or until their successors have been duly elected and qualified.

Thereafter, commencing with the regular municipal election to be held in April of 2013, the terms of the councilmen shall be for a period of four years, commencing on the second Monday in May following their election and continuing for a term of four years until the second Monday in May, or until their successors have been duly elected and qualified. The mayor and at-large councilman shall be elected at alternating biennial regular municipal elections.

In order to be eligible to be elected as mayor or as a member of council, the person must as of the date of the election be:

(1) A citizen of the United States and of the State of Delaware;

(2) A resident of the city and having continuously resided therein or in an area annexed to the city during the two years immediately preceding the day of the election;

(3) A resident of the election district from which they are seeking election, unless they are seeking election as an at-large councilman or mayor;

(4) Eighteen years of age or older; and

(5) Nominated therefore, as hereinafter provided.

Holding Other Office. Except where authorized by law, no council member shall hold any other elected public office, city office, or city employment during the term for which the member was elected to the council. No former council member shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to the council, unless granted a waiver by the Board of Ethics (Ethics Commission).

ADOPTED: MARCH 25, 2013

**PROPOSED RESOLUTION - NO. 2013-11 - SPRING CLEAN UP WEEK**

The City Clerk read the proposed Resolution designating April 15-26, 2013 as Spring Clean Up Weeks in the City of Dover.

**By motion of Mr. Bonar, seconded by Mr. Hutchison, Council, by a unanimous roll call vote (Williams absent), adopted Resolution No. 2013-11, as follows**:

A RESOLUTION PROPOSING APRIL 15 - APRIL 26, 2013 AS SPRING CLEANUP WEEKS

WHEREAS, we are fortunate to live in a City so abundantly blessed with natural assets and we have a continuing responsibility for preserving our environment by keeping it clean, healthy, and beautiful; and

WHEREAS, the Annual Old Dover Days celebration, a period set aside to honor the heritage of the City, will be celebrated May 3 - 5, 2013; and

WHEREAS, during this celebration we have the opportunity to demonstrate to ourselves, our neighbors, and our visitors, our commitment to a clean and beautiful city.

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

1. That the weeks of April 15 - 26, 2013 are designated as SPRING CLEANUP WEEKS in the City of Dover.

2. That all organized and individual segments of our population participate in this noble effort by developing and carrying out imaginative clean-up, paint-up, and fix-up projects which will serve to enhance, restore, or maintain the beauty of all properties in our community.

3. All Spring Cleanup debris should be placed for pickup along with regular household garbage during the weeks of April 15 - 26, 2013 so that our City will exemplify cleanliness and beauty during the Old Dover Days celebration.

ADOPTED: MARCH 25, 2013

**LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - MARCH 11, 2013**

The Legislative, Finance, and Administration Committee met on March 11, 2013 with Chairman Lynn presiding.

**Permanent Assignment of Duties Associated with Interim Managerial Plan and Organizational Changes**

Mr. Scott Koenig, City Manager, reminded members that in December of 2011, he requested and implemented a number of organizational changes related to several staff vacancies and the changing needs of the City's organization. He noted that since that time, a number of staff positions had been filled while others had been vacated through resignation or retirement.

Mr. Koenig reviewed and requested support of permanent changes to staff assignments, salary and organizational structure, as follows:

Public Works

Under the original Interim Plan, Ms. Sharon Duca, P.E. was elevated to the position of Interim Public Works Director. Since that time, Ms. Duca has been offered and accepted the position of Public Works Director. One of her tasks has been to review the organizational structure of the reformed Public Works Department. In June 2012, the Public Utilities Operations/Construction Manager resigned from his position. Instead of filling this position, which supervised the City's construction crew in addition to other duties, the staff members that formerly reported to the position were placed under the supervision of the Water/Wastewater Maintenance Supervisor, Mr. Ralph McDougall. Originally, their assignments were related mostly to general maintenance items. In February 2013, the construction crew aspect of their duties was re-activated to begin construction of a new water line to support the Garrison Farm Development. New projects will continue to be assigned to this crew under the supervision of Mr. McDougall. Since the construction crew was not formerly the responsibility of the Water/Wastewater Maintenance Supervisor, the Director of Public Works had requested a review of the position to ensure internal equity in pay with respect to other positions given the new duties. The Water/Wastewater Maintenance Supervisor position is a Labor Grade 122. Human Resources completed an internal review of this position related to other positions within the Department of Public Works. They also reviewed the salary range with respect to a similar position at Kent County. Based upon this review, staff recommended that the salary for this position be increased from $54,576 to $61,000. This is an increase of $6,424 or 11.77%. The effective date of this salary change should be retroactive to February 1, 2013.

Mr. Koenig advised members that currently, there is still one (1) remaining position in the Department of Public Works that is receiving a managerial bonus related to the Interim Plan from December 2011. Due to recent retirements, a formal recommendation will be forthcoming in the next several months regarding this position and others within the department.

Information Technology

Mr. Koenig advised members that upon his appointment as Interim City Manager, he was informed of the capacity that Mr. Andy Siegel was serving in the Information Technology Department. In August 2010, Mr. Siegel was temporarily upgraded to the position of Interim Information

Technology Director by the former City Manager. His salary was placed at the entry level value of $76,314 for the grade of the Director's position. Earlier this year, Mr. Koenig decided to offer Mr. Siegel the position of Information Technology Director, thus removing the interim label; however, no adjustment to his salary was made. Upon review of the circumstances, he was made aware that he had made no consideration for the roughly 2.5 years that Mr. Siegel served as the Interim Director. If Mr. Siegel had been credited with 2.5 years of experience in the salary offer for the Director's position, the salary offer would have been $82,059; therefore, he recommended that his salary be increased from $76,314 to $82,059, an increase of $5,745 or 7.53%. He felt that the recommended salary should be retroactive to the date of promotion to the Director's position.

Finance

Since becoming the City Manager, Mr. Koenig advised members that a large bulk of the responsibility of preparing the City's Annual Budget had been shifted to the staff in the Finance Department. This was an effort to reduce duplication of effort and centralize budgeting efforts. With the retirement of the former Senior City Administrator in the City Manager's office, it would have been necessary to hire additional staff to assist with the budget preparation and management. The transfer of the budget preparation function to the Finance Department has made it unnecessary to hire additional staff in the City Manager's office. The Controller personally assumed much of the budget functions in prior years and opted to not accept compensation for these additional duties. Instead, the Controller offered a portion of the proposed managerial bonus to the Financial Reporting and Accounting Manager (Labor Grade 125), Mrs. Tracey Lisiecki, in the amount of $175 per month. This was done on a temporary basis and the bonus ceased in October 2012. The Human Resources Director has reviewed the position based on internal equity within the organization. Staff recommended the salary for this position be increased from $68,835.24 to $71,600. This is an increase of $2,764.76 or 4.01%.

Planning

In 2011 as part of the Interim Plan, the Director of Planning and Community Development, Mrs. Ann Marie Townshend, accepted the managerial responsibilities for the following divisions: Life Safety, Building Inspections, and Economic Development. These areas represented ten (10) positions and were in addition to her regular permanent responsibilities for Planning, Community Development and Code Enforcement. A managerial bonus of $350 per month was implemented to compensate Mrs. Townshend for these additional responsibilities. Her current salary ($91,775) plus the monthly managerial bonus ($350) equates to annual compensation of $95,975.

In June of 2012, the Dover City Council voted to assign the oversight of the Economic Development Office and its three (3) employees to the Mayor. Also in June of 2012, Mr. Zachary Carter elected to retire from the City. Mr. Carter served as the Director of Parks and Recreation. Upon Mr. Carter's retirement, the Library function became a direct report to the City Manager. In addition, discussions between the City Manager and Mrs. Townshend resulted in the temporary assignment of managerial oversight for the Parks and Recreation staff to Mrs. Townshend. Mrs. Townshend has been serving as the Department Head for the Parks and Recreation function since July 1, 2012. Mr. Koenig provided a summary of the Parks and Recreation functions.

Mr. Koenig advised members that the assignment of these duties to Mrs. Townshend has allowed the City to eliminate the Parks and Recreation Director position from the budget. This amounts to an annual salary savings of roughly $81,000 per year. The City also has realized a saving in benefit load over and above the $81,000 in annual salary. Mrs. Townshend has requested consideration of the following annual salary: Current Salary ($91,775) + Current Managerial Bonus ($4,200) + Parks and Recreation Function ($11,340) = $107,315. Based on a business case review, the salary request of $11,340 to continue the managerial oversight of the Parks and Recreation Division is the lowest cost option. The City cannot hire managerial staff for less than $11,340 in salary. In viewing the current organizational structure of the City, the Parks and Recreation function cannot be easily assigned to another manager and the facts support that the assignment to the Director of Planning and Community Development has been a benefit to the City. Since the Director of Planning and Community Development is a Council-appointed position, the City Council must endorse the transfer of the managerial responsibilities as well as the proposed salary. The total increase from $91,775 to $107,315 is $15,540 or 16.93%. Currently, Mrs. Townshend's position is the sixth highest paid position in the City. If the request is approved, the position will become the fourth highest paid position in the City.

Summary

As a follow up to the December 2011 Interim Managerial Plan which saved the City an estimated $215,000 in annual salary, Mr. Koenig requested salary increases for those positions served by specific members of City staff who have taken on additional duties or permanent assignments since the Interim Managerial Plan was placed into action, as follows:

| Position | Current | Adjusted | Difference | Percent Increase |
|---|---|---|---|---|
| Water/Wastewater Supervisor | $54,576 | $ 61,000 | $ 6,424 | 11.77 |
| Information Technology Director | $76,314 | $ 82,059 | $ 5,745 | 7.53 |
| Fin. Reporting & Acct. Manager | $68,835 | $ 71,600 | $ 2,765 | 4.01 |
| Director of Planning & Insp. | $91,775 | $107,315 | $15,340 | 16.93 |

Mr. Koenig indicated that the salary increases total $30,274. Total budgetary impact would be salary plus 40% load, which is roughly $42,383.60. Funding for these increases would need to be covered by unused salary in the current year and would need to be budgeted for in FY-2014.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, read the following statement into the record:

*"Thank you for the opportunity to explain my compensation proposal. The details of the proposal are in the packet, so I will not go over each and every detail, but I would like to highlight and clarify a few items.*

- *Throughout my seven years with the City of Dover, I have been a devoted employee and have always worked hard to make sure that my efforts and those of my staff are in the best interest of the City. This is my home too, and I am firmly committed to making Dover a great place to live and work.*

- *As outlined in the proposal, there have been added responsibilities to my position over the years that I have enthusiastically accepted, including the addition of economic development responsibilities in 2008, and again in 2011; and the management of the City's Municipal Storm Sewer Permit and reversing the City's non-compliance with the permit.*

- *In December 2011, I was officially assigned oversight of Building Inspections, Licensing and Permitting, and Fire Marshal's Office and compensated with a $350/month bonus, total of $4,200 annually. I had been providing oversight for these areas without added compensation since Mr. Koenig was appointed interim City Manager in June 2011.*

- *In July 2012, I gladly accepted oversight of the Recreation Division following Zach Carter's retirement. I indicated that I did not believe it necessary to delay the responsibilities until compensation could be worked out because I was well aware of the City's fiscal challenges, and I wanted to get a sense of what the demands of the new responsibilities would be.*

- *For the last eight months, I have managed the Recreation Division, working closely with staff to evaluate the business operations, to reverse the declining revenues and to improve our programming – as stated at a recent seminar I attended, to make better best. We have had great success.*

    - *We have restructured the City's summer camp program so that it will make money instead of lose money – while making the program better for meeting the needs of working families by adding extended day camp. Our prices are still far less than many other camps, but we will make money instead of lose money on the program.*
    - *We have improved our outreach with the schools regarding our programming and seen an increase in participation.*
    - *We have adjusted our field rental fee schedule.*
    - *I have given staff the support needed to try new ideas and see if they work, including offering birthday party packages at the Pitts Center, and improving partnerships with other sports and recreation providers in the region.*

- *All the while, I have continued working with the business community to modernize and simplify our zoning ordinance; continued our tough approach to code enforcement and addressing vacant and dangerous buildings; worked with the Police Department to develop our proposed Safe Communities program; worked with the Capital School District and DelDOT to address safe pedestrian access to the new High School; worked closely with Planning and Inspection staff to ensure that our business operation remains strong and improved it in a number of areas; and taken on many other projects and issues.*

- *The City does not have to hire a Parks and Recreation Director, which is a savings of a minimum of $72,000 per year plus associated benefits. And our Recreation programs are thriving.*

- *For me personally, this has meant more hours put in to get the job done, including many evenings and weekends.*

- *What is the value of this to the City? The savings of eliminating the department head position (nearly $100,000 when benefits are factored in) combined with the business improvements we are implementing.*

- *My request is for $11,340 annual salary for the Recreation function and $4,200 annual salary (my existing bonus amount) for the oversight of Licensing and Permitting, Fire Marshal's Office, and Building Inspection, for total of $15,540. And yes, technically speaking it is a 16.9% salary increase, but if the bonus is factored in, the increase is 11.8% over my current compensation."*

Responding to Mr. Shevock, Mr. Koenig stated that the salaries for the vacated positions were eliminated from the FY2013 Budget; therefore, there was no unused salary for the Senior City Administrator or the Parks and Recreation Director.

In response to Mr. Hare regarding salary comparisons for the positions, Mr. Koenig stated that the Water/Wastewater Supervisor position was compared to the City of Dover Water Production Supervisor, who is paid slightly higher but the technical requirements differ. He indicated that Kent County salary ranges were reviewed and were similar to the salary increases that staff recommended. In regard to the IT Director position, he explained that when the employee was assigned to the Interim IT Director position, he was paid the minimum amount; however, if the City had actually recruited to fill the IT Director's position and the employee had been selected within the four (4) to six (6) months, the salary would have been appropriate. He explained that there was a 2½ year lapse between the time the employee began serving as the Interim IT Director and when he was actually offered the permanent Director's position. As a result, this employee acquired 2½ years experience serving as a Director that he was not credited for in the salary calculation. He further explained that if a person had been selected from outside the City's employment to fill the position and that individual had 2½ years of experience serving as an IT Director, the City would credit the individual for this experience as a Director in developing their salary.

Referring to the IT Director, Mr. Hare suggested that the employee be provided a one-time bonus ($5,500-$6,000), noting that his salary was considerably less than $76,000 2½ years ago, and he questioned if his salary would have been set at the higher level if this individual had been selected at that time. Responding, Mr. Koenig stated that in every other instance when an employee is promoted, their years of experience are considered and salaries are offered accordingly. In the case of the IT Director, this did not occur and the recommendation would correct this error.

The Committee recommended approval of staff's recommendation for the permanent assignment of duties as outlined by the City Manager.

During the Council meeting, Mr. Hare reiterated his feeling that action regarding this matter should be deferred until the City's budget was approved and that any increase in compensation should be accomplished through some form of a bonus system until that time.

Mr. Lynn moved for approval of the Committee's recommendation, seconded by Mr. Anderson.

Mr. Anderson indicated that he concurred with Mr. Hare and, therefore, would not support the Committee's recommendation. Mr. Bonar advised members of his concurrence in this regard as well.

The motion to approve the Committee's recommendation for the permanent assignment of duties as outlined by the City Manager failed by a roll call vote of five (5) no (Anderson, Dixon, Perza, Bonar, and Hare), three (3) yes (Lynn, Hutchison, and Leary), and one (1) absent (Williams).

Mr. Lynn suggested that the recommendations of the City Manager be considered individually.

**Mr. Anderson moved to reconsider the recommendations of the City Manager individually, seconded by Mr. Perza and carried by a roll call vote of five (5) yes (Anderson, Lynn, Perza, Hutchison, and Leary), three (3) no (Dixon, Bonar, and Hare), and one (1) absent (Williams).**

In response to Mr. Perza, Mr. Koenig stated that of the four (4) positions identified in the recommendation, only (1) was currently receiving a bonus. He stated that, under the proposal, all four (4) salaries would be adjusted and there would be no more bonus payments. He explained that the only bonus paid was to the Planning Director, as a result of her taking on an additional division on December 11, 2012.

Responding to Mr. Hare, Mr. Koenig explained that the proposal was being recommended since it had been demonstrated that the total amount of funding for salaries that would be cut from the budget for these positions would exceed $300,000, plus the overhead load. In addition, it was his feeling that this proposal would resolve a fairness and equity issue that he would prefer to resolve now rather than later during the budget consideration.

Responding to Council President Leary, Mr. Koenig confirmed that 345 full-time employees were proposed for the next fiscal year, compared to an estimated 370 five (5) years ago. He indicated that this recommendation would reduce the employee head count as well as salary and benefit costs. Council President Leary reminded members that one (1) of the positions was formerly occupied by an individual who retired at a salary level of approximately $80,000 plus benefits, and that the individual who assumed those duties had realigned contracts, found internal cost savings, and would be provided an increase of approximately $1,000 per month. Council President Leary noted that the savings from contract re-negotiations and the Human Resources issues more than exceeded the proposed increase in salary over a one (1) year period. As a result, he felt that if the proposal were approved, the City would be ahead $80,000.

Concurring, Mr. Lynn stated that his support was not offered in an effort to rush to spend money but rather to realize a bargain. He also noted that, as mentioned in the material provided, there were some exemplary issues of employee selflessness. As an example, he stated that there were instances of department heads being given an opportunity for extra earnings and declining in order to protect other employees, and others who had assumed additional department head responsibilities. He reiterated that there was an equity and fairness issue and cautioned members that the City could not afford to lose talent, which had recently occurred in the Electric Department.

Mr. Perza explained that the City sets salaries based on what the City can afford to pay and if an employee were to leave the City's employment, several individuals would be in line to fill the position. Although it was not the City's desire to lose an employee and this would not be the intent if salary increases were not provided, he stated that the City must live within the financial reality of the current economy. After further discussions with the City Manager, he agreed that it would be beneficial for the City to approve staff's recommendation since it would save the City additional funds in the near future, explaining his preference would be to consolidate the positions rather than hire additional people at this time.

**Mr. Perza moved for approval of the Committee's recommendation, rather than voting on each recommendation individually, as a result of the additional information provided by the City Manager. The motion was seconded by Mr. Bonar and carried by a roll call vote of five (5) yes (Lynn, Perza, Bonar, Hutchison, and Leary), three (3) no (Anderson, Dixon, and Hare), and one (1) absent (Williams).**

**Downtown Dover Partnership (DDP) Request for Continued Staff Assistance and Support**

Members were advised that the Mayor and City Manager received a request from the Downtown Dover Partnership (DDP) for the City of Dover to continue to provide administrative support to the DDP via Ms. Beverly Jackson, Administrative Assistant, until December 31, 2013. Members were reminded that City Council authorized a funding transfer in the amount of $180,000 during the current fiscal year to assist the DDP with the hiring of staff and other expenses related to the DDP's operating budget. The DDP's new Executive Director began work on Monday, March 4, 2013. The requested additional assistance from City staff would enrich the transition period, given the substantial projects that are currently being undertaken by the DDP.

Mr. Scott Koenig, City Manager, advised members that he and the Mayor had reviewed the request and believed it would be in the best interest of the City and the DDP to honor the request; however, it was felt that the extended relationship would require the endorsement of City Council, based upon the result of the City's budget discussions last spring. He also advised members that the DDP had indicated that they would be submitting a request for financial assistance for the FY2014 Budget in an amount less than the $180,000; however, he stated that the exact amount was not known at this time.

Staff recommended authorization to continue to provide administrative support to the Downtown Dover Partnership (DDP) via Ms. Beverly Jackson until December 31, 2013.

Responding to Mr. Hare, Mr. Koenig anticipated that the DDP would be functioning administratively on their own by the end of the current year. In regard to contributions from the City, he stated that this date was questionable. He reminded members that the City collects the Business Improvement District (BID) Tax (approximately $51,600), which, according to the Dover Code, is to be dedicated to the former Main Street Program, whose function has been assumed by the DDP. He noted that it was the opinion of some that the $51,600 collected was a guaranteed amount to be provided to the DDP; others felt that this would be an administrative transfer offered by the City to the DDP. Mr. Koenig indicated his desire that contributions from the City would not be necessary after FY2014; however, he questioned if this would be possible.

Mr. Gregg Moore, President of the DDP, introduced Mr. Louis Colôn, the new Executive Director of the DDP. He advised members that it was the opinion of the DDP that the BID Tax was due to the DDP through the former Main Street Program and that this was in accordance with State legislation. He stated that these monies are anticipated by all Main Street Programs throughout the State of Delaware. He reviewed the accomplishments of the DDP and their impact during the past year, as follows: 1) bringing the E-ZPass vendor downtown, which would provide 60 new jobs and up to 50 customers every day entering the building via Loockerman Street; 2) completion of the North Street Projects (all were invited to attend the Ceremonial Opening on March 28th at 10:30 a.m.); 3) breaking ground on improvements to North Street properties behind 22 and 24 Loockerman Street on March 11, 2013, which would aid in getting E-ZPass into the building; 4) the DDP being chosen by the Delaware Department of Transportation (DelDOT) for a $1M grant from the Transportation Enhancement Fund and the scheduling of the first meeting with DelDOT on March 21, 2013 to help facilitate continued improvements along North and other streets, which would aid in improving infrastructure that would otherwise be paid for by the City; 5) opening of the Bayard Pharmacy, which has provided seven (7) new jobs; 6) an application from the Family Dollar Store to locate downtown (where the former NAPA business was located), which was anticipated to provide 20 new jobs; and 6) the expansion of Wesley College's nursing program, which has located to the Frear Building. In total, he stated that nearly 100 new jobs had been created this year associated with the DDP's efforts.

In terms of funding for the DDP, Mr. Moore stated that the DDP felt that a good transition for the new Executive Director was essential, which would include maintaining administrative support to the DDP via Ms. Beverly Jackson until December 31, 2013. He advised members that Mr. Colôn was in the process of creating the funding request for DDP and that a letter and justification for the request would be forwarded to the City Manager. Although the requested amount would be less than last year's request, he stated that it would not be substantially less and provided various reasons, as follows: 1) parking revenues were down as a result of lost parking to the State of Delaware, as well as construction prohibiting the use of some parking areas, noting that there had not been an increase in parking rates for 30 years; 2) investment of over $500,000 in the 22-24 Loockerman Street building, which would house E-ZPass; 3) current assistance being provided to the Interfaith Mission for Housing to add facilities for daytime use for the homeless, explaining that this organization's lease was provided at a reduced market rate; 4) providing reduced rental fees to the Inner City Cultural League; and 5) the delay in locating the vendor in the 22-24 Loockerman Street building since DelDOT must go through the process of choosing a vendor. Mr. Moore stated that once a

vendor is selected (in April), the DDP could begin their negotiations and then will have the task of designing the interior of the building, which would include the investment of over $300,000.

Responding to Mr. Hare, Mr. Moore stated that renting to the E-ZPass Program would provide the DDP a significant amount of funding on a monthly basis, noting that there would be a five (5) year lease with a four (4) year extension. In addition, he stated that the DDP was considering a very large user (major employer) at the former Acme Site, which would also provide a revenue source. He advised members that these two (2) projects, and other similar projects, would allow the DDP to have an infusion of revenue that will assist the DDP in being self sufficient. Although he felt that the amount of financial assistance requests would decrease during the years, he anticipated that the DDP would always request some form of funding from the City to assist in providing improvements to the City's downtown area and noted the detrimental affects that an unsuccessful downtown can have on its municipality and community as a whole.

Mr. Hutchison relayed appreciation for the accomplishments of the DDP and felt that the funding request was small compared to the benefits received.

The Committee recommended approval of the request to authorize the City's administrative staff to continue to provide administrative support to the Downtown Dover Partnership (DDP) until December 31, 2013.

**By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Dixon and carried by a roll call vote of seven (7) yes (Anderson, Dixon, Lynn, Bonar, Hare, Hutchison, and Leary), one (1) no (Perza), and one (1) absent (Williams).**

**Update on Community Meeting - Role and Scope of the Historic District Commission and the Historic District**

During their meeting of January 14, 2013, members were advised of discussions that had been occurring regarding the role of Dover's Historic District, and in particular, the Historic District Commission. Some in the community had faulted the Historic District Commission with adding roadblocks to projects that would support downtown redevelopment, or creating impediments to economic development and growth, while others saw the Historic District Commission as an important caretaker of the City's rich history. Many of the discussions had taken place in informal venues among property owners, business owners, elected officials, and other stakeholders in the community.

During their Regular Meeting of January 28, 2013, City Council approved the Committee's recommendation that the Planning Office hold a public workshop (more than one if necessary) by the end of February 2013 to discuss the role and scope of the Historic District and Historic District Commission, and that staff report back to the Legislative, Finance, and Administration Committee during their first meeting in March 2013 with clear recommendations on whether and how the role and scope of the Historic District and/or the Historic District Commission should be modified.

As directed, Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that on February 26, 2013, the Planning Office held a workshop that focused primarily on facilitated discussion of members of the public regarding the City's Historic District Zone, Historic District Commission, and development review within the Historic District. She indicated that more than 30 members of the public attended the workshop, and that the workshop included a lot of valuable discussion regarding the importance of protecting the City's historic resources. Some ideas were presented by members of the public regarding how the process could be streamlined and how the City could improve the preservation of its historic character.

Although there were no concrete recommendations to implement immediately as a result of the workshop, Mrs. Townshend felt confident that proposed changes would be brought forward after further exploration. She advised members that during the spring months, staff would conduct additional public outreach, likely to include a survey to gauge public support for ideas that could potentially streamline the current review process, as well as enhance preservation of the City's historic character and historic resources.

Staff assured members that they would continue to be updated regarding this matter and that proposed changes to the process would ultimately be brought forward for the Committee's review and recommendation.

No further action was taken by the Committee.

**Proposed Ordinance - Staff Substitute #2 for Ordinance #2013-04 - Amending Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings**

During their meeting of January 14, 2013, members were provided Proposed Ordinance #2013-04 amending Chapter 22 - Building and Building Regulations, Article X - Rental Dwellings to create a Crime Free Housing Program. During their Regular Meeting of January 28, 2013, City Council considered proposed Ordinance #2013-04 amending Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings, without a recommendation by the Committee. Staff advised members that several concerns were relayed during the Committee meeting and in a letter from local Realtors. As a result, staff met with Deputy City Solicitor Pepper, Police Chief Hosfelt, MCpl. Bernat, and Councilman Lynn to develop two (2) staff amendments. These amendments were presented to City Council for their review and consideration, which resulted in additional recommendations by City Council. After much discussion, it was suggested that all of the amendments proposed during the discussion should be consolidated and presented as a whole. Therefore, City Council referred the matter back to the Committee for their review and recommendation.

During the Committee Meeting of February 11, 2013, members recommended that Staff Substitute #1 for Ordinance #2013-04 be referred back to staff to allow for the inclusion of the changes presented by Mr. Phil McGinnis, Policy Director for the Kent County Association of Realtors, and to allow for assurance that the concerns relayed by Chief Magistrate Alan G. Davis had been addressed. The Committee's recommendation was approved by City Council during their Regular Meeting of February 25, 2013.

As a result of the previous action, staff submitted Staff Substitute #2 for Ordinance #2013-04 - Amending Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings for the Committee's consideration and recommendation. Mrs. Townshend reviewed the substitute ordinance, noting that changes were highlighted for better clarification. In reviewing Lines 145-148, she assured members that the Landlord/Tenant Code for the State of Delaware includes language which specifically indicated that there were grounds for eviction for violating a City ordinance. Also, as a result of several concerns relayed, she stated that the seminar specified had been changed to voluntary; however, she noted that there were clear exceptions that would require a landlord to attend a Safe Community seminar. With reference to Lines 200-204, Eviction Required, Mrs. Townshend stated that the language regarding evictions was derived from Department of Housing and Urban Development (HUD) documents written for public housing.

Mrs. Townshend stated that the words "crime free housing" throughout the document had been changed to "safe communities" due to an attempt by those in charge of Crime Free Housing to trademark the term "crime free housing."

Mrs. Townshend advised members that she and Police Chief Hosfelt met with the City Manager and Police Chief of the City of Harrington, where a similar program was instituted that offered the seminar on a voluntary basis. She stated that Harrington's program had been very well received and landlords from outside of the jurisdiction had attended and indicated appreciation for the knowledge attained. Staff also worked with the Attorney General's Office, who had reviewed the proposed amendments, which were consistent with some of the practices they were encouraging.

Police Chief Hosfelt indicated his feeling that the City had an opportunity to take positive action and help the Police Department to rid neighborhoods of problem tenants. He noted that the Police Department met with Mr. Dan Logan, representative of the Attorney General's Office, who specializes in these types of situations throughout the State and prosecutes accordingly in Wilmington and that Mr. Logan supported the recommendations. Chief Hosfelt suggested that the City take a lead in this matter, urging members to approve the staff recommendation or, at a minimum, to forward the proposed ordinance to City Council for action.

Responding to Mr. Shevock, Mrs. Townshend stated that the Inspections Division would be responsible for taking action in accordance with the ordinance. In response to Mr. Shevock's concerns regarding the possibility of neighbors issuing complaints to the Police Department simply because of their dislike for a neighbor, Chief Hosfelt stated that such a situation would not be considered a criminal offense but would be similar to a civil dispute and that the police officers would attempt to mediate these situations. He stated that any complaints received must be substantiated and that case-by-case review may be needed.

Mr. Rushe noted that the proposed amendment still included the terminology "crime free." In addition, referring to Lines 198-199, he suggested that the broad term "template" be changed to something more specific since "template" had several interpretations. In Line 44, he stated that the word "let" should be "rent." He relayed appreciation to staff for their work regarding this matter.

Mr. Dixon relayed his concerns with fair treatment of people and the potential for the ordinance to cause homelessness. He also noted that, in accordance with the proposal, parents could be evicted for the actions of their teenaged children. It was his feeling that the proposed amendments could serve the City well or poorly and suggested that the City be very careful in following the landlord/tenant laws.

Council President Leary advised members that he received a call from a constituent residing in The Hamlet earlier in the day regarding an issue involving the same tenant, same address, etc., that had previously caused concerns. It was his feeling that the City could not allow its citizens to continue to live in this way and that action must be taken to allow for a decent quality of life.

Mayor Carey stated that he too had received phone calls from citizens and he felt that there was no need for anyone to have to live in such difficult situations. He indicated his support of the proposed amendments.

Dr. Todd Stonesifer, 115 N. State Street, addressed members on behalf of the Kent County Association of Realtors (KCAR). He relayed appreciation for the efforts of the City and the opportunity to voice his organization's concerns. He stated that the KCAR supported the proposed amendments, explaining that staff had implemented all of the language that the KCAR had requested to be changed.

Mr. James McGiffin, 500 N. State Street, stated that he represents tenants in his employment, particularly those with low incomes throughout the City. He relayed appreciation to Mrs. Townshend, explaining that he met with her on several occasions to discuss the proposed amendments and found her to be very responsive. He stated that generally, he approved of the proposed amendment as presented and felt that it was fair, understandable, etc. However, he suggested that members consider amending the phrase "other person associated with the tenant," explaining his feeling that it was very broad to make a tenant responsible for any other person associated with the tenant. For example, he stated that individuals could be associated through their membership and/or attendance at a church, or through other memberships (noting that he, along with Mr. Rushe and Mr. Lynn were associated as members of the Kent County Bar Association). Mr. McGiffin suggested that the language from the HUD regulations, "any person under the tenant's control," be considered to replace this phrase. He stated that the phrase appears in Lines 147, 158, and 202.

Ms. Sarah Herbert, 223 N. Bradford Street, indicated that her residence is located adjacent to Wesley College and is surrounded by numerous rental properties that appear to be vacant. She advised members that often parents will purchase a property for their child to occupy while attending school and rent to other students. The child whose parents own the property serves as a property manager; therefore, these properties do not appear to be rented structures and homes. She questioned if the proposed amendment would apply to these types of situations. Responding, Mrs. Townshend stated that currently the City considers property owned by an individual who allows their child to live in said home not to be a rental property. She stated that this type of scenario is becoming more and more prevalent. She suggested that there may be a need to review this matter to determine how the Dover Code should be applied since there are individuals who pay rent to live at the residence.

Responding to Mr. Hare, Mrs. Townshend stated that there are several properties within the City where a parent purchases a property for their child to live and because they are an immediate family member and rent is not collected, they are not required to obtain a rental permit. She stated that when there are other individuals residing at the property who are paying rent, these properties are clearly rental. It was her opinion that staff should begin implementing the requirement differently than has been done in the past.

Senator Brian Bushweller relayed appreciation to members of the Committee, Council, and City Staff for development of the proposal, indicating that he had dealt with these types of issues that can be ruinous to neighborhoods and particularly to those who reside adjacent to and near the problematic properties. He encouraged members to support the proposed amendment and forward it to City Council for approval.

The Committee recommended adoption of Staff Substitute #2 for Ordinance #2013-04, as amended.

**By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Dixon and carried by a roll call vote of seven (7) yes (Anderson, Dixon, Lynn, Bonar, Hare, Hutchison, and Leary), one (1) no (Perza), and one (1) absent (Williams).** *(The First Reading of the ordinance will take place during the latter part of the meeting.)*

**Mr. Lynn moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Dixon and unanimously carried.**

**SPECIAL PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - MARCH 18, 2013**

A Special Parks, Recreation, and Community Enhancement Committee Meeting was held on March 18, 2013 with Chairman Bonar presiding.

**Community Development Block Grant (CDBG) Application Review**

Mrs. Tracey Harvey, Planner I, noted that since the City had converted to multi-year Community Development Block Grant (CDBG) projects, the annual review process would consist of funding the previously approved multi-year projects for the Action Plan through 2014, when the current Consolidated Plan would end.

Members were provided a revised listing of CDBG Federal Resources Available for Use 7/01/13 - 6/30/14. Mrs. Harvey advised members that the total amount of grant funds available for activities was $178,850 and explained the grant allocation requirements as follows:

| | |
|---|---|
| CDBG Funds Allocation | $215,009 |
| Anticipated Program Income | $ 8,554 |
| Total Grant Allocation | $223,563 |
| | |
| 20% of the grant must be allocated for | $223,563 |
| Program Administration | x.20 |
| | $ 44,713 |

| | |
|---|---|
| Public Service activities cannot exceed 15% of the Grant | $223,563<br>x.15<br>$ 33,535 |
| Total grant Funds Available for Activities | $178,850 |
| Total Grant Request | $236,500 |

Mrs. Harvey explained that 20% ($44,713) was to be allocated for program administration and funds awarded for public service activities could not exceed 15% of the total grant allocation ($33,535) *(City Clerk's Office Note: A rounding error in the calculation for the public service activities allocation in the amount of $1 was subsequently discovered and will be corrected in the final action plan prior to City Council approval)*. She reviewed the grant application requests, as follows:

| Applicant | Amount Requested |
|---|---|
| Dover Interfaith Mission for Housing | $27,500 |
| Milford Housing Development Corp. (Rehab) | $60,000 |
| Milford Housing Development Corp. (Emer.) | $40,000 |
| NCALL | $9,000 |
| Elizabeth W. Murphey School | $60,000 |
| Homeownership Assistance Program | $40,000 |

Mrs. Harvey provided an outline of the amounts granted to the CDBG applicants during the previous year for ease of reference while reviewing the current requests.

In response to Mr. Bonar concerning the allocation of funds, Mrs. Harvey explained that the federal government dictates the percentages for public service activities (15%) and program administration (20%). She noted that funds could be transferred from one group to another (public service vs. non-public service activities); however, public service allocations were capped at 15% and funds allocated could not exceed $178,850.

Mrs. Harvey reviewed the funding request from Dover Interfaith Mission for Housing (DIMH), advising members that this organization had been a grantee for several years and was seeking $27,500 in funding.

Mrs. Harvey reminded members that DIMH and the National Council on Agricultural Life and Labor (NCALL) were public service organizations; therefore, funding for these organizations could not exceed 15% of the grant. Other groups were not restricted. In addition, she stated that funding for the DIMH could not exceed the $27,500 that was requested.

Mrs. Horsey asked if DIMH was aware that additional funds (in excess of $27,500) might be available. Responding, Mrs. Harvey stated that the DIMH realized that there had been a reduction in funding and limited their request to $27,500. She noted that in the past they had requested and received a $60,000 rehabilitation grant (not a public service request); however, CDBG funds were now being used only for operational costs.

The Committee recommended fully funding the Dover Interfaith Mission for Housing (DIMH) request at $27,500, with the remaining $6,035 of public service funds to be given to the National Council on Life and Labor (NCALL).

**By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Dixon and carried by a roll call vote of seven (7) yes (Anderson, Dixon, Lynn, Bonar, Hare, Hutchison, and Leary), one (1) no (Perza), and one (1) absent (Williams).**

Mrs. Harvey reviewed the request submitted by the Milford Housing Development Corporation (MHDC) Rehabilitation Program.

Responding to Mr. Bonar, Mrs. Harvey stated that all of MHDC's properties in this program were located within the City of Dover and they were currently working on four (4) properties.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded the Committee that the MHDC Rehabilitation Program was formerly managed by the City. At that time, homeowners applied for housing rehabilitation funds and the City bid out the work, developed specifications, hired contractors, etc. She indicated that MHDC was now performing these functions and the City receives and pays related invoices. Responding to Mr. Bonar, Mrs. Townshend advised that the City still oversees the program.

In response to Mr. Lewis, Mrs. Harvey stated that approximately $50,000 in funding ($40,000 plus an additional $10,000 reallocated from American Disability Act (ADA) funding) was granted to the MHDC Rehabilitation Program last year; however, none of these funds were depleted due to issues with the waiting list. Clarifying, Mrs. Townshend explained that these issues were related to problems qualifying the individuals on the waiting list for the program and that this had now been resolved.

Responding to Mrs. Horsey, Mrs. Harvey stated she believed that MHDC would be able to expend the funds since the waiting list had been opened and many of the previous concerns had been resolved. She noted that the organization would be expected to expend all of the funds previously granted, as well as current funds, within the one (1) year time frame. Mrs. Harvey also clarified that the MHDC Emergency Home Repair Program had spent the allocated funds.

In response to Mr. Bonar, Mrs. Harvey advised members that there was a continuing need for these services, noting that she receives calls daily for housing assistance.

Responding to Mrs. Horsey, Mrs. Harvey indicated that the applications reviewed today were the only applications being considered and that Serenity Place (which was funded last year) did not reapply.

At the suggestion of Mrs. Harvey, members agreed to review the other applications and return to this program before making a decision.

Mrs. Harvey reviewed the application from the Milford Housing Development Corporation (MHDC) Emergency Home Repair Program.

Mrs. Horsey questioned why more money had not been allocated to the MHDC Emergency Home Repair Program, since these funds could be expended faster. Responding, Mrs. Harvey stated that the MHDC Rehabilitation Program was more costly due to the type of renovations. Mrs. Horsey suggested waiting to make a decision on this program and perhaps allocate additional funds to the program; however, Mrs. Harvey indicated that the allocation of funds could not exceed the requested amount.

Mrs. Townshend reminded members that $236,500 in funding had been requested; however, only $178,850 was available for allocation among the applicants.

The Committee recommended fully funding the Milford Housing Development Corporation (MHDC) Emergency Home Repair Program at $40,000.

**By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Dixon and carried by a roll call vote of seven (7) yes (Anderson, Dixon, Lynn, Bonar, Hare, Hutchison, and Leary), one (1) no (Perza), and one (1) absent (Williams).**

Mrs. Harvey reviewed the request from the Elizabeth W. Murphey School for $60,000 for replacement of windows in existing buildings. Responding to Mr. Bonar, Mrs. Harvey stated that although the school had undertaken a window replacement program, a number of windows remained due to the high replacement cost related to the age of the buildings.

In response to Mr. Lewis, Mrs. Harvey stated that $60,000 would cover the cost of replacing 49 of 90 windows. She noted that these buildings were in the Historic District and must comply with certain specifications. Mrs. Townshend indicated that the school was required to bid the window replacement project competitively.

Mrs. Horsey suggested delaying a decision on Murphey School until after the Homeownership Assistance Program was reviewed.

Mrs. Harvey explained there was great demand for the Homeownership Assistance Program, noting that funds allocated last year were depleted as of February 2013. She advised members that the Homeownership Assistance Program did not have the same limitations as the Neighborhood Stabilization Program (NSP) and that any home could be purchased under the program, including new construction anywhere within the City of Dover.

The Committee recommended fully funding the Homeownership Assistance Program at $40,000.

**By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Dixon and carried by a roll call vote of seven (7) yes (Anderson, Dixon, Lynn, Bonar, Hare, Hutchison, and Leary), one (1) no (Perza), and one (1) absent (Williams).**

Mr. Lewis suggested splitting the remaining unallocated funds ($65,315) equally to the two (2) remaining programs, the MHDC Rehabilitation program and the Elizabeth W. Murphey School, which would equate to $32,657.50 each.

In response to Mr. Perza, Mrs. Harvey advised that although spending for each house was capped at $15,000, not every home would require the maximum funding.

The Committee recommended dividing the remaining $65,315 in available funds equally between Milford Housing Development Corporation (MHDC) Rehabilitation Program and the Elizabeth W. Murphey School, with each organization receiving $32,657.50.

**By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Dixon and carried by a roll call vote of seven (7) yes (Anderson, Dixon, Lynn, Bonar, Hare, Hutchison, and Leary), one (1) no (Perza), and one (1) absent (Williams).**

Mr. Bonar requested that the Committee be provided assistance in the way of recommendations regarding priorities for the various applications when this process takes place next year, so that it could be determined if any cuts could be made or if additional funding could be sought.

Mrs. Harvey reminded members that in 2015 they would be reviewing a new CDBG Consolidated Plan.

Mrs. Harvey summarized the Committee's CDBG funding recommendations for FY13, as follows:

| Applicant | Amount Requested | Amount Recommended |
|---|---|---|
| Dover Interfaith Mission for Housing | $27,500 | $27,500.00 |
| Milford Housing Development Corp. (Rehab) | $60,000 | $32,657.50 |
| Milford Housing Development Corp. (Emer.) | $40,000 | $40,000.00 |
| NCALL | $ 9,000 | $6,035.00 |
| Elizabeth W. Murphey School | $60,000 | $32,657.50 |
| Homeownership Assistance Program | $40,000 | $40,000.00 |

**By consent agenda, Mr. Bonar moved for acceptance of the Special Parks, Recreation, and Community Enhancement Committee Report, seconded by Mr. Dixon and carried by a roll call vote of seven (7) yes (Anderson, Dixon, Lynn, Bonar, Hare, Hutchison, and Leary), one (1) no (Perza), and one (1) absent (Williams).**

**DEDICATION OF RIGHTS-OF-WAY AND PUBLIC INFRASTRUCTURE (Utility Committee - February 25, 2013)**

During their Regular Meeting of March 11, 2013, City Council deferred action on the Utility Committee's recommendation for acceptance of the dedication of rights-of-way and public infrastructure in Phase VI of the Village of Westover Subdivision, including all of the referenced public improvements.

Mr. Scott Koenig, City Manager, reminded members that he had requested that action be deferred to allow staff to resolve issues related to the Letter of Credit for this phase of the subdivision. Since that time, he stated that the City of Dover had received funds from M&T Bank in the amount of $264,765 which represents all funds covered by the Letter of Credit. As a result, staff requested approval of the dedication of rights-of-way and infrastructure in order for the City to proceed with the completion of the roads, sidewalks, and driveway aprons in this phase of the subdivision. Mr. Koenig indicated that the work would be added to one (1) of the City's unit price Street Program contracts.

**Mr. Lynn moved for approval of the Committee's recommendation for acceptance of the dedication of rights-of-way and public infrastructure in Phase VI of the Village of Westover Subdivision, including all of the referenced public improvements. The motion was seconded by Mr. Bonar and carried by a unanimous roll call vote (Williams absent).**

**FIRST READING - PROPOSED ORDINANCE**

Council President Leary reminded the public that copies of the proposed ordinance were available at the entrance of the Council Chambers or could be obtained from the City Clerk's Office. Final action by Council on the proposed ordinance will take place during the Council Meeting of April 8, 2013.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, briefed members on Staff Substitute #2 with LF&A #1 for Proposed Ordinance #2013-04, explaining that it would add a requirement that landlords participate in a safe communities program that includes participation in a safe communities seminar offered by the Dover Police Department. A safe communities addendum would also be included in leases. In addition, the proposed ordinance would allow for the prorating of rental permit fees for permits purchased after the beginning of the permit year.

Mrs. Townshend announced that the first Safe Community Landlord Training was scheduled to be held on April 13, 2013. She assured members that the training was voluntary unless a landlord's property had been a source of criminal complaints and the landlord had not fulfilled responsibilities in this regard. She noted that staff had received proposed amendments from former Councilman McGiffin which had been incorporated into the First Reading.

Referring to the additional amendments proposed by Mr. Perza ***(Exhibit #1)***, Mrs. Townshend stated that the majority were "typographical and clerical" corrections (such as replacing "crime free" with "safe communities") and that staff had no opposition to incorporating those amendments into the Proposed Ordinance.

In response to Mr. Dixon, Mrs. Townshend explained a current situation where parents had children in their residence who were repeatedly being arrested, going to jail, being released, and then continuing the same behaviors, creating a safety problem for the community. Unfortunately, she noted that the justice system was slow and prisons were crowded, so these individuals return home and the neighbors are put at risk, which causes a problem for the City.

**Mr. Perza moved for the proposed amendments, as outlined in Exhibit #1, to be included in the First Reading of the Proposed Ordinance, seconded by Mr. Bonar and unanimously carried.**

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:

> STAFF SUBSTITUTE #2, WITH LF&A #1 FOR ORDINANCE #2013-04, AS AMENDED - AMENDING CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS, ARTICLE X - RENTAL DWELLINGS

**COUNCIL MEMBERS ANNOUNCEMENTS**

There were no announcements.

**Mr. Bonar moved for adjournment, seconded by Mr. Hare and unanimously carried.**

Meeting Adjourned at 8:51 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of March 25, 2013, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM
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*Exhibit*
*Exhibit #1 - Safe Communities Ordinance Amendments Submitted by Councilman Perza*

**From:** Adam Perza [mailto:adamperza@gmail.com]
**Sent:** Monday, March 25, 2013 12:07 PM
**To:** McDowell, Traci
**Cc:** City Clerks Office; Townshend, Ann Marie; WPepper@schmittrod.com; amp
**Subject:** Safe communities ordinance amendments

Traci,

Plan to propose the following amendments to the safe communities ordinance tonight. For purposes of providing the membership with hardcopies of proposed amendment to read, the amendments are below:

Amendments are in **bold and underlined**, my explanation in parenthesis immediately following:

Line 21 **(1)** Dwelling unit… (adds paragraph number for later reference)

Line 24 **(2)** Multiple-family… (adds paragraph number for later reference)

Line 28 **(3)** Rental dwelling … (adds paragraph number for later reference)

Line 31 **(4)** Single-family dwellings … (adds paragraph number for later reference)

Line 35-6 **(5) Criminal activity is defined as any crime classified by applicable law as a (a) Felony, (b) Class A Misdemeanor, or (c) any of the following offenses: any drug offense defined by Title 16 of the Delaware Code, and the following misdemeanors in addition to any Class A misdemeanor, as defined by Title 11 of the Delaware Code: §601-offensive touching, §602-menacing, §628-vehicular assault 3, §763-sexual harassment, §764-indecent exposure, §811-criminal mischief, §812-graffiti, §820-trespassing, §821/2/3-criminal trespassing, §1105-crime against a vulnerable adult, §1106-unlawfully dealing with a child, §1301-disorderly conduct, §1313-malicious interference with emergency communications, §1315-public intoxication, §1321-loitering, §1322-criminal nuisance, §1323-obstructing of public passage, §1341-lewdness, §1342-prostitution, §1343-patronizing a prostitute, §1445-unlawfully dealing with a dangerous weapon, §1446-unlawfully dealing with a switchblade knife,**

Line 81 An **executed copy of the safe communities** lease addendum as specified in § 22-372 shall be required for all rental dwellings in the City of Dover prior to establishment of a utility account for the premises.

(Delaware law does not require residential leases to be in writing.)

Line 166 … Such notice shall be sent by **U.S. Mail, evidenced by Certificate of Mailing** to the …

(limits possibility of property owner/property manager from claiming non-receipt of notice)

Line 187 … shall provide the **safe communities addendum**

(maintains addendum references consistent to “safe communities” instead of “crime free”)

Line 193-6 (a) If the tenant, any member of the tenant's household, any guest or other person **under tenant's control** engages in criminal activity **as defined by § 22-331(c)(4) and Chapter 22 of the Code** on three or more occasions within a 12-month period, **the chief of police shall notify the department of planning and inspections to initiate the safe communities lease termination notice procedure directing the property owner or property manager to terminate the tenancy.**

(maintains consistent references to guests and persons "under tenant's control"
previously approved by the committee after public hearing; eliminates individual discretion of city officer whether to enforce or not enforce)

Line 200 … Such notice shall be sent by **U.S. Mail, evidenced by Certificate of Mailing** to the …

(limits possibility of property owner/property manager from claiming non-receipt of notice)

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