# REGULAR COUNCIL MEETING

The Regular Council Meeting was held on February 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, Mrs. Williams, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Hosfelt, Mrs. Mitchell, Mrs. Townshend, Fire Chief West, Mr. Koenig, Deputy City Solicitor Pepper, 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 Reverend Robert Appling of Victory Chapel Church, followed by the Pledge of Allegiance.

## AGENDA ADDITIONS/DELETIONS

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

Mr. Perza requested that Item #6A - Parks, Recreation, and Community Enhancement Committee Report of February 11, 2013 - Review of Revised Active Recreation Plan - Clearview Meadow, be removed from the Consent Agenda.

**Mr. Hare moved for approval of the Consent Agenda, as amended, seconded by Mrs. Williams and carried by a unanimous roll call vote.**

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

**The Minutes of the Regular Council Meeting of February 11, 2013 were unanimously approved by motion of Mr. Hare, seconded by Mrs. Williams and bore the written approval of Mayor Carey.**

## CERTIFICATE OF CONGRATULATIONS - DOVER SYMPHONY ORCHESTRA 45TH YEAR ANNIVERSARY

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

WHEREAS, the Dover Symphony Orchestra is a landmark organization which, since its foundation in 1968, has strived to bring live performances of classical and orchestral music to the Dover and Central Delaware area, to further the musical arts generally and symphonic music particularly, to provide educational and performing opportunities for the citizens of Delaware and neighboring communities, and to encourage the interest of young people in orchestral music; and

WHEREAS, throughout its history, hundreds of dedicated musicians, from all walks of life, ranging from students to senior citizens and including professional musicians, music teachers, and amateur players, have committed countless volunteer hours to setting up, rehearsing, and performing with the Dover Symphony Orchestra; and

WHEREAS, in 2013, the Dover Symphony Orchestra entered its 45th year of providing classical and popular music to Central Delaware.

NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DOVER, DELAWARE, are privileged to present this Certificate of Congratulations to The Dover Symphony Orchestra In recognition of the celebration of its 45th anniversary and in appreciation for inspiring area musicians and audiences throughout the years.

On behalf of the Mayor and City Council, Mayor Carey presented the Certificate to Donald Buxton - Conductor, Nancy Pikulik - President, and Cynthia Witt - Business Manager. Ms. Pikulik, on behalf of the Dover Symphony Orchestra, thanked members for the recognition.

**PROCLAMATION - NATIONAL PREPAREDNESS WEEK**

The City Clerk read the following Proclamation into the record:

WHEREAS, the Federal Emergency Management Agency (FEMA) and the National Oceanic and Atmospheric Administration (NOAA) are continuing their partnership to increase awareness of the dangers posed by severe weather and the steps that can be taken to prepare for hazardous storms; and

WHEREAS, in 2012 there were more than 450 weather-related fatalities and nearly 2,600 injuries, despite advance warning; and

WHEREAS, the 2013 National Severe Weather Preparedness Week theme, "Be a Force of Nature," promotes a nationwide effort to raise public awareness of the importance of preparation in preventing the injuries that often occur during severe weather events.

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, do hereby proclaim the week of March 3-9, 2013, as NATIONAL SEVERE WEATHER PREPAREDNESS WEEK in the City of Dover and encourage all individuals, families, and businesses in the Dover community to take the time to become educated on measures that can be taken to prepare for weather-related emergencies.

**HEARING/VIOLATION OF DANGEROUS BUILDING ORDINANCE - 416 WEST DIVISION STREET, OWNED BY THE ESTATE OF EVELYN WATSON**

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 416 West Division Street, owned by the Estate of Evelyn Watson. Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that the property was a two (2) story, wood-framed, single family home. The house had been vacant since August 2010 and was boarded by City crews in December 2010. Boards had been removed in the past and windows had been broken. The property had been re-secured by City staff. There were numerous code violations existing on the property.

Mrs. Townshend reviewed a presentation depicting the condition of the structure ***(Exhibit #1)***.

Staff recommended that City Council take the following action for property located at 416 West Division Street: 1) Declare this building and all accessory structures on this property dangerous. 2) Order the property repaired or demolished by March 25, 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. 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 Leary declared the public hearing open and, there being no one present wishing to speak, the public hearing was closed.

**Mr. Hutchison moved that the structure located at 416 West Division Street be declared a dangerous building and ordered that the property be demolished or repaired by March 25, 2013 in accordance with the process recommended by staff. The motion was seconded by Mr. Bonar and carried by a unanimous roll call vote.**

**PRESENTATION - FIRE DEPARTMENT ANNUAL REPORT**

Former Fire Chief Jack Fortney reviewed the 2012 Fire Department Annual Report. He noted that the two (2) busiest months were April, with 98 incidents, and October, with 94 incidents. The slowest months were January and September, with 72 incidents each month. Chief Fortney stated that the Department averages two (2) runs per day.

In response to Mr. Hutchison, Chief Fortney stated that most of the calls that the Department responds to are false alarms. Mr. Anderson noted that 1,670 man hours were spent for fires and 1,640 man hours were spent on false alarms. Chief Fortney responded that the Fire Department and the Fire Marshal's Office were doing what they could to deter false alarms.

Members relayed their appreciation for the Fire Department's service to the City.

**Mr. Bonar moved for acceptance of the Fire Department Annual Report, seconded by Mr. Hutchison and unanimously carried.**

**PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - FEBRUARY 11, 2013**

The Parks, Recreation, and Community Enhancement Committee met on February 11, 2013 with Chairman Bonar presiding.

Mr. Anderson requested the addition of Item #5A- Public Comments on Recreation Issues.

**Review of Revised Active Recreation Plan - Clearview Meadow**

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed detailed information regarding a revised Active Recreation Plan for Clearview Meadow. She noted that Clearview Meadow is a Planned Neighborhood Development (PND), consisting of $88.2524^{+/-}$ acres, located north of South Little Creek Road, south of North Little Creek Road, and east of Babb Drive. She stated that a 6.8429 acre Active Recreation Area was initially shown, including a walking path system, play structure, swings, tennis court, picnic tables, and benches. This active recreational component was reviewed by the Parks and Recreation Commission on July 27, 2004. A Revised Recreation Plan #1 was reviewed by the Parks, Recreation and Community Enhancement Committee on November 9, 2004 and received Planning Commission approval on December 20, 2004. She noted that the Revised Recreation Plan #1 involved the elimination of the tennis court and the addition of a swimming pool and bath house facility with an associated parking lot. The playground equipment was also relocated in this redesign.

Mrs. Townshend advised members that the Concept Plan for Clearview Meadow PND received Planning Commission approval on April 19, 2004 and the Preliminary Subdivision Plan received conditional approval from the Planning Commission on September 20, 2004. The Record Plan for the Subdivision was recorded on September 30, 2005 and the Final Construction Plans were approved January 19, 2006. The development, as approved, consists of the following: 167 single family detached homes, 48 duplexes, and 88 townhouses for a total of 303 dwelling units. The initial phases of construction and home building focused on the southern portion of the subdivision along the streets of Mer Way, Lady Bug Drive, and Nob Hill Road. Access into the subdivision is provided by John Hunn Brown Boulevard and Babb Drive. Currently, there are 26 duplex units, 35 townhouse units, and two (2) single-family detached units complete (63 units complete); two (2) duplex units under construction; and one (1) single-family detached home in permit review. Mrs. Townshend explained that, due to the economy, progress on this development ceased; however, it has recently been purchased by a new developer, Shirliz LLC c/o Knollwood Development Corporation, who has submitted the Revised Active Recreation Plan #2.

Mrs. Townshend indicated that the applicant has proposed several revisions to the Active Recreation Area of the subdivision, which includes 6.5624 acres of land to be reserved as Active Recreation Area, creating a park area centrally located in the subdivision. The revision proposes the elimination of the swimming pool and bathhouse building, relocation of the gazebo, and the addition of a community building with parking lot; a play area that contains a swing set and a play structure and series of benches and picnic tables remain throughout the site. She stated that the amenities are connected by a walking path system that is five (5) feet in width and constructed of bituminous asphalt and a large lawn area is central to the recreation area.

With regard to the community building, Mrs. Townshend stated that the architecture and floor plan submitted indicate a one (1) story building with a front entry porch. The exterior finish materials appear to be a horizontal siding, a shake style shingle in the gables, and a gable roof. The interior includes an exercise room, a small meeting (card/game) room, and a large meeting room, along with restroom facilities, storage, and a small kitchen. The plan also depicts a 15-space parking lot to be

located in front of the building. She reviewed information from the submitted Plan (last updated January 22, 2013) for the Revised Active Recreation Area #2 to be constructed, as follows:

| | Required | Provided on Plan |
|---|---|---|
| **Active Recreation Area (Article 5 §10.16)** | 275 S.F. per dwelling unit or 0.5 acre, greater thereof<br>305 DU = 83,875 S.F. (1.925 ac)<br>Requires 1.925 acres | Community building, gazebo, lawn area, walking paths, and playground area = Total of 6.5624 acres |
| **Active Recreation Amenities (Article 5 §10.15)** | Accessible | Centrally located in the development. Access to all residential lots via the walking paths and sidewalk network. Accessible access to the community building is unclear. Parking lot provides one handicapped accessible parking space. |
| **Active Recreation Amenities (Article 5 §10.15)** | Age Oriented to development | Community Building<br>Playground Area Equipment<br>Gazebo<br>Benches & Picnic Tables<br>Walking path |
| | Parking | Off-street parking provided for each dwelling unit on the individual lots with street frontage sidewalks to recreation areas.<br>A parking lot with 15 spaces is also located on the south side of the Community Building. |
| | Setbacks: 30 feet from residential lots and 25 feet from right-of-way for street | Community Building and Gazebo locations are in compliance with the setbacks as required. |
| | Landscaping | The Revised Active Recreation Plan #2 shows trees and landscaping around the site. |

Staff submitted the following comments and recommendations regarding the Active Recreation Area to be constructed:

1) The proposed plan meets the area requirements for the Active Recreation Area. The plan is required to provide 1.925 acres of Active Recreation Area and it is proposing 6.5624 acres of Active Recreation Area.

2) Staff recommends approval of the Community Building, Gazebo, the swing set and the playground area, walking path, and site furnishings with comments and conditions provided below.

3) The following items should be included on the Plan to clarify the construction of the recreation area improvements:

   a) Provide lighting around the Active Recreation Areas.
   b) Lawn areas shall be appropriate planted (seeded or sodded) a maintained for active recreation activities.
   c) Clarify the total square footage of the Community Building.
   d) Provide bike racks near the Community Building.
   e) Identify utility service connections to the Community Building.
   f) Identify the phasing for the construction of the Active Recreation Area with relation to the building construction phasing to ensure that the development of the Active Recreation amenities keeps pace with the building construction.

4) The Community Building must include an accessible entrance route for entry into the building. Currently, the front porch is elevated several steps with no ramp system depicted.

5) Ensure barrier free access is provided at all intersections of drive lanes and sidewalks including the entrance to the parking lot for active recreation area.

6) Ensure that tree planting locations do not conflict with utility lines or locations.

7) The community building must comply with the building and fire code requirements.

8) The applicant is reminded of the requirements for construction phasing of the recreation area as associated with the development of the residential units. The 17,325 S.F. of recreation area for the residential units constructed to date (275 S.F. x 63 dwelling units) is being met by several open lawn areas in the vicinity of John Hunn Brown Boulevard.

   *(a) Article 5 §10.6 Construction Phasing. The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that one hundred (100) percent of the recreation and open space areas shall be completed prior to issuing building permits for the final twenty (20) percent of the dwelling units proposed. Building permits shall not be issued for dwelling units unless the requirements of this section are met.*

9) There shall be provisions which ensure that the common open space land (including active recreation area) shall continue as such and be properly managed and maintained.

10) In the event, that major changes and revisions to the Plan occur in the finalization of the Revised Recreation Plan and associated Minor Subdivision Plan contact the Department of Planning and Inspections. Examples include reorientation of elements, relocation of site components, etc. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

11) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate site inspections and permits are required. The applicant shall be aware that Recreation Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover.

12) Construction may have an effect on the adjacent property owners and nearby travel lanes. Any work requiring the closing or rerouting of traffic should be coordinated as to offer the least amount of inconvenience.

The Committee recommended acceptance of the Revised Active Recreation Area Plan #2 for Clearview Meadow, as presented and with the inclusion of staff's comments and recommendations.

During the City Council meeting, Mrs. Townshend advised members that the developer proposed to amend the Active Recreation Area Plan by replacing the previously proposed pool with a community center. She noted that staff was supportive of the amendment. Mrs. Townshend indicated that some of the residents had since expressed concern with the elimination of the proposed pool. Those residents had been advised to attend the Planning Commission meeting to express their concerns.

Responding to Mr. Perza, Mrs. Townshend clarified that the Committee's recommendation for approval was based on the plan meeting all of the City's Code requirements and was not necessarily an endorsement. She noted that the residents of Clearview Meadow would have an opportunity to express their concerns at the Planning Commission meeting prior to final action on the plan and that public notice would be provided.

**Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Dixon and unanimously carried.**

**Overview of Recreation Fees and Proposal for Open Gym Fees for Non-Residents of Dover**

Mrs. Ann Marie Townshend, Director of Planning and Community Development, introduced Mr. Wayne Voshell, Manager of the John W. Pitts Recreation Center. She advised members that the City of Dover's Recreation Division offers a variety of programs that are supported by fees, including participation fees for recreation programs, fitness classes, and sports leagues; field rental fees for use of multipurpose and softball fields and park pavilions; and rental fees for use of the Pitts Center Gym and multi-purpose room. She explained that fees for program participation are set based on the program and are advertised in the program guide. Members reviewed the Recreation Department Fields, Parks & Pavilion Rental Rates.

Mrs. Townshend advised members that, in evaluating the fee structure to improve cost recovery associated with recreation programming, staff developed a proposal to charge fees to non-residents of Dover for participation in Open Gym. Based on data regarding non-resident participants in Open Gym, staff estimated that the new fee would generate approximately $5,000 annually. This would account for an increase in the Recreation Division's revenue of approximately four (4) percent (4%). Mrs. Townshend stated that since the Recreation Division is a General Fund Department, which is supported by tax revenue, a modest fee for non-residents to participate in Open Gym was an issue of equity. She assured members that the purpose of the proposed fees was for cost recovery and not to make a profit.

Mrs. Townshend stated that demographic information from users (obtained from Open Gym card applications) indicated that non-resident users are from Camden, Clayton, Felton, Magnolia, Milford, and Smyrna and the majority reside in more affluent developments such as Cardinal Hills, Old Mill Acres, St. Jones Commons, etc. She noted that there are some users from General's Green, Capital Park, and Rodney Village, which are considered low-income areas. She assured members that staff was sensitive to the economic issue and did not want to adversely impact a community that needs recreation and may be unable to afford such a fee.

Staff recommended approval of the Open Gym Fees, as proposed.

Mr. Voshell advised members that he had not discovered another similar facility in the State of Delaware that provides an Open Gym Program like the City of Dover's or that offers the number of hours available for the gym. He stated that all such facilities are fee based, including the Boys and Girls Club.

In response to Mr. Anderson, Mrs. Townshend reminded members that the contribution provided by Kent County was granted as a capital investment for the facility. Noting that County residents are able to participate in the City leagues, classes, or any other program held at the Pitts Center for the same fees as City residents, she felt that the County was provided a value for their investment.

Noting that senior citizens would be exempted, Mr. Anderson suggested that individuals who are Electronic Benefits Transfer (EBT) recipients, who wish to disclose such information, also be provided an exemption.

Mrs. Townshend referred to the City's Super Summer Playground Program that has been offered for several years at a minimal fee of $150 for the six (6) weeks of camp. In reviewing the costs versus the revenue for the program, she stated that the City has been realizing a $12,000 deficit. Of the 40 participants, she stated that 22 were out of City and all participants were from suburban, middle-class families. She noted that the program had been restructured to run the entire time school is closed during the summer. In order to break even, she stated that the fee must be $75-$80 per week; therefore, the fee has been set for $80 per week, with a discounted rate of $75 for siblings. If a participant is registered for more than one (1) week, the fee after the first $80 would be $75. In addition, extended hours will be offered at an additional charge for those parents who rely on day camp programs to provide their child care. Mrs. Townshend stated that the increase in fees will allow the City to cover the costs, explaining her feeling that the City should not be subsidizing child care for middle-class families who do not live in the City.

Responding to Mr. Bonar, Mrs. Townshend stated that staff did not perform a comparison with the YMCA since their programs are based on memberships; however, she stated that the City's Summer Camp was half the cost (with the increase) of the program offered by Delaware Technical and Community College.

The Committee recommended approval of staff's proposal for Open Gym fees for non-residents of Dover, with the stipulation that staff establishes a scholarship for people who are eligible for Electronic Benefit Transfer (EBT) for use of the Open Gym period.

During the City Council meeting, Mrs. Townshend reviewed the Overview of Recreation Fees and Proposal for Open Gym Fees for Non-Residents of Dover. She noted that the open gym participants who are not residents of the City are mainly residents of Camden, Clayton, Felton, Magnolia, Wyoming, Smyrna, Wilmington, Frederica, and the Winding Ridge, Cardinal Hills, Derbywood, Rodney Village, Capital Park, and Generals Green developments. Mrs. Townshend pointed out that these areas represent a broad economic spectrum of users. She reminded members that the Committee had recommended waiving the fee for participants who are eligible for Electronic Benefit Transfer (EBT).

Mrs. Townshend reviewed Recreation Trends for Fiscal Years 2012-2013, which was updated with current numbers (***Exhibit #2***). She noted that recreation revenues dropped almost 27% between 2008 and 2012 and the expenses were increasing. Mrs. Townshend noted that the 2012 figures included the retirement payout to the previous director and 2013 reflected a decreased expenditure due to the unfilled position. She stated that her goal was to find ways of covering the cost of the programs.

Responding to Mrs. Williams, Mrs. Townshend stated that she did not think that the development of the Kent County Sports Complex would have a significant impact on revenue since it will cater to regional tournament sports. Currently, there is more demand for City field space for soccer and lacrosse groups than can be accommodated.

Mrs. Townshend stated that she is new to the department and could not determine the reason for the fluctuation in revenue over the years.

Mr. Lynn expressed concern with charging what he believed to be the most vulnerable citizens - the elderly and the youth of Capital Park, Generals Green, and Rodney Village - for use of the open gym. He felt that involvement with athletics was a positive activity which would keep the youth out of trouble and that $5,000 in revenue would not offset the benefits that would be eliminated. Mr. Lynn felt that the stigma associated with EBT would prohibit many from disclosing their status for exemption from the fee. He also noted that there were many working poor families who were not eligible for those benefits but did not have the disposable income to pay for the use of the Pitts Center. Noting that Kent County helped pay for the Center, Mr. Lynn felt it was inequitable to deny County residents the opportunity to use the facility. Mrs. Townshend stated that senior citizens would be exempt regardless of their residency.

Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Hare.

Mr. Anderson noted that program fees had not increased in many years and many of the participants do not pay City taxes.

Mr. Hare suggested that the County's initial contribution may have exhausted itself by now and they may be willing to make an additional donation to help cover operating expenses. At that time, the fee for non-residents could be reconsidered.

Mrs. Townshend compared this fee with the fee that the City previously charged non-residents for use of the Library. Eventually, a reciprocal borrowing agreement was developed for Library patrons.

Responding to Mr. Lynn, Chief Hosfelt stated that he did not have the data to support a relationship between imposing a fee and an increase in youth-related crime.

**The motion to approve staff's proposal for Open Gym fees for non-residents of Dover, with the stipulation that staff establishes a scholarship for people who are eligible for Electronic Benefit Transfer (EBT) for use of the Open Gym period, was carried by a roll call vote of six (6) yes (Mr. Perza, Mr. Bonar, Mrs. Williams, Mr. Hare, Mr. Hutchison, and Mr. Leary) and three (3) no (Mr. Anderson, Mr. Dixon, and Mr. Lynn).**

**Planning for Affordable Housing and Homelessness**

Referring to the need for affordable housing and the need to address homelessness, Mr. Anderson relayed appreciation for the beginning of a State charrette on this issue and to members of City Council and the Mayor for their efforts in this regard. However, he suggested that as the City of Dover plans for the future, all citizens should be given consideration. In order to do this, he suggested that there must be an understanding of what occurs on a daily basis in the City.

Mr. Anderson noted that although the Dover Interfaith Mission for Housing had no representative present to address members, he invited others, as follows: Ms. Manivanh Johnson, President of Open Doors Ministry (6284 West Denneys Road); Mr. Mike Rowe, Program Director for the Veterans Outreach Program at People's Place in Milford (1129 Airport Road, Milford); and Ms. Vickie Bryant, Support Services for Veterans' Families at People's Place in Milford.

Ms. Johnson explained the issues involving homelessness and needy families in the City of Dover and surrounding communities and advised members that she spends a great deal of time with the homeless. She advised members that during the past year, Open Doors Ministry distributed over 400 backpacks filled with essentials to the homeless and needy families, as well as approximately 50 sleeping bags during the past winter. She advised members that Open Doors Ministry also provides clothing, bus tickets, food vouchers, utility bill assistance, etc. She requested the City's assistance in relaying these needs to the community.

Concurring with Mr. Bonar, Mr. Rowe stated that although the agency is out of Milford, it covers both Kent and Sussex Counties and noted that there is a shelter on College Road in Dover. He explained that one of the big problems with the homeless is that they do not know where to go for assistance, although there are resources available. He suggested that the City of Dover hold a networking event attended by the various agencies. This could be accomplished at no cost to the

taxpayers, since sponsors would be obtained by his and other similar agencies and could be held at a place such as the Modern Maturity Center. The doors would be opened to the homeless so that they could receive direction for assistance, and this would also allow the agencies to network together in an attempt to better serve the homeless.

Mr. Rowe advised members that People's Place also assists individuals with utility bills, rent, security deposits, etc. It also offers a new program that will assist veterans and their families by offering temporary financial assistance to keep them from losing their rental homes, provide security deposits, or assist with utility bills.

Mr. Rowe explained that many of the homeless are accustomed to living on the streets and, when provided assistance, will return to being homeless by choice. However, he shared success stories where assistance was provided and within a few months, these individuals obtained housing on their own.

Mr. Bonar noted that although there is a directory of the various social services and community action agencies in existence, it does not provide financial criteria, updated telephone numbers, etc. He suggested that there be a concerted effort among State, County, and local governments and utility companies to compile this information to be provided to each governmental agency and service provider. This would provide a means of providing individual direction to those who meet various criteria. Mr. Bonar felt that it would behoove service providers to put together an organization to assist in developing a directory with the information to be made available to all those who wish to render such services.

Concurring with Mr. Bonar, Ms. Bryant indicated that she had been in contact with veterans who were very disgruntled. She stated that, along with assistance, there must be some type of sustainable income so that if a program is able to help, there would not be a need for such help month after month. She explained that there are not adequate funds or resources to help everyone on a daily basis. Ms. Bryant advised members that it is difficult to know where to refer unemployed veterans for assistance.

Mr. Anderson relayed appreciation for the work done by the individuals who addressed members and their organizations. Noting that the State paid $2M for hotels to house homeless families, Mr. Anderson inquired about the demographics of the homeless and whether it is easier or more difficult to find resources to help men, women, or families, etc.

Responding, Ms. Johnson stated that the majority of those she comes in contact with are individuals and that they seem to be the hardest to provide assistance for. Mr. Rowe stated that his agency's demographics fall in line with the national average in Delaware. Although veterans are less than 10% of the nation's population, he noted that 30% of all homeless people are veterans, 45% of whom are Vietnam veterans. Of this 45%, he stated that 10% are women. Since there are many more service women today than in previous years, he felt that statistics for female homeless veterans would increase in the future.

Mr. Anderson noted that Mr. Herb Konowitz, Interfaith Mission for Housing (who was unable to attend the meeting) had requested that he advise members regarding a problem with individuals who are being discharged from institutions such as hospitals, behavioral centers, and prisons to "nowhere," with no transitional assistance provided.

There was no action taken by the Committee on this matter.

**Semi-Annual Review - Statistics Regarding Jobs and Businesses Gained and Lost in the City of Dover Since July 2012**

Mr. William Neaton, Economic Development Director, reviewed the semi-annual report of employment statistics on the 14 largest employers in the Dover area and reminded members that this information is updated and presented to members on a semi-annual basis. The report provided statistics regarding jobs and businesses gained and lost in the City of Dover since July 2012.

Prefacing his comments, Mr. Neaton noted that there was a very positive feeling among those who attended the unveiling of the Kent County Profile a few weeks ago. He stated that over $1 billion in construction projects are occurring in Kent County and around the City of Dover. He felt confident that the statistics provided in the report were an indication of this positive movement.

Mr. Bonar advised members that in the next six (6) weeks, approximately 300 jobs would start up within the City limits as a result of the efforts of Mr. Neaton. Responding, Mr. Neaton stated that a meeting was scheduled for next Tuesday (February 19th) with the contractor for this $3-$4M project. The primary purpose of the meeting would be to emphasize the importance of keeping as many jobs local as possible.

Referring to the decrease in permanent employees for the Hotel and Casino at Dover Downs, Mr. Neaton stated that several surrounding states had approved legalized gambling, which was impacting Dover Downs and was reflected in the decrease in these employees. However, he noted that with the expansion of Kool-Aid operations, there would be 29 additional jobs at Kraft Foods. Also, he reminded members that ILC would be expanding, although Dover was not selected for the new location. He explained that ILC was able to purchase a facility in Sussex County for approximately half the cost of locating in Dover.

Mr. Bonar noted that several large commercial buildings remain vacant in the City of Dover. He suggested that the landlords reduce rental fees to attract businesses to Dover. He indicated that if Council action were necessary, such as a reduction in a tax rate, he would support those efforts.

Mr. Anderson stated that several businesses that recently opened in the downtown area remain in business. He suggested that staff develop an informational brochure explaining the services provided. He also suggested that when a business license is obtained, staff request contact information from the new business to forward to the Economic Development Office.

Mr. Neaton advised members that when a new business begins, the Economic Development Office makes sure that there is a viable business plan and the resources to start up. He felt that this has helped in the success of businesses.

Mr. Neaton informed members that he attends the "Kent is Open For Business" meeting held on the first Thursday morning of every month, which he felt was a great resource for any new business. He stated that at one time there were nine (9) individuals attending who were planning to start new businesses; however, recently the number of attendees had declined. The participants at the last meeting decided to make changes in order to attract more participants, such as increasing marketing, providing a guest speaker every month, etc. He assured members that efforts have been made to provide more resources for smaller businesses to become more successful.

Responding to Mr. Bonar, Mr. Neaton stated that although he does not attend the Statewide Chamber of Commerce meetings, he does attend the Delawareans for Environmental and Economic Development (DEED) meetings, Committee of 100 meetings, etc., and that he just met with the new Economic Development Director from the City of Wilmington. Referring to the Committee of 100 Meetings, he stated that Dover will be hosting the next meeting.

Committee action was not required on this matter.

**Update - CDBG Program**

Mrs. Tracey Harvey, Planner I, reviewed the Status of FY-12 Community Development Block Grant (CDBG) Projects - February 2013. She advised members that Habitat for Humanity is presently under contract for a Neighborhood Stabilization Program (NSP) property, with the closing scheduled for Friday, February 15th.

**Public Comments on Recreation Issues**

Mr. Anderson explained that he had requested public comments on recreation issues to consider youth programs and other ideas for the future of youth and other community programs.

Dr. Kim Warfield, 1403 Windmill Drive, advised members that she is the founder and CEO of the Delaware Minority Outreach. She explained that, as a retired New York City police detective, she had witnessed many young women and men get into criminal activity. She stated that the Outreach serves low-income communities and that the parents in these communities are often in prison, on welfare, etc. The Outreach was created with the anticipation of stopping criminal activity in the low-income communities. She explained the various programs provided, one (1) of which is the Cadet Corps which teaches discipline, how to exercise, how to disarm people with guns in school, how to eat properly, etc.

Dr. Warfield indicated that the Outreach had partnered with other organizations within the City of Dover and participates in their programs, such as the Exploring Program with the Boy Scouts. She noted that the Delaware State Police is very involved in the Exploring Program.

Dr. Warfield explained that youth initially become involved in criminal activity because they have no place to go and need someone to care about them. She stated that the Outreach is in need of more space and noted that the Dover Park Recreation building was vacant and that her organization would like to utilize the facility, since it has a football field, basketball court, etc.

Mr. Bonar reminded members that there were issues with the building and that it was currently being reviewed to determine what renovations might be necessary. Once this information is provided and the cost for the renovations is known, he stated that the City would be in a position to issue a Request for Proposals (RFP) so that bids for the facility could be submitted.

**Mr. Bonar moved for acceptance of the Parks, Recreation, and Community Enhancement Committee Report, seconded by Mr. Anderson and unanimously carried.**

**UTILITY COMMITTEE REPORT - FEBRUARY 11, 2013**

The Utility Committee met on February 11, 2013 with Chairman Bonar presiding.

**Request for Alley Abandonment (Paper) - 235 (Case), 239 (McCabe-Cort), and 243 (Marami Partners) Bayard Avenue**

A request was received from Ms. Joan Case for the abandonment of an alley located behind her property on Bayard Avenue. A letter was subsequently sent to all adjacent property owners to determine their interest in participating in the abandonment and having a portion of the alley conveyed to them. Two (2) additional property owners expressed interest in participating. The names of interested property owners and the addresses of their affected properties are as follows: 1) Ms. Joan Case - 235 Bayard Avenue; 2) Ms. Claudia McCabe-Cort - 239 Bayard Avenue; and 3) Marami Partners - 243 Bayard Avenue. Members reviewed a map of the area and a list of adjacent property owners.

Mr. Scott Koenig, City Manager, assured members that staff has confirmed that the alley is unimproved and considered to be a "paper" alley. He noted that electric utility infrastructure and storm drainage infrastructure are located within the alley; therefore, public utility easements will be required. Since the alley is 14 feet wide, half of the alley or seven (7) feet, would be conveyed to the requesting parties.

Staff recommended conveyance of seven (7) feet of said alley to only 235, 239 and 243 Bayard Avenue and in conjunction with the provision of a public utility easement for each parcel. Conveyance would be in proportions complimentary to the existing lot widths of these parcels. Should members favor approval of the request, staff recommended: 1) abandonment of the subject alley with conveyance of seven feet (7') of said alley to 235, 239 and 243 Bayard Avenue, currently owned by Ms. Joan Case, Ms. Claudia McCabe-Cort and Marami Partners, respectively, in conjunction with the provision of a public utility easement for each parcel; and 2) adoption of a resolution by Council setting a public hearing regarding the proposed abandonment for March 11, 2013. *(City Clerk's Office Note: In accordance with the City's Procedure for Alley Abandonments, a Resolution setting the Public Hearing will be presented to Council for consideration for adoption.)*

Responding to Mr. Perza, Mr. Koenig explained that the remaining adjacent property owners had no interest in the additional property and if the City were to abandon the property, these owners would not maintain the property, which would create problems for the City. Should any of these property owners desire the property in the future, they would need to submit a request to the City and the same procedure would be followed.

The Committee recommended approval of staff's recommendation to abandon the subject alley with conveyance of seven feet (7') of said alley to 235, 239 and 243 Bayard Avenue, currently owned by Ms. Joan Case, Ms. Claudia McCabe-Cort and Marami Partners, respectively, in conjunction with the provision of a public utility easement for each parcel; and for the adoption of a Resolution setting a public hearing for March 11, 2013 at 7:30 p.m. regarding the proposed abandonment.

**By consent agenda, Mr. Hare moved for approval of the Committee's recommendation. The motion was seconded by Mrs. Williams and, by a unanimous roll call vote, Resolution No. 2013-05 was adopted, as follows:**

A RESOLUTION PROPOSING THE VACATING AND ABANDONMENT OF A CERTAIN ALLEY SITUATED IN THE CITY OF DOVER.

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

Section 1. The Council of the City of Dover favors the vacating and abandonment of the following portions of an alley:

Adjacent to 235 Bayard Avenue (ED-05-077.06-01-84.00)
Being a portion of that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an unimproved public alley running in a north to south direction, located to the east of Bayard Avenue, said portion of alley beginning at a point identified as the northeast corner of Parcel No. ED-05-077.06-01-84.00; thence running with Parcel No. ED-05-077.06-01-84.00 South 22 degrees 11 minutes East 60.01 feet along the westerly line of the 14' wide alley to the northeast corner of Parcel No. ED-05-077.06-01-85.00; thence running North 68 degrees 53 minutes East 7 feet crossing into said 14' wide alley to a point in the center of the alley, opposite the northeast corner of Parcel No. ED-05-077.06-01-85.00; thence running North 22 degrees 11 minutes West 60.01 feet parallel to the westerly line of the 14' wide alley to a point; thence running South 68 degrees 53 minutes West 7 feet to the westerly side of the 14' wide alley, being the point and place of beginning and containing 0.0096 acres (420 square feet) of land be the same more or less. The above described parcel of land shall be considered a public utility easement, reserving the rights of the City of Dover, their agents or assigns to free access for ingress and egress to these premises and every part thereof at all times for purpose of installing, maintaining and operating its existing public utilities.

Adjacent to 239 Bayard Avenue (ED-05-077.06-01-85.00)
Being a portion of that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an unimproved public alley running in a north to south direction, located to the east of Bayard Avenue, said portion of alley beginning at a point identified as the northeast corner of Parcel No. ED-05-077.06-01-85.00; thence running with Parcel No. ED-05-077.06-01-85.00 South 22 degrees 11 minutes East 60.01 feet along the westerly line of the 14' wide

alley to the northeast corner of Parcel No. ED-05-077.06-01-86.00; thence running North 68 degrees 53 minutes East 7 feet crossing into said 14' wide alley to a point in the center of the alley, opposite the northeast corner of Parcel No. ED-05-077.06-01-86.00; thence running North 22 degrees 11 minutes West 60.01 feet parallel to the westerly line of the 14' wide alley to a point; thence running South 68 degrees 53 minutes West 7 feet to the westerly side of the 14' wide alley, being the point and place of beginning and containing 0.0096 acres (420 square feet) of land be the same more or less. The above described parcel of land shall be considered a public utility easement, reserving the rights of the City of Dover, their agents or assigns to free access for ingress and egress to these premises and every part thereof at all times for purpose of installing, maintaining and operating its existing public utilities.

Adjacent to 243 Bayard Avenue (ED-05-077.06-01-86.00)

Being a portion of that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an unimproved public alley running in a north to south direction, located to the east of Bayard Avenue, said portion of alley beginning at a point identified as the northeast corner of Parcel No. ED-05-077.06-01-86.00; thence running with Parcel No. ED-05-077.06-01-86.00 South 22 degrees 11 minutes East 68 feet along the westerly line of the 14' wide alley to the southeast corner of Parcel No. ED-05-077.06-01-86.00 being the southeast terminus of the 14' wide alley; thence running North 55 degrees 29 minutes 31 seconds East 7.2 feet crossing into said 14' wide alley to a point in the center of the alley, opposite the southeast corner of Parcel No. ED-05-077.06-01-86.00; thence running North 22 degrees 11 minutes West 66.3 feet parallel to the westerly line of the 14' wide alley to a point; thence running South 68 degrees 53 minutes West 7 feet to the westerly side of the 14' wide alley, being the point and place of beginning and containing 0.0108 acres (470.15 square feet) of land be the same more or less. The above described parcel of land shall be considered a public utility easement, reserving the rights of the City of Dover, their agents or assigns to free access for ingress and egress to these premises and every part thereof at all times for purpose of installing, maintaining and operating its existing public utilities.

Section 2. The Council of the City of Dover will sit on Monday, March 11, 2013, at 7:30 p.m., in the Council Chambers at City Hall, Dover, Delaware, to hear the objections of such residents of the City or owners of the property affected as shall attend, in accordance with the provisions of Section 27 of the Charter of the City of Dover (Chapter 158, Volume 36, Laws of Delaware).

Section 3. The Clerk of Council is hereby directed to post copies of this Resolution in five or more public places in the City of Dover.

**ADOPTED: FEBRUARY 25, 2013**

**Quarterly Review of Utility Related Capital Investment Plan (CIP)** ***(Electric and Water/Wastewater) (October, November, and December)***

Members were provided a Project Tracking Report, as of December 31, 2012, for the Utility (Electric and Water/Wastewater) Related Capital Investment Plan (CIP).

Mr. Scott Koenig, City Manager, advised members that several projects were underway and noted that City Council would be considering Engineering Service Agreements as well as the Street Program. Although departments were working with limited staff, he stated that most projects were moving forward and assured members that staff was working hard to keep the CIP on track.

**TEA/NAES Report** ***(November)***

Mr. Scott Koenig, City Manager, reviewed the TEA/NAES Monthly Report for November 2012 and reminded members that staff reviews this report with TEA on a monthly basis. The report is provided to allow for the monitoring of electric sales and revenues received, which will provide a better understanding of any fluctuations that occur and allow the opportunity to make improvements if deemed necessary.

Referring to Power Supply costs, Mr. Koenig noted that the City was running below budget on costs, which had been consistent for several months.

In response to Mr. Hutchison, Mr. Koenig stated that although there was a time when the City bought hedge energy five (5) years in advance, this had been reduced to a three (3) year horizon. Looking out three (3) years, he stated that the City was hedged approximately 50%. The portfolio had been pulled back somewhat on hedge transactions because the City was trying to take advantage of low market conditions; therefore, the target for the current year was to hedge approximately 80% of the Power Purchase and buy the remaining 20% in the spot market. He noted that this approach had worked well under the current operating conditions.

The Committee recommended acceptance of the TEA/NAES Monthly Report for November 2012.

**By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote.**

**UPDATES**

Members were provided the following updates:

**Green Energy Funding and Programming**

Members reviewed an update on the Green Energy Funding and Programming. Mr. Scott Koenig, City Manager, advised members that there were still customers on the waiting list for reimbursement and that the City had reopened the grant applications; however, the City was not receiving a continuous supply of applications.

**National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit**

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that staff was continuing to work on activities related to the permit and utilizing the intern from Wesley College to assist with the permit requirements. Within the last week, staff provided businesses information on how to maintain their stormwater areas, which was well received and has started a dialogue.

Mrs. Townshend stated that the City's Annual Report will be submitted to the Department of Natural Resources and Environmental Control (DNREC) within the next two (2) weeks. The current challenge was that there were staff vacancies at DNREC for employees who oversee the National Pollution Discharge Elimination System (NPDES) Program.

**Solar Park**

Mr. Scott Koenig, City Manager, noted that members were provided details of the Electric Revenue Fund, Electric Supply & Generation - Cost per MWh by supply source for FY 2013 by Month. He reminded members that this information was being provided in response to Mr. Blakeman's questions during a previous meeting regarding the amount the City is receiving and paying in regard to solar energy. Mr. Koenig referenced the bar chart provided and explained that it depicts the City's costs per MWh for the current fiscal year.

Responding to Mr. Hare, Mrs. Donna Mitchell, Controller/Treasurer, explained that the spreadsheet provided total power supply and generation numbers and combined them to show the net. The chart showed the cost per MWh by source of supply. She stated that the spreadsheet provided figures for each source of supply, including the net, as well as the total power supply and plant costs. Referring to the report, she noted that the total power supply and plant cost was $28,109,056. Of that amount, $728,272 was for the Sun Park - Energy and $157,894 is for the Sun Park - Renewable Energy Credits (RECs). She explained that the City was making money on the plant itself, not on the cost of supply for the Sun Park, but by generating (capacity credits), as well as spot market energy that was sold when the plant was run. Mrs. Mitchell also noted that the Generation Credit was $5,662,597 and the Supply was $33,771,653 with all power supply included; however, the PJM capacity load was $5,640,726, which would be higher if the City did not have the capacity credit in the amount of $7,158,061. She explained that the difference between the $7,158,061 and $5,640,726 was the margin the City is making on having the plant run.

Mr. Hare questioned if the City was making approximately $2M on the Solar Park. Responding, Mrs. Mitchell stated that the Solar Park continues to cost more per MWh and was not helping with the load. As requested by Mr. Hare, Mrs. Mitchell reiterated that the cost of the Solar Park was reflected in "Dover Sun Park - Energy," which totaled $728,272 and "Dover Sun Park - REC, which totaled $157,894.

Mr. Bonar reminded members that the Solar Park was the result of a legislative mandate which required the City to provide renewable energy credits and renewable energy resources.

In regard to the cost of the Solar Park, Mr. Koenig explained that this would be the amount that is paid to LS Power less what is collected for the power. At this point, there was no report that netted these two (2) amounts. Responding, Mr. Hare requested that a simple report be provided to members detailing this information.

**Calpine**

Mr. Scott Koenig, City Manager, indicated that the Calpine Project continued to move forward and that City staff was holding weekly conference calls with principals of the projects. Additional staff meetings were being conducted to address infrastructure issues. Staff was anticipating the issuance of a building permit and for earth moving to occur within the next 45-60 days and was working on milestones to meet the demands of the Calpine Project. To his knowledge, Calpine's air permit had been issued and they were continuing to work on obtaining stormwater management and other administrative approvals necessary for a spring start. He anticipated construction to begin April 1, 2013.

Mr. Bonar advised members that staff, along with some members of City Council, would be meeting with those in charge of the construction of the power plant within the next couple of weeks to ascertain the number of jobs that would be brought to the area due to the construction. He stated that it had been estimated that 300 jobs would be created. He stated that both Calpine and Kvaerner Construction had been strongly encouraged to hire locally; however, he noted that some employees would be coming from Philadelphia and New Jersey to provide technical skills that may not be available locally.

**By consent agenda, Mr. Hare moved for acceptance of the Utility Committee Report, seconded by Mrs. Williams and carried by a unanimous roll call vote.**

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

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

**Purchase of In-Car Computers that Integrate with the Ten Video Systems Purchased Previously with Office of Highway Safety (OHS) Funds**

During their Regular Meeting of January 14, 2013, City Council approved the purchase of ten in-car video systems with funds granted from the Office of Highway Safety. Police Chief Hosfelt reminded members that these systems are not stand alone systems in the vehicles and require that an integrated computer component be installed in the vehicle to function as intended. The computer component is proprietary and must be purchased from the same sole source vendor, HubData911.

Police Chief Hosfelt explained that there are five (5) mobile computer replacements and associated vehicle mounts funded in the Police Department's FY13 computer replacement and vehicle equipment funding lines. In addition, grant funds are being secured to fund the additional five (5) mobile computers and associated vehicle mounts, for a total of ten in-car computer and video systems for the City's patrol fleet. These ten systems would upgrade and replace ten older systems in the fleet, which would replace the last of the VHS technology in-car camera systems and update a few of the older digital camera systems.

Police Chief Hosfelt stated that this matter had previously been considered; however, since some of the grant funding had been redirected, it was felt that this matter should be reconsidered for approval. He noted that half of the funding ($32,245) was included in the City's Budget and the remaining half would be obtained from State grant funding, for a total amount of $64,490 for the purchase of the in-car computers.

The Committee recommended approval of staff's recommendation to purchase ten (10) in-car computers and associated vehicle mounts necessary for the operation of the in-car video systems.

**By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote.**

**Proposed Ordinance - Staff Substitute #1 for Ordinance #2013-03 - Amending Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings**

During their meeting of January 14, 2013, members considered proposed Ordinance #2013-03 amending Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings. After much discussion, members referred the matter back to staff to allow them to hold a workshop to develop amendments for consideration and staff was instructed to include residential properties.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that staff met with Mr. Phil McGinnis, Policy Director for the Kent County Association of Realtors, and, as a result, Staff Substitute #1 for Ordinance #2013-03 was developed. She explained that the two (2) main differences were reflected in Lines 21-26, which is a change in the definition of a vacant building, and Line 116, which would extend the exemption to those buildings that are actively being offered for sale or lease from three (3) to five (5) years.

Staff recommended adoption of Staff Substitute #1 for Ordinance #2013-03.

Responding to Mr. Perza, Mrs. Townshend stated that the definition of an unoccupied building/property, for the purpose of this section of the Code, would include those properties that are not occupied in accordance with their intended use. She noted that, should a building have a change in its use which did not require a zoning amendment, there would still be a requirement for the City to review its current use.

Mr. Perza suggested that the proposed ordinance include a specific definition for an unoccupied building.

Mr. Phil McGinnis, 555 E. Loockerman Street, reviewed comments regarding the proposed amendment.

Responding to Mr. Hare, Mrs. Townshend indicated that the additional amendments presented by Mr. McGinnis had not been incorporated into the proposed Ordinance; however, she indicated no objections.

The Committee recommended approval of Staff Substitute #1 for Ordinance #2013-03, stipulating that it include those changes presented by Mr. McGinnis. *(The First Reading of the ordinance will take place during the latter part of the meeting.)*

**By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote.**

**Staff Substitute #1 for Ordinance #2013-04 - Amending Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings**

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. Mrs. Ann Marie Townshend, Director of Planning and Community Development, had advised members that several concerns were relayed during the Committee meeting and in a letter from local Realtors. As a result, she met with Deputy City Solicitor William Pepper, Police Chief James Hosfelt, MCpl. Paul 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 be consolidated and presented as a whole. Therefore, City Council referred the matter back to the Committee for their review and recommendation.

Mrs. Townshend reviewed the proposed amendments, indicating that they would address previously relayed concerns and incorporate the suggestions made by the Committee as well as City Council. She explained the dire need for the proposed ordinance, not just for a few bad landlords and/or neighborhoods, but for the entire City.

In support of the proposed amendments, Police Chief Hosfelt stated that they would provide the Police Department and City another tool to help evict those individuals who are "bringing down" the City and noted that each Council District would benefit from such an ordinance. He advised members that such programs have had great success, citing the Dover Housing Authority and several other apartment managers, throughout the City. As an example, he stated that there was one (1) major incident in a Dover Housing Authority residence last year and within 24 hours, there was a U-Haul outside of the residence. Since then, there have been no major problems, explaining that this approach sends a clear message to the neighborhood and goes hand in hand with the Downtown Safety Task Force and the Wells Fargo Grant initiative and would support all issues the City has been attempting to address and eradicate. Although landlords may not initially like the new regulations, Chief Hosfelt felt confident that they would realize that the regulations serve as a tool to help them with problem tenants.

Mr. Lynn advised members that since the Justice of the Peace Court in Delaware has exclusive jurisdiction over all landlord/tenant actions, Chief Magistrate Alan G. Davis was requested to review the proposed ordinance amendments and noted that his comments were provided to members. On behalf of the Committee, he relayed great appreciation to Chief Magistrate Davis for taking his time to review and comment on this matter. In addition, Mr. Lynn noted the receipt of correspondence received from Mr. William Hickcox.

Mr. Anderson reiterated his concerns and noted that they were also mentioned by Chief Magistrate Davis; therefore, he suggested the following amendments: 1) change SA#1 (a)(1) from "Any arrest for a Felony" to "Any conviction for a Felony"; and 2) change SA#1 (a)(2) from "Three or more arrests for Class A Misdemeanors within a 12-month period" to "Three or more arrests for Class A Misdemeanors or above within a 12-month period." Otherwise, he stated that the City would be in court fighting the American Civil Liberties Union (ACLU) and everyone else, which he would not object to as long as the City had a "strong hand." Mr. Anderson stated that the heart of this ordinance was absolutely necessary and was not punishing landlords, but rather protecting them

(property values, enhanced ability to safeguard their property and property rights), as well as the surrounding residents. Rather than viewing the amendments as a punishment to landlords, he stated that it should be viewed as something that empowers landlords to be a part of keeping the community safe.

Mr. Hare again relayed his objections with creating requirements for excellent landlords who have never caused problems in order to address issues created by other landlords. He suggested that only those landlords who have had violations or issues be made to take the required landlord class. Those landlords that opt out of taking the class and then have a problem would be required to pay a severe penalty ($200) and be mandated to then take the class. He stated his understanding of the need for the requirements but felt that they should specifically be for problematic landlords rather than penalizing all landlords by requiring them to take the class.

Mr. Rushe explained his concern with the City infringing upon the property rights of both landlord and tenants. Referring to the letter received from Chief Magistrate Davis, he noted that there were such laws already in the Delaware Code, although it refers to convictions rather than arrests.

Mr. Bonar advised members that other than the naming of Martin Luther King Jr. Boulevard, this issue had resulted in the receipt of more phone calls than any other issue in his time serving as a member of City Council. He referred to an email received from a local property owner who operates a bed and breakfast and also serves as a Realtor, and read a portion of the email, as follows:: *"We have made a very large investment in this City and want to promote Dover in both of the businesses but I have to tell my guests where it is safe to walk. Our current tenant is in an apartment and she tells me she is afraid to go out at night because of the gangs of young men who hang out in the alley and obvious drug activity that goes on in the neighborhood."* Mr. Bonar stated that this property owner asked if the City could do something about these concerns. He felt it was Council's responsibility to take action and that the proposed ordinance was a step in the right direction.

In response to Mr. Bonar, Mr. Pepper stated that he had worked with staff (Mrs. Townshend and Police Chief Hosfelt) as well as Mr. Lynn in the development of the proposed ordinance and amendments. He noted that the concept was to apply the Department of Housing and Urban Development (HUD) regulations that apply to public housing to all rental housing throughout the City. He assured members that HUD regulations had been upheld in Delaware and if there is criminal activity in public housing, the individuals involved can be evicted, noting that there was no requirement of a conviction. Mr. Pepper felt that the City may be "pushing it" by instituting the regulations on just an arrest, particularly for those crimes that are less than Class A misdemeanors. Noting that the purpose was to maintain a quality of life, he suggested the inclusion of a list of crimes.

Mr. Bonar stated his desire for the City to err more on the side of caution and make sure that citizenry is not subjected to undue legal expenses when it can be avoided. Responding, Mr. Pepper noted that the noise ordinance, which requires eviction after a certain threshold, would not be covered under the Delaware Code referred to by the Chief Magistrate; therefore, he stated that the City had already gone into "uncharted waters." However, he stated that he was not aware of how many cases of eviction there had been under the noise ordinance since the City Solicitor's Office is not typically involved. Mr. Bonar questioned if the Police Department or Planning and Community Development Department would have such records.

Responding to Mr. Hutchison, Mrs. Townshend stated that the proposed ordinance was compatible with all federally funded housing.

Mr. Bonar also expressed concern with the City applying guidelines that are relevant to a federally funded jurisdiction to those of a privately owned rental unit whose occupants do not receive any subsidy.

Mr. Perza indicated his concurrence with several comments that had been made by Mr. Rushe regarding future impacts; with Mr. Bonar regarding the state of our neighborhoods and the concerns of the growth of Dover and desires of our neighborhoods in the future; and with Mr. Pepper, particularly regarding the notice requirement as it pertains to what is required of a tenant. He expressed his reservations regarding leaving a vague decision up to the Chief of Police or any City official, suggesting that offenses and requirements be very specific and include a defined list.

Mr. Joseph E. Bauer, Sr., 135 Old Forge Drive (Hamlet), advised members that he had observed members discussing their concerns about how the proposed ordinance would affect problem tenants and landlords. He advised members that these situations affect him and his wife as residents. Upon retirement in 1995, they moved into their residence and, for the love of the area, they purchased the property in 1998. He stated that the first couple of years were nice; however, he stated that now, when the weather is nice, it is necessary for him to observe who is outside in order to avoid a confrontation. Mr. Bauer stated that it is a regular occurrence for police officers to pay visits to other residents. He indicated that his property was recently appraised at the same level as when it was purchased in 1998, and though he acknowledged that the economy had been down, he thought there would have been some growth since 1998. Having observed other properties in the neighborhood, he stated that he could plainly see that it was not the same type of neighborhood as it was in 1995. Although there was concern for those that the proposed ordinance would directly affect, Mr. Bauer requested that members also consider and understand the deleterious affects these problems have caused to other residents who live in the City and pay taxes. He relayed his support for the proposed ordinance and felt that it would help keep his neighborhood at its current level and allow for it to grow into the type of neighborhood it was when he first moved into the area.

Mr. Steve Wilson, 51 Greenwood Drive, stated his observation that there are no longer middle-class developments in the City and there is an abundance of apartments being bought by investors who do not live in Delaware. These investors immediately apply for Section 8 Housing so that they will not have to fix these buildings up. He noted that there are other agencies that house mental patients, sex offenders, or legitimate criminals that would otherwise be in mental institutions, halfway houses, or prisons. He advised members that these landlords are aware of what is occurring with their tenants but they have no interest in anything but money. Mr. Wilson suggested that the housing authorities make sure that only those that are entitled to live at a residence are actually living there, explaining that on several occasions individuals from another area are arrested. He felt that if the City would take the time to contact the jurisdiction from which the arrested individuals come, their benefits would be terminated due to non-residency. He felt that more effort should be made to cross reference so that many of the problems could be eliminated.

Ms. Mary Jane Starkey, 139 Old Forge Drive, advised members that the property next door to her is a problem for the City. The landlord lives in New Jersey and does nothing for the property unless the City becomes involved. She indicated that the fence in the back and front of the property is

currently in bad shape. The landlord has had to install three (3) new storm doors recently because the tenants destroy them. She stated that, as adjacent property owners, they have done everything possible to have something done with the landlord as well as the tenants. She stated that two (2) boys who were tenants have both been arrested and convicted for serious crimes involving guns. Ms. Starkey advised members that one of the boys was responsible for assaulting an individual in the area and is due to be released soon, and that this is very frightening. She indicated that these boys have been observed carrying a dog by its ears, using a kitten as a basketball, etc. She stated that police are constantly being observed swarming the neighborhood. Although she understands the concerns some members have regarding good landlords, she explained that it was unfair for good residents to pay for bad residents.

Ms. Ami Sebastian-Hauer, Executive Director of the Dover Housing Authority, advised members of the Dover Housing Authority's experience with the "one strike you're out" policy. In 1996, HUD authorized all housing authorities to adopt a policy that would allow them to evict tenants/participants in Section 8 for criminal activity. She stated that the policy addresses criminal activity, explaining that individuals do not need to be arrested, nor must there be a conviction in order to evict a tenant. All tenants in public housing and Section 8 are required to follow the policies. If DHA becomes aware of any violation, they allow for due process, providing seven (7) days for repair. Management talks to the individual, and if it is discovered that the violation has not been corrected to their satisfaction, then the tenant is convicted. Ms. Sebastian-Hauer reminded members of a major shooting that occurred at Manchester Square in 2010. It was discovered that two (2) of the Dover Housing Authority's tenants housed two (2) of the shooters and allowed guns to be brought into the public housing units. These tenants were given 24 hour evictions and left within that time frame. She reiterated that the Dover Housing Authority is permitted to terminate Section 8 assistance based on an individual's participation in criminal and drug related activity and no arrest or conviction is necessary.

At the request of Mrs. Williams, Ms. Sebastian-Hauer advised members that since the policy went into effect, the Dover Housing Authority has been proactive and has reviewed the issues as a whole. Noting that they provide program and services for families, she explained that they began to address "soft" skills, assure children have after school activities, and improve developments by increasing lighting and installing security cameras. As a result of these actions, she stated that the housing stock has improved and that they have been able to decrease their maintenance staff from 15 to eight (8).

Mr. Phil McGinnis, 555 E. Loockerman Street, stated that he represents the Kent County Association of Realtors (KCAR) and reviewed comments regarding the proposed amendment.

Mrs. Townshend stated no objections to incorporating the suggestions provided by the KCAR and felt that they would provide clarification.

The Committee recommended referring Staff Substitute #1 for Ordinance #2013-04 back to staff, to allow for the inclusion of the changes presented by Mr. McGinnis and to ensure that the concerns relayed by Chief Magistrate Davis are addressed.

**By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote.**

**Proposed Charter Amendments**

Due to time constraints, Chairman Lynn stated that the Proposed Charter Amendments would be deferred until the next meeting.

**By consent agenda, Mr. Hare moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mrs. Williams and carried by a unanimous roll call vote.**

**EVALUATION OF BIDS - UNIT 3 GENERATOR WORK**

Mr. Scott Koenig, City Manager, advised members that this project is intended to perform inspections and repairs to the Unit 3 Generator to be completed during the scheduled upcoming spring outage on that unit. Included in the inspection will be a full battery of electrical tests on the generator to determine condition for continued operation. As part of that inspection, typical wear components such hydrogen seals and insulation bushings will be replaced. No major component replacements are anticipated.

Proposals were solicited from ten (10) vendors; three (3) did not respond, three (3) declined to bid, and four (4) provided proposals. The proposals were evaluated using cost, experience, and bid completeness. The bidder with the highest evaluated score is North American Energy Services (NAES) Turbine Services. That bidder also provided the lowest bid. Following is a summary of the evaluation scores and the submittal prices:

| Contractor | Evaluation Score (out of a possible 5.00) | Price |
|---|---|---|
| NAES Turbine Service | 4.61 | $199,675.00 |
| TurboCare | 4.60 | $209,920.00 |
| Turbine Pros | 3.33 | $277,396.00 |
| General Electric | 3.01 | $447,518.00 |

The contract price leaves $36,325 (15.4%) of the budget to cover the Plant Operator's materials and unknown items. If it is determined that additional funds are needed to complete unforeseen major repairs, the funding sources will be identified and submitted to City

Staff recommended awarding the contract to the low bidder, North American Energy Services (NAES) Turbine Services in the Amount of $199,675.

**Mr. Bonar moved for approval of Staff's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote.**

**EVALUATION OF BIDS - ELECTRIC POLE INSPECTION AND TREATMENT**

Mr. Scott Koenig, City Manager, informed members that this is an on-going maintenance program to treat and preserve wooden electric poles that make up part of the City's electric infrastructure. This maintenance program allows the Electric Department to target rotting poles and replace them prior to jeopardizing the integrity of our electric system. It is a utility standard that all poles be tested once every ten (10) years. To complete testing of all poles (transmission and distribution) throughout the City, the testing program will test roughly 20% of all poles every year for the next five (5) years. The inspection of the poles will determine what type of treatment, if any, is necessary to preserve the life of the poles. It will also identify poles that are in immediate need of replacement at which time City crews will replace those poles.

Bids were solicited and advertised according to City Purchasing Policy by the City's Contract and Procurement Manager under Bid #13-0021EL. Bids were sent directly to three (3) pole testing companies. Only one bid was received and reviewed by staff.

Responding to Mr. Perza, Mr. Scott Koenig, City Manager, stated that Osmose Utilities Services, Inc., was prepared to spend up to $55,000 to test 20% of the poles. He noted that the amount of $31,801 provided was an estimate for 1,000 poles.

Mr. Perza noted that it cost $134,000 to bury one (1) mile of cable versus $21,000 to extend one (1) mile of cable overhead and that 60% of the electric lines were now underground. Mr. Koenig noted that those prices were for materials only. He stated that all new installations for subdivisions are underground and each year the City is converting overhead to underground at a rate of approximately $500,000 per year.

Staff recommended awarding the three (3) year contract to Osmose Utilities Services, Inc., and the option to extend the contract for two (2) additional one (1) year extensions.

**Mr. Perza moved for approval of Staff's recommendation, seconded by Mrs. Williams and carried by a unanimous roll call vote.**

**EVALUATION OF BIDS - CANNON MILL PAVING IMPROVEMENTS PROGRAM**

In concurrence with the City of Dover's Capital Investments Plan, it was proposed to rehabilitate and complete pavement sections within the City of Dover during Fiscal Year 2013. In particular, the final pavement section, type 'C' surface coat, was never installed in the Cannon Mill Subdivision due to the project owners filing for bankruptcy.

Mr. Scott Koenig, City Manager, stated that the Letter of Credit was not adequate to cover the expenses and he noted that staff had been working with local legislators to try to find ways to get bankrupt developments dedicated for public maintenance and ownership. He advised members that, earlier in the evening, the Utility Committee recommended that the roads in Cannon Mill be dedicated for public ownership. Mr. Koenig advised that the roads must be dedicated to qualify for Community Transportation Funds and Senator Bushweller and Representative Scott had agreed to fund $165,000 for the paving and completion of the infrastructure in Phase I of the Village of

Cannon Mill. The total length of scheduled street repaving/overlaying was approximately 4,230 linear feet or 0.80 miles. The following locations were included in the proposed scope of work to be completed under the Cannon Mill Paving Improvements Program:

| Street Name | Exhibit Title |
|---|---|
| Cannon Mill Drive | Cannon Mill |
| East Sheldrake Circle | Cannon Mill |
| Lester Court | Cannon Mill |

| Street Name | Exhibit Title |
|---|---|
| Paradee Drive | Cannon Mill |
| Quillen Street | Cannon Mill |
| West Sheldrake Circle | Cannon Mill |

Nine (9) contractors submitted unit price bids for the proposed work to be performed. Based on the proposed quantities, the estimated contract values were as follows:

| Contractor | Location | Amount of Bid (With Prevailing Wages) | Amount of Bid (Without Prevailing Wages) |
|---|---|---|---|
| American Infrastructure, Inc. | West Chester, PA | $336, 332.80 | $333,140.50 |
| Daisy Construction Co. | New Castle, DE | $290, 319.70 | $277,479.60 |
| David A. Bramble, Inc. | Chestertown, MD | $289, 980.70 | $275,437.10 |
| Del-mar-va Paving Co., Inc. | Seaford, DE | $285, 975.35 | $261,440.05 |
| Diamond Materials, LLC | Wilmington, DE | $294, 611.18 | $278,888.26 |
| George & Lynch | Dover, DE | $326, 124.05* | $314, 028.15* |
| GWP Enterprises | Franklinville, NJ | $288, 424.34 | $281, 469.47 |
| Harmony Construction Co. | Wilmington, De | $275, 854.27 | $264, 051.33 |
| Jerry's Paving Inc. | Milford, De | $283, 959.67 | $266, 517.90 |

*Evaluated Bid based on Local Vendor Preference

The Cannon Mill Paving Improvements Program contract documents allow staff to alter quantities up to 35% without changes to unit prices; therefore, the contract final value may be adjusted to reflect all available funding. Harmony Construction Company, Inc., submitted all of the contractor's qualification information, which included a list of recently completed projects similar in scope, as well as a financial statement, that were all found to be adequate. It was staff's opinion that the bid represented fair market value and their qualifications were in accordance with the requirements of this project. In conclusion, staff recommended awarding a construction contract to Harmony Construction Company, Inc., in the amount of $275,854.27 for the Cannon Mill Paving Improvement Program, contingent upon acceptance of infrastructure dedication by City Council.

Staff recommended awarding a unit price contract, based upon Bid #13-0016PW, for the Cannon Mill Paving Improvements Program to Harmony Construction Company based on the With Prevailing Wage unit prices for each work item submitted. The Scope of Work for the program would be altered to reflect the funding that had been secured to complete each location. The Public Works Director may add or delete from the contract based on available funding throughout the contract period and inform the City Manager of such additions and deletions. All work would be paid for at the unit prices bid for work completed and accepted by the City of Dover. The total work authorized under this contract would not exceed the available funding in conjunction with the co-project FY 2013 Street and Alley Program. Mr. Koenig requested that this approval be contingent upon Council's approval of the Dedication of Rights-of-Way and Public Infrastructure - The Village of Cannon Mill - Phase I, which was scheduled for consideration on March 11, 2013.

Mr. Lynn asked if the approval of this item could be deferred until the next Council meeting to coincide with the consideration of the Utility Committee's recommendation that the roads in Cannon Mill be dedicated for public ownership without jeopardizing receipt of Community Transportation Funds. Mr. Koenig stated that this would not jeopardize funding and would only delay construction by two (2) weeks.

Mr. Bonar moved for approval of staff's recommendation to award a unit price contract for the Cannon Mill Paving Improvements Program to Harmony Construction Company. The motion was seconded by Mr. Hutchison.

**Mr. Lynn moved to table this item until the next Council meeting to afford time to explore the possibility of suing the First National Bank of Wyoming relative to the line of credit. The motion was seconded by Mr. Hare and carried by a roll call vote of eight (8) yes (Mr. Anderson, Mr. Dixon, Mr. Lynn, Mr. Perza, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison) and one (1) no (Mr. Leary).**

**EVALUATION OF BIDS - PINEY POINT WELL DESIGN/BUILD**

Mr. Scott Koenig, City Manager, stated that this project proposes designing and drilling a new production well in the Piney Point Aquifer. This new well, located in Schutte Park, would be a replacement of former Production Well #12, which was located off of Water Street. This well would increase production capacity, increase system pressure, and stabilize chlorine residuals in the water distribution system and was justified with the growing demand of the City's residents and industrial users. Staff decided to utilize a design/build method to construct this production well. The contractors were responsible for submitting designs that meet the requirements outlined in the Request for Proposals, as well as all applicable regulations. The specific work for this project includes the design and construction of a new well, building, chlorine feed system, 30-inch ductile iron pipe chlorine contact tank and associated piping, valves, meters, appurtenances, excavation, backfill, testing, startup and site restoration.

Staff recommended awarding the Contract to JJID (James Julian, Inc., of Delaware) for an amount not to exceed $892,000.

Responding to Mrs. Williams, Mr. Koenig stated that wells could last for 50 or 60 years, depending on the maintenance and the underground formation. He noted that Well #12 dates back to the 1960's or 1970's and, because of the sub-surface strata, it was not a high-producing well.

Responding to Mr. Anderson, Mr. Koenig stated that this project would help stabilize some of the chlorine residuals in the system, but a considerable amount of pipe would need to be replaced or relined to address the brown water problem in this area.

Mr. Anderson stated that if production were not restored, there could be a risk of the Department of Natural Resources and Environmental Control (DNREC) reducing the City's allocation, which could negatively affect the economic, industrial, and large manufacturing development in the City.

**Mrs. Williams moved for approval of staff's recommendation to award the Contract to JJID (James Julian, Inc., of Delaware) for an amount not to exceed $892,000, seconded by Mr. Anderson and carried by a unanimous roll call vote.**

**APPOINTMENTS/REAPPOINTMENTS - BOARD OF ASSESSMENT APPEALS - FOUR (4) YEAR TERMS EXPIRING MARCH 2017**

**By consent agenda, Mr. Hare moved for approval of the following reappointments to the Board of Assessment Appeals. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote.**

Thomas Burns, Real Estate Brokerage of Sales
James Galvin, Undesignated
William Garfinkel, Undesignated

**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 would take place during the Council Meeting of March 11, 2013.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the amendments were primarily housekeeping in nature and would improve the administration of the Vacant Building Ordinance. Additionally, the ordinance would set separate, increased fees for vacant commercial properties greater than or equal to 10,000 square feet in floor area. Mrs. Townshend noted that discussion with local Realtors had resulted in an improved definition of a vacant building.

Mr. Perza asked if any thought was given to providing a definition for an unoccupied building for purposes of enforcement. Responding, Mrs. Townshend expressed concern with being so specific that the obvious could be missed. She preferred to rely on the building being used for its intended purpose as the standard definition.

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 #1 FOR ORDINANCE #2013-03 (AMENDED) - CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS, ARTICLE XII - VACANT BUILDINGS

**COUNCIL MEMBERS ANNOUNCEMENTS**

Mr. Leary announced that there would be a 5K run/walk for diabetes to benefit the Juvenile Diabetes Research Foundation on Saturday, March 9th at Fairview Elementary School. Registration would begin at 9:00 a.m. and the 5K at 10:00 a.m. Anyone interested in the event should contact Mrs. Ann Marie Townshend at 242-0381.

Mr. Lynn stated that a meeting was held at the Dover Police Department on Wednesday, February 20, 2013 with some members of the downtown community who were very concerned with crime in the downtown Dover area. He thanked Chief Hosfelt and his staff, Mr. Koenig, Mrs. Townshend, the Code Enforcement Staff, specifically Mr. McGinnis, and Councilman Bonar for their participation.

Mr. Hutchison announced that there would be no Safety Advisory and Transportation Committee Meeting on Wednesday, February 27, 2013.

Mr. Hutchison announced that the Dover Little League is getting ready to start the 2013 baseball season and they are approximately $3,000 short in meeting their operating budget for the year. He requested each member of Council to consider making a $100 donation to the Little League, which is a well run, worthwhile organization.

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

Meeting Adjourned at 8:58 P.M.

TRACI A. McDOWELL
CITY CLERK

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

CARLETON E. CAREY, SR.
MAYOR

/TM
S:\ClerksOffice\Agendas&Minutes\Council-Minutes\2005\08-22-2005 Council.wpd

Exhibits
Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 416 West Division Street
Exhibit #2 - Recreation Trends for Fiscal Years 2012-2013

EXHIBIT #1
Regular Council Meeting of 02/25/2013

# Violation of Dangerous Building Ordinance 416 W Division Street

Planning & Inspections Department

Dover, Delaware

February 25, 2013

# 416 W Division St
# Case History

- 6 code enforcement cases since 2010
  - Exterior code violations
  - Closing of a vacant building
- The utilities were terminated on May 24, 2010
- Registered as vacant by the city on December 6, 2010
- Condemned by City Staff on December 13, 2010 due to no active utilities, broken windows, unlocked doors and subjects gaining entry to the property.
- Source of neighbor complaints
- Outstanding Charges
  - Fees for securing the building
  - $500.00 in unpaid registration fees

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

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*


01/23/2013 12:01


01/23/2013 12:01


01/23/2013 12:01


01/23/2013 12:02


01/23/2013 12:02

# Recommended Council Action

- Declare this property dangerous.
- Order the property repaired or demolished by **March 25, 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.

EXHIBIT #2
Regular Council Meeting of 02/25/2013

**City of Dover**
**Recreation Trends**
**Fiscal Years 2002 - 2013**

| Fiscal Year | Recreation Revenues Budget | Actual | Act $ Chg | % Chg | Recreation Operating Expenses Budget | Actual | Act $ Chg | % Chg |
|---|---|---|---|---|---|---|---|---|
| 2002 | $ 95,260 | $ 88,865 | | | $ 461,839 | $ 391,678 | | |
| 2003 | $ 90,000 | $ 92,699 | $ 3,834 | 4.3% | $ 495,830 | $ 402,674 | $ 10,996 | 2.8% |
| 2004 | $ 90,000 | $ 102,483 | $ 9,784 | 10.6% | $ 467,567 | $ 432,359 | $ 29,685 | 7.4% |
| 2005 | $ 92,700 | $ 101,296 | $ (1,187) | -1.2% | $ 550,974 | $ 480,763 | $ 48,404 | 11.2% |
| 2006 | $ 95,500 | $ 98,254 | $ (3,042) | -3.0% | $ 517,412 | $ 494,754 | $ 13,991 | 2.9% |
| 2007 | $ 95,500 | $ 98,613 | $ 359 | 0.4% | $ 548,886 | $ 507,697 | $ 12,943 | 2.6% |
| 2008 | $ 140,000 | $ 129,101 | $ 30,488 | 30.9% | $ 719,056 | $ 563,644 | $ 55,947 | 11.0% |
| 2009 | $ 187,000 | $ 153,867 | $ 24,766 | 19.2% | $ 870,168 | $ 727,488 | $ 163,844 | 29.1% |
| 2010 | $ 141,500 | $ 148,796 | $ (5,071) | -3.3% | $ 759,477 | $ 715,006 | $ (12,482) | -1.7% |
| 2011 | $ 141,500 | $ 144,114 | $ (4,682) | -3.1% | $ 780,480 | $ 795,074 | $ 80,068 | 11.2% |
| 2012 | $ 152,000 | $ 112,480 | $ (31,634) | -22.0% | $ 789,701 | $ 827,230 | $ (5,373) | 4.0% |
| 2013 Projected | $ 130,000 | $ 130,000 | $ 17,520 | 15.6% | $ 713,400 | | | |
| % Change FY08 - FY12 | | | | -26.9% | | | | 56.6% |

JW Pitts Center - Presentation July 2004 - Opened FY08 - 1st full year of operation FY09

The presentation to City Council projected FY09 increased revenues at $87,000 (low) and $142,000 (high). Additional expenses were projected to increase by $209,500 (low) and $278,500 (high). These additions were solely related to the Pitts Center operations. Applying this information to 2008 and forward the budgeted revenues and expenses would be projected in the following ranges using the 2007 Revenue and Expense budgets as the base.

| | 2007 Budget | Low | High |
|---|---|---|---|
| Revenue | $ 95,500 | $ 182,500 | $ 237,500 |
| Expense | $ 548,886 | $ 758,386 | $ 786,197 |

It appears the revenues are not meeting the low amount, yet the expenses are more in line with the high amount. Should we evaulate these programs and their associated fees?

