REGULAR COUNCIL MEETING
A G E N D A

JANUARY 28, 2013 - 7:30 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 P.M.)

The "Open Forum" segment is provided to extend the opportunity to the general public to share their questions, thoughts, comments, concerns, and complaints. Discussion of any item appearing on the agenda as a public hearing is prohibited during the Open Forum as an opportunity will be provided during consideration of that item. Citizen comments are limited to three (3) minutes. Council is prohibited from taking action since they are not in official session; however, they may schedule such items as regular agenda items and act upon them in the future.

INVOCATION BY CHAPLAIN THEODORE A. HENDERSON - DOVER CHRISTIAN CHURCH

PLEDGE OF ALLEGIANCE LED BY COUNCIL PRESIDENT LEARY

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

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

* **1. Adoption of Minutes - Special Council Meeting of January 7, 2013**
- Regular Council Meeting of January 14, 2013

2. Certificate of Appreciation and Congratulations - Richard L. Gardner

3. Tribute No. 2013-01 - George J. Weis (May 12, 1926 - January 13, 2013)

4. Proclamation - Black History Month

5. Public Hearing - Consideration of The Green as a National Monument

* **6. Parks, Recreation, and Community Enhancement Committee Report - January 14, 2013**

A. Update - CDBG Program

(Committee Action Not Required)

* **7. Utility Committee Report - January 14, 2013**

A. Request for Alley Abandonment (Paper) - 971 and 975 Forest Street - Owned by Faithwork, LLC

(Committee Recommended Abandonment of the Subject Alley with Conveyance to 971 and 975 Forest Street and Adoption of Resolution No. 2013-02 Setting a Public Hearing for February 11, 2013 at 7:30 P.M.)

B. TEA/NAES Report (October)

(Committee Recommended Acceptance of the Report)

C. Update - Garrison Oak Technical Park Project

(Committee Action Not Required)

8. Legislative, Finance, and Administration Committee Report - January 14, 2013

* **A. Draft Comprehensive Annual Financial Report (CAFR) - Fiscal Year 2012**

(Committee Recommended Acceptance of the Report)

B. Proposed Ordinance Amendments

* **b-1. Ordinance #2013-01 - Amending Appendix B - Zoning, Article 3 - District Regulations, Section 22 - Airport Environs Overlay Zone (AEOZ)(See Item #14-A)**

(Committee Recommended Adoption of Proposed Ordinance #2013-01)

* **b-2. Ordinance #2013-02 - Amending the Zoning Ordinance and Zoning Map of the City of Dover by Changing the Boundary of the Airport Environs Overlay Zone (AEOZ) in Accordance with the 2010 Air Installation Compatible Use Zone (AICUZ) Study Published by the Dover Air Force Base (See Item #14-B)**

(Committee Recommended Adoption of Proposed Ordinance #2013-02)

* **b-3. Ordinance #2013-03 - Amending Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings**

(Committee Recommended That Proposed Ordinance #2013-03 Be Referred Back to Staff to Allow Them to Hold a Workshop to Develop Amendments for Consideration and That Staff Be Instructed to Include Residential Properties)

b-4. Ordinance #2013-04 - Amending Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings (See Item #15-A)

(Committee Made No Recommendation)

* **C. Discussion - Role and Scope of the Historic District Commission and the Historic District**

(Committee Recommended Approval of Staff's Recommendation That the Planning Office Hold a Public Workshop (More Than One (1) If Necessary) by the End of February 2013 to Discuss the Role and Scope of the Historic District and the Historic District Commission; and That Staff Report Back to the Legislative, Finance and Administration Committee During Their First Meeting in March 2013 (March 11, 2013) with Clear Recommendations on Whether and How the Role and Scope of the Historic District and/or the Historic District Commission Should Be Modified)

* **9. Quarterly Revenue Report**

10. Dover Organization of Employees (DOE) Labor Contract Tentative Agreement

11. Evaluation of Bids - Engineering Service Agreements - Design

12. Adjustment to the Minimum Payment for Pension (Council Action of 9/10/2012)

* **13. Confirmation of Police Pension Election - Retired Sergeant Jay Unterkofler - Three (3) Year Term to Expire January 31, 2016**

14. First Reading - Proposed Ordinances

The First Reading is offered on the following proposed ordinances. Since they are amendments to the Zoning Ordinance and Zoning Map, Public Hearings are required. They are recommended for referral to the Planning Commission for a Public Hearing on February 19, 2013 and that a Public Hearing before City Council be set for March 11, 2013 at 7:30 p.m. Copies of all proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office.

A. Ordinance #2013-01 - Amending Appendix B - Zoning, Article 3 - District Regulations, Section 22 - Airport Environs Overlay Zone (AEOZ)
(Legislative, Finance, and Administration Committee)

B. Ordinance #2013-02 - Amending the Zoning Ordinance and Zoning Map of the City of Dover by Changing the Boundary of the Airport Environs Overlay Zone (AEOZ) in Accordance with the 2010 Air Installation Compatible Use Zone (AICUZ) Study Published by the Dover Air Force Base
(Legislative, Finance, and Administration Committee)

15. First Reading - Proposed Ordinance #2013-04

The First Reading is offered on the following proposed ordinance. Final action by Council will take place during the Second Reading of the ordinance on February 11, 2013. Copies of all proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office.

A. Ordinance #2013-04 - Amending Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings
(Legislative, Finance, and Administration Committee)

16. Council Members Announcements

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SPECIAL COUNCIL MEETING

A Special Council Meeting was held on January 7, 2013 at 5:00 p.m. with Council President Leary presiding. Members present were Mr. Anderson, Mr. Dixon (arrived at 5:06 p.m.), Mr. Lynn, Mr. Perza, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison.

Council staff members present were Mr. Koenig, Mrs. Mitchell, and Mrs. McDowell. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

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

By unanimous consent, the meeting was recessed into Executive Session to discuss legal matters.

Meeting recessed at 5:01 p.m.

Mr. Bonar moved to adjourn the Executive Session, seconded by Mr. Dixon and unanimously carried.

Executive Session adjourned at 5:38 p.m.

THE CITY OF DOVER - AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) ORGANIZING PETITION - DECISION

During the Executive Session, Mr. Glenn Mandalas of Baird Mandalas, LLC, provided an update on the City of Dover American Federation of State, County and Municipal Employees (AFSCME) organizing petition decision.

Mrs. Williams moved to authorize Mr. Glenn Mandalas of Baird Mandalas, LLC to represent the City of Dover in appealing the decision to the Public Employee Relations Board (PERB). The motion was seconded by Mr. Bonar and carried, with Mr. Lynn and Mr. Hare voting no.

By unanimous consent, the Special Council Meeting adjourned at 5:39 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Special Meeting of January 7, 2013 are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on January 14, 2013 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Mr. Dixon, Mr. Lynn (departed at 7:55 p.m. and returned at 8:45 p.m.), Mr. Perza, Mrs. Williams, Mr. Hare, and Mr. Hutchison. Mr. Bonar was absent.

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

OPEN FORUM

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

Dr. Jahi Issa, 1300 S. Farmview Drive - Unit H-13, noted that approximately 1½ months ago, an individual appeared before Council and made statements about him that were not true. He stated that the individual submitted an affidavit which appeared on the City's website, without verification of those comments being true. He requested that the affidavit be removed since it had no validity, explaining that this individual had a personal vendetta that should be handled by the courts.

The invocation was given by Rev. Mary Smith, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF DECEMBER 10, 2012

The Minutes of the Regular Council Meeting of December 10, 2012 were unanimously approved by motion of Mr. Hutchison, seconded by Mr. Dixon, and bore the written approval of Mayor Carey.

CERTIFICATE OF APPRECIATION - TONDA PARKS

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

Certificate of Appreciation

presented to

TONDA PARKS

Chairperson, Downtown Dover Partnership Marketing and Promotions Committee

in appreciation for

executing the Winter Wonderland Project, resulting in the beautification of Downtown Dover.

We thank you for your continued contribution to the Dover community.

January 14, 2013

Mayor Carey presented the Certificate to Ms. Tonda Parks and relayed appreciation for the work done to improve and beautify the holidays for the City.

PRESENTATION - 2012 MAYOR'S PRAYER BREAKFAST CONTRIBUTIONS

The Annual Prayer Breakfast for Mayor Carleton E. Carey, Sr. was held on October 17, 2012. Each year, the Mayor donates proceeds from the event to an organization of his choice.

Mayor Carey announced that the proceeds from the 2012 Mayor's Prayer Breakfast would be distributed in honor of our military, as follows:

United Service Organizations (USO) of Delaware - Joan Cote

Mayor Carey presented a check in the amount of $350 to Ms. Joan Cote for the United Service Organizations (USO) of Delaware.

Ms. Cote relayed appreciation for the support provided by the City of Dover.

United Service Organizations (USO) Families of the Fallen - Wendy Fish

Mayor Carey presented a check in the amount of $350 to Ms. Wendy Fish for the United Service Organizations (USO) Families of the Fallen.

Friends of Family Support - Timothy Dance

Mayor Carey presented a check in the amount of $350 to Mr. Timothy Dance for the Friends of Family Support.

Capital City Rotary Club for Military Appreciation Day - Gregg Moore

Mayor Carey presented a check in the amount of $350 to Mr. Gregg Moore for the Capital City Rotary Club Military Appreciation Day.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - DECEMBER 10, 2012

The Parks, Recreation, and Community Enhancement Committee met on December 10, 2012 with Acting Chairman Bonar presiding.

Presentation - Economic Development Programs and Opportunities Available for the City of Dover by Dr. Michael Casson, Director, University Center for Economic Development and International Trade; Associate Professor of Economics; Dean, School of Graduate Studies and Research, Delaware State University

Dr. Michael Casson, Delaware State University (DSU), acknowledged the recent passing of Councilwoman Sophia Russell, noting that Mrs. Russell was a close friend, a tireless activist for the City of Dover, and that she was missed by all.

Dr. Casson advised members that he grew up in the Dover area and the benefit of this community was close to his heart. He expressed his pleasure at the economic progress made in the City to date and his excitement to be part of its future. He explained that the DSU Center for Economic Development and International Trade (UCEDIT) has been funded for five (5) years through the U.S. Department of Commerce Economic Development with the goal of supporting economic development initiatives throughout the State, and specifically in Kent and Sussex Counties. He noted that he was happy to be working with Mr. Bill Neaton, City of Dover Economic Development Director, and stated that Mr. Neaton had put forth some very good ideas and helped the City to make great strides.

Dr. Casson reviewed a presentation entitled "Economic Development Strategies for the City of Dover."

Referring to Strategy 2: Business Development, Mr. Anderson stated that the Delaware Department of Labor (DOL) offers programs that pay the equivalent of unemployment to individuals who have been laid off or who want to start a business, such as contracting, which provides a basis for business start up. Noting that DSU has an excellent Small Business Development Center on campus, he inquired if DSU could coordinate with the DOL to make DOL program participants aware of the expertise available through the Small Business Development Center and other programs offered.

Responding, Dr. Casson stated the coordination of enterprises and support services is very important if UCEDIT and Delaware Economic Development Office (DEDO) programs are to achieve the greatest impact for the City of Dover. He stated the possibility of tying "Pop-Up" projects to tax incentive and business incubation opportunities.

Clarifying, Mr. Neaton explained that Project Pop-Up is a DEDO initiative whereby landlords agree to provide three (3) months of free leasing and DEDO supplies approximately $500 toward interior renovations if needed. The goal is to allow businesses to get started with virtually no cost so that empty and vacant buildings will be filled.

Responding to Mr. Bonar regarding participants in the City, Mr. Neaton advised members that three (3) potential Pop-Up projects for the City were approved through DEDO and staff is currently working with one (1) applicant (associated lease negotiations took place earlier that morning). The other two (2) opted not to participate. He noted that the program would end on December 31, 2012; however, it may continue if successful. Mr. Neaton explained that a monthly meeting called "Kent is Open for Business" is held at Kent County Levy Court, and agencies such as the SCORE Foundation, (previously known as the Service Core of Retired Executives; now recognized as "Counselors to America's Small Business") Small Business Administration, DSU, Delaware Technical and Community College (DT&CC), the Downtown Dover Partnership, the City's Economic Development Office, and the Central Delaware Chamber of Commerce all participate to assist fledgling businesses get started. He noted that during this group's meeting held the previous

week, it was decided to enhance the focus to concentrate on businesses that wish to expand and to expand marketing of Kent is Open for Business. Mr. Neaton stated that the operation has been successful and the group had counseled 200 businesses.

Dr. Casson stated that if programs such as the Pop-Up Project or the Blue Collar Project (which provides customized training for businesses) are coordinated with small business assistance, this optimizes the chance for success and the City can bring about higher yields by taking advantage of support services from DEDO and DSU, as well as interregional cooperation with the County.

Responding to Mr. Bonar, Dr. Casson stated that he was unaware of funding opportunities that would allow representatives from the City to travel to other areas to solicit business; however, he indicated that he would research possible funding.

Mr. Neaton noted that travel would become more important when the infrastructure at the Garrison Tract was completed and it becomes a certified "shovel-ready" site.

Referring to Tax Increment Financing (TIF), Mr. Anderson inquired if this approach had been utilized in Delaware and if measures should be sought through the General Assembly to make this opportunity more viable in Delaware. Responding, Dr. Casson stated that a study must first be performed to determine which district would be identified as a TIF area and a structure could then be devised.

Mr. Bonar noted that TIF, Payment-in-Lieu of Taxes (PILOT), and projects that require in kind contributions all cost money and that a method of repaying funds would have to be established. He indicated that there may be other creative approaches and expressed his hope that the Committee would be supportive of them.

Mr. Anderson noted that TIF would be favorable in some respects because it sets aside financing. For example, he noted that if the runway at the Civil Air Terminal were upgraded to allow cargo, the additional revenue realized could be used to pay off financing.

Mr. Bonar advised members that he and Mr. Anderson attended a seminar at the National League of Cities Conference in November 2012 which addressed the importance of strategizing and sustaining economic development. He felt that it was important that the City not "pull its head in like a turtle"and stagnate, but make efforts to continue to sell the City.

Concurring, Dr. Casson stated that businesses can only cut costs so much and must continue to think "top line growth" and consider new initiatives.

Mr. Anderson indicated that he was pleased to see local use of tax incentive programs such as the Rehabilitation Tax Credit (RTC) program, which was recently used for a project undertaken by Mr. Henry Mast. He advised members that there are entire markets, such as the Washington, DC

area, where businesses in redeveloping areas sell tax credits to obtain more favorable financing. He expressed his hope that over the next year a competitive strategy could be developed to utilize this 4% incentive and suggested that the City partner with DSU to build data to begin seeking competitive grants.

Concurring, Dr. Casson stated that he was working with Mr. Neaton on a report to target techniques to market the Garrison Tract utilizing North American Industry Classification System (NAICS) data.

Mr. Anderson expressed his concern about economic inclusion being part of the economic development strategy. He felt that there were insufficient government funds to rebuild neighborhoods; therefore, individuals would have to rebuild and improve their living situation themselves. He noted that this could only be accomplished if income earned was greater than minimum wage. He questioned how this could be incorporated in an economic development strategy so that, as the City starts to turn around, "all the boats would be lifted."

Dr. Casson stated that education must be attacked concurrently because turning the City around would be dependent on the education and skill of its citizens, since this affects the attraction of potential businesses. For this reason, DSU was communicating with DT&CC, the University of Delaware, and Wesley College regarding workforce development classes.

Mr. Anderson noted that Chesapeake College in Maryland has a program that allows individuals to get an accredited high school diploma. As a private school, this college can set its own qualifications and participants are not required to meet the two (2) year foreign language requirement which the State of Delaware was now "pushing." Mr. Anderson felt that this requirement was a barrier for individuals who wish to obtain Graduation Equivalency Degrees (GEDs). He suggested, since DSU was planning to support high schools with the opening of a new magnet school, that a private adult evening high school program (that would not have to comply with the two (2) year foreign language requirement) could be considered.

Dr. Casson indicated that this matter could be discussed by all parties as plans and strategies are developed.

Responding to Mrs. Horsey regarding "grand fathering" provisions related to the foreign language requirement, Mr. Anderson stated that individuals who are currently in the GED program are exempt from the requirement and that those who are interested in obtaining GED certificates are being encouraged to sign on to the program this year to avoid this intimidating barrier.

Referring to Strategy 6: Land Supply, Dr. Casson stated that he and Mr. Neaton had discussed the size of the parcels in the Garrison Tract and were examining which industries were yielding high-paying jobs and larger parcels. He noted this was important because it would correlate directly with the types of jobs that would be developed. He noted that the City had done a good job in moving the Garrison Tract forward and assembling land parcels and that an accurate land inventory was also needed.

Responding to Mr. Anderson regarding the potential economic impact of DSU's new neuroscience program, Dr. Casson explained that UCEDIT hoped to determine how DSU's research agenda could be tied to the development efforts in the City of Dover and Kent and Sussex Counties.

Mr. Anderson requested that Dr. Casson coordinate and keep the City informed of what it could do as part of this effort. He noted that the City of Newark lost opportunities to coordinate in a similar fashion with the University of Delaware and expressed his wish to avoid this.

Mr. Bonar indicated his appreciation for the presentation and stated his view that the City should engage more with DSU and in economic development in general. He stated the importance of determining how research and development businesses could be brought to the Garrison Tract and enhance the projects that are already planned there, as well as locating land to attract this type of businesses for future endeavors. Mr. Bonar felt that a Civic Center and minor sports league teams should have been brought to Dover many years ago as they would attract businesses in Dover and Kent County. He stated that these enterprises would be expensive and require partnership and that DSU and the University of Delaware could collaborate with the City in these efforts. Mr. Neaton stated that a meeting was scheduled in the boardroom at DSU at 10:00 a.m. on the following day to discuss these issues.

Mr. Anderson expressed his hope that a 15-minute version of Dr. Casson's presentation could be placed on the City Council agenda within the next month or two (2). Concurring, Mr. Bonar stated that he would present this matter at the next Council President's agenda meeting.

Mr. Neaton advised members that Dr. Casson had provided the start of an economic and market feasibility analysis for the Garrison Tract and, at Councilman Bonar's request, agreed to send this analysis to all Committee members. *(City Clerk's Office Note: This analysis was emailed to all members of Council and the Committee by Mr. Neaton on December 12, 2012.)*

During the Council Meeting, Dr. Casson reviewed the presentation provided at the Committee meeting, entitled "Economic Development Strategies for the City of Dover" ***(Exhibit #1)***.

Mr. Anderson noted that the Committee reviewed and discussed the presentation at length and suggested that members review the minutes, which would provide details regarding this matter.

Responding to Mr. Hutchison, Dr. Casson expressed his belief that the education partnership between the University and the City of Dover would assist those who are unemployed to be retrained and provided certification. This would allow for the development of a workforce that would meet the needs of businesses that are currently in the area and the increase the potential for other targeted businesses to come to the area.

No further action was taken regarding this matter.

Community Development Block Grant (CDBG) Action Plan Amendment

Mrs. Tracey Harvey, Planner I, advised members that expenditure of FY 2011 CDBG funding previously allocated for a chair lift in City Council Chambers had been postponed to allow the City to evaluate other alternatives for providing American Disabilities Act (ADA) compliant access to City Council Chambers. She explained that delay of this project could cause problems in meeting the timeliness standard for expending CDBG funds (April 30, 2013).

Mrs. Harvey indicated that 65% of the City's FY 2012 Homeownership Assistance Program funding had been expended; however, three (3) families were currently mortgage ready, shopping for homes, and would need settlement assistance in order to purchase homes in the City of Dover. If funding were reallocated to this program, it was expected that funds would be expended within the next 60 days.

Staff recommended that $20,000 in FY 2011 Community Development Block Grant (CDBG) funding be reallocated from American Disabilities Act (ADA) improvements in Council Chambers to the FY 2012 Homeownership Assistance Program.

In response to Mr. Bonar regarding the impact of removing the $20,000 that was originally allocated for improvements to Council Chambers, Mr. Scott Koenig, City Manager, stated that staff had obtained a quote of approximately $16,000 - $17,000 to install a chairlift in the Chambers; however, this could potentially change the floor configuration. He explained that a general discussion regarding City facilities, including City Hall, the former library, and the building at 5 East Reed Street, was planned for the Council Financial Workshop scheduled for January 7, 2013. Mr. Koenig stated that if consideration amounts to only a broad discussion at that time, staff would return to the Committee to request money to modify Council Chambers. However, he noted that staff recommended moving the funds to the Homeownership Assistance Program at this time due to the need to comply with CDBG timeliness requirements.

Mr. Anderson noted that when CDBG grants were allocated, members were in favor of allocating more funds to home repairs and questioned why the full $20,000 was being allocated to homeownership.

Mrs. Harvey explained that the Housing Rehabilitation Program formerly managed by the City was transferred to the Milford Housing Development Corporation (MHDC) and $60,000 was allocated to this program. However, MHCD was experiencing difficulty qualifying applicants on their waiting list and it was not expected that the organization's CDBG funding would be expended until later in the year. Staff believed that this funding could be spent more expeditiously through the Homeownership Assistance Program, which has a waiting list of people who are mortgage ready.

The Committee recommended acceptance of staff's recommendation to reallocate $20,000 in FY 2011 Community Development Block Grant (CDBG) funds from American Disabilities Act (ADA) improvements in Council Chambers to the FY 2012 Homeownership Assistance Program.

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

UPDATES

CDBG Program

Mrs. Tracey Harvey, Planner I, advised members that Community Development Block Grant (CDBG) contracts were signed in October, projects were currently underway, and grantees had begun to expend funds. In regard to the Neighborhood Stabilization Program (NSP), she stated that nine (9) homes (one (1) of which was a rental) had been sold and the remaining home was occupied through a lease/purchase agreement. Mrs. Harvey explained that since additional program income remained in the NSP program, funding would be reallocated for an NSP program to provide additional down payment assistance for qualified applicants to receive up to $20,000 toward the purchase of an abandoned or vacant property located in the City of Dover.

Responding to Mr. Bonar, Mrs. Harvey explained the applicant income is restricted to 120% of the area median income and this figure is based on family size and income.

Schutte Park Space - Boys and Girls Club/CDSA

Mr. Scott Koenig, City Manager, stated that the Boys and Girls Club plans to enter into an agreement with Kent County for a location off New Burton Road. He stated his belief that a legal agreement had been developed but was unsure if it had been signed.

In the interest of public disclosure, Mr. Bonar stated that he serves on the fundraising organization for that group and acknowledged that a signed agreement was imminent.

Mr. Koenig stated that once the agreement was signed, this item would be removed from future Parks, Recreation, and Community Enhancement Committee agendas. In recent weeks, the County held a groundbreaking ceremony for the Kent Sports Center and he believed that the Central Delaware Soccer Association (CDSA) may move programming to that location; however, no official word had been received. He speculated that if this occurs, additional space may become available at Schutte Park at some point.

Mrs. Ann Marie Townshend, Director of Planning and Community Enhancement, stated her understanding that CDSA planned to move their travel league to the new Sports Center, which would allow them to move the recreational program from Schutte Park to the Lewis Road site. She indicated that a girls' lacrosse league had expressed interest in using one of the three (3) field areas at Schutte Park on Saturdays in the spring; the other two (2) areas were available and two (2) will be available for CDSA; however, they have not made contact to reserve them.

In response to Mr. Bonar regarding the financial implications of CDSA's move, Mr. Koenig stated that a great deal of revenue was not involved and the change may actually prove beneficial. Concurring, Mrs. Townshend stated that it has been difficult to accommodate other interested parties

since CDSA utilized the fields all day long every Saturday and staff felt that the loss in soccer revenue could result in a gain in lacrosse revenue. She indicated that the recreational staff was also considering starting a City recreational soccer league to service City residents without transportation if CDSA moves out of the City.

By unanimous consent, Council accepted the Parks, Recreation, and Community Enhancement Committee Report.

UTILITY COMMITTEE REPORT - DECEMBER 10, 2012

The Utility Committee met on December 10, 2012 with Chairman Bonar presiding.

Capital School District Impact Fee Transfer

Mr. Scott Koenig, City Manager, advised members that the Public Works Department and the Planning Department had been working with the Capital School District for a number of months on their Facilities Master Plan. He explained that the Capital School District recently constructed a new campus at 194/198 Commerce Way in Dover (Tax Parcel ED05-076.14-01-07.03). Within the campus, the Office of Technology/Maintenance Facility building is located at 194 Commerce Way and the Administration and Professional Development Center building is located at 198 Commerce Way. These facilities were formerly located on multiple properties owned by the District and have been consolidated on this property. Mr. Koenig noted that in both the water impact fee and the sewer impact fee ordinances, there is language that allows (with Council approval) the transfer of impact fees from properties where facilities have been demolished to properties where facilities are being constructed or expanded. Construction of these new facilities allowed for demolition of existing structures on the subject site as well as the previous maintenance building, administration building, and trailers at 211 Delaware Avenue (Tax Parcel ED05-068.17-03-66.00), 945 Forest Street (Tax Parcel #ED05-076.07-01-65.00), and 75 Carver Road (Tax Parcel #ED05-076.07-01-55.00), respectively. The Capital School District submitted a letter, dated November 9, 2012, requesting the transference of thirteen (13) Equivalent Dwelling Unit (EDU) credits from the three (3) previously referenced off-site locations to the new campus on Commerce Way.

Mr. Koenig advised members that, per the City of Dover Code of Ordinances, two (2) references are applicable to this request. The first code reference, located in Chapter 110, Article III – Water Service, Division 3 – Water Impact Fees, Section 110-208 (d), states "No EDUs shall be transferred from one property to another property, whether or not such properties are owned by the same person, without the approval of city council." The second code reference, located in Chapter 110, Article IV – Wastewater Service, Division 3 – Wastewater Impact Fees, Section 110-283 ©, states "No EDUs shall be transferred from one property to another property, whether or not such properties are owned by the same person, without the approval of city council."

Mr. Koenig stated that City staff reviewed the request and found the information consistent with the calculations provided by the Department of Public Works on November 5, 2012. Staff found the request reasonable and recommended the transference of thirteen (13) EDU credits from 211 Delaware Avenue, 945 Forest Street, and 75 Carver Road to the Capital School District Administration and Professional Development Center campus located at 194/198 Commerce Way (Tax Parcel #ED05-076.14-01-07.03). He noted that any redevelopment and/or expansion at the

three (3) locations generating the credits would be subject to all impact fees resulting from new EDUs assessed at that time. Mr. Koenig stated his belief that the District was on a temporary Certificate of Occupancy at the administration complex pending the resolution of this matter, as well as some landscaping issues related to the site plan.

The Committee recommended acceptance of staff's recommendation to transfer 13 Equivalent Dwelling Unit (EDU) credits from 211 Delaware Avenue, 945 Forest Street, and 75 Carver Road to the Capital School District Administration and Professional Development Center campus located at 194/198 Commerce Way (Tax Parcel #ED05-076.14-01-07.03).

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

Quarterly Review of Utility Related Capital Investment Plan (CIP) (Electric and Water/Wastewater *(Deferred by Committee on November 13, 2012 Due to Time Constraints)*
Mr. Scott Koenig, City Manager, referred members to the September 30, 2012 Capital Investment Plan (CIP) Project Tracking Report and stated that the report encompassing the period through December would be discussed during the second meeting in January.

TEA/NAES Report (August and September) *(August Report Deferred by Committee on November 13, 2012 Due to Time Constraints)*
Mr. Scott Koenig, City Manager, referred members to the August and September TEA/NAES Reports. Mr. Blakeman expressed his appreciation to Mrs. Donna Mitchell, Controller/Treasurer, for the modifications made to the report format, stating that the information was exactly what he had hoped for.

UPDATES

Green Energy Funding and Programming
Mr. Scott Koenig, City Manager, referred members to the Funding Summary for Green Energy projects, noting that Page 2 of the summary reflected a large financial commitment to the Dover Public Library. He stated that, as of December 5, 2012, the City had made a request to the Delaware Municipal Energy Cooperative (DEMEC) for the transference of approximately $152,000 related to Green Energy funding in association with the library. Mr. Koenig indicated that the City was nearing the initial set-aside for the Dover Public Library, as envisioned when the financing plan was developed by Mr. Anthony DePrima, former City Manager. He stated that no new applications had been received in the last few months, to his knowledge, and the City was working its way through the final funding of projects that had been submitted to date.

National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit
Mr. Scott Koenig, City Manager, stated that Planning Department staff had been working with the State on updates to the City's plan. The City was in the process of obtaining reauthorization from the State for a new permit; however, staff at the State level had changed and he was unsure if these positions had been filled, so the City had the benefit of having additional time before a new permit

must be implemented. He informed members that staff had worked through the issues identified in the City's old permit and was continuing to collect data and make improvements to the City's system to ensure compliance when a new permit is issued.

Garrison Oak Technology Park Project *(Deferred by Committee on November 13, 2012 Due to Time Constraints)*

Mr. Scott Koenig, City Manager, stated that it was his understanding that Becker Morgan would be submitting the final subdivision plans for Garrison Oak within the next week to the City, the agencies associated with storm water review, and the Delaware Department of Transportation (DelDOT). The City had gone through re-engineering of some site utilities to accommodate the Calpine project and was progressing with water tower, pump station, and force main design. Staff met with the Delaware Department of Natural Resources and Environmental Control (DNREC) during the previous week regarding water allocation permits and ways to enhance water production throughout the City. Staff was reasonably comfortable with the introduction of Unit 1 into the system and was attempting to get all allocation permits in line. Mr. Koenig explained that the demand that will be placed on the water system if Unit 2 is triggered would require the development of additional water resources over a specific time horizon; however, staff was focusing on the first 309 MW of power. Staff's expectation was that Calpine would file for building permits during the January-February time frame and was planning to go into commercial operation in June of 2015, which would require testing of the facility under full load in early January of 2015. He stated that Calpine had indicated that they were ready to proceed but, as of the previous week, was waiting on their air permit, although it was anticipated that this would be filed quickly. Mr. Koenig informed members that easements were being developed from the Calpine site to the 230 kV tie site, and one of the hurdles being worked on was obtaining an alignment for the wire to go from the Garrison Energy Center to the 230 kV tie. This matter was under private negotiations with Calpine and other interested parties. The issue regarding the filing of LS Power vs. the City of Dover Planning Commission was unresolved; however, Mr. Koenig stated that he was assured that this was being worked on by Calpine and LS Power.

Responding to Mr. Hutchison regarding the status of the gas line, Mr. Koenig stated that he had not heard anything for or against the gas main. He indicated that his assumption was that everything necessary to get the gas line to the area was moving forward.

By consent agenda, Mr. Hutchison moved for acceptance of the Utility Committee Report, seconded by Mr. Dixon and carried by a unanimous roll call vote (Bonar absent).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - DECEMBER 10, 2012

The Legislative, Finance, and Administration Committee met on December 10, 2012 with Chairman Lynn presiding.

Reduced Rates for All-Electric Homes in December, January, and February

During the Open Forum Segment of the April 9, 2012 City Council Meeting, Mr. Ted George, 77 Billings Drive, requested that members consider providing an electric rate discount during the months of December, January, and February for those customers with all-electric homes. During the

Regular Council Meeting of July 9, 2012, City Council approved the recommendation of the Legislative, Finance, and Administration Committee that the proposal to reduce electric rates for all-electric homes be referred to staff for cost analysis and review.

During the City Council Meeting of September 24, 2012, Council approved the Legislative, Finance, and Administration Committee's September 10, 2012 recommendation that the proposal to reduce electric rates for all-electric homes be referred back to staff for a more in-depth analysis, and that staff determine the cost for the City to administer such a program (including whether an additional employee would be necessary) and the number of houses that would be involved, and provide a cost analysis to determine whether the program would be cost effective for the City based on the additional cost to the City versus the savings that would be realized by the customers.

Mr. Anderson stated that it had been several months since the item was originally proposed and that a refresher from the citizen who brought the matter before the Committee would be helpful.

Mr. Anderson moved to suspend the rules to allow Mr. George to speak prior to staff's presentation. The motion was seconded by Mr. Rushe and unanimously carried.

Mr. Ted George, 77 Billings Drive, reminded members that in June 2012 he presented a proposal relating to a policy that was in effect in the City of Dover for 14 years. He stated that when his home was built in 1972, Mr. Conrad Hebert, who was the City's Chief Engineer, suggested the use of a heat pump or strip heat to heat his home because a 20% discount on the electric rate was being offered by the City and the 6.5 cents per kilowatt charge would be reduced to 5.0 cents during the months of December, January and February. Mr. George indicated that he was a newlywed at that time with children and working full time, and the rate reduction was the deciding factor for the heating method he chose. He advised members that in the 1980s the City's police force was expanded and the electric rate reduction was discontinued to help support the Police Department's staffing needs. Mr. George stated that as a result of Council's delay in addressing this issue due to their desire for further review, the month of December was now almost over; however, he proposed a rate reduction for the 88 days remaining through February, the coldest time of the year, so that people could heat their homes to a reasonably comfortable level without paying a great deal of money for electricity. *(City Clerk's Office Note: City records indicate that Mr. Hebert was the Power Plant Superintendent)*

In response to Mr. Bonar's inquiry regarding the potential impact of the proposed policy on the average residential user, Mr. Lynn indicated that Mr. Scott Koenig, City Manager, would be addressing this. Mr. George estimated the monthly savings to be $14,000 - $18,000 collectively for residents who have all-electric homes.

Mr. Koenig reviewed a memo dated December 4, 2012 entitled "Reduced Rates for All-Electric Homes in December, January, and February." He stated that, for the purposes of analysis, focus was placed on years 2002/2003, 2003/2004 and 2004/2005, which represented the last years of the winter/summer rate schedules. Mr. Koenig explained that if the summer rate of 0.0924 were considered the base rate, then the winter < 1,000 KW rate of 0.0880 represented a 4.7619% rate reduction and the winter >1,000 KW rate of 0.0808 represented a 12.5541% rate reduction.

Mr. Koenig explained that if these percentage reductions were applied to the usage profile for an electric user who is in the system (Attachment #2 to the memo), this sample customer would receive an estimated savings of $36.60 per month during the months of December, January, and February. This would represent a composite reduction of approximately 9.79% on each monthly bill. He noted that if this past reduction were applied as calculated, the annual impact of the rate adjustment would be approximately $109.80 per typical all-electric household, assuming a 10% rate of reduction, or approximately $220 annualized for a 20% reduction.

Mr. Koenig reiterated that the winter/summer rate schedules were abandoned in Fiscal Year 2005/2006 and, from that point forward, all energy costs gravitated toward a blended cost. He noted that the City no longer distinguishes between winter and summer rates in its tariff and residential customers purchase energy only. He noted that there is no demand charge associated with any of the residential customers. Mr. Koenig stated that the most recent rate study did not afford for this type of rate reduction for all-electric homes, so the impact on other customers had not been calculated; however, all revenue lost from a rate reduction must be made up from other residential customers; otherwise, the City's revenue projections will be compromised. He indicated that if the City were to credit back $15,000 - $18,000 of revenue for all-electric customers, customers who do not have all-electric homes would be penalized. Mr. Koenig stated that he contacted the Delaware Municipal Electric Cooperative (DEMEC) to determine if other utilities in this area provided a reduction program and was advised that they had no knowledge of any such programs at present, although Smyrna had a similar program at one time. Mr. Koenig stated that, based on this information, he recommended against further consideration of the request for reduced rates for all-electric homes.

In response to Mr. Hare regarding how such a program would be implemented if approved, Mr. Koenig suggested that a pilot credit program could be considered. He did not feel the City should send staff to individual homes to determine their all-electric status due to potential conflicts and recommended that homeowners obtain an independent verification of their all-electric status by a third party. He indicated that this verification should include notarized correspondence indicating the home had been inspected and the all-electric condition had been verified by a contractor licensed to conduct business within the City of Dover and that a verification form be submitted to the City of Dover by September 30th of each year. Mr. Koenig stated that although the differential between winter and summer rates was an approximate 10% composite, he would recommend that a 5% credit be issued at the end of the three (3) month cycle on the bill to simplify the credit adjustment. He recommended that such a program be subject to annual review by staff and Council. Mr. Koenig stated that he did not support implementing such a program as he felt that it would skew the current rate structure and, although all-electric homes were being promoted 40 years ago, the City was no longer in the power production business on a daily basis. He explained that the City has an energy production facility; however, it is essentially a peaking plant in the Pennsylvania, Jersey, Maryland (PJM) Power Pool and runs only when market conditions warrant the facility to run. Mr. Koenig advised members that the City purchases energy from the grid at predetermined hedge prices and the proposed program has the potential to create inequity in the billing structure. He did not believe that additional staff would be needed to administer the program; however, he explained that the program would create additional burdens on current staff.

Responding to Mr. Shevock regarding blended costs, Mr. Koenig clarified that this is a financial term associated with power rates. He explained that there were once summer costs and winter costs; however, when the City went to the hedge program and began purchasing blocks of energy, usage was not broken down by season but considered as a whole, thus producing a blended rate. Mr. Koenig noted that there is no compensation for fluctuations in usage because hedge purchasing removes the spikes in the energy profile.

Noting that the blended rate eliminates seasonal spikes, Mr. Anderson expressed his concern that customers still experience usage spikes since bills are higher in winter when usage is higher. Mr. Koenig noted that these higher bills are based on usage rather than rate. He explained that the City provided information regarding consumption and hedge purchases made by The Energy Authority (TEA) to Burns & McDonnell for rate analysis and that the City attempts to purchase power in blocks so that the hedge program mirrors consumption.

Mr. Anderson questioned the percentage of reduction used to determine the estimated revenue reduction of $15,000-$36,000. Responding, Mr. Koenig stated that based on the original assumption of 200 houses receiving a 10% reduction, the loss of revenue would be approximately $20,000 and a pilot program granting a 5% reduction would result in a $10,000-$11,000 revenue decrease. He noted that he could not be sure of the impact without knowing the exact number of customers involved. If the number of customers was significantly higher (such as 500 homes) the loss figures would change significantly.

In response to Mr. Anderson, Mr. Koenig stated that he believed that the program would apply only to owner-occupied, single-family homes, not apartment complexes or rental units.

Mr. Bonar noted that he is on a fixed income; however, he does not live in an all-electric home and was concerned that implementing the proposed reduction program would create a burden on the rest of the City's rate payers. He indicated that costs for all-electric homes are slightly higher than others; however, he pays approximately $600 to heat his home using oil, and oil companies are not offering reductions. He empathized with those on fixed incomes but reminded members that the City of Dover has the third lowest electric rates in the State.

Mr. Lynn expressed his opinion that the City had a promissory obligation to individuals who were encouraged to renovate or build all-electric homes in the early 1970s based on the promises made by the City of Dover. He indicated that he was sympathetic to those who brought this matter forward and thanked Mr. Koenig for the compromise he presented.

Responding to Mr. George regarding whether the City's budget could support the $14,000 discount for the many seniors who have all-electric homes, Mr. Koenig stated that this question must be answered by Council, noting that it would impact the budget.

Councilman Bonar stated that he, Councilman Lynn, and Councilman Anderson have the highest percentage of constituents in their districts that are either elderly or on fixed incomes and have electric homes or have limited means; therefore, he noted that it would be difficult for him not to

support the proposal. However, he felt moving forward could result in the rest of the residential rate payers potentially demanding similar discounts, which would "open a Pandora's Box."

Mr. George noted that the policy had been in place previously to which Mr. Bonar responded that times were different now.

Staff recommended against implementing a program of reduced rates for all-electric homes in December, January, and February for the following reasons: 1) Such a program would skew the current rate structure; 2) the City is no longer in the power production business on a daily basis; the energy production facility is essentially a peaking plant in the Pennsylvania, Jersey, Maryland (PJM) Power Pool and runs only when market conditions warrant the facility to run; 3) the City purchases energy from the grid at predetermined hedge prices and the proposed program has the potential to create inequity in the billing structure; 4) Although additional staff would not be needed to administer the program; the program would create additional burdens on current staff. Mr. Koenig stated that, based on this information, he recommended against further consideration of the request for reduced rates for all-electric homes.

Mr. Anderson moved to recommend that the matter be referred to the Utility Committee. The motion failed for lack of a second.

Mr. Shevock moved to recommend approval of staff's recommendation against implementing a program of reduced rates for all-electric homes in December, January, and February, seconded by Mr. Rushe. The motion failed by a vote of two (2) yes (Rushe and Shevock) and two (2) no (Anderson and Lynn).

Mr. Lynn stated that the matter would be considered by City Council during their Regular Meeting of January 14, 2013 with no recommendation from the Committee.

Mr. Anderson moved for approval of staff's recommendation against implementing a program of reduced rates for all-electric homes in December, January, and February, seconded by Mr. Perza and carried by a roll call vote of seven (7) yes, one (1) no (Lynn), and one (1) absent (Bonar).

Review of City of Dover Identity Theft Prevention Policy

Mr. Scott Koenig, City Manager, advised members that the City of Dover Privacy Committee held their annual meeting on November 14, 2012 to review the policy. There were no incidents of identity theft reported by City of Dover customers during the last year; therefore, a recommendation was made to change the frequency of meetings to "... as necessary, if any significant issues of identity theft arise" rather than meeting annually. This change is noted in Part 9 – Administration. No other changes were recommended and the committee approved the Identity Theft Prevention Policy with the above-noted change.

Mr. Anderson expressed concern regarding the proposed amendment, noting that identity theft was skyrocketing and that "as necessary could mean never." Mr. Koenig stated that if any incidents were to arise, the Committee would certainly meet to address them.

The Committee recommended acceptance of the report and that the Identity Theft Prevention Policy be amended to change the frequency of meetings to "as necessary, if any significant issues of identity theft arise."

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

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

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - JANUARY 14, 2013

The Parks, Recreation, and Community Enhancement Committee met earlier in the day with Acting Chairman Anderson presiding. Except for the following time sensitive issue, the Committee Report from January 14, 2013 will be presented to Council during their Regular Meeting of January 28, 2013 for review and consideration.

Consideration of The Green as a National Monument

Mayor Carey introduced Ms. Molly Ross, Special Assistant to the Director, National Park Service (NPS), Ms. Brenda Waters from the National Park Service, and former City Councilman Timothy Slavin, Director of the Division of Historic and Cultural Affairs (DHCA), State of Delaware.

Ms. Molly Ross advised members that Senator Thomas Carper and the Delaware congressional delegation were attempting to establish a national park in Delaware and that Senator Carper had been engaged in this effort for approximately 10 years. He introduced legislation in the last few Congresses to establish the First State National Historical Park, which would incorporate a number of areas in each of Delaware's three (3) counties; however, this legislation had not been enacted thus far. Ms. Ross explained that there are two (2) methods whereby an area can become part of the National Park system: 1) if Congress enacts legislation to make it a national historic park; or 2) if the President acts under the authority of the Antiquities Act of 1906 to designate it as a national monument. Ms. Ross stated that regardless of which approach is used, the area would be managed as a unit of the National Park system under the laws used to govern all such parks and the designation as a park or monument would not make much difference.

She explained that the National Park System is composed of 398 nationally significant areas of the country, most of which are historic units. The National Park Service (NPS) was created to help manage these units in 1916. In 1906, Congress passed the Antiquities Act, which delegated some of its authority to the President "to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected." Ms. Ross noted that over 125 national monuments have been created by presidents and that in many cases after presidents have protected these areas as national monuments, Congress has subsequently

embraced and ratified them, perhaps changing their boundaries or adding authorities. Although most national monuments have been on land the Federal Government already owns, the Antiquities Act also provides authority for the United States to receive donations of non-federal land for this purpose.

Mrs. Ross indicated that since the legislation to designate a site in Delaware has not been moving forward in Congress, many have wanted a national monument to be considered for the sites in Delaware that Senator Carper had focused on. She stated that the Dover Green has been an obvious part of the national historic park proposal. Ms. Ross indicated that a determination was being made whether The Green was owned by the City or State and stressed that obtaining a clear title was necessary before any transactions could be completed. A donation of an interest in the property would have to be made to the Federal Government and this could be done through a historic preservation easement, which would state that the City or the State would continue to own and manage The Green in a manner consistent with the historic preservation goals shared with the Federal Government and the Secretary of the Interior's standards of historic preservation. It would also state that should the City or State fail in management to these standards, the NPS would have the right, but not the obligation, to step in and assure management for historic preservation goals. Ms. Ross believed that the terms of the easement would be consistent with current goals and management of The Green and did not anticipate much change. The Green would be contained within the boundaries of the monument. Ms. Ross indicated that areas being considered for the national monument in Delaware were included on the list prepared by Senator Carper for legislative action; however, she stated that it was very possible, for reasons of timing and management feasibility, that the complete list would not be included in the monument. The areas that have been prioritized because of their importance to the history of Delaware include sites in New Castle (including the Courthouse, The New Castle Green, and the Sheriff's Office), The Green in Dover, and perhaps Old Swede's Church in Wilmington. In addition, interest had been expressed in donating 1,100 acres in the Woodlawn area, northwest of Wilmington, which has ties to early Quaker settlement and William Penn, for inclusion in the proposal. She explained that in order to meet the legal standards and management needs of the monument, the Federal Government was looking for a fee interest in Woodlawn and the Sheriff's House in New Castle. Ms. Ross stated that there would be benefits to the proposed designation in that these historic sites would be listed on the NPS website, local tourism would benefit, designation as a national monument would lead to higher prioritization for NPS funding possibilities, and the NPS would help with historic interpretation. She stated the NPS would look for ways to partner with State or local agencies managing these parks and historic areas, seek efficiencies, and establish cooperative agreements to help with management. She complimented current historic interpretation efforts and stated that NPS would be looking for ways to work with the City.

Ms. Ross emphasized that designation as a national monument under the Antiquities Act was a Presidential authority that is guarded carefully by offices at the Department of Justice and the White House. Requirements are carefully reviewed and it is NPS's responsibility to gather facts and make sure that everything is in order for the President to make a decision. The historic preservation easement must be obtained before the President's action on the proclamation. Ms. Ross stated that the NPS was working with staff on the title for The Green, an environmental site assessment must be performed, and the NPS lawyer must determine the conservation easement language required.

Ms. Laura Haynes, Senior Policy Advisory for Energy and Environment, Senator Thomas Carper's Office, stated that she had been working on the establishment of a national park in Delaware for five (5) years. She stated that the legislation proposed was not "dead" and some movement was made in the last Congress in that the legislation was moved out of the Senate; however, she stated that it was increasingly difficult for parks bills to be passed by Congress, especially with current budget and gridlock issues. She stated that Senator Carper was looking for all options to move forward and the delegation would continue legislative efforts, even if monument status were attained, since the few parks that were being approved by Congress were those that had been previously designated as national monuments. She confirmed that it would make no difference for the Dover Green if the goal was accomplished through legislation or by designation by the President as a monument. She indicated that the historical easement option was included in the proposed legislation as well. Ms. Haynes stated that the timeline for negotiations regarding the project was being moved forward and the proposed legislation would "give the green light" for the administrator to enter negotiations to acquire the site; however, acquiring monument status would require completion of the negotiations before the historic site could be designated. She advised members that these steps must be taken regardless of the approach used. She noted that Senator Carper was trying to get as many properties as possible on the list into the monument and that there was a fairly high confidence level that this could be done for the Dover Green with the Committee's assistance.

Ms. Ross expressed her appreciation to Senator Carper and the Delaware congressional delegation for their work toward this effort. She confirmed that the President's action, if it occurs, would not preclude the park legislation. Ms. Ross advised members that there was a current "window of opportunity" lending itself to a possible Presidential action since the Conservation Fund had come forward with a donor who committed over $20M to purchase the historically significant Woodlawn property. The Conservation Fund indicated that they cannot hold property long and were focused on getting it into the hands of organizations that can protect, preserve, and manage it properly, which has put pressure on all involved to take action quickly. She stated that the NPS felt that this property would tie in very nicely with sites like the Dover Green and New Castle sites in telling nationally significant historic stories in Delaware.

Mr. Scott Koenig, City Manager, stated that this matter was scheduled for consideration by Council later that evening. Of concern was the fact that ownership of The Green was undetermined. He explained that the City Solicitor indicated that there may not be a deed for the property because it was laid out before that type of instrument existed. Mr. Koenig stated his belief that the property was owned by either the State or the City and that the attorneys could address this issue. He explained that if the project were recommended to Council and if Council approved it, an environmental assessment would also be required. He felt that there would be associated legal and environmental expenses which, at this point, would be charged to the City Manager's budget since this project was not anticipated at the beginning of the year. He expressed his hope that if Council endorsed the project, their action would revert the matter back to staff to work with the NPS to achieve monument status.

Mr. Anderson stated his concerns about the possible effects on private property surrounding The Green, the City's ability to control and manage The Green, and the possible budgetary impact. He questioned the need for a deadline that caused the placement of this item on the agenda of the City Council meeting scheduled for later in the evening.

Ms. Ross stated that there was no firm date regarding the President's schedule; however, there was time pressure to get the land transactions accomplished by February 15, 2013 when the Conservation Fund would consider how much longer it could hold the Woodlawn property. Those who have worked on this package in Senator Carper's Office and in the Executive Branch believe that the entire package is quite compelling; therefore, consideration must be given to the portion that is on the shortest time fuse (Woodlawn). She added that the conveyance of the historic preservation easement would not take place until a decision was made to go forward with a national monument, and she anticipated that this would occur very close to the day that a Presidential Proclamation would be issued. She stated that before that time it would be necessary for all documents to be prepared (possibly put in escrow) so that they would be available to record.

Ms. Haynes stated that Senator Carper was working with federal administration and the Congressional delegation and saw a very small window of opportunity for Delaware to get into the National Park System. She stated the project may go forward and if the City was not willing to participate, the City may be moved out of monument status and would have to wait for a national park to be established, which may not occur for many years. Ms. Haynes noted that the Secretary of the Interior was a strong advocate of the project and was currently speaking to the President regarding this matter; however, it was believed that the Secretary may vacate his position in the near future. She explained that due to term turnovers in government, it has been necessary to re-educate NPS staff regarding the project, and the current staff was working very hard to move it forward. Ms. Haynes stated that the strongest proposal for the President included the Woodlawn property with the other historical sites, including the Dover Green. She indicated that the Conservation Fund is a small organization that could not hold onto the Woodlawn property much longer (possibly until mid-February) due to liability concerns.

Ms. Anne Reigle, resident of Wyoming, Delaware, stated that she did not feel that reasons had been presented for the Federal Government to take control of The Green, which was laid out before the City of Dover was laid out and the Federal Government was established. She felt that residents of the City of Dover and Delaware already recognized the historical significance of The Green. Ms. Reigle stated that the City of Dover had worked very hard to preserve the buildings and the integrity of The Green and she did not feel that the Federal Government could contribute anything else. She expressed her opinion that it would not be a good idea to sign over control to allow the government to give the City guidelines and "step in and take over" if those guidelines were not followed.

Ms. Haynes stated that, as author of the legislation submitted, she felt the Federal Government would have an "interest" in the property by virtue of a historical easement rather than "control." She advised members that the Dover Green has been part of the park concept since a resource study was performed in 2008 and earlier; therefore, this is not a brand new idea.

Ms. Ross noted that Delaware is the only state that does not have any national parks or monuments and that the project would bring attention to this area. The Green would still be owned and managed by those who currently do so, and an easement would be deeded to the Federal Government to ensure that the property is preserved for posterity and its story is told. She reiterated the advantages including a higher prioritization for funding and partnership in interpretation and consulting on historic preservation. If the monument is created, an approximate three (3) year management planning process would take place, including consultation with the City and the public. As to whether it would affect residents along The Green or events there, she expressed her opinion that as long as the historic property was not being impaired or destroyed, there should be no problem with those activities.

Mr. John Garey, 48 The Green, concurred with Ms. Reigle's comments, feeling that local entities do a great job holding City events and preserving the historical accuracy of The Green. He stated that he has been an owner on The Green for five (5) years and questioned why those in attendance were just learning about the project, stating that he did not know about it until this morning. He stated he had not heard anything that he would consider a big benefit to moving forward. Mr. Garey stated that it had not been specified how help would be provided from the NPS and how more people would be brought to the area, noting that he did not feel that placing The Green on the National Park Service website was "a big deal." He stated that he had not heard how the project would impact his property and, as a landowner and a taxpayer, felt that it was not prudent to rush this issue. Mr. Garey noted that he already had to come to the City anytime he wished to do something to the exterior of his building, including the placement of signs, painting, etc., and did not wish to have to go to the Secretary of the Interior, Ken Salazar, for permission to make these types of changes.

Ms. Ross stated that since Mr. Garey's property would not be within the boundaries of the National Monument, this would not be required. Mr. Garey stated that he did not know the impact on property adjacent to a national park or monument.

Ms. Ross advised members that the boundary of the easement being sought would not include the residents around The Green and that it would not impact what was being done today. She stated that well-proven, well-documented, economic studies have shown that typically every $1 spent by the NPS in these areas results in $4 to the local community since parks are usually tourism and economic generators for communities.

Ms. Haynes reiterated that Senator Carper has been interested in a national park in Delaware because of the economic benefits that it could bring to the State. She noted that local taxpayer funds are going toward the NPS, and every state in the nation besides Delaware is benefitting from this since Delaware is the only state without a national park. She indicated that every other state is receiving at least $1M for their national park and some are receiving $15M-$30M. Acknowledging that a national park in Delaware could not compete with parks such as the Grand Canyon or Great Smoky Mountains, Ms. Haynes noted that Rhode Island has a very small national park and is receiving over $2M in economic benefits from tourism. She stated that this was why Senator Carper believed that there should be a national park in Delaware, in addition to the need to preserve Delaware history and tell its story to the rest of the nation.

Mr. Garey stated he felt it unlikely that there would be an increase in visitors touring The Green even if it were made a national park and stated that a great job is currently being done in bringing people to the Dover community to see the Delaware Public Archives and locations of interest. He did not see how putting The Green on the website would change this significantly.

Ms. Reigle stated that she was a "big fan" of the national parks and that rangers do a great job. She felt that national parks typically encompass sites like battlefields or forests, rather than a "little pad of green" in the middle of an area that is used for commercial businesses, courts, and residences. She stated that she would love for Delaware to have a national park and suggested that Fort Delaware or Woodlawn would lend themselves to such a use. She did not feel that The Green, surrounded by the Dover community, could be labeled a national monument without some consequence to the community, noting that it was not even known who owned the property. Ms. Reigle stated that the City of Dover had maintained this property for years. She did not feel that the assistance of the Federal Government was needed and that the site could be managed better by local people who are committed. She stated that her family owns property on The Green and had worked with the City of Dover to renovate it by putting expensive copper piping on the side of it. She urged members not to pass this matter on to City Council and to reject or at least table it for a significant period of time so that the rest of the community would have an opportunity to come forward.

Mrs. Horsey stated her understanding that the City of Dover was considering eliminating the Historic District Commission and possibly the Historic District. *(City Clerk's Office Note: The Role and Scope of the Historic District Commission was scheduled for consideration at the Legislative, Finance, and Administration Committee Meeting scheduled for later in the day)* and suggested that help may be needed from the Federal Government, such as that being proposed, if the City was even remotely thinking of doing away with its own standards and guidelines.

Responding to Mrs. Horsey, Ms. Ross stated that although she had walked the property, she had not looked at maps of the land being considered. She stated her understanding that the proposal was focused on The Green and that the NPS would make sure that everyone's rights of way would be protected and public access would be provided. Although she did not have the details, she reassured members that there would be real estate documents with maps attached and that parties would have to come to agreement to define the precise interests.

Ms. Haynes stated that NPS visited Dover in 2008 and performed a related natural resource study in Dover and a public hearing was held at that time. Public comment did not include concerns with regard to incorporating the Dover Green in the National Park System. She explained that a significant number of public meetings had been held in addition to hearings in Congress and the information had been on Senator Carper's website for quite some time.

Mr. Perza questioned when the City, State, or Federal Government would meet with property owners who are impacted to review a map of the proposed plan. He stated that no one had seen the boundaries of the plan or knew if private property would be impacted versus the two (2) islands of grass. He felt that many people have questions, such as if there are insurance needs, who would set

standards on the preservation guidelines, and whether the parking situation would be involved. He felt that a question and answer session would be helpful with presentation of a map and information on the impact of the project. He felt there was a perception that this matter was being "sprung" on the public, although he stated he could appreciate the deadline involved.

Ms. Ross stated that the national monument option is not used often and is usually for extraordinary circumstances, historically when Congress has been unable to act regarding very worthy projects. She stated that the NPS had been waiting to see whether the last Congress would support and enact the legislation, but this did not occur. She felt it logical that people would want to understand the impact on their lives. She stated that NPS staff and individuals in the various locations were working on related documents. She stated her understanding was that the focus was on telling the story of how the Constitution was ratified in Dover and this involved "the grass"; however, she stated that maps were not available at this time.

Mr. Perza indicated that he felt that a decision should not be made until the relevant documents were read and an understanding was obtained about how the project would impact Dover. He acknowledged that it may be a good idea but wanted an understanding of what would be voted on and the details.

Mr. Slavin stated that the Division of Historical and Cultural Affairs (DHCA) has a significant presence on The Green since it owns property at 21 The Green, as well as the Old State House, and offers public programming through the John Bell House located there. He noted that the DHCA also owns and manages 41 historic properties on behalf of the State, at least three (3) of which are included in the first iteration of the proposed national monument, one (1) of which is the New Castle Green where similar questions were being asked. He advised members that the New Castle Green is also surrounded by private property owners; however, it was the understanding in New Castle that the interest in the easement was only on the land of The Green itself and would not convey to the streets, the sidewalk across the street, or any properties surrounding The Green. Mr. Slavin noted that he was in the business of historic preservation and bringing people to cultural attractions and felt the proposed project was a wonderful thing for the historic preservation of The Green which would solidify, acknowledge, and place in perpetuity all of the efforts that the City had made in the past to preserve it. He stated that the DHCA manages approximately 60 easements across the State to ensure that unforeseen events do not occur. In terms of cultural attraction, he agreed that a phenomenal job is done locally to attract people to these sites and they are doing a wonderful job of interpretation; however, he felt that "more is always better" and that having the cachet of being part of the NPS and the marketing that takes place through them would be a significant boost to current efforts. He understood the issues being raised about timing and the content of the language in the easement which referred to baseline documentation, including maps, that was not provided, and hoped those questions would be answered. Mr. Slavin stated that the same need for documentation was being expressed in reviewing the language proposed for the New Castle Green.

Responding to Mr. Anderson, Mr. Koenig stated that no information had been mailed to individual property owners in the area but the meeting agenda had been posted as required.

Ms. Haynes stated that it has been the understanding of Senator Carper's Office from the NPS that only The Green would be included, not homes or streets. She stated that the Park Service had drafted a map of the site because the Dover Green has been in the legislation for a significant amount of time.

Ms. Reigle expressed her opinion that The Green had no value without its surroundings; therefore property owners would be affected. She felt that property owners should have a say and that they should be given notice.

Mr. Slavin stated that the local jurisdiction of the City would never be relinquished through the easement and the City would always determine the use of land surrounding The Green.

Mr. Anderson felt that it would be appropriate to notify those within 200 feet from the area and expressed his concern that this had not been done.

Mr. Garey inquired what type of entry the easement would grant onto the property. Responding, Ms. Ross explained that the terms of the easement would say that the City or State would continue to own and manage the land but shall manage it to preserve the historic nature of the property to the standards for historic preservation that are set by the Secretary of Interior. She stated that such easements are common tools to make sure that "a 7-Eleven is not put in the middle of The Green."

Mr. Anderson stated that the easement included terms that would prevent any buildings or structures from being built on the property and require that it be kept approximately as it is.

Responding to Ms. Reigle regarding the discussions that would be taking place later in the day concerning the City's Historic District Commission, Mr. Anderson stated his belief that there was a possibility that the functions of the Historic District Commission could revert to the Planning Commission but that commitment to historic preservation would not end.

Ms. Ross advised members that a decision must be made since the establishment of a First State National Monument was likely to occur on a "fast track." She stated her availability to attend future sessions on this issue and that NPS staff would discuss the matter with City staff and review maps, etc. She indicated that there would be a management planning process to ensure that this would be accomplished in a way that was "smart", that the City was supportive of, and that was consistent with the community. Ms. Ross stated it would be likely that uniformed NPS park rangers would be seen in the area and grants and funding for historic preservation efforts from the Federal Government would be placed higher in the queue for federal funding. She apologized that some of those present were just learning about this project. She explained that the NPS had been asked by Congress previously to do a special resource study to determine whether Delaware had resources that merit national park status. Many public hearings were held and the study was completed at the end of 2008 and sent to Congress in 2009 and, on the basis of those public hearings and that study, the delegation from Delaware introduced the legislation under Senator Carper's leadership. She indicated that approximately 12 hearings and meetings associated with the legislation had been conducted.

Mr. Anderson stated that some of those present were uncomfortable with the matter going forward to Council without maps attached and inquired if it would be possible to have them submitted for inclusion for Council's consideration later in the evening. Ms. Ross offered to contact the NPS Lands Office to inquire about the status and would check on legislative maps as well.

Ms. Haynes noted that Senator Carper sees this project as an economic benefit to the area to provide assistance to the good work that was being done locally and did not anticipate a change other than perhaps the availability of additional money from the Federal Government, additional tourism, and rangers in the area. She felt this would be an economic benefit to the City of Dover and, for this reason, the delegation and the Government have been supportive. She offered to return as many times as possible to answer questions if needed.

Mr. Dixon stated that he was troubled that property owners in the area had not been notified of the project. He felt that the project sounded positive; however, he expressed concern about pushing through something that everyone had not had an opportunity to think and voice their opinions about.

Mr. Anderson moved to recommend that the matter be referred to Council with a recommendation that a public hearing be held and the surrounding property owners be notified. The motion was seconded by Mrs. Horsey.

Mr. Koenig stated that if the recommendation were to hold a public hearing, he was unsure if this would fit into the timeline. He felt that the requirement to hold a public hearing might prevent the City from participating in this specific application. Mr. Koenig felt that the only way to participate in this proposal would be through a favorable vote by Council later in the evening, noting that an easement must be drafted and an environmental study must be performed.

Mr. Anderson stated that there might be future opportunities in this regard.

Ms. Haynes stated that this project may never be accomplished through legislation and this may be the City's only chance to participate in the project and receive the economic benefits that the community had previously indicated that they wanted to enjoy. She suggested a public meeting and perhaps an emergency Council meeting. She noted that a public meeting was held two (2) years ago on this issue and that she attended and presented information regarding the Dover Green.

Responding to Ms. Reigle, Mr. Anderson stated that all interested parties, whether in favor or opposed, should attend the Council Meeting scheduled later in the evening.

As noted earlier, due to time constraints this item was scheduled for consideration by City Council later in the evening.

On a call for the question, the motion that the matter be referred to Council with a recommendation that a public hearing be held and the surrounding property owners be notified was unanimously carried.

During the Council Meeting, Mr. Lynn disqualified himself from any discussion or vote on this topic and requested permission to be excused from Council Chambers during Council's discussion, explaining his belief that he had a conflict precluding him from engaging in this topic.

Members were provided a map prepared by Senator Carper's Office depicting the area in Dover that was being considered for incorporation in the First State National Historic Monument (The Green) ***(Exhibit #2).*** At the request of Mr. Anderson, Mr. Koenig explained to members that one of the ways the City could proceed toward the creation of a National Park in the State of Delaware would be to designate the lawn area of The Green as a portion of the proposed National Monument. He noted that the Committee's discussion centered around six (6) items and requested members of Council to consider them, as follows: 1) the historic preservation easement would only encompass the lawn area of The Green; 2) a public hearing could be set for Monday, January 28, 2013 to consider public testimony before final action was taken by City Council; 3) notice regarding the public hearing could be sent to all adjacent property owners within 200 feet of the easement area proposed; 4) at the same time, due to time constraints, staff could be authorized to begin work immediately on a title search if necessary; 5) work could begin on the preparation of a historic preservation easement that would meet the criteria of the National Park Service in conjunction with the State of Delaware and Attorney General's Office; and 6) staff could be authorized to begin work on a Phase 1 Environmental Assessment of the proposed easement area in order to meet the criteria of the National Park Service should City Council authorize final submission to the program.

Mr. Koenig advised members that there were expenses associated with the title search, the historic preservation easement, and the environmental assessment, noting that the environmental assessment alone would cost approximately $2,500. He stated that initially these expenses would be covered by the City Manager's Office, explaining the possibility of cost sharing or reimbursement at a later date.

Mr. Koenig advised members that should the City of Dover choose not to move forward to create the designation at this time, this would not prevent this matter from being considered in the future; however, it would be much more difficult to accomplish and the City would probably not have any other support.

Mr. Koenig assured members that if it were their desire to move forward, staff was prepared to move forward and work with the State, staff from Senator Carper's Office, and the representatives from the NPS, who have, to date, done a significant amount of work on this issue.

Responding to Mrs. Williams, Mr. Koenig stated that the environmental study would provide assurances that there are no underground storage tanks or other such items present under the easement area.

In response to Mr. Hutchison, Mr. Koenig stated that there would be no change in ownership of property; however, he advised members that staff was trying to evaluate the actual ownership of the lawn area since there is question as to whether the City or State owns the property. He assured members that there was no discussion about putting an easement on any private property associated with The Green, only the lawn area. Mr. Koenig also stated that there were no changes proposed for

parking. He explained that this would be a preservation easement and that the City of Dover would continue maintenance and operational responsibilities. He noted that NPS has indicated no intent to influence how the City of Dover actually uses The Green or any activities held on The Green.

In response to Mr. Perza, Mr. Koenig anticipated that the preservation of certain rights (to retain local control) such as parking and authorization to hold events such as Old Dover Days, Summer and Fall Festivals, etc., would be identified in the easement.

Ms. Molly Ross, Special Assistant to the Director of Parks Service (works out of Washington, DC), explained that the issue before the City of Dover was the culmination of what, for many people, has been 10-12 years of working on a national park unit for Delaware. She advised members that the NPS had 398 units and that every state has a park unit with the exception of one (1), which is Delaware. In the opinion of the Park Service and others, she stated that the omission of the State of Delaware hurts the nation as well as the City of Dover. Ms. Ross stated that there were two (2) ways to get into the Park System: 1) by an order of Congress making a national park (which began with Yellowstone National Park in 1872 and others such as Yosemite, Sequoia, Mount Rainier, Rocky Mountain, Acadia, Shenandoah, etc.), the majority of which are historic sites; and 2) through Presidential action, due to Congress delegating some of its authority to the President of the United States under the Antiquities Act of 1906. She noted that President Roosevelt created a national monument of the Grand Canyon in 1908 and that there have been approximately 150 monuments created by Presidents.

Ms. Ross questioned if the City of Dover was willing (or would be willing after working through the conservation easement and environmental site assessment, to obtain clear title) to transfer a historic preservation easement to the Federal Government to assure the long-term preservation of The Green in order to be included in the First State National Historical Park. Regardless of how it would be accomplished, she stated that the NPS would need an easement to assure the protection of this object of historic interest, The Green, in order to make it a National Park.

Referring to the concerns regarding the effect on the streets and surrounding properties, Ms. Ross stated that the conservation easement would cover the lawn area only and would not affect streets, sidewalks, buildings, etc. She explained that the NPS would obtain a preservation easement, which would not affect how the area is managed. In regard to concerns regarding costs involved, she advised members that economic studies show that for every $1 spent on a National Park unit, $4 is generated for local economies since it would draw tourists and visitors and bring benefits to bed and breakfasts and hotels, etc. She assured members that the NPS would not manage The Green, ownership would stay with either the City or State (depending on the result of staff research), and there should be no change in events. She stated that the only effect it would have is that the Federal Government would have an easement that would protect The Green against change or failure to preserve it.

Ms. Ross advised members that there would be other benefits if The Green became a National Monument, explaining that Dover would be on the National Park System map and appear on the NPS website. She noted that when an area is made a part of the Park System, more grant monies are made available, cooperative agreements are developed, etc.

Responding to Mr. Perza, Ms. Ross stated that the NPS could have the final document including all details such as formal maps and terms and conditions provided to members of City Council by their meeting scheduled for January 28, 2013. She apologized for the pressure and urgency to take action in this regard; however, she said that work has been underway on this project for a decade. She indicated that disposition of the Woodlawn property was pushing the timing and encouraged the City to be prepared should the President wish to take action in February.

At the request of Mrs. Williams, Ms. Ross explained that the easement would not give the Federal Government the ability to erect something on the property. She stated that the easement would state that the property should be managed for historic preservation purposes and to the Secretary of Interior's standards. If something were placed on The Green that undermined its historic preservation, the Federal Government would have concerns. She stated that other locations in Delaware in addition to The Green would be included in the National Park.

Mr. Timothy Slavin, Director of the Division of Historical and Cultural Affairs for the State of Delaware, advised members that a part of his position was to manage 41 historic sites for the State and that three (3) of these sites (New Castle Court House located in Old New Castle, The Green in New Castle, and the Sheriff's House in New Castle) were actively under consideration for inclusion in the National Monument. He assured members that New Castle was also going through the same processes, title searches, environmental assessment, and determination of easement language. Mr. Slavin indicated that the language included in the easement was very familiar to his office, explaining that his office manages approximately 60 easements, both in-bound and out-bound, on behalf of the State. At its highest level, he stated that the easement would request that the City of Dover place the strongest possible preservation measures on The Green. It would indicate that the City would maintain The Green for public use and that any preservation measures done would follow the Secretary of Interior's standards, which are already being followed. He stated that monument status would promote marketing, explaining that there is a huge cachet in having a site attached to the NPS. He relayed his full support for the City to move forward with this action.

Council President Leary read points for the potential motion, suggested by staff, regarding the national monument designation for The Green, as follows: 1) the historic preservation easement would only encompass the lawn area of The Green (area inside roads); 2) a public hearing would be set for Monday, January 28, 2013 to consider public testimony before final action is taken by City Council; 3) notice regarding the public hearing would be sent to all adjacent property owners within 200 feet of the easement area; 4) staff would be authorized to immediately begin work on a title search; 5) staff would be authorized to immediately begin work on the preparation of the historic preservation easement in conjunction with the State of Delaware and Attorney General's Office to prepare an easement; and 6) staff would be authorized to immediately begin working, with the City's consultant, on the Phase 1 Environmental Assessment (estimated cost $2,500).

Mr. Anderson advised members that during the Committee meeting, there were several individuals who provided valuable insight, including Mrs. Anne Reigle. It was his feeling that members of Council could not truly make a decision without hearing some of the testimony, considering that the minutes had not yet been made available for members to review.

Mr. Anderson moved to suspend the rules to allow Mrs. Anne Reigle three (3) minutes to bring testimony to City Council, seconded by Mr. Hare and carried by a unanimous roll call vote (Lynn and Bonar absent).

Mrs. Anne Reigle, 208 Grouse Trail, Wyoming, Delaware, advised members that she owns a property on The Green that has been owned by her family for many years (with her grandmother actually having been born in the house). When discussing The Green, she felt that it was necessary to discuss what surrounds The Green. Although staff's recommendation was to schedule a public hearing regarding this issue at a later date, she relayed opposition to members taking any other action, particularly appropriating money, prior to that time, since it would leave the impression that the City would be moving forward with the idea. She stated that the objections of the property owners were not due to economics but concerns regarding the mandates that would be made by the Federal Government, such as dictating what colors would be permitted when owners paint their buildings. She stated that the property owners have a philosophical concern about giving control over to the Federal Government to something that the City of Dover had been handling well. Ms. Reigle also felt that there was a lot more control being requested than had been relayed to members, noting that there was discussion during the Committee meeting regarding a reversion, explaining that if the City did not abide by the federal rules, the property would actually revert to the federal government. She did not feel that the City would have the ability to include specific exceptions for parades and festivals and that the City would be required to abide by federal park rules. She urged members to consider the owners of property located around The Green, explaining that the concept would not work unless the property owners were taken into consideration. She felt that two (2) weeks was not enough notice to schedule a public hearing and requested that members provide a courtesy and extend the time to allow property owners the opportunity to contact their insurance companies, hire counsel if so desired, review the maps and documents, etc.

Mr. Perza indicated that he was attempting to balance the "once in a life opportunity" versus the ability for the City to withdraw if it were determined that it would not be in the best interest of the City. He felt that the City had done a good job of maintaining The Green and its historic integrity for the past 300 years and that the Federal Government's help in this regard was not necessary. However, he felt that if the Federal Government were willing to market The Green, this would enhance local tourism and benefit the City, particularly in the current economic climate. Mr. Perza reiterated his reluctance to approve staff's recommendation without the ability to withdraw and without seeing the "fine print." In considering staff's recommendation, he suggested that the City include the ability to withdraw by February 25, 2013, which should provide the property owners the opportunity to review all documents.

Mr. Perza moved for approval of staff's recommendation to proceed with the application with the stipulation that the City of Dover reserved the right to terminate or withdraw the application by February 25, 2013 in the event that the City found the terms of the easement and/or historic preservation document package objectionable. The motion was seconded by Mrs. Williams.

At the request of Council President Leary, Mr. Perza confirmed that staff's recommendation referred to in the motion was inclusive of the six (6) points presented. He stated that this would also include the assumption that the documents would have been in the City's possession before January 28, 2013 prior to the public hearing.

Responding to Mr. Perza, City Solicitor Rodriguez felt that January 28, 2013 was a realistic date for the title search to be complete.

Prior to the public hearing, Mrs. Williams requested that staff reach out and partner with the surrounding property owners of The Green so that the issues could be considered simultaneously. Responding, Mrs. Townshend assured members that the property owners would be contacted as requested.

Mr. Hare moved to suspend the rules to allow Ms. Ross the opportunity to bring additional testimony to City Council, seconded by Mrs. Williams and carried by a unanimous roll call vote (Lynn and Bonar absent).

Ms. Ross noted that if the President decided to act before February 25, 2013, it would be too late to withdraw since the action would have to be taken prior to that date. However, she indicated her feeling that the concerns of members could be resolved by January 28, 2013.

Responding to Mr. Perza, Ms. Ross suggested that members determine if more time would be necessary during their meeting of January 28, 2013. She felt confident that the material from the Federal Government should be provided within the next couple of days.

Mr. Anderson stated that although he was skeptical, he would support staff's recommendations at this time to allow the City to keep their options open. He relayed concern that if the City chose not to participate, tourism could be lost to New Castle County.

The motion to approve staff's recommendations for the designation of The Green as a national monument, as follows: 1) the historic preservation easement would only encompass the lawn area of The Green (area inside roads); 2) a public hearing would be set for Monday, January 28, 2013 to consider public testimony before final action is taken by City Council; 3) notice regarding the public hearing would be sent to all adjacent property owners within 200 feet of the easement area; 4) staff would be authorized to immediately begin work on a title search; 5) staff would be authorized to immediately begin work on the preparation of the historic preservation easement in conjunction with the State of Delaware and Attorney General's Office; and 6) staff would be authorized to immediately begin working with the City's consultant on the Phase 1 Environmental Assessment (estimated cost $2,500); and with the stipulation that the City of Dover reserves the right to terminate or withdraw the application by February 25, 2013 in the event that the City finds the terms of the easement and/or historic preservation document package objectionable; and that staff organize a community meeting in advance of January 28, 2013, was carried by a unanimous roll call vote (Bonar and Lynn absent).

Mayor Carey thanked Ms. Ross and Mrs. Waters for taking their time to meet with the City regarding this issue and recognized the attendance of those representatives of Senator Carper's Office including Ms. Lori James, Mr. Larry Windley, and Ms. Laura Haynes.

By unanimous consent, Council accepted the Parks, Recreation, and Community Enhancement Committee Report.

Councilman Lynn returned to the Chambers.

MONTHLY REPORTS - NOVEMBER 2012

By motion of Mr. Hutchison, seconded by Mr. Dixon, the following monthly reports were accepted by consent agenda:

Budget
City Assessor
City Manager
City Planner
Dover Fire Department
Economic Development Office

ANNUAL REPORT OF THE DOWNTOWN DOVER PARTNERSHIP

Mr. William Neaton, Director of the Downtown Dover Partnership (DDP), submitted the Annual Report of the Downtown Dover Partnership and reviewed highlights of the report.

Mr. Gregg Moore, President of the Board of Directors for the DDP, reviewed a presentation entitled Downtown Dover Partnership - City Council Update ***(Exhibit #3)***. He noted that almost all improvements related to the Loockerman Way Project had been completed with the exception of the lighting (which was expected to be received soon) and landscaping. He noted that the funds needed for the Winter Wonderland, which included Santa's House, were obtained through contributions and that no DDP funds were expended. Referring to the North Street Project, Mr. Moore indicated that all utilities had been buried, the sidewalks and cartway had been installed, striping was completed, and the roadway opened.

Mr. Moore advised members that the money invested in the building at 22-24 Loockerman Street (cleaning up environmental issues and interior work) and funds that would be invested for improvement to the rear of the property had resulted in obtaining a tenant, the E-Z Pass vendor that the Delaware Department of Transportation (DelDOT) was currently seeking. He announced that he had received the actual written notice from DelDOT indicating their intention for the Delaware E-Z Pass Customer Service Center and Violations Processing Center to be located at 22-24 and to make the front of the building be the public access location for E-Z Pass for paying bills, purchasing transponders, reporting issues, etc., which would result in approximately 40 people per day walking in and out of the building from Loockerman Street.

Mr. Moore also advised members that the DDP was awaiting results of a transportation enhancement grant to continue the North Street Project, explaining that DelDOT was running behind in their scheduling; however, he felt confident that the DDP would receive the requested grant monies. He stated that the DDP was working with the Police Chief to seek a grant for over $1M from the Wells Fargo Foundation to be used toward making the downtown area a safe and vibrant area. He stated that this grant had been pushed from a January decision to the spring.

Mr. Hutchison relayed appreciation for the leadership, focus, and commitment to the downtown and noted that it had produced very positive results.

Referring to the desire to refinance the Acme site, Mr. Anderson requested that Council be given information in this regard as soon as possible to allow for consideration during the budget review. Responding, Mr. Moore relayed appreciation to City Council for past appropriations and support.

Mr. Anderson moved for acceptance of the Annual Report of the Downtown Dover Partnership, seconded by Mrs. Williams and unanimously carried.

OFFICE OF HIGHWAY SAFETY (OHS) FUNDS APPROVED FOR IN-CAR CAMERAS

Police Chief Hosfelt advised members that the Police Department works with the State of Delaware's Office of Highway Safety (OHS) on a regular basis on numerous extra duty programs that promote public safety. Examples include Driving Under the Influence (DUI) checkpoints, seatbelt checkpoints, checks for underage drinking, and many others. He stated that the two (2) agencies had developed a very positive working relationship over many years of working together. Chief Hosfelt indicated that OHS periodically funds equipment purchases for various local agencies in the State involved with their programs when they have funds available. These purchases are always staffed very informally, so there is minimal paperwork involved (i.e., no formal grant application process). He indicated that the last such process was worked primarily through emails coordinating information and requirements between the agencies.

Chief Hosfelt advised members that in October/November 2012, the OHS indicated they had funds for in-car video systems. As a result, the Dover Police Department worked up their requirements for five (5) units and initiated the purchase of these units totaling $24,985 in early December. Two (2) weeks later, the funding letter came through for 15 units, for a total of $72,000. He stated that the Dover Police Department plans to purchase an additional five (5) units, for a total of $49,970, and return the balance of funds since they do not have the funds needed for the purchase of the peripheral equipment for the additional units from other grant sources.

Chief Hosfelt assured members that the purchase of the in-car cameras would not negatively impact the Department's operating budget since they would be used to replace systems that were currently antiquated and were slated to be replaced in the near future. This replacement cost would normally be included in the Department's budget or paid through another grant source. Also, he stated that any maintenance in the first year would be covered under the maintenance agreement included in the initial purchase.

Staff recommended authorization to proceed with the purchase of an additional five (5) in-car video system units at a cost of $49,970, which would be reimbursed by OHS.

Mrs. Williams moved for approval of staff's recommendation, seconded by Mr. Lynn and carried by a unanimous roll call vote (Bonar absent).

APPOINTMENT RECOMMENDED BY MAYOR CAREY - DOWNTOWN DOVER PARTNERSHIP BOARD OF DIRECTORS - WALLACE R. DIXON

Mayor Carey recommended the appointment of Councilman Wallace R. Dixon to serve on the Downtown Dover Partnership (DDP) Board of Directors for a term to expire May 2013 (to fill the unexpired term of Sophia R. Russell).

By consent agenda, Mr. Hutchison moved for approval of the appointment of Councilman Wallace R. Dixon, as recommended by Mayor Carey. The motion was seconded by Mr. Dixon and carried by a unanimous roll call vote (Bonar absent).

APPOINTMENT OF DELAWARE MUNICIPAL ELECTRIC CORPORATION (DEMEC) DIRECTOR AND ALTERNATE DIRECTOR *(SCOTT D. KOENIG AND DONNA S. MITCHELL)*

Members considered the appointments to the Delaware Municipal Electric Corporation (DEMEC), as follows: Mr. Scott D. Koenig, Director, and Mrs. Donna S. Mitchell, Alternate Director.

By consent agenda, Mr. Hutchison moved for approval of the appointments of Mr. Scott D. Koenig as Director, and Mrs. Donna S. Mitchell, Alternate Director, to the Delaware Municipal Electric Cooperative (DEMEC). The motion was seconded by Mr. Dixon and carried by a unanimous roll call vote (Bonar absent).

COUNCIL MEMBERS ANNOUNCEMENTS

Council President Leary noted that in addition to the public hearing being set for the consideration of The Green as a National Monument for January 28, 2013, staff had provided a tentative date for a workshop regarding this proposal for Wednesday, January 23, 2013 at 5:30 p.m. in the City Hall Conference Room.

In addition, Council President Leary stated that the filing deadline for the April 2013 Municipal Election for the First, Second, Third, Fourth, and At-Large Council seats, with a term of office of four (4) years, would be Friday, February 8, 2013 at 4:30 p.m. He noted that filing petitions were available from the City Clerk's Office or on the City's website at www.cityofdover.com.

Mrs. Townshend invited all bicyclists and pedestrians to attend a meeting Tuesday, January 22, 2013 at 5:00 p.m. in the City Hall Conference Room. The purpose of the meeting would be to help establish the City's Bicycle and Pedestrian Subcommittee, which would report to the Safety Advisory and Transportation Committee.

Mr. Hutchison recognized newly elected Fire Chief West and welcomed him to the Council Chambers.

Mr. Anderson announced that on Wednesday, January 16, 2013, at 5:00 p.m., at the Dover Police Department Public Assembly Room, there would be a hearing on the issue of homelessness and other community housing issues.

Mr. Hare moved to adjourn into the Special Council Meeting - Executive Session, seconded by Mr. Perza and unanimously carried.

Meeting Adjourned at 9:03 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of January 14, 2013, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

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Exhibits
Exhibit #1 - Presentation - Economic Development Strategies for the City of Dover
Exhibit #2 - Map Depicting Area Being Considered for Incorporation in the First State National Historic Monument
Exhibit #3 - Presentation - Downtown Dover Partnership - City Council Update

MAYOR AND COUNCIL

Be It Hereby Known To All That

The Mayor and Council Commend

Richard L. Gardner

for Dedicated Service to the City of Dover

February 1985 - February 2013
28 Years of Service

The Mayor and Council Extend Sincere

Appreciation and Congratulations

Carleton E. Carey, Sr. *Mayor*	*Thomas J. Leary* *Council President*

COUNCIL TRIBUTE NO. 2013-01

A TRIBUTE EXPRESSING SYMPATHY AND CONDOLENCES UPON THE PASSING OF GEORGE J. WEIS.

WHEREAS*, the Mayor and Council of the City of Dover recognize the passing of George J. Weis on January 13, 2013; and*

WHEREAS*, George J. Weis was an active member of his community, serving in many local social, service, and civic organizations, including the Benevolent and Protective Order of the Elks of Dover and the White Oak Civic Association, and impacted the lives of many young people as a Dover Little League coach; and*

WHEREAS*, George J. Weis retired from his position as Warehouse Manager from General Foods after 39 years of dedicated service; was a faithful, longstanding, and committed member of Holy Cross Parish in Dover; and will be deeply missed by his friends, family, and all of those whose lives he has touched.*

NOW, THEREFORE, BE IT RESOLVED *that the Mayor and Council extend their deepest sympathy and condolences to the family and friends of George J. Weis, and hope that they will be consoled by the memories of his life and achievements.*

BE IT FURTHER RESOLVED *that the Mayor and Council direct the City Clerk to place this Tribute in the permanent records of the City of Dover and that a copy of this Tribute be provided to the family of George J. Weis.*

ADOPTED:

Carleton E. Carey, Sr.	*Thomas J. Leary*
Mayor	*Council President*

PROCLAMATION

WHEREAS, *on January 1, 1863, President Abraham Lincoln issued the Emancipation Proclamation, which empowered slaves to fight for freedom and was a pivotal milestone toward the abolition of slavery in the United States; and*

WHEREAS, *a century later, segregation and other forms of discrimination persisted and black Americans were far from achieving the goals of justice and equality under the law; and*

WHEREAS, *on August 28, 1963, hundreds of thousands of Americans of all genders, races, and religions marched in solidarity to the Lincoln Memorial in Washington, D.C. to demonstrate their commitment to the cause of civil and economic rights; and*

WHEREAS, *on this same day, in front of those assembled at the Lincoln Memorial, Dr. Martin Luther King, Jr., delivered his landmark "I Have a Dream" speech, appealing to the conscience of all Americans with words of power that continue to resonate through American life and culture today; and*

WHEREAS, *this year marks two historic anniversaries: the 150th anniversary of the Emancipation Proclamation and the 50th anniversary of the March on Washington, and the Association for the Study of African American Life and History has selected "At the Crossroads of Freedom and Equality: The Emancipation Proclamation and the March on Washington" as the 2013 National Black History Month Theme.*

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE do hereby proclaim February 2013 as

BLACK HISTORY MONTH

in the City of Dover and urge all citizens to study and reflect on the importance of these historic events and to renew their commitment to the goal of racial reconciliation in our community and country.

Carleton E. Carey Sr.

Carleton E. Carey, Sr.
Mayor

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee Meeting was held on January 14, 2013, at 12:00 p.m. with Mr. Anderson presiding in the absence of Chairman Bonar. Members present were Mr. Dixon and Mrs. Horsey. Mr. Lewis was absent. Councilman Perza and Mayor Carey were also present.

AGENDA ADDITIONS/DELETIONS

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

Consideration of The Green as a National Monument

Mayor Carey introduced Ms. Molly Ross, Special Assistant to the Director, National Park Service (NPS), Ms. Brenda Waters from the National Park Service, and former City Councilman Timothy Slavin, Director of the Division of Historic and Cultural Affairs (DHCA), State of Delaware.

Ms. Molly Ross advised members that Senator Thomas Carper and the Delaware congressional delegation were attempting to establish a national park in Delaware and that Senator Carper had been engaged in this effort for approximately 10 years. He introduced legislation in the last few Congresses to establish the First State National Historical Park, which would incorporate a number of areas in each of Delaware's three (3) counties; however, this legislation had not been enacted thus far. Ms. Ross explained that there are two (2) methods whereby an area can become part of the National Park system: 1) if Congress enacts legislation to make it a national historic park; or 2) if the President acts under the authority of the Antiquities Act of 1906 to designate it as a national monument. Ms. Ross stated that regardless of which approach is used, the area would be managed as a unit of the National Park system under the laws used to govern all such parks and the designation as a park or monument would not make much difference.

She explained that the National Park System is composed of 398 nationally significant areas of the country, most of which are historic units. The National Park Service (NPS) was created to help manage these units in 1916. In 1906, Congress passed the Antiquities Act, which delegated some of its authority to the President "to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected." Ms. Ross noted that over 125 national monuments have been created by presidents and that in many cases after presidents have protected these areas as national monuments, Congress has subsequently embraced and ratified them, perhaps changing their boundaries or adding authorities. Although most national monuments have been on land the Federal Government already owns, the Antiquities Act also provides authority for the United States to receive donations of non-federal land for this purpose.

Mrs. Ross indicated that since the legislation to designate a site in Delaware has not been moving forward in Congress, many have wanted a national monument to be considered for the sites in Delaware that Senator Carper had focused on. She stated that the Dover Green has been an obvious part of the national historic park proposal. Ms. Ross indicated that a determination was being made whether The Green was owned by the City or State and stressed that obtaining a clear title was necessary before any transactions could be completed. A donation of an interest in the property would have to be made to the Federal Government and this could be done through a historic preservation easement, which would state that the City or the State would continue to own and manage The Green in a manner consistent with the historic preservation goals shared with the Federal Government and the Secretary of the Interior's standards of historic preservation. It would also state that should the City or State fail in management to these standards, the NPS would have the right, but not the obligation, to step in and assure management for historic preservation goals. Ms. Ross believed that the terms of the easement would be consistent with current goals and management of The Green and did not anticipate much change. The Green would be contained within the boundaries of the monument. Ms. Ross indicated that areas being considered for the national monument in Delaware were included on the list prepared by Senator Carper for legislative action; however, she stated that it was very possible, for reasons of timing and management feasibility, that the complete list would not be included in the monument. The areas that have been prioritized because of their importance to the history of Delaware include sites in New Castle (including the Courthouse, The New Castle Green, and the Sheriff's Office), The Green in Dover, and perhaps Old Swede's Church in Wilmington. In addition, interest had been expressed in donating 1,100 acres in the Woodlawn area, northwest of Wilmington, which has ties to early Quaker settlement and William Penn, for inclusion in the proposal. She explained that in order to meet the legal standards and management needs of the monument, the Federal Government was looking for a fee interest in Woodlawn and the Sheriff's House in New Castle. Ms. Ross stated that there would be benefits to the proposed designation in that these historic sites would be listed on the NPS website, local tourism would benefit, designation as a national monument would lead to higher prioritization for NPS funding possibilities, and the NPS would help with historic interpretation. She stated the NPS would look for ways to partner with State or local agencies managing these parks and historic areas, seek efficiencies, and establish cooperative agreements to help with management. She complimented current historic interpretation efforts and stated that NPS would be looking for ways to work with the City.

Ms. Ross emphasized that designation as a national monument under the Antiquities Act was a Presidential authority that is guarded carefully by offices at the Department of Justice and the White House. Requirements are carefully reviewed and it is NPS's responsibility to gather facts and make sure that everything is in order for the President to make a decision. The historic preservation easement must be obtained before the President's action on the proclamation. Ms. Ross stated that the NPS was working with staff on the title for The Green, an environmental site assessment must be performed, and the NPS lawyer must determine the conservation easement language required.

Ms. Laura Haynes, Senior Policy Advisory for Energy and Environment, Senator Thomas Carper's Office, stated that she had been working on the establishment of a national park in Delaware for five (5) years. She stated that the legislation proposed was not "dead" and some movement was made

in the last Congress in that the legislation was moved out of the Senate; however, she stated that it was increasingly difficult for parks bills to be passed by Congress, especially with current budget and gridlock issues. She stated that Senator Carper was looking for all options to move forward and the delegation would continue legislative efforts, even if monument status were attained, since the few parks that were being approved by Congress were those that had been previously designated as national monuments. She confirmed that it would make no difference for the Dover Green if the goal was accomplished through legislation or by designation by the President as a monument. She indicated that the historical easement option was included in the proposed legislation as well. Ms. Haynes stated that the timeline for negotiations regarding the project was being moved forward and the proposed legislation would "give the green light" for the administrator to enter negotiations to acquire the site; however, acquiring monument status would require completion of the negotiations before the historic site could be designated. She advised members that these steps must be taken regardless of the approach used. She noted that Senator Carper was trying to get as many properties as possible on the list into the monument and that there was a fairly high confidence level that this could be done for the Dover Green with the Committee's assistance.

Ms. Ross expressed her appreciation to Senator Carper and the Delaware congressional delegation for their work toward this effort. She confirmed that the President's action, if it occurs, would not preclude the park legislation. Ms. Ross advised members that there was a current "window of opportunity" lending itself to a possible Presidential action since the Conservation Fund had come forward with a donor who committed over $20M to purchase the historically significant Woodlawn property. The Conservation Fund indicated that they cannot hold property long and were focused on getting it into the hands of organizations that can protect, preserve, and manage it properly, which has put pressure on all involved to take action quickly. She stated that the NPS felt that this property would tie in very nicely with sites like the Dover Green and New Castle sites in telling nationally significant historic stories in Delaware.

Mr. Scott Koenig, City Manager, stated that this matter was scheduled for consideration by Council later that evening. Of concern was the fact that ownership of The Green was undetermined. He explained that the City Solicitor indicated that there may not be a deed for the property because it was laid out before that type of instrument existed. Mr. Koenig stated his belief that the property was owned by either the State or the City and that the attorneys could address this issue. He explained that if the project were recommended to Council and if Council approved it, an environmental assessment would also be required. He felt that there would be associated legal and environmental expenses which, at this point, would be charged to the City Manager's budget since this project was not anticipated at the beginning of the year. He expressed his hope that if Council endorsed the project, their action would revert the matter back to staff to work with the NPS to achieve monument status.

Mr. Anderson stated his concerns about the possible effects on private property surrounding The Green, the City's ability to control and manage The Green, and the possible budgetary impact. He questioned the need for a deadline that caused the placement of this item on the agenda of the City Council meeting scheduled for later in the evening.

Ms. Ross stated that there was no firm date regarding the President's schedule; however, there was time pressure to get the land transactions accomplished by February 15, 2013 when the Conservation Fund would consider how much longer it could hold the Woodlawn property. Those who have worked on this package in Senator Carper's Office and in the Executive Branch believe that the entire package is quite compelling; therefore, consideration must be given to the portion that is on the shortest time fuse (Woodlawn). She added that the conveyance of the historic preservation easement would not take place until a decision was made to go forward with a national monument, and she anticipated that this would occur very close to the day that a Presidential Proclamation would be issued. She stated that before that time it would be necessary for all documents to be prepared (possibly put in escrow) so that they would be available to record.

Ms. Haynes stated that Senator Carper was working with federal administration and the Congressional delegation and saw a very small window of opportunity for Delaware to get into the National Park System. She stated the project may go forward and if the City was not willing to participate, the City may be moved out of monument status and would have to wait for a national park to be established, which may not occur for many years. Ms. Haynes noted that the Secretary of the Interior was a strong advocate of the project and was currently speaking to the President regarding this matter; however, it was believed that the Secretary may vacate his position in the near future. She explained that due to term turnovers in government, it has been necessary to re-educate NPS staff regarding the project, and the current staff was working very hard to move it forward. Ms. Haynes stated that the strongest proposal for the President included the Woodlawn property with the other historical sites, including the Dover Green. She indicated that the Conservation Fund is a small organization that could not hold onto the Woodlawn property much longer (possibly until mid-February) due to liability concerns.

Ms. Anne Reigle, resident of Wyoming, Delaware, stated that she did not feel that reasons had been presented for the Federal Government to take control of The Green, which was laid out before the City of Dover was laid out and the Federal Government was established. She felt that residents of the City of Dover and Delaware already recognized the historical significance of The Green. Ms. Reigle stated that the City of Dover had worked very hard to preserve the buildings and the integrity of The Green and she did not feel that the Federal Government could contribute anything else. She expressed her opinion that it would not be a good idea to sign over control to allow the government to give the City guidelines and "step in and take over" if those guidelines were not followed.

Ms. Haynes stated that, as author of the legislation submitted, she felt the Federal Government would have an "interest" in the property by virtue of a historical easement rather than "control." She advised members that the Dover Green has been part of the park concept since a resource study was performed in 2008 and earlier; therefore, this is not a brand new idea.

Ms. Ross noted that Delaware is the only state that does not have any national parks or monuments and that the project would bring attention to this area. The Green would still be owned and managed by those who currently do so, and an easement would be deeded to the Federal Government to ensure that the property is preserved for posterity and its story is told. She reiterated the advantages

including a higher prioritization for funding and partnership in interpretation and consulting on historic preservation. If the monument is created, an approximate three (3) year management planning process would take place, including consultation with the City and the public. As to whether it would affect residents along The Green or events there, she expressed her opinion that as long as the historic property was not being impaired or destroyed, there should be no problem with those activities.

Mr. John Garey, 48 The Green, concurred with Ms. Reigle's comments, feeling that local entities do a great job holding City events and preserving the historical accuracy of The Green. He stated that he has been an owner on The Green for five (5) years and questioned why those in attendance were just learning about the project, stating that he did not know about it until this morning. He stated he had not heard anything that he would consider a big benefit to moving forward. Mr. Garey stated that it had not been specified how help would be provided from the NPS and how more people would be brought to the area, noting that he did not feel that placing The Green on the National Park Service website was "a big deal." He stated that he had not heard how the project would impact his property and, as a landowner and a taxpayer, felt that it was not prudent to rush this issue. Mr. Garey noted that he already had to come to the City anytime he wished to do something to the exterior of his building, including the placement of signs, painting, etc., and did not wish to have to go to the Secretary of the Interior, Ken Salazar, for permission to make these types of changes.

Ms. Ross stated that since Mr. Garey's property would not be within the boundaries of the National Monument, this would not be required. Mr. Garey stated that he did not know the impact on property adjacent to a national park or monument.

Ms. Ross advised members that the boundary of the easement being sought would not include the residents around The Green and that it would not impact what was being done today. She stated that well-proven, well-documented, economic studies have shown that typically every $1 spent by the NPS in these areas results in $4 to the local community since parks are usually tourism and economic generators for communities.

Ms. Haynes reiterated that Senator Carper has been interested in a national park in Delaware because of the economic benefits that it could bring to the State. She noted that local taxpayer funds are going toward the NPS, and every state in the nation besides Delaware is benefitting from this since Delaware is the only state without a national park. She indicated that every other state is receiving at least $1M for their national park and some are receiving $15M-$30M. Acknowledging that a national park in Delaware could not compete with parks such as the Grand Canyon or Great Smoky Mountains, Ms. Haynes noted that Rhode Island has a very small national park and is receiving over $2M in economic benefits from tourism. She stated that this was why Senator Carper believed that there should be a national park in Delaware, in addition to the need to preserve Delaware history and tell its story to the rest of the nation.

Mr. Garey stated he felt it unlikely that there would be an increase in visitors touring The Green even if it were made a national park and stated that a great job is currently being done in bringing people to the Dover community to see the Delaware Public Archives and locations of interest. He did not see how putting The Green on the website would change this significantly.

Ms. Reigle stated that she was a "big fan" of the national parks and that rangers do a great job. She felt that national parks typically encompass sites like battlefields or forests, rather than a "little pad of green" in the middle of an area that is used for commercial businesses, courts, and residences. She stated that she would love for Delaware to have a national park and suggested that Fort Delaware or Woodlawn would lend themselves to such a use. She did not feel that The Green, surrounded by the Dover community, could be labeled a national monument without some consequence to the community, noting that it was not even known who owned the property. Ms. Reigle stated that the City of Dover had maintained this property for years. She did not feel that the assistance of the Federal Government was needed and that the site could be managed better by local people who are committed. She stated that her family owns property on The Green and had worked with the City of Dover to renovate it by putting expensive copper piping on the side of it. She urged members not to pass this matter on to City Council and to reject or at least table it for a significant period of time so that the rest of the community would have an opportunity to come forward.

Mrs. Horsey stated her understanding that the City of Dover was considering eliminating the Historic District Commission and possibly the Historic District. *(City Clerk's Office Note: The Role and Scope of the Historic District Commission was scheduled for consideration at the Legislative, Finance, and Administration Committee Meeting scheduled for later in the day)* and suggested that help may be needed from the Federal Government, such as that being proposed, if the City was even remotely thinking of doing away with its own standards and guidelines.

Responding to Mrs. Horsey, Ms. Ross stated that although she had walked the property, she had not looked at maps of the land being considered. She stated her understanding that the proposal was focused on The Green and that the NPS would make sure that everyone's rights of way would be protected and public access would be provided. Although she did not have the details, she reassured members that there would be real estate documents with maps attached and that parties would have to come to agreement to define the precise interests.

Ms. Haynes stated that NPS visited Dover in 2008 and performed a related natural resource study in Dover and a public hearing was held at that time. Public comment did not include concerns with regard to incorporating the Dover Green in the National Park System. She explained that a significant number of public meetings had been held in addition to hearings in Congress and the information had been on Senator Carper's website for quite some time.

Mr. Perza questioned when the City, State, or Federal Government would meet with property owners who are impacted to review a map of the proposed plan. He stated that no one had seen the boundaries of the plan or knew if private property would be impacted versus the two (2) islands of grass. He felt that many people have questions, such as if there are insurance needs, who would set standards on the preservation guidelines, and whether the parking situation would be involved. He

felt that a question and answer session would be helpful with presentation of a map and information on the impact of the project. He felt there was a perception that this matter was being "sprung" on the public, although he stated he could appreciate the deadline involved.

Ms. Ross stated that the national monument option is not used often and is usually for extraordinary circumstances, historically when Congress has been unable to act regarding very worthy projects. She stated that the NPS had been waiting to see whether the last Congress would support and enact the legislation, but this did not occur. She felt it logical that people would want to understand the impact on their lives. She stated that NPS staff and individuals in the various locations were working on related documents. She stated her understanding was that the focus was on telling the story of how the Constitution was ratified in Dover and this involved "the grass"; however, she stated that maps were not available at this time.

Mr. Perza indicated that he felt that a decision should not be made until the relevant documents were read and an understanding was obtained about how the project would impact Dover. He acknowledged that it may be a good idea but wanted an understanding of what would be voted on and the details.

Mr. Slavin stated that the Division of Historical and Cultural Affairs (DHCA) has a significant presence on The Green since it owns property at 21 The Green, as well as the Old State House, and offers public programming through the John Bell House located there. He noted that the DHCA also owns and manages 41 historic properties on behalf of the State, at least three (3) of which are included in the first iteration of the proposed national monument, one (1) of which is the New Castle Green where similar questions were being asked. He advised members that the New Castle Green is also surrounded by private property owners; however, it was the understanding in New Castle that the interest in the easement was only on the land of The Green itself and would not convey to the streets, the sidewalk across the street, or any properties surrounding The Green. Mr. Slavin noted that he was in the business of historic preservation and bringing people to cultural attractions and felt the proposed project was a wonderful thing for the historic preservation of The Green which would solidify, acknowledge, and place in perpetuity all of the efforts that the City had made in the past to preserve it. He stated that the DHCA manages approximately 60 easements across the State to ensure that unforeseen events do not occur. In terms of cultural attraction, he agreed that a phenomenal job is done locally to attract people to these sites and they are doing a wonderful job of interpretation; however, he felt that "more is always better" and that having the cachet of being part of the NPS and the marketing that takes place through them would be a significant boost to current efforts. He understood the issues being raised about timing and the content of the language in the easement which referred to baseline documentation, including maps, that was not provided, and hoped those questions would be answered. Mr. Slavin stated that the same need for documentation was being expressed in reviewing the language proposed for the New Castle Green.

Responding to Mr. Anderson, Mr. Koenig stated that no information had been mailed to individual property owners in the area but the meeting agenda had been posted as required.

Ms. Haynes stated that it has been the understanding of Senator Carper's Office from the NPS that only The Green would be included, not homes or streets. She stated that the Park Service had drafted a map of the site because the Dover Green has been in the legislation for a significant amount of time.

Ms. Reigle expressed her opinion that The Green had no value without its surroundings; therefore property owners would be affected. She felt that property owners should have a say and that they should be given notice.

Mr. Slavin stated that the local jurisdiction of the City would never be relinquished through the easement and the City would always determine the use of land surrounding The Green.

Mr. Anderson felt that it would be appropriate to notify those within 200 feet from the area and expressed his concern that this had not been done.

Mr. Garey inquired what type of entry the easement would grant onto the property. Responding, Ms. Ross explained that the terms of the easement would say that the City or State would continue to own and manage the land but shall manage it to preserve the historic nature of the property to the standards for historic preservation that are set by the Secretary of Interior. She stated that such easements are common tools to make sure that "a 7-Eleven is not put in the middle of The Green."

Mr. Anderson stated that the easement included terms that would prevent any buildings or structures from being built on the property and require that it be kept approximately as it is.

Responding to Ms. Reigle regarding the discussions that would be taking place later in the day concerning the City's Historic District Commission, Mr. Anderson stated his belief that there was a possibility that the functions of the Historic District Commission could revert to the Planning Commission but that commitment to historic preservation would not end.

Ms. Ross advised members that a decision must be made since the establishment of a First State National Monument was likely to occur on a "fast track." She stated her availability to attend future sessions on this issue and that NPS staff would discuss the matter with City staff and review maps, etc. She indicated that there would be a management planning process to ensure that this would be accomplished in a way that was "smart", that the City was supportive of, and that was consistent with the community. Ms. Ross stated it would be likely that uniformed NPS park rangers would be seen in the area and grants and funding for historic preservation efforts from the Federal Government would be placed higher in the queue for federal funding. She apologized that some of those present were just learning about this project. She explained that the NPS had been asked by Congress previously to do a special resource study to determine whether Delaware had resources that merit national park status. Many public hearings were held and the study was completed at the end of 2008 and sent to Congress in 2009 and, on the basis of those public hearings and that study, the delegation from Delaware introduced the legislation under Senator Carper's leadership. She indicated that approximately 12 hearings and meetings associated with the legislation had been conducted.

Mr. Anderson stated that some of those present were uncomfortable with the matter going forward to Council without maps attached and inquired if it would be possible to have them submitted for inclusion for Council's consideration later in the evening. Ms. Ross offered to contact the NPS Lands Office to inquire about the status and would check on legislative maps as well.

Ms. Haynes noted that Senator Carper sees this project as an economic benefit to the area to provide assistance to the good work that was being done locally and did not anticipate a change other than perhaps the availability of additional money from the Federal Government, additional tourism, and rangers in the area. She felt this would be an economic benefit to the City of Dover and, for this reason, the delegation and the Government have been supportive. She offered to return as many times as possible to answer questions if needed.

Mr. Dixon stated that he was troubled that property owners in the area had not been notified of the project. He felt that the project sounded positive; however, he expressed concern about pushing through something that everyone had not had an opportunity to think and voice their opinions about.

Mr. Anderson moved to recommend that the matter be referred to Council with a recommendation that a public hearing be held and the surrounding property owners be notified. The motion was seconded by Mrs. Horsey.

Mr. Koenig stated that if the recommendation were to hold a public hearing, he was unsure if this would fit into the timeline. He felt that the requirement to hold a public hearing might prevent the City from participating in this specific application. Mr. Koenig felt that the only way to participate in this proposal would be through a favorable vote by Council later in the evening, noting that an easement must be drafted and an environmental study must be performed.

Mr. Anderson stated that there might be future opportunities in this regard.

Ms. Haynes stated that this project may never be accomplished through legislation and this may be the City's only chance to participate in the project and receive the economic benefits that the community had previously indicated that they wanted to enjoy. She suggested a public meeting and perhaps an emergency Council meeting. She noted that a public meeting was held two (2) years ago on this issue and that she attended and presented information regarding the Dover Green.

Responding to Ms. Reigle, Mr. Anderson stated that all interested parties, whether in favor or opposed, should attend the Council Meeting scheduled later in the evening.

As noted earlier, due to time constraints this item was scheduled for consideration by City Council later in the evening.

On a call for the question, the motion that the matter be referred to Council with a recommendation that a public hearing be held and the surrounding property owners be notified was unanimously carried.

Update - CDBG Program

Mrs. Tracey Harvey, Planner I, reviewed the Status of FY-12 Community Development Block Grant (CDBG) Projects. In reference to the Homeownership Assistance Program, she advised members that three (3) closings were scheduled for January 31, 2013, two (2) through the Neighborhood Stabilization Program (NSP) and one (1) through CDBG and she expressed her thanks to the Committee for approving the reallocation of funds to the homeownership programs, noting that this funding had already been reallocated for future use.

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

Meeting Adjourned at 1:26 P.M.

David L. Anderson
Acting Chairman

DLA/JS/mk/dd/tm
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UTILITY COMMITTEE

The Utility Committee Meeting was held on January 14, 2013 at 5:00 p.m. with Councilwoman Williams presiding in the absence of Chairman Bonar. Members present were Mr. Perza, Mr. Blakeman, and Mr. Snaman. Members of Council present were Mr. Dixon, Mr. Hutchison, and Council President Leary. Mayor Carey was also present (arrived at 5:03 p.m.).

AGENDA ADDITIONS/DELETIONS

Mr. Snaman moved for approval of the agenda as presented, seconded by Mr. Blakeman and unanimously carried.

Request for Alley Abandonment (paper) - 971 and 975 Forest Street

A request dated November 21, 2012 was received from Mr. Tolano D. Anderson for the abandonment of the unimproved alley located approximately 150 feet north of the intersection of Forest Street and Carver Road. He indicated that the alley condition, as well as an inability to safely utilize the space, creates a significant hardship. It was noted that Mr. Anderson owns all real property abutting the alley and he requested that the alley be conveyed to 971 and 975 Forest Street.

Staff confirmed that the alley is unimproved and is considered to be a "paper" alley. Committee members were provided a map of the area. It was also reported that no public utility easements would be required. Records indicate that all abutting parcels are owned by Faithwork LLC. In light of the information provided, staff had no objection to the abandonment of the subject alley and recommended conveyance of the same to the parcels represented by 971 and 975 Forest Street with conveyance in proportions complimentary to the existing lot widths of those parcels. It was noted that 983 Forest Street appears to utilize the unimproved alley for access. Since this parcel is also owned by Faithwork LLC, staff recommended that the owner establish cross access easements between 971, 975 and 983 Forest Street at the time of conveyance.

Staff recommended abandonment of the subject alley with conveyance to 971 and 975 Forest Street currently owned by Faithwork LLC.

Mr. Perza moved to recommend approval of staff's recommendation, seconded by Mr. Blakeman and unanimously carried. ***[City Clerk's Note: In accordance with the City's Procedure for Alley Abandonments, a Resolution setting a Public Hearing (Attachment #1) will be presented to Council for consideration for adoption.]***

TEA/NAES Report (October)

The TEA/NAES Monthly Report for October 2012 was provided to members to enable them to monitor 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.

Mr. Blakeman moved to recommend acceptance of the TEA/NAES Monthly Report for October 2012, seconded by Mr. Perza and unanimously carried.

Update - Garrison Oak Technology Park Project

Mr. Scott Koenig, City Manager, stated that progress was being made on the Garrison Oak Technology Park Project. Since the last update, he stated that the City had authorized cleaning of the tax ditch that runs through the middle of the property, which is expected to be completed by the Kent Conservation District in advance of the full construction of the improvements associated with the Garrison Oak Technology Park. He stated that in recent weeks, staff had met several times with representatives of Calpine to discuss the status of each of the milestone issues related to the project.

Mr. Koenig stated that the City is near final submissions for the Kent Conservation District stormwater approval, as well as the final re-submissions of the subdivision plan for the Park. He advised members that Becker Morgan was working individually with Calpine to finish site plan applications, which are expected within the next few weeks for final review and approval. He stated that late last year, the City issued design contracts for the 1.5 million gallon water tower, as well as a new sanitary sewer pump station, both to be located at the Garrison Oak Technology Park. Both of the design periods were coming to an end; therefore, final drawings on the design packages were expected in the near future and the projects would then be let out to bid. Mr. Koenig advised members of a draft document from Calpine including milestones established for the project which indicated that Calpine would like to pull a building permit around March 1, 2013. Staff was attempting to assure that the City's construction schedule matches the milestones provided by Calpine.

Mr. Koenig anticipated that Calpine's air permit would be issued within the week. He noted that Calpine was working diligently with the Federal Energy Regulatory Commission (FERC) and the natural gas company to assure that the natural gas line would be extended from Cheswold. Calpine was also working with several independent property owners for the feeder line (referred to as the radial line) from the energy center to the 230kV tie since they were intending to cross private property. Mr. Koenig stated that to his knowledge, discussions between LS Power and Calpine are ongoing; however, Calpine was confident that they are nearing conclusion of those discussions. He noted that LS Power had filed a suit against the City of Dover Planning Commission related to construction dust and potential water plume coming off the energy center. He stated that, according to Calpine, these issues were being resolved and noted that LS Power had also indicated to him that there were ongoing discussions with Calpine to resolve the issues.

Responding to Mrs. Williams, Mr. Koenig stated that energy must be produced to the grid by June 2015 for the first unit (309 megawatts) and that there was a possibility of testing in January 2015. He stated that the City had not continued further discussions regarding a purchase power agreement. He anticipated those discussions to occur in the next 90-180 days.

Mr. Hutchison suggested that staff keep in mind what has happened between LS Power and Calpine in the future when the City begins negotiations with other vendors.

Mr. Koenig indicated that staff had been meeting with the Division of Natural Resources and Environmental Control (DNREC) regarding the City's water allocation permit and that a letter had been received from DNREC indicating that the City is no longer a part of the regional Delaware River Basin Commission (DRBC) docket and that the City's allocation permits were managed by DNREC rather than the DRBC. He advised members that this is a positive for the City, noting that the City had been working for the last two (2) to three (3) years with DNREC to get all water allocation permits in line with how the City's facilities are producing. Mr. Koenig stated that this would be important when discussions begin for managing water resources related to the Garrison Energy Center and all water utilities. He advised members that, based on engineering analysis, there was a need for the City to make improvements to the water system; however, he assured members that there was enough water to supply Unit 1, or Block 1, of the Garrison Energy Center. If Unit 2 becomes activated, he stated that the City would need to develop additional water resources to ensure safe operating factors necessary to run the system with two (2) units running full blast on the hottest day of the year if a four (4) hour fire was underway. Mr. Koenig indicated that there were several conditions to be met on the engineering side.

Responding to Mr. Hutchison, Mr. Koenig stated that upon issuance of the air permit, the next step for the City would be to conduct a final review of the site plan. He indicated that he would need to determine if the City could issue a building permit while there was an outstanding issue with LS Power, noting that he would prefer the LS Power issue to be resolved before any further action was taken in this regard.

Mr. Blakeman moved for adjournment, seconded by Mr. Snaman and unanimously carried

Meeting Adjourned at 5:10 P.M.

Beverly C. Williams
Acting Chairwoman

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Attachment
Attachment #1 - Resolution Setting Public Hearing - Alley Abandonment - 971 and 975 Forest Street

City of Dover

MAYOR AND COUNCIL

DRAFT PROPOSED COUNCIL RESOLUTION NO. 2013-02

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 abandoning of the following alley:

Adjacent to 971 Forest Street (ED-05-076.07-01-62.00)
Being all that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an unimproved public alley running east to west, lying on the northerly side of and running parallel to Forest Street, said portion of alley beginning at a point identified as the northeast corner of parcel No. ED-05-076.07-01-62.00; thence running North 85 degrees 00 minutes 00 seconds West 100 feet along the southerly line of a 15' wide alley to the northwest corner of parcel No. ED-05-076.07-01-62.00; thence running perpendicular across said 15' wide alley to a point in the northwest line of a 15' wide alley; thence running South 85 degrees 00 minutes 00 seconds East 100 feet along the northerly line of a 15' wide alley to a point at the corner of parcel No. ED-05-076.07-01-61.00; thence running 15 feet along the easterly boundary of the 15' wide alley to the point and place of beginning and containing 0.0344 acres (1,500 square feet) of land be the same more or less.

Adjacent to 975 Forest Street (ED-05-076.07-01-37.00)
Being all that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an unimproved public alley running east to west, lying on the northerly side of and running parallel to Forest Street, said portion of alley beginning at a point identified as the northwest corner of parcel No. ED-05-076.07-01-37.00; thence running South 85 degrees 00 minutes 00 seconds East 50 feet along the south line of a 15' wide alley to the northwest corner of parcel No. ED-05-076.07-01-62.00; thence running perpendicular across said 15’ wide alley to a point in the northeast line of a 15' wide alley; thence running North 85 degrees 00 minutes 00 seconds West 50 feet along the northerly line of a 15' wide alley to a point at the corner of parcel No. ED-05-076.07-01-36.00; thence running 15 feet along the western boundary of the 15' wide alley to the point and place of beginning and containing 0.0172 acres (750 square feet) of land be the same more or less.

Section 2. The Council of the City of Dover will sit on Monday, February 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).

Draft

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: *

S:\RESOLUTIONS & PROCLAMATIONS\2013\Draft\2013-02 Resolution Setting Public Hearing-Alley Abandonment-971 and 975 Forest Street.wpd

CARLETON E. CAREY, SR.	THOMAS J. LEARY
MAYOR	COUNCIL PRESIDENT

Actions History:
January 28, 2013 - Introduced at City Council
January 14, 2013 - Considered by the Utility Committee

Draft

Alley Adjacent to 971 & 975 Forest Street
Proposed Alley Abandonment



0 45 90 180 Feet

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Date Printed: January 7, 2013
File: m:\gis_data\projects/tech_mxds
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Department: Public Works GIS
City of Dover, Delaware

Legend

- Overhead Electric Pole
- Underground Electric Lines
- Overhead Electric Lines
- Water Main
- Hydrant Line
- Hydrants
- Manholes
- Sewer Line
- Right of Way to be Abandoned
- Dover Parcels

LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on January 14, 2013, at 5:30 p.m. with Chairman Lynn presiding. Members present were Mr. Anderson, Mr. Hare, Mr. Rushe, and Mr. Shevock. Members of Council present were Council President Leary, Mr. Dixon, Mrs. Williams, and Mr. Hutchison (departed at 6:37 p.m. and returned at 6:39 p.m.). Mayor Carey (departed at 6:53 p.m.) was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Shevock moved for approval of the agenda as presented, seconded by Mr. Hare and unanimously carried.

Draft Comprehensive Annual Financial Report (CAFR) - Fiscal Year Ended June 30, 2012

In accordance with Section 46 of the City Charter, the City's financial books are audited by independent auditors each year. Mrs. Donna Mitchell, Controller/Treasurer, submitted the Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended June 30, 2012 and reviewed key points of the Report. It was noted that all financial transactions were audited by S.B. & Company, LLC. She introduced Mr. William Seymour, Auditor with S.B. & Company, whose opinion was included in the report. However, she noted that the auditor had not completed the management letter since they were continuing to work on the federal grant audit and report on internal control and that Mr. Seymour would provide a presentation in this regard upon completion.

Referring to Page 37 of the report, Mrs. Mitchell noted that the amount of unrestricted total net Assets was -$6,759,433, which was the result of the non-current liabilities due in more than one (1) year, including the liability for medical benefits totaling $11,179,542. She advised members that the Balance Sheet, as reflected on Page 39, depicted totals without the long-term liabilities and long-term assets and showed an unassigned fund balance of $3,007,963 (considered spendable sources). She indicated that these were the reported amounts that members were familiar with from working through the budget process. On Page 41 of the Report, Mrs. Mitchell stated that the deferred revenue, in the amount of -$582,144, was the result of the City having to reclassify prior year revenues that had not yet been collected (aged receivables) and to reduce the fund balance for financial report presentation purposes, and explained that this would not be reported as such for budgetary purposes. She reminded members that ordinances were adopted recently that put "teeth" into some of the collections; therefore, she believed this amount would change in the future.

In response to Mr. Hutchison, Mrs. Mitchell confirmed that staff did not submit any mid-year review budget adjustments; therefore, everything was required to remain as originally budgeted until the end of the fiscal year. This was due to timing and staffing issues. She felt that when staff presents this year's budget review, any significant changes would be included.

Mr. Hare moved to recommend acceptance of the draft Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2012, seconded by Mr. Anderson and unanimously carried.

Proposed Ordinance Amendment - Ordinance #2013-01 - Amending Appendix B - Zoning, Article 3 - District Regulations, Section 22 - Airport Environs Overlay Zone (AEOZ)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that, in 2001, the City of Dover adopted the Airport Environs Overlay Zone (AEOZ) based upon the maps and text provided by the DAFB in their Air Installation Compatible Use Zone (AICUZ) study to ensure that development of lands surrounding the Dover Air Force Base (DAFB), specifically within the zones identified by the Air Force as the Noise Zones, Clear Zone, and Accident Potential Zones, proceeds in a manner that protects the public health, safety, and welfare, as well as the viability of the DAFB. She explained that the overlay zone works in conjunction with the underlying zoning district of each property to ensure that development in these areas is compatible with the noise and other aspects of DAFB flight paths.

Mrs. Townshend advised members that the DAFB released an updated AICUZ study in 2010 which included revised noise contours. She stated that staff used the updated information for the proposed amendments to the text of the Zoning Ordinance relating to the AEOZ. Mrs. Townshend noted that the proposed changes were primarily housekeeping changes and were directly related to the AICUZ study provided by the DAFB.

Members reviewed Proposed Ordinance #2013-01 amending Appendix B - Zoning, Article 3 - District Regulations, Section 22 - Airport Environs Overlay Zone (AEOZ). Mrs. Townshend advised members that a recommendation for adoption would necessitate a Comprehensive Rezoning of the area, which would be presented at the conclusion of this item.

Staff recommended adoption of Proposed Ordinance #2013-01.

Responding to Mr. Shevock, Mrs. Townshend assured members that staff worked with the DAFB Community Planner in developing the proposed amendments and have received their approval.

Mr. Hare moved to recommend adoption of Proposed Ordinance #2013-01, seconded by Mr. Rushe and unanimously carried.

Proposed Ordinance Amendments - Ordinance #2013-02 - Amending the Zoning Ordinance and Zoning Map of the City of Dover by Changing the Boundary of the Airport Environs Overlay Zone (AEOZ) in Accordance with the 2010 Air Installation Compatible Use Zone (AICUZ) Study Published by the Dover Air Force Base

Mrs. Townshend explained that the recommendation for adoption of Proposed Ordinance #2013-01 would necessitate amendments to the Zoning Map and that adoption of Proposed Ordinance #2013-02 would incorporate the changes to the Air Installation Compatible Use Zone into the Zoning Map as the Airport Environs Overlay Zone (AEOZ). Members were provided Proposed Ordinance #2013-02 amending the Zoning Ordinance and Zoning Map of the City of Dover by changing the boundary of the Airport Environs Overlay Zone (AEOZ) in accordance with the 2010 Air Installation Compatible Use Zone (AICUZ) Study published by the DAFB.

Mrs. Townshend indicated that Proposed Ordinance #2013-02 amending the AEOZ was being processed as a Comprehensive Rezoning *(Appendix B – Zoning, Article 10 – Planning Commission, Section 5 – Amendments, Subsection 5.4)*, since the rezoning was the result of a formal study by the DAFB; therefore, staff sent 685 letters to affected property owners and held a public workshop on November 8, 2012 to answer questions. She advised members that some properties would be removed from the AEOZ Noise Zones as a result of the rezoning while others would remain in the AEOZ Noise Zones; however, the boundary locations on their properties would change. She noted that no changes to the Accident Potential Zones or Clear Zone were proposed. Mrs. Townshend referred to a map depicting those parcels that would be removed from the Noise Zones ***(Attachment #1)***. She noted that the map indicates that the Noise Zones are shrinking and the Accident Potential Zone and Clear Zone remained the same.

Staff recommended adoption of Proposed Ordinance #2013-02.

Mr. Hare moved to recommend adoption of Proposed Ordinance #2013-02, seconded by Mr. Shevock and unanimously carried.

Proposed Ordinance Amendments - Ordinance #2013-03 - Amending Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings

Being aware that vacant buildings detract from community appearance, provide locations for nuisance behaviors, and consume City staff time in responding to complaints or checking to ensure that vacant buildings are kept secure, Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that in 2006, City Council adopted the Vacant Building Ordinance to reduce the community nuisance caused by vacant buildings. In addition to requiring the registration of vacant buildings and requiring that owners of vacant buildings pay a registration fee, the ordinance also tasked the City with inspecting vacant buildings to ensure that they are maintained and secured. Mrs. Townshend advised members that a number of vacant buildings in the City had become locations of arson due to owners not keeping them properly secured. In addition, she stated that the problems caused by vacant buildings had been exacerbated by the economic downturn.

Members reviewed Proposed Ordinance #2013-03 amending Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings. Mrs. Townshend advised members that the proposed amendments were primarily housekeeping amendments that would contribute to clarity and ease of administration. In addition to the proposed housekeeping provisions, she indicated that the amendments included increased registration fees for vacant non-residential buildings greater than or equal to 10,000 SF. Mrs. Townshend explained that the current fee schedule failed to provide a disincentive to vacancy, particularly for many of the large commercial box buildings. She advised members that the Planning and Inspections Department currently devotes one (1) full-time inspector to monitoring, inspecting, and working with property owners on vacant buildings. So far in Fiscal Year 2013, $27,500 had been collected in vacant building fees.

Staff recommended adoption of Proposed Ordinance #2013-03.

Responding to Mr. Anderson in reference to Line 52 of the proposed ordinance, which would shorten the time allowed before providing the City building inspector access to vacant buildings from 90 to 30 days, Mrs. Townshend explained that after waiting 90 days, particularly in foreclosure scenarios, the properties may already be a nuisance to the neighbors. As an example, she stated that on several occasions, although a property may have been vacant for 90 days, because utilities were not disconnected and payment was being made for several of those days, staff could only document that it had been vacant for 30 days. In these instances, although neighbors may have been submitting property complaints, staff could not require registration or take any action in this regard.

Concurring with Mr. Anderson, Mrs. Townshend stated that information regarding vacant buildings could be forwarded to the Economic Development Office, noting that the City has several incentives for vacant commercial buildings, such as tax abatement for buildings over 20,000 SF, permit and impact fee waivers, and tax abatement for buildings over 5,000 SF for the value of the renovations.

Mr. Hare relayed his concerns with subjecting responsible property owners (those who maintain their properties and list them for sale with a realtor) to the same increase in registration fees as those owners that do not take the necessary steps to maintain vacant properties. He questioned the possibility of penalizing only those property owners who create problems.

Responding to Mr. Hare's concerns, Mr. Lynn noted that when a property owner takes responsibility to maintain vacant property, is actively marketing it, and has it listed with a realtor, there is an exemption from the registration fee. Mrs. Townshend noted that the current ordinance allows for such an exemption for three (3) years and suggested the possibility of extending this time limit due to the current economy. However, she cautioned members that even if a property is listed for sale, a property owner may have no intention of selling. Elaborating, Mr. Lynn stated that although there may be a for sale sign, the property may not be listed at a reasonable market price and the property owner may be claiming losses on income tax returns, leaving the City with buildings that are eyesores.

In response to Mr. Hutchison, Mrs. Townshend stated that there were approximately 350 vacant buildings in the City.

Mr. Lynn stated that the purpose of the proposed amendments was not to hurt those property owners who were actively trying to market properties for fair market value but rather address the large and growing problem of empty buildings that are not being marketed and are eyesores and safety concerns.

Referring to the concerns of Mr. Hare, as questioned by Mr. Shevock, Mrs. Townshend stated that she would rather extend the period of time for exemption than put staff in the position of having to determine which properties are well maintained. She suggested extending the time period for the exemption to five (5) years.

Mr. Philip McGinnis, 555 E. Loockerman Street, stated that he serves as the Chairman of Kent County Association of Realtors Public Policy Committee and read comments regarding the proposed ordinance ***(Attachment #2).***

Mr. Anderson moved to suspend the rules to allow Mr. McGinnis an additional two (2) minutes for remarks, seconded by Mr. Rushe and carried by a vote of four (4) yes (Anderson, Hare, Rushe, and Shevock) and one (1) no (Lynn).

Responding to Mr. Anderson, Mrs. Townshend stated that the inclusion of a commercial unit within a building in the definition of a vacant building was specified in Line 22 of the proposed ordinance. In talking with Mr. McGinnis, she stated that replacing "commercial unit within a building" with "structure" would resolve his concerns. It was her opinion that by making that change, a building such as Value City would continue to be viewed as a separate building, but a building where the upstairs is occupied and the downstairs is unoccupied (or vice versa) would not.

Based on the discussion, Mr. Lynn suggested that a workshop be held to allow staff the opportunity to work with the community regarding possible amendments to the proposed ordinance.

Mr. Hare moved to recommend that Proposed Ordinance #2013-03 be referred back to staff to allow them to hold a workshop to develop amendments for consideration and that staff be instructed to include residential properties. The motion was seconded by Mr. Anderson and unanimously carried.

Proposed Ordinance Amendments - Ordinance #2013-04 - Amending Chapter 22 -Buildings and Building Regulations, Article X - Rental Dwellings

Members were provided Proposed Ordinance #2013-04 amending Chapter 22 - Building and Building Regulations, Article X - Rental Dwellings to create a Crime Free Housing Program.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the Department of Planning and Inspections had been working cooperatively with the Police Department to address problem rental properties. She explained that the Community Policing Unit works with apartment complexes to implement a crime free multi-housing program, which includes a seminar for complex managers and a lease addendum. The program has been successful in helping apartment complex managers address criminal/nuisance behavior of tenants and guests. In working with the Police Department, she stated that the Department of Planning and Inspections was looking to expand this program to all rental property owners and managers and require participation in the program as part of the Rental Dwelling code requirements.

Mrs. Townshend explained that the proposed ordinance would require landlords to participate in a crime-free housing program, including participation in a crime-free housing seminar offered by the Dover Police Department, and the use of a crime-free housing addendum to leases. In addition, she stated that the proposed ordinance would allow for prorating rental permit fees for permits purchased after the beginning of the permit year.

Staff recommended adoption of Proposed Ordinance #2013-04.

Mrs. Townshend advised members that, at the request of Mr. Anderson, staff drafted amendments for the Committee's consideration. She stated that Proposed Amendment #1 ***(Attachment #3)*** would allow landlords to opt out of the crime-free housing requirement by paying a per dwelling surcharge on rental permits; Proposed Amendment #2 ***(Attachment #4)*** would exempt licensed real estate agents from the requirement to attend the crime-free housing seminar, unless their rental permit was suspended for failure to enforce the crime-free housing lease provisions; and Proposed Amendment #3 ***(Attachment #5)*** would not include use or possession of illegal drugs as a violation of the crime-free housing lease addendum.

In response to Mr. Shevock regarding instances when a landlord would not be available to attend the required seminar, Mrs. Townshend suggested further discussion with the Police Department for possible solutions, such as the creation of an online class.

Mr. Hare relayed his concerns with creating requirements for excellent landlords who have never caused problems in order to address issues created by other landlords. He suggested developing requirements specifically for the problematic landlords instead of penalizing those that have done everything the City has required. Responding, Mrs. Townshend explained the difficulty in differentiating between "good" and "bad" landlords. She reminded members that it was only a two (2) hour seminar and not onerous. In addition, she reminded members that those who wish to drive a boat are required to take a boater safety course so as not to be a nuisance to others on the water.

Responding to Mr. Anderson, Mrs. Townshend confirmed that, currently, out-of-town (absentee) landlords are required to have a local agent. An out-of-town landlord would have the option of hiring a real estate agent to take care of the property and set up the lease in accordance with the provisions, or could attend the seminar, or have a relative or local agent attend on their behalf. She also confirmed that if the tenant were a relative or someone who the landlord did not have to worry about with regard to crime-free housing, they could simply pay the extra $50.

In reviewing the proposed ordinance, Mr. Rushe stated that it did not include a good definition of criminal activity. He noted that Amendment #3 would not include use or possession of illegal drugs as a violation of the crime-free housing lease addendum and questioned why certain illegal activities would not be a violation and others would. Responding, Mrs. Townshend stated that the City Solicitor had reviewed the proposed ordinance only and not the amendments. In addition, she stated that the Police Department's Lease Addendum used with their Crime Free Multi-Housing Program was upheld in court; therefore, staff would utilize the template used by the Police Department.

Mr. Rushe questioned how oral leases would be handled since there is no requirement under Delaware Law that a lease be in writing. Responding, Mrs. Townshend stated that the City of Dover does not allow utility service to be established without a lease. Noting that there are landlords who keep utilities in their names, she stated that the City would require the Lease Addendum to be on file; therefore, in those instances where there is an oral lease, the City would need the Lease Addendum.

Council President Leary reminded members that the original intent of the proposed ordinance was not to address "nuisances" but rather activities that are dangerous, such as neighborhood terrorism, etc. He suggested that everyone keep focused on this original intent during their deliberations.

At the request of Mr. Anderson, Master Corporal Bernat assured members that the purpose of the Crime-Free Housing Ordinance was not to burden realtors or penalize owners of rental properties. He stated that the program would be kept short and made as convenient as possible, with the purpose of providing education. He explained that landlords of some of the problem houses were not familiar with the landlord/tenant law, which has been problematic when they want to deal with problems but do not know what to do. The seminar would educate landlords to allow them to be more responsible. In addition, he indicated that eviction is the last level of action to be taken; however, the possibility of eviction can be a motivator for both the owner and tenant. MCpl. Bernat stated that many times renters do not have an investment in the neighborhood so they continue with dangerous activities. Although it was not the intent to evict individuals, he stated that it was not desired that residents who were living lawfully and are credible citizens leave as a result of those causing problems.

In response to Mr. Anderson, MCpl. Bernat confirmed that the Multi Crime-Free Housing Program has been used for a decade and utilizes the same Lease Addendum that had been upheld in court and was legal. He advised members that this program had been a success for both the management of multi-housing and the community.

Mr. Lynn noted the receipt of correspondence from Ms. Maureen Bauer dated January 10, 2013 ***(Attachment #6)***.

Ms. Maureen Bauer, 22 Kent Circle, indicated that when she moved into The Hamlet over ten (10) years ago, it was a nice place to live. She enjoyed going outside, visiting neighbors, taking dogs for walks, etc. She indicated that this was not the case anymore due to a few nuisance rental properties where, although the landlords are notified of certain activities, they do not take any action to resolve the issues. She stated that there was no recourse other than calling the police every time something occurs. She advised members that she lives in fear and that there have been good, upstanding residents that have moved due to these nuisance properties.

Mr. Phillip McGinnis, 555 E. Loockerman Street, stated that he serves as the Chairman of Kent County Association of Realtors Public Policy Committee and read comments regarding the proposed ordinance ***(Attachment #7).*** He stated no objections to the proposed ordinance as long as licensed real estate agents and professional property managers were exempt, explaining that these individuals are educated to serve as professional property managers, are trained to include lease clauses that follow the statute regarding criminal activities, and are aware that the landlord/tenant code is required for residential dwelling units whether they are oral or written leases, etc. As licensed real estate agents and professional property managers, he stated that they are better trained since this is their business and he noted that the lease amendment that they currently use may be better than the one proposed.

Responding, Mr. Lynn suggested that Mr. McGinnis provide staff with a copy of the lease amendment utilized by the professional property managers for possible improvements to the proposed lease addendum.

In response to Mr. Shevock, Mrs. Townshend stated that the current proposed ordinance would require both the owner and agent to take the required seminar and suggested that staff be provided an opportunity to make amendments prior to the First Reading.

Mr. Hare stated that he would support the proposed amendments if those landlords or property owners that have not had any problems could take the seminar online and those handling properties where there have been complaints and/or violations be required to attend the seminar in person. Responding, Mrs. Townshend felt confident that an online seminar could be made available. She noted that there are over 3,000 rental permits; therefore, staff would need to roll out the startup of the program and she assured members that if there were any concerns, staff would report back to members for their review and consideration in resolving the issues.

Mr. Rushe reiterated his concerns that the proposed ordinance includes what is not criminal activity but not necessarily what criminal activity is. If it included just an arrest and eviction proceedings were begun, he questioned how the tenant could defend himself/herself without violating their 5th Amendment Right while awaiting trial. Responding, Mrs. Townshend stated that the City Solicitor indicated that the proposed ordinance should refer to convictions. She assured members that the proposed ordinance could be amended to clarify that criminal activity would apply to those who have been "convicted of any crime."

Council President Leary relayed concerns that members were losing track of the bigger issue, explaining that if there were multiple calls for disturbance of the peace, etc., at the same address, he felt this would be enough to start eviction proceedings. It was his opinion that the purpose of the proposed ordinance amendment was to address the peace and security of neighborhoods and that courtroom convictions were something completely different.

Concurring with Council President Leary, Chief James Hosfelt, Dover Police Department, advised members that it could be years before a courtroom conviction is issued, explaining that it is not uncommon for a drug case to drag on for one-and-a-half years, which would result in having an ordinance where no action could be taken for that period of time.

Mr. Anderson noted that 26 complaints were called in to the Police Department regarding a problem residence referred to previously.

Mr. Rushe moved to recommend that Proposed Ordinance #2013-04 be referred back to staff to allow them the opportunity to make amendments in accordance with the Committee's discussion, seconded by Mr. Shevock.

Mr. Anderson stated objections to delaying action, explaining that he had experienced such problems personally and observed what it does to a neighborhood when there is wide-scale illegal activities and nothing can be done to resolve the problems. Having had a problem property next to his residence, he advised members that it took two (2) years before any action was taken to rectify the problem and two (2) additional years for the neighborhood to restore itself to a point where the children could play outside safely, his wife could walk safely at night, etc. He observed this residence as a "crack house" with people going in and out during all hours, illegal weapons, etc. As a result, he stated that there were burglaries in the area and the home became a hub for theft and selling stolen property. Mr. Anderson felt that it was time for action to be taken and that staff could make additional amendments to be presented in a couple of weeks.

Concurring, Mr. Lynn reminded members that this proposed ordinance follows gang hearings, discussions about adding additional police officers, etc., and was a part of a comprehensive plan to get serious and tough on crime in Dover. He also felt that staff could make revisions to the proposed amendments and that further discussion could take place during the Council meeting.

Mr. Rushe moved to amend the motion to specify that the additional amendments made by staff be presented to Council for their consideration of Proposed Ordinance #2013-04.

Mr. Rushe moved to recommend that Proposed Ordinance #2013-04 be forwarded to City Council for their review and consideration without a recommendation by the Committee, seconded by Mr. Shevock and unanimously carried.

Discussion - Role and Scope of the Historic District Commission and the Historic District

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that, in recent months, there have been a number of discussions about the role of Dover's Historic District and, in particular, the Historic District Commission. She stated that some members of the community have faulted the Historic District Commission with adding roadblocks to projects that would support downtown redevelopment or creating impediments to economic development and growth, while others see the Historic District Commission as important caretakers of our City's rich history. Many of the discussions about the Historic District Commission's role had taken place in informal venues among property owners, business owners, elected officials, and other stakeholders in the community. She indicated that the discussions had not, in recent years, taken place as a public deliberation, bringing together stakeholders on all sides of the issue to develop a common ground solution that would support economic growth while preserving the City's historic character.

Given the various concerns that had been shared by a number of stakeholders, staff recommended that the Planning Office hold a public workshop (more than one (1) if necessary) by the end of February 2013 to discuss the role and scope of the Historic District and the Historic District Commission and that staff report back to the Legislative, Finance and Administration Committee in March 2013 with clear recommendations on whether and how the role and scope of the Historic District and/or the Historic District Commission should be modified.

In response to Mrs. Williams with regard to any effect the recommendation could have related to (preservation/conservation) grant monies, Mrs. Townshend stated that, to her knowledge, staff's recommendation would have no effect regarding grants; however, if the City were to eliminate the Historic District, she stated that there could be potential consequences. She assured members that definitives regarding this matter would be researched by staff. She reminded members that the City had been working toward becoming a certified local government and having the Historic District Commission was a part of that certification.

Mr. Larry Josefowski, 323 S. State Street, advised members that he serves as President of the Friends of Old Dover and he submitted and read portions of the letter into the record, as follows:

> *"It is interesting to hear some of the discussion regarding the role of the Historic District Commission, and by extension the Historic District, being discussed in economic terms. It is important to talk about the Commission, the district, and the guidelines that govern the Historic District because by weakening the process of one – the proposed elimination of the Historic District Commission-the importance of our Historic District Guidelines is decreased.*
>
> *It is a statement of convenience to place the perceived economic faults of Downtown Dover towards the Historic District Commission, and by extension, the Guidelines themselves. Historic structures that have been demolished or significantly altered promote the loss of character that enrich the lives of people today. Part of the story of Dover – a story stretching back 330 years- is missing. Have there been economic benefits of these actions?*
>
> *A strong historic character is not an impediment to economic development...it can be just the opposite, a strong draw for tourism, and a perfect partner for businesses, museums, colleges, schools, and government. We are doing a better job of promoting our historic area, and keeping an aesthetically cohesive historic district, and the appropriate oversight, makes economic sense.*
>
> *Having a separate Commission helps to guarantee the process is followed...and that helps to ensure better design. There is a greater sense of relatedness, more innovative use of materials, and greater public appeal within historic districts than in areas without historic designations.*
>
> *Our historic districts provide a very real educational benefit. The preservation helps our current generations, as well as generations to come, the very story of Dover, as the architecture and structure provide the best possible record of ourselves and our communities.*

And, perhaps most importantly, it is the main characteristic of the City of Dover. Try to visualize, if you will, Dover without The Green....or try to imagine a copy of the Real Estate newsletter Open Door or the weekly house listings in the Post or the State News without a single mention of homes being in or near "Historic Dover."

The Friends of Old Dover urges the city to not only continue the protection of the Historic District by retaining the Historic District Commission to oversee the Guidelines that have stood us well over the years, but to strengthen the process by recognizing the value that this process has brought the city. There may be problems with Dover, but removing the oversight in the interest of expediency is not the solution."

At the request of Mr. Josefowski, eight (8) individuals in attendance indicated their support of the statement read into the record.

Mr. Lynn urged those interested in this matter to attend and participate in the workshop.

Ms. Terry Graham, 211 Delaware Street in New Castle, stated that she serves as Executive Director of Preservation Delaware. She read a statement from *"Preservation Politics - Keeping Historic Districts Vital,"* by Bill Schmickle, as follows: *"A community that cares for its past by districting, is a community dedicated to being responsible for its future. A Historic District says - here is a place to invest a life, raise a family, grow a business, retire in security."* Ms. Graham stated that Preservation Delaware is committed to assisting the City of Dover by serving as a resource, participating in the workshop, etc. She stated that the members of Preservation Delaware take their charge to provide continuing education and outreach for Delaware's nine (9) Historic District Commission very seriously.

Due to time constraints, Mr. Lynn indicated that no more public testimony could be made at this time and apologized to those who signed up to speak.

Mr. Anderson moved to recommend approval of staff's recommendation that the Planning Office hold a public workshop (more than one (1) if necessary) by the end of February 2013 to discuss the role and scope of the Historic District and the Historic District Commission; and that staff report back to the Legislative, Finance and Administration Committee during their first meeting in March 2013 (March 11, 2013) with clear recommendations on whether and how the role and scope of the Historic District and/or the Historic District Commission should be modified. The motion was seconded by Mr. Shevock and unanimously carried.

By unanimous consent, the meeting adjourned at 7:04 p.m.

Sean M. Lynn
Chairman

SML/tm/jg/js/mk
S:\AGENDAS-MINUTES-PACKETS\Committee-Minutes\2013\01-14-2013 LF&A REVISED.wpd

Attachments

Attachment #1 - Map of Properties to be Removed from the AEOZ Noise Zones
Attachment #2 - Comments of Mr. Phillip McGinnis - Chairman of Kent County Association of Realtors Public Policy Committee
Attachment #3 - Proposed Amendment #1 to Proposed Ordinance #2013-04
Attachment #4 - Proposed Amendment #2 to Proposed Ordinance #2013-04
Attachment #5 - Proposed Amendment #3 to Proposed Ordinance #2013-04
Attachment #6 - Correspondence Received from Ms. Maureen Bauer dated January 10, 2013
Attachment #7 - Comments of Mr. Phillip McGinnis - Chairman of Kent County Association of Realtors Public Policy Committee

Parcels to be removed from AEOZ

DRAFT

ATTACHMENT #1

LF&A Committee Meeting of 01/14/2013

Legend

- Zoning
- SWPOZ Tier 2
- SWPOZ Tier 1
- SWPOZ Excellent Recharge Areas
- Parcels to be removed from AEOZ
- APZ I
- APZ II
- CZ

Proposed Noise Zones

- A ContourLine65
- B ContourLine70
- C ContourLine75
- D ContourLine80
- Dover Parcels

Map Created by: Planning Office
Date Map Printed: 10-24-12
File Path:

DRAFT

0 500 1,000 2,000 3,000 4,000 Feet

N

COMMENTS FOR CITY OF DOVER

KENT COUNTY ASSOCIATION OF REALTORS®

(1) VACANT BUILDING ORDINANCE

THE KENT COUNTY ASSOCIATION OF REALTORS® SUPPORTS THE CITY'S EFFORTS IN ATTEMPTING TO FIND A SOLUTION TO THE VACANT BUILDING PROBLEM THAT PERSISTS THROUGHOUT OUR CURRENT ECONOMIC STRUGGLES. IT IS IMPORTANT TO NOTE THAT THE LAST SENTENCE IN PARAGRAPH #1 OF THE "BACKGROUND AND ANALYSIS" SECTION OF THE PROPOSAL IS THE FUNDAMENTAL PROBLEM, "THE PROBLEMS CAUSED BY VACANT BUILDINGS HAVE BEEN EXACERBATED BY THE ECONOMIC DOWNTOWN." HOWEVER, WE WOULD SUGGEST WORDING THE SENTENCE AS, "THE ECONOMIC DOWNTURN HAS EXACERBATED PROBLEMS WITH VACANT BUILDINGS."

WE WORKED VERY HARD WITH BILL NEATON AND THE ECONOMIC DEVELOPMENT OFFICE AND THE PREVIOUS CITY MANAGER TO DEVELOP A PACKAGE OF INCENTIVES TO STIMULATE THE USE OF OUR HUGE INVENTORY OF VACANT BUILDINGS THROUGHOUT THE CITY, AND INCREASING THE FEES FOR REGISTRY AS VACANT BUILDINGS WOULD APPEAR TO IGNORE, AND IN FACT, CONTRADICT THAT WORK.

WE ASSURE YOU THAT NO PROPERTY OWNER PREFERS HIS OR HER PROPERTY TO REMAIN VACANT FOR ANY REASON. NO PROPERTY OWNER PRICES HIS OR HER PROPERTY SO HIGH AS TO PROMOTE VACANCY. THE FAILURE OF THIS ECONOMY TO PRODUCE JOBS IS THE FAILURE IN THE LOCAL REAL ESTATE MARKET.

ALL PROPERTIES, VACANT OR OCCUPIED, ARE PAYING PROPERTY TAXES, WHICH ENTITLE THESE PROPERTIES TO POLICE PROTECTION.

ALL OWNERS OF VACANT PROPERTIES, ESPECIALLY OF BUILDINGS EXCEEDING 10,000 SQUARE FEET, HAVE INCENTIVE TO SECURE THEIR PROPERTIES FROM VANDALISM. I

RECOGNIZE THAT SOME PROPERTIES ARE NOT AS TIGHTLY MANAGED AS OTHERS, BUT THERE IS NO INCENTIVE FOR A PROPERTY OWNER TO ALLOW HIS OR HER PROPERTY TO FALL INTO UNRECOVERABLE DISREPAIR.

SPECIFICALLY TO THE ORDINANCE, WE WOULD LIKE AN OPPORTUNITY TO REVIEW THE CODE REQUIREMENTS REFERRED TO ON LINE 39 IN SUBPARAGRAPH B. CERTAINLY VACANT BUILDINGS ARE BEING SECURED, ABSENT VANDALISM, BY PROPERTY INSURANCE REQUIREMENTS. OBVIOUSLY SECURING VACANT BUILDINGS IS IMPORTANT, PROVIDED THE CODE REQUIREMENTS DO NOT CREATE IMPOSSIBLE OR UNREALISTIC GOALS. SOMETIMES THE METHODS TO SECURE BUILDINGS MAY CAUSE MORE HARM IN CREATING A BLIGHTED APPEARANCE.

WE DO NOT BELIEVE THAT TRIGGER DATES FOR VACANT BUILDING FEES ARE A CAUSE FOR ARGUMENT UNTIL THE ARGUMENT DEVELOPS THAT WE WOULD NEED ANOTHER STAFF PERSON TO TRACK ALL OF THE VARIOUS DATES ON WHICH THE VACANT BUILDING FEES ARE DUE. THE CURRENT SYSTEM CALLS FOR MARCH 31 FOR ALL SUCH REGISTRIES; YET THE PROPOSAL BEFORE US WOULD HAVE SUCH ANNIVERSARY DATES OCCUR ALL THROUGHOUT THE YEAR, WHICH SEEMS MUCH MORE CUMBERSOME TO US.

THE BULK OF OUR OBJECTION TO THIS ORDINANCE LIES ON LINE 110 AND SUBPARAGRAPH B OF SECTION 22 – 405. WE APPRECIATE THAT PROPERTIES BEING MARKETED THROUGH REAL ESTATE BROKERAGES WOULD BE EXEMPT FOR A PERIOD OF THREE YEARS. WE AGREE THAT PROOF OF EFFORT TO OBTAIN TENANTS FOR THESE PROPERTIES LIES IN BROKERAGE AGREEMENTS. HOWEVER, THE INVENTORY OF VACANT SPACE IN THIS CITY EXCEEDS A THREE – YEAR ABSORPTION PERIOD.

WE WOULD HOPE THAT YOU WOULD SIMPLY EXEMPT FROM FEE ANY PROPERTY BEING MARKETED FOR SALE OR LEASE THROUGH A CITY LICENSE - PAYING REAL ESTATE

BROKER, AND CHALK UP THE FORGIVEN FEES TO ECONOMIC STIMULUS. YOU ARE, AFTER ALL, COLLECTING THE PROPERTY TAXES.

ALTERNATIVELY, HAVING GRANTED A THREE – YEAR EXEMPTION, ALLOW FOR A RENEWED THREE – YEAR EXEMPTION BEFORE THE FEE STARTS. WE ALL HOPE THE ECONOMY REBOUNDS BY THEN.

AND REGARDLESS OF ANY DECISION MADE ON EXEMPTION TIMING, SUBPARAGRAPH B ON LINE 110 SHOULD START WITH, QUOTE, BEGINNING AT THE ENACTMENT DATE OF THIS ORDINANCE, END QUOTE, THE FOLLOWING PROPERTIES SHALL BE REGISTERED AS VACANT, AND SO FORTH AND SO ON.

FINALLY, WHILE WE BELIEVE THAT THE CITY TAX ASSESSOR, WHO IS BELOVED FAR AND WIDE EVEN BEYOND THE BORDERS OF THE CITY OF DOVER, IS TYPICALLY HIGH IN HER ESTIMATES OF THE ASSESSED VALUES THROUGHOUT THE CITY, WE BELIEVE AN APPEAL OF THE 25 PERCENT RULE SHOULD NOT REQUIRE A COMPLETE APPRAISAL, BUT RATHER A MARKET ANALYSIS SHOWING THE OWNER'S ESTIMATE OF THE MARKET RENT, UNLESS A COMPLETE APPRAISAL WOULD CULMINATE IN AN UPDATED ASSESSMENT FOR PROPERTY TAXES.

THANK YOU LADIES AND GENTLEMEN, FOR THE OPPORTUNITY TO ADDRESS THESE IMPORTANT ISSUES WITH YOU THIS EVENING. ON BEHALF OF THE KENT COUNTY ASSOCIATION OF REALTORS®, I WILL SUBMIT THESE COMMENTS IN WRITING FOR THE RECORD.

COMMENTS FOR CITY OF DOVER

KENT COUNTY ASSOCIATION OF REALTORS®

(1a) DEFINITION OF VACANT BUILDING

THE KENT COUNTY ASSOCIATION OF REALTORS® SUPPORTS THE CITY'S EFFORTS IN BUILDING AND MAINTAINING THE STRONGEST AND SAFEST COMMUNITY POSSIBLE. WE ARE PROUD TO CONTRIBUTE TO THE CITY OF DOVER'S EFFORTS TO THIS GOAL BY PARTNERING WHEREVER WE CAN WITH THE CITY OF DOVER.

KCAR HOWEVER HAS IDENTIFIED A PROBLEM WITH THE CITY OF DOVER VACANT BUILDING ORDINANCE, HOWEVER, WHICH IS SPECIFICALLY THE DEFINITION OF VACANT BUILDING, WHICH HAS BECOME IN OUR OPINION A PROBLEM WHICH NEEDS BE MANAGED IMMEDIATELY, ESPECIALLY CONSIDERING THE DISCUSSION CONCERNING CHANGES TO THE VACANT BUILDING ORDINANCE WE HAVE BEFORE US TONIGHT.

IT SEEMS THAT IF ANY PORTION OF A BUILDING IN THE CITY OF DOVER BECOMES VACANT, THEN THE ENTIRE BUILDING MUST BE REGISTERED ON THE VACANT BUILDING LIST. THIS MUST SURELY BE AN INTERPRETATION PROBLEM AND LIMITATION WITH THE EXISTING DEFINITION.

SPECIFICALLY, I HAVE A LISTING ON SOUTH STATE STREET WHICH IS OCCUPIED ON THE SECOND AND THIRD FLOOR, BUT VACANT ON THE FIRST FLOOR. THIS BUILDING IS NOT VACANT, IT IS OCCUPIED, ALBEIT PARTIALLY, BUT THIS BUILDING IS *NOT VACANT*. SO WHEN THE OWNER RECEIVES A LETTER FROM THE CITY INSPECTIONS DEPARTMENT INFORMING HIM TO REGISTER FOR THE VACANT BUILDING LIST, AND INFORMING HIM OF HIS OBLIGATIONS IN TERMS OF PAYING FEES THEREFORE, YOU CAN UNDERSTAND HIS ALARM AND CONCERN.

PERSONALLY, I HAVE VACANCY AT COURTNEY SQUARE SHOPPING CENTER, AND IN FACT HAVE A VACANT OFFICE SUITE IN MY BUILDING AT 555 EAST LOOCKERMAN STREET. I ALSO HAVE A PRETTY STRONG OCCUPANCY RATE AT THESE PROPERTIES. BY DEFINITION, I AM SUPPOSED TO REGISTER THESE PROPERTIES ON THE VACANT BUILDING LIST. I OBJECT TO THAT FOR A NUMBER OF REASONS.

PRIMARILY, THE BUILDINGS ARE OCCUPIED, AND NOT VACANT. I FAIL TO SEE THE PURPOSE OF REQUIRING PROPERTY OWNERS TO REGISTER PARTIALLY OCCUPIED BUILDINGS ON A LIST BECAUSE THERE IS A VACANT UNIT OR VACANT SUITE, UNLESS THE GOAL IS DEVELOP A LONG ENOUGH LIST SO AS TO REQUIRE ANOTHER INSPECTOR TO INSPECT THE LIST.

ACTUALLY, BY MY READING OF THE DEFINITION, A VACANT APARTMENT UNIT IN ANY APARTMENT COMPLEX REQUIRES REGISTRY ON THE VACANT BUILDING LIST.

WE UNDERSTAND BUT ARE OPPOSED TO THE VACANT BUILDING LIST IN THE FIRST PLACE. NO PROPERTY OWNER HAS A GOAL OF VACANT SPACE. VACANT SPACE SIMPLY DOES NOT PAY. WE UNDERSTAND BUT ARE OPPOSED TO YOUR NEED TO KEEP A LIST OF VACANT BUILDINGS, *ENTIRELY* VACANT BUILDINGS, FOR POLICE INSPECTIONS, AND FOR PHYSICAL DETERIORATION, AND FOR WHATEVER OTHER HEALTH AND SAFETY REASON YOU HAVE, HOWEVER, REGISTRATION OF PARTIALLY OCCUPIED BUILDINGS ON A VACANT BUILDING LIST IS AN UNNECESSARY ACT THE LEADS TO UNNECESSARY REGULATION THAT LEADS TO UNNECESSARY WORK THAT LEADS TO UNNECESSARY EXPENSE AT THE INSPECTIONS DEPARTMENT.

I CAN NAME A NUMBER OF OTHER PROPERTIES SUFFERING THE SAME OBSTACLES. I AGAIN POINT OUT THAT, DESPITE THE FACT THERE IS CURRENTLY AN ABUNDANCE OF

VACANT SPACE THROUGHOUT THE CITY OF DOVER, IT IS THE ECONOMY CAUSING THIS PROBLEM, AND NOT THE PROPERTY OWNERS.

I AM STRUGGLING TO UNDERSTAND WHY PEOPLE HAVE TO PAY A FEE TO BE VACANT IN THE FIRST PLACE. IT SEEMS WE ARE ATTEMPTING HERE TO TAX THE POOR. THE PROPERTY OWNER PAYS PROPERTY TAXES, WHICH ENTITLES THAT PROPERTY OWNER TO SOME CITY SERVICES.

I CAN GO ON, AND ON, AND ON, BUT I THINK YOU CAN UNDERSTAND THAT A PARTIALLY OCCUPIED BUILDING IS NOT A VACANT BUILDING, AND SHOULD NOT BE FORCED TO PAY FEE, OR EVEN BE REGISTERED ON A LIST OF VACANT BUILDINGS.

I HOPE WE CAN TAKE THIS OPPORTUNITY TO REVIEW THIS DEFINITION OF VACANT BUILDINGS, AND IF YOU MUST FEE A VACANT BUILDING OWNER, THEN FEE A VACANT BUILDING, AND NOT A PARTIALLY OCCUPIED BUILDING WITH SOME VACANCY THAT HAS PROBABLY RESULTED FROM THE INABILITY OF THE CURRENT ECONOMIC ENVIRONMENT TO PRODUCE ENOUGH BUSINESS EXPANSION TO ABSORB THE VACANT SPACES IN THIS CITY.

CITY OF DOVER
AMENDMENT 1 TO
ORDINANCE #2013-04

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

That Ordinance #2013-04 be amended by inserting the following text between lines 149 and 150:

(d) A landlord may opt out of the crime free lease addendum requirement by submitting the following:

1. ***A letter declining to participate in the crime free housing lease program; and***
2. ***A surcharge as specified in Appendix F: Fees and Fines.***

BE IT FURTHER ORDAINED THAT APPENDIX F: FEES AND FINES BE AMENDED BY ADDING THE FOLLOWING:

Sec. 22-372—Crime free housing lease addendum		
Subsec. (d) 2.	***Surcharge for declining to participate in the crime free housing lease program***	***$50.00 per dwelling unit***

SYNOPSIS

The proposed amendment would allow for landlords to opt out of the crime free housing requirement, and would require a per dwelling surcharge on rental permits for those who opt out.

CITY OF DOVER
AMENDMENT 2 TO
ORDINANCE #2013-04

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

That Ordinance #2013-04 be amended by deleting lines 123 through 128 and inserting the following text in its place:

(a) All persons applying for a rental dwelling permit, and all persons administering, managing or controlling the operation of any rental dwelling unit must attend a crime free housing seminar, administered by the Dover police department, within 12 months of issuance of the permit. Each rental permit holder and each rental property manager must attend a seminar every three years. Documentation shall be submitted to the department of planning and inspections and kept on file within the department.

(b) Persons holding a real estate sales license are exempt from the requirement to attend the crime free housing seminar. If a rental permit held by a person holding a real estate sales license is suspended in accordance with Section 22-373, he shall be required to attend a crime free housing seminar before reinstatement of the suspended rental permit.

SYNOPSIS

The proposed amendment would exempt licensed real estate agents from the requirement to attend the crime free housing seminar, unless their rental permit is suspended for failure to enforce the crime free housing lease provisions.

CITY OF DOVER
AMENDMENT 3 TO
ORDINANCE #2013-04

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

That Ordinance #2013-04 be amended by deleting the words "distribution, use, or possession" on lines 137 and 138 and replacing them with "or distribution".

SYNOPSIS

The proposed amendment would not include use or possession of illegal drugs as a violation of the crime free housing lease addendum.

Maureen Bauer
22 Kent Cir
Dover, DE 19904
January 10, 2013

City Council Members
City of Dover
RE: Ordinance - Rental Permit Program

To Whom It May Concern:

I am writing this letter to voice my support of a city ordinance that will attempt to clamp down on nuisance rental properties through the use of a point system. From my understanding this ordinance will put in place a point system that would assess fees and/or pull rental licenses from landlords that are repeat offenders. A rental ordinance of this nature would help to preserve property values and the quality of neighborhoods.

Landlords often only view their job as profiting from managing property and refuse to acknowledge their responsibility to the community in which they rent properties. Some landlords may see tenant-caused criminal behavior as a police issue. Landlords with these views, do not acknowledge their responsibility, and therefore become enablers that permit the nuisances and the crime.

Rental properties that continue to house nuisance behavior may cause the reputation within a neighborhood to decline. This will in turn lower property values and cause upstanding citizens within the neighborhood to move away. When a neighborhood is on the decline the landlord's ability to collect an appropriate amount of rent may also be affected.

As a resident of The Hamlet I have personal experience with a nuisance rental property that has had far reaching effects within our community. The property I am referring to is 141 Old Forge Drive, Dover DE 19904. The property is owned by Mr. Johnson who resides in New Jersey. Below I will list the offenses by residents of this property:

2-3-12 Javon Pollard arrested for Robbery 1st(4 counts), Conspiracy 2nd(4 counts), Poss Deadly Weapon Dur Comm of a Felony

12-7-2011 Domino's pizza man robbed at gunpoint in the area of 44 Village Dr (The Hamlet).

1-29-2012 at approx. 1930 the robbery and assault of a 26 yr old man occurred at the rear of JW's (The Hamlet).

1-31-2012 at approx. 2240 pizza delivery man robbed at gunpoint and beaten with an aluminum baseball bat after he attempted to deliver an order to 54 Forest Creek Dr (The Hamlet).

Two nights prior a Pizza Hut delivery man was robbed at gunpoint (The Hamlet).

8-23-12 Jonair Pollar arrested for 1st Poss Firearm Dur Comm of a Felony, Poss Firearm By Person Prohibited CCDW Aggravated Menacing Conspiracy 2nd

In addition to the offenses listed above the children that currently reside at this property continue to cause a nuisance. They come and go at all hours, slamming the front door upon leaving and returning. The children argue loudly with their mother while outside. Since it has gotten colder we see less of these children but warm weather will come and they will be outside yet again. They are always loud when playing outside and with other children. The children from 141 Old Forge Drive have no regard for their neighbor's property, walking all over it, and occasionally destroying it.

When these two boys are released we fear they will return to our development (The Hamlet). If this happens we will continue to live with an increased fear that they will resume their previous criminal behavior.

The offenses above have made me feel that I am no longer safe in my neighborhood. My quality of life has decreased as I spend the majority of my time indoors. I no longer feel that my neighborhood is suitable for raising my child. I am certain my property value has decreased as I know the house next door sold for far under its value. One neighbor on Hitching Post and one on Old Forge have moved out due to the nuisance house.

Before this particular family moved into 141 Old Forge Dr the family that lived there prior was a nuisance in a different manner. They did not cut their grass frequently and often left trash in the front yard. This house and its landlord have always created a problem with city inspectors and the police.

Our community feels as though the landlord of 141 Old Forge Dr has no concern for the safety and well-being of the residents of The Hamlet. He is fully aware of the actions of his tenant's children and has taken no steps to remedy this situation or any previous issues.

Residents of The Hamlet attended a meeting at the City of Dover Police Department to discuss the nuisance house. Multiple city officials attended this as well as Deputy Attorney General Dan Logan. While we obtained much new information, we left the meeting feeling as though nothing could or would be done to assist us. Our neighborhood feels as though there is no current code, ordinance, or current law to help in matters of this nature. The Hamlet is just one example of a neighborhood in which a nuisance property is ruining the quality of life, property value, and overall safety. The City of Dover Police Department has stated this is an issue throughout the city.

I think that this is an important and effective rental ordinance. It will benefit the community at large by assisting in matters in which there is no current recourse. This ordinance will allow the residents of Dover to know that landlords may not allow their tenants to continuously cause a nuisance. It will hold those landlords that allow their rental properties to be nuisances to be accountable for their lack of action.

Thank you for your time.

Sincerely,

Maureen Bauer

Maureen Bauer

By signing below I hereby state that I have read pages 1-3 of this letter to the City Council of Dover, in reference to the ordinance – rental permit program. I also state that I agree that this would be a great benefit to the entire city.

Name: MICHAEL STAMAS

Development: PARKERS RUN

Name: Mary Jane D'Sarkey

Development: The Hamlet

Name: Timothy Hemmis

Development: The Hamlet

Name: Paul Ruzzo12

Development: The Hamlet

Name:

Development: THE HAMLET

Name: Rebecca Ringgold

Development: The Hamlet

Name: Gayla Reasons

Development: THE HAMLET

Name: Sharon Bauer

Development: The Hamlet

Name: Willie Miller Name: _____

Development: The Hamlet Development: _____

Name: Adam Cask Name: _____

Development: The Hamlet Development: _____

Name: _____ Name: _____

Development: The Hamlet Development: _____

Name: _____ Name: _____

Development: The Hamlet Development: _____

Name: _____ Name: _____

Development: The Hamlet Development: _____

Name: _____ Name: _____

Development: the Hamlet Development: _____

Name: _____ Name: _____

Development: Hamlet Development: _____

Name: _____ Name: _____

Development: _____ Development: _____

COMMENTS FOR CITY OF DOVER

KENT COUNTY ASSOCIATION OF REALTORS®

(2) CRIME FREE HOUSING PROGRAM ORDINANCE

THE KENT COUNTY ASSOCIATION OF REALTORS® SUPPORTS THE CITY'S EFFORTS IN ATTEMPTING TO FIND A SOLUTION TO THE CRIMINAL ACTIVITY OCCURRING IN RENTAL HOUSING. WE HOPE YOU ALL RECOGNIZE THAT CRIMINAL ACTIVITY IS NOT LIMITED TO RENTAL HOUSING ALONE.

I AM A MEMBER OF THE NATIONAL, DELAWARE, AND KENT COUNTY ASSOCIATIONS OF REALTORS®, ALONG WITH A MILLION OR SO OTHER MEMBERS OF NAR, AND 3600 OR SO OTHER MEMBERS OF DAR, AND 375 OR SO OTHER MEMBERS OF KCAR. WE ARE ALSO LICENSED AND REGULATED BY THE STATE OF DELAWARE DIVISION OF PROFESSIONAL REGULATION. WE SUBSCRIBE TO A PROFESSIONAL CODE OF ETHICS. AND FINALLY, WE WORK EVERY DAY TO STRENGTHEN OUR COMMUNITIES.

TO SUGGEST THAT WE NEED TO TAKE A CRIME PREVENTION CLASS ADMINISTERED BY A POLICE DEPARTMENT IS UNREASONABLE AND OBJECTIONABLE.

THE STATE DIVISION OF PROFESSIONAL REGULATION PROVIDES FOR THE DELAWARE REAL ESTATE COMMISSION, AND THEY USUALLY, IN ACCORDANCE WITH THE CONSTITUTION OF THE NATION AND THE STATE OF DELAWARE, WAIT UNTIL SOMEBODY IS GUILTY OF A VIOLATION BEFORE THEY ADMINISTER DISCIPLINE. WE DISAGREE THAT THE CRIME PREVENTION CLASSES SHOULD BE EXPANDED TO ALL RENTAL HOUSING IN THE CITY. AND WE HAVE ALTERNATIVES TO PROPOSE.

SPECIFICALLY TO THE ORDINANCE, WE AGREE THAT RENTAL PERMIT FEES SHOULD BE PRORATED, EVEN THOUGH WE OBJECT TO THE IMPOSITION OF SUCH FEES IN THE FIRST PLACE, BUT WE SUPPORT THE PROPOSAL IN LINES 77 AND 85 OF SECTION 22 - 351 TO

PRORATE FEES. WE NOTE THAT SUCH FEES WERE CHANGED FROM PRORATED TO ANNIVERSARY DATE COLLECTION IN THE VACANT BUILDING ORDINANCE PROPOSAL, SO FROM A CONSISTENCY STANDPOINT WE QUESTION WHETHER THE METHODS SHOULD MIRROR EACH TO THE OTHER.

WE OBJECT TO SECTION 22 – 371 IN ITS ENTIRETY. WE LICENSED REAL ESTATE AGENTS AND BROKERS ARE REQUIRED TO TAKE A GREAT DEAL OF CONTINUING EDUCATION AS REQUIRED BY THE DELAWARE REAL ESTATE COMMISSION. WE HAVE A CODE OF ETHICS WHICH REQUIRES US TO PROMOTE A PROPERTY OWNER'S BEST INTERESTS, AND KNOWINGLY ALLOWING CRIMINAL ACTIVITY IN AN OWNER'S PROPERTY IS HIGH UP ON THE LIST OF UNETHICAL BEHAVIOR, WHICH WOULD SUBJECT THAT MEMBER TO DISCIPLINARY ACTION.

SECONDLY, ANY REALTOR® MEMBER, OR ANY STATE – LICENSED REAL ESTATE SALESPERSON OR BROKER, WILL BE SMART ENOUGH TO INCLUDE DEFAULT LANGUAGE IN THEIR LEASE AGREEMENTS WHICH (1) PROHIBIT CRIMINAL ACTIVITY IN THE DEMISED PREMISES, (2) WOULD SPECIFICALLY STATE THAT ANY CRIMINAL ACTIVITY WOULD CONSTITUTE A DEFAULT OF THE LEASE AGREEMENTS, AND (3) WOULD PROVIDE GROUNDS FOR TERMINATION OF THE LEASE AGREEMENT. WE DO NOT LIMIT OUR CRIMINAL ACTIVITY CLAUSES TO "DRUG – RELATED" BUT RATHER *ALL* CRIMINAL ACTIVITY.

THE KENT COUNTY ASSOCIATIONS OF REALTORS® WOULD BE REALLY SURPRISED THAT ANY LICENSEE *CREATES* AN ENVIRONMENT FOR CRIMINAL ACTIVITY IN A RENTAL UNIT, OR EVEN IN AN OWNER – OCCUPIED UNIT. SO WE OBJECT TO SECTION 22 – 371 IN ITS ENTIRETY AS IT RELATES TO PROFESSIONAL PROPERTY MANAGERS AND DELAWARE – LICENSED REAL ESTATE SALES PERSONS AND BROKERS.

WE DO NOT BELIEVE THAT ANYBODY KNOWINGLY WOULD PERMIT CRIMINAL ACTIVITY TO OCCUR IN A DWELLING UNIT; NOR DO WE BELIEVE THAT CRIMINALS ANNOUNCE THEIR INTENTIONS AT THE TIME OF SIGNING THE LEASE AGREEMENT, MAKING IT DIFFICULT TO LEGALLY IDENTIFY CRIMINAL INTENTIONS AT THE TIME LEASES ARE SIGNED.

WE RECOGNIZE FULLY THE FINE LINE BEING WALKED EVERY DAY BY THE GUARDIANS OF OUR SAFETY, AND THE LEADERS OF OUR GOVERNMENT, AND THOSE OF US IN THE FIELD TRYING TO COMPLY WITH THE NUMBER OF RULES AND REGULATIONS WHICH WE FACE. PRONOUNCING GUILT IN ADVANCE OF A VIOLATION IS NOT THE ANSWER IN OUR OPINION.

SO PLEASE EXEMPT LICENSED REAL ESTATE AGENTS, BROKERS, AND PROPERTY MANAGERS FROM SECTION 22 – 371.

THANK YOU LADIES AND GENTLEMEN, FOR THE OPPORTUNITY TO ADDRESS THESE IMPORTANT ISSUES WITH YOU THIS EVENING. ON BEHALF OF THE KENT COUNTY ASSOCIATION OF REALTORS®, I WILL SUBMIT THESE COMMENTS IN WRITING FOR THE RECORD.

Prepared for: Regular Council Meeting
January 28, 2013

CITY OF DOVER
FISCAL YEAR JULY 1, 2012 TO JUNE 30, 2013
REVENUE REPORT
As of December 31, 2012

	GENERAL FUND	FY13 BUDGET	DEC YTD REVENUES	50.0% % BUDGET RECEIVED	COMMENTS	FY12 RECEIPTS	FY11 RECEIPTS
1	Property Taxes	$ 10,767,600	$ 10,733,592	99.7%		$ 10,765,741	$ 10,647,362
2	Payment In Lieu of Taxes	281,400	326,424	116.0%	Rec'd State $297K	284,457	257,547
3	Transfer from Electric Fund	8,000,000	6,000,000	75.0%		7,876,288	8,856,000
4	Intrafund Service Receipts Electric	3,224,500	1,525,912	47.3%		3,105,015	3,150,761
5	Transfer Tax	1,370,000	328,187	24.0%	Lg. recpt. $278K in Jan '13	1,373,208	1,462,154
6	Business Licenses	1,455,000	1,435,780	98.7%		1,470,097	1,467,382
7	Intrafund Service Receipts Water/Wastewater	1,104,600	484,570	43.9%		894,186	892,538
8	Sanitation Fees	2,690,200	1,313,879	48.8%		1,903,623	2,173,433
9	Permits & Other Licenses	1,053,300	424,122	40.3%		1,346,769	949,982
10	Transfer from Municipal Street Aid Fund	527,400	265,434	50.3%		527,042	527,226
11	Fines & Police Revenue	668,000	233,861	35.0%		681,952	698,522
12	Court of Chancery Fees	753,800	346,300	45.9%	Thru Nov	863,220	766,340
13	Transfer from Water/Wastewater Fund	500,000	500,000	100.0%		424,508	-
14	Transfer from Civil Traffic Penalties Fund	750,000	141,972	18.9%	Thru Nov	518,638	967,020
15	Library Revenues & County Reciprocal Pymt.	472,100	208,342	44.1%		475,822	444,455
16	Police Extra Duty Fees	494,400	426,135	86.2%	Analyzing program	600,310	334,023
17	Franchise Fees	550,000	156,444	28.4%		568,240	549,353
18	Grants	708,500	363,055	51.2%		1,010,452	963,152
19	Recreation Revenue	130,000	62,185	47.8%		112,480	144,114
20	Other Miscellaneous Receipts	128,500	148,174	115.3%	Rent revenue over budget	232,535	312,836
21	Interest Income	75,000	46,543	62.1%		53,175	49,779
	TOTALS	$ 35,704,300	$ 25,470,911	71.3%		$ 35,087,758	$ 35,613,979
	Final Budget					**$ 35,016,778**	**$ 35,641,080**

	WATER/WASTEWATER FUND	FY13 BUDGET	DEC YTD REVENUES	50.0% % BUDGET RECEIVED	COMMENTS	FY12 REVENUES	FY11 REVENUES
1	Water Fees	$ 4,730,700	$ 2,495,917	52.8%		$ 4,707,918	$ 4,945,385
2	Wastewater Fees	3,834,600	1,870,867	48.8%		3,722,985	3,694,020
3	Wastewater Adjustment Fees - County Trtmt	3,090,800	1,539,504	49.8%		3,050,127	3,058,656
4	Groundwater Inflow Adjustment	1,257,600	690,913	54.9%		1,290,968	1,171,376
5	Wastewater Impact Fees	317,000	212,135	66.9%		277,400	354,825
6	Water Impact Fees	350,000	127,123	36.3%		308,700	393,750
7	Water Tank Space Leasing	313,500	141,881	45.3%		313,101	300,137
8	Interest Income	25,800	5,337	20.7%		31,889	9,808
9	Other Miscellaneous Revenues	77,000	46,193	60.0%		104,634	83,056
	TOTALS	$ 13,997,000	$ 7,129,870	50.9%		$ 13,807,722	$ 14,011,013
	Final Budget					**$ 13,819,800**	**$ 13,707,200**

	ELECTRIC REVENUE FUND	FY13 BUDGET	DEC YTD REVENUES	50.0% % BUDGET RECEIVED	COMMENTS	FY12 REVENUES	FY11 REVENUES
1	Sales to Customers	$ 85,071,400	$ 46,064,025	54.1%		$ 96,483,053	$ 99,859,602
2	Purchased Power Adjustment	-	-	0.0%		(6,083,282)	(2,290,989)
3	Utility Tax	1,595,200	764,117	47.9%		1,548,209	1,944,543
4	Transfer from Rate Stabilization Reserve	5,400,000	2,700,000	50.0%		1,000,000	-
5	Miscellaneous Revenue	1,204,700	815,996	67.7%		1,463,117	1,381,300
6	Interest Income	107,800	59,320	55.0%		95,708	12,662
7	Intrafund Service Fees - Water/Wastewater	130,800	67,852	51.9%		156,204	171,646
	TOTALS	$ 93,509,900	$ 50,471,310	54.0%		$ 94,663,009	$ 101,078,764
	Final Budget					**$ 93,958,400**	**$ 99,934,036**

ACTION FORM

PROCEEDING: Council
DEPARTMENT OF ORIGIN: Electric **DATE SUBMITTED**: 01/17/2013
PREPARED BY: Stephen Enss
SUBJECT: Frazier Substation – Relay Settings & Commissioning
REFERENCE: Project EE1205
RELATED PROJECT: N/A
APPROVALS: City Manager, Controller
EXHIBITS: Request for Service
EXPENDITURE REQUIRED: $54,000 **AMOUNT BUDGETED**: $610,200 **PROJECT TO DATE EXPENSES**: $249,846.70 **FUNDING SOURCE (Dept/Page in CIP & Budget)**: Electric Engineering / page 136.
TIMETABLE: February 13
RECOMMENDED ACTION: Staff recommends awarding the relay settings and commissioning to Pike Electric not to exceed $54,000.

BACKGROUND AND ANALYSIS

In December 2012, City Council awarded three (3) year contracts for electrical engineering services to Pike Energy Solutions, LLC and Power Consulting Engineers (PCE). Based on a review of the project needs for the Frazier Substation, the Electric Department staff requested a project specific proposal from Pike Energy Solutions to perform the completion of the Frazier Substation project:

1) Provide relay settings for Frazier Transmission
2) Provide revised settings for College Road and Dover Downs Substation
3) Assist and report on final commissioning
4) Troubleshoot and resolve during final commissioning.

Pike Energy Solutions performed the original design engineering services for this location.

The cost of these services will be based on Time & Material not to exceed $54,000.

REQUEST FOR SERVICES

Date: January 7, 2013

This REQUEST FOR SERVICES is issued pursuant to the Agreement for Professional Services as approved January 2013 between Pike Energy Solutions, LLC ("Pike") and the City of Dover ("Client") which is hereby incorporated in this Request for Services by reference.

I. Scope of Work:

Pike shall perform the following Services for Client:

- Provide relay settings for Frazier transmission.
- Provide revised relay settings for College Road and Dover Downs.
- Assist with final commissioning and provide report.
- Trouble shoot any problems encountered during final commissioning.

II. Information to be furnished by Client:

Client (designated Representative is Steve Enss) shall provide the following information to Pike in connection with the Services:

Information and drawings as required.

III. Information to be furnished to Client by Pike:

Pike (designated representative is Danny Ewing) shall provide the following information to Client in connection with the Services:

- Support as defined in Section I above.

IV. Compensation: Project is to be billed on a time and expense basis in accordance with the 2013 rates specified in the Pike Proposal for Electrical Engineering Services as submitted in response to Dover Contract RFQ #13-0005EL.

Estimated charges: **Total $54,000**

V. Assumptions:

- One three day site visit (each) during design phase is included for a Consultant Engineer and an Engineer II. (Travel expenses to be billed at cost.)
- Commissioning estimate is based on one 60 hour week each for a Consultant Engineer and a Designer II.
- A per diem rate of $130/day will be billed to cover commissioning support personnel expenses.
- Relay van to be billed at $25/hour.

Pike Energy Solutions, LLC

By: _____

Danny L. Ewing, PE
Project Manager
Pike Energy Solutions

City of Dover

By: _____

Steve Enss,
Eng'g Svcs & System Ops Superintendent
The City of Dover, Delaware

1550 Liberty Ridge Drive
Suite 200
Wayne, PA 19087-5572

Tel +1 610 687.5644
Fax +1 610.687.4236

www.milliman.com

November 19, 2012

Ms. Donna Mitchell
Controller/Treasurer
City of Dover
5 E. Reed Street
Weyandt Hall, Suite 300
Dover, DE 19901

Re: Minimum Benefit Study for General Employee Pension Plan

Dear Donna:

As requested, we have determined the cost impact of providing a minimum benefit to all participants and surviving spouses in the City of Dover, Delaware General Employee Pension Plan. This analysis is based on the draft July 1, 2012 actuarial valuation. Please refer to this report for more information.

Minimum Benefit Provision

We have analyzed the impact of three separate minimum benefits of $300, $400 and $500 per month. The minimum benefit would impact all participants and surviving spouses in the following ways:

- Pension benefits for current retirees, surviving spouses and terminated vested participants with benefits less than the indicated minimum benefit would increase to that value. In addition, if the member is married upon death after commencement of the benefit, the member's surviving spouse would also receive the minimum benefit. This would increase the survivor percentage from 50% to 100% for these employees. A listing of these employees is attached.

- The survivor percentage for current retirees and terminated vested participants with benefits less than twice the indicated minimum benefit would increase from the current 50% level. For example, under the current plan a spouse of a member with a retirement benefit of $750 per month would receive $375 per month. If the minimum benefit is $500 per month, the survivor's benefit would increase to $500 and the survivor percentage effectively increases to 67% ($500/$750).

- Pension and death benefits for future retirees and surviving spouses would be no less than the indicated minimum benefit.

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Cost Impact

The impact of providing the indicated minimum benefits increases the actuarial accrued liability as of July 1, 2012 by 0.2% - 1.1% for a $300 - $500 minimum, respectively. Since the majority of this increase is due to increasing benefits to existing retirees, we suggest this change be paid over a very short period. The following chart indicates the increase in the actuarial accrued liability as of July 1, 2012 and the Annual Required Contribution for the fiscal year ending June 30, 2013 utilizing a 3-year amortization of the increase in the accrued liability. The amortization period for paying down the unfunded liability is 23 years for the fiscal year ending June 30, 2013.

We have reservations about increasing benefits for a plan that is approximately 40% funded. The increase in the ARC ranges from 1% to nearly 7% and would apply for the next 3 years before reverting back to a baseline level. We recommend consideration be given to paying down the current unfunded liability prior to implementing any benefit improvements.

Cost Impact for the Fiscal Year Ending June 30, 2013 ($ Amounts in Thousands)				
		Minimum Benefit		
	Baseline	$300	$400	$500
Accrued Liability	$55,006	$55,106	$55,300	$55,621
(Increase from Baseline)		($100)	($294)	($615)
Annual Required Contribution	$3,218	$3,256	$3,330	$3,454
(Increase from Baseline)		($38)	($112)	($236)

Basis for Analysis

This analysis is based on the census data, plan provisions and actuarial assumptions and methods used in the July 1, 2012 draft Actuarial Valuation released November 19, 2012. Please refer to this report for more information.

In performing this analysis, we relied on data and other information (both written and oral), such as the plan provisions, provided by City of Dover, Delaware. We have not audited or verified this data and other information. If the underlying data or information is inaccurate or incomplete, the results of our analysis may likewise be inaccurate or incomplete.

We performed a limited review of the data used directly in our analysis for reasonableness and consistency and have not found material defects in the data. If there are material defects in the data, it is possible that they would be uncovered by a detailed, systematic review and comparison of the data to search for data values that are questionable or for relationships that are materially inconsistent. Such a review was beyond the scope of our assignment.

Future actuarial measurements may differ significantly from the current measurements presented in this analysis due to actual plan experience deviating from the actuarial assumptions, and changes in plan provisions, actuarial assumptions, and applicable law. An

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assessment of the potential range and cost effect of such differences is beyond the scope of this analysis.

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No third party recipient of Milliman's work product should rely upon Milliman's work product. Such recipients should engage qualified professionals for advice appropriate to their own specific needs.

The consultants who worked on this assignment are pension actuaries. Milliman's advice is not intended to be a substitute for qualified legal or accounting counsel.

I am a member of the American Academy of Actuaries and meet its qualification standards to render this actuarial opinion.

If you have any questions, please do not hesitate to call.

Sincerely,



Scott Porter, FSA

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General Employee Pension Plan

Current Inactive Particpants potentially affected by proposed Minimum Benefit

Name	Status	Monthly Benefit	Increase to $300	Increase to $400	Increase to $500
[redacted]	S	$ 200.00	$100.00	$200.00	$300.00
[redacted]	S	$ 200.00	$100.00	$200.00	$300.00
[redacted]	S	$ 217.59	$82.41	$182.41	$282.41
[redacted]	R	$ 217.59	$82.41	$182.41	$282.41
[redacted]	S	$ 217.59	$82.41	$182.41	$282.41
[redacted]	R	$ 223.84	$76.16	$176.16	$276.16
[redacted]	S	$ 225.91	$74.09	$174.09	$274.09
[redacted]	R	$ 226.37	$73.63	$173.63	$273.63
[redacted]	T	$ 262.50	$37.50	$137.50	$237.50
[redacted]	R	$ 272.45	$27.55	$127.55	$227.55
[redacted]	T	$ 275.00	$25.00	$125.00	$225.00
[redacted]	S	$ 276.21	$23.79	$123.79	$223.79
[redacted]	R	$ 293.06	$6.94	$106.94	$206.94
[redacted]	S	$ 293.39	$6.61	$106.61	$206.61
[redacted]	S	$ 314.79	$0.00	$85.21	$185.21
[redacted]	S	$ 321.01	$0.00	$78.99	$178.99
[redacted]	S	$ 328.71	$0.00	$71.29	$171.29
[redacted]	S	$ 332.04	$0.00	$67.96	$167.96
[redacted]	R	$ 347.81	$0.00	$52.19	$152.19
[redacted]	R	$ 368.99	$0.00	$31.01	$131.01
[redacted]	I	$ 396.50	$0.00	$3.50	$103.50
[redacted]	S	$ 400.35	$0.00	$0.00	$99.65
[redacted]	S	$ 412.26	$0.00	$0.00	$87.74
[redacted]	R	$ 416.76	$0.00	$0.00	$83.24
[redacted]	R	$ 426.75	$0.00	$0.00	$73.25
[redacted]	S	$ 428.00	$0.00	$0.00	$72.00
[redacted]	S	$ 428.13	$0.00	$0.00	$71.87
[redacted]	R	$ 428.48	$0.00	$0.00	$71.52
[redacted]	S	$ 481.35	$0.00	$0.00	$18.65

T = Term Vested

R = Healthy Retiree

S = Surviving Spouse

I = Disabled Retiree

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DEPARTMENT OF POLICE

James E. Hosfelt, Jr.
Chief of Police
F.B.I.N.A.

400 South Queen Street
Dover, Delaware 19904
302/736-7111
Fax 302/672-1842

January 17, 2013

Ms. Traci McDowell
City Clerk
Dover City Hall
P.O. Box 475
Dover, DE 19903

Dear Traci:

The Police Pension Board term of Retired Lt. William Knotts will expire on January 31, 2013. Pursuant to Section 18-47 of the pension plan, a request for nominations was posted with an announcement of election to fill the vacancy on January 7th and 8th, 2013. One nomination was received, therefore, no election will be held.

I hereby nominate Retired Sergeant Jay Unterkofler to serve a three-year term on the Pension Board, commencing February 1, 2013 and ending January 31, 2016, subject to confirmation of a voting majority of City Council.

If you need additional information, please call me at (302) 736-7100.

Sincerely,

James E. Hosfelt, Jr.
Chief of Police

JEH:ms

CITY OF DOVER
ORDINANCE #2013-01

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

That Appendix B – Zoning, Article 3 – District Regulations, Section 22 Airport Environs Overlay Zone (AEOZ) be amended by deleting the text shown in red bold strikethrough and inserting the text in blue bold italics as follows:

Sec~~[~~tion~~]~~ 22. Airport environs overlay zone (AEOZ).

22.1 Purpose and intent.

The airport environs overlay zone (AEOZ) is expressly intended to protect the public health, safety, and welfare by identifying areas impacted by high levels of aircraft noise, and the potential for aircraft accidents associated with airport operations, by regulating land use and the construction of buildings within such areas. The AEOZ is further intended to preserve and promote the integrity of the mission of Dover Air Force Base (DAFB) as a matter of local, regional and national importance, by regulating development and land use within the specific areas surrounding DAFB, and to protect DAFB from encroachment of incompatible land uses. The AEOZ shall serve as an overlay zone that applies additional standards and requirements to properties located therein.

(a) The AEOZ is based on information provided by the Dover Air Force Base's Air Installation Compatible Use Zone Study Update. The City shall work with the Dover Air Force Base to update the provisions of this section as needed.

(b) In case of conflicting standards and requirements, the more stringent standards and requirements shall apply. ***Uses prohibited by the underlying zoning designations of the properties within the AEOZ shall not be permitted by this section.***

22.2 Definitions.

~~(1)~~ ***(a)*** Air installations compatible use zones (AICUZ)**:** is a department of defense program to achieve compatibility between air installations and neighboring communities.

~~(2)~~ ***(b)*** Airport environs**:** is the geographic area that is affected by airport air traffic operations and defined on the basis of those areas immediately impacted by aircraft noise of the 65 decibels (dBs) and greater noise exposure areas as delineated by the current and approved DAFB air compatibility use zone study. This area is represented as the airport environs overlay zone (AEOZ).

~~(3)~~ ***(c)*** Day-night average ***A-weighted*** sound level (DNL)**:** is a cumulative aircraft noise index which estimates the exposure to aircraft noise and relates the estimated exposure to an expected community response; a 24-hour energy average sound level expressed in decibels (dBs), with a ten-decibel penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m.

~~(4)~~ ***(d)*** DNL contour**:** is an isoline linking together a series of points of equal cumulative noise exposure based on Ldn metric. Such contours are developed based on aircraft flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft, and typical runway usage patterns.

~~(5)~~ ***(e)*** Decibel (dB) **:** is a unit of measure of sound pressure or intensity.

~~(6)~~ ***(f)*** Ldn metric***:*** is the average equivalent A-weighted sound level during a 24-hour day, obtained by adding ten decibels to the hourly noise levels measured during the night (10:00 p.m. to 7:00 a.m.).

(g) SLUCM: Standard Land Use Coding Manual, U.S. Department of Transportation.

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22.3 Accident potential zones and noise zones. The AEOZ is comprised of two basic regulatory components: accident potential zones and noise zones. This section establishes three accident potential zones and four noise zones. The boundaries of each of these zones are delineated on the City of Dover zoning map and are further described as follows:

(a) Accident potential zones:

(1) Clear zone (CZ) is that area immediately adjoining the end of a runway and which extends outward from the edge of the runway a distance of 3,000 feet and which is 3,000 feet in width ~~)~~(1,500 feet to either side of the centerline of the airport runway);

(2) Accident potential zone I (APZ I) is that area immediately adjoining the outer edge of the CZ and which extends outward from the boundary of the CZ a distance of 5,000 feet, and which is 3,000 feet in width ~~(1,500 feet to either side of the centerline of the airport runway)~~; and

(3) Accident potential zone II (APZ II) is that area immediately adjoining the outer edge of the APZ I and which extends outward from the boundary of the APZ I a distance of 7,000 feet, and which is 3,000 feet in width.

(b) Noise zones:

(1) Noise zone A (DNL A) is that area within and bounded by DNL contour lines of between 65 decibels and 69 decibels of noise pressure.

(2) Noise zone B (DNL B) is that area within and bounded by DNL contour lines of between 70 decibels and 74 decibels of noise pressure.

(3) Noise zone C (DNL C) is that area within and bounded by DNL contour lines of between 75 decibels and 79 decibels of noise pressure.

(4) Noise zone D (DNL D) is that area within and bounded by DNL contour lines of 80 decibels and subject to noise pressure of 80 decibels and greater.

22.4 Exemptions. The following uses and structures are exempt from compliance with the provisions of this ~~article~~ ***section***:

(a) Additions to existing one-family dwellings. Additions to existing one-family dwellings may be permitted when all other applicable zoning district bulk requirements are met.

(b) Additions to existing ~~commercial~~ ***non-residential*** buildings. ~~Additions to existing commercial buildings limited to a maximum additional floor area of 3,000 square feet for buildings designed and intended for human occupancy, and unlimited floor area for additions to buildings primarily used for storage, warehousing and other uses not designed or intended for human occupancy as a primary use.~~

(1) Additions to existing non-residential buildings designed for human occupation shall be limited to a maximum increase of 50% of the floor area.

(2) Additions to existing non-residential buildings designed for storage, warehousing and other uses not designed or intended for human occupancy as a primary use are unlimited in floor area.

(c) Temporary uses. Temporary uses ~~[~~which~~]~~ include but are not limited to public gatherings, celebrations and outdoor entertainment events ***are permitted***, so long as the period of operation does not exceed five days.

(d) Temporary structures. Temporary buildings and structures such as tents, pavilions, bleachers, etc., that are not used for residential purposes, and which meet said applicable requirements as contained within this zoning ordinance ~~[~~appendix~~]~~ ***are permitted***, so long as such uses and associated structures are constructed incidental to a permitted use.

~~(e) Agricultural uses, operations and structures. Agricultural uses, operations, and buildings and associated nonresidential structures, and lands in agricultural production.~~

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(~~f~~ *e*) Accessory uses and structures. Accessory uses and structures incidental to a permitted principal structure or use.

22.5 Land use and development standards. Any building or portion thereof constructed or placed within the AEOZ ~~after the effective date of this section~~ *shall*~~, and~~ comply~~[ing]~~ with the following standards:

(a) Unless specifically exempted under ~~[~~sub~~]~~section 22.4 above, land uses shall be permitted or prohibited in accordance with ~~[~~sub~~]~~section 22.6, land use compatibility table.

(b) Proposed structures situated within noise zones A through D shall be constructed with noise attenuation features to achieve the minimum interior noise level reductions specified by building type in ~~[~~sub~~]~~section 22.6, land use compatibility table.

(c) In APZ I and APZ II, no structure may be erected over 60 feet in height, regardless of zoning district bulk regulations of the individual zoning district.

(d) All building permit applications for construction ***of new buildings or building additions not exempted under section 22.4,*** within AEOZ shall be accompanied by a written statement from a licensed architect or engineer, which lists all construction materials to be used and the resultant interior noise level reductions to be achieved. The written analysis provided by the engineer or architect shall demonstrate that the proposed construction will achieve compliance with the minimum required interior noise level reductions specified in ~~[~~sub~~]~~section 22.6, land use compatibility table.

22.6 Land use compatibility table.

TABLE INSET:

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LAND USE COMPATIBILITY TABLE
Airport Environs Overlay Zone (AEOZ)

Land Use		AEOZ Zones						
		Noise Zones				Accident Potential Zones		
		A	B	C	D	CZ	APZ 1	APZ II
		65-69 dB	70-74 dB	75-79 dB	80 + dB			
RESIDENTIAL	Single, Two, and Multifamily	Y 1	Y 1	Y 1	Y 1	N	N	Y 5
	Manufactured Housing	Y 1	Y 1	Y 1	Y 1	N	N	N
	Hotels, Motels, and Lodges	Y 2	Y 3	N	N	N	N	N
	All Other Residential	Y 1	Y 1	N	N	N	N	N
NONRESIDENTIAL	Retail	Y	Y 2	Y 3	Y 3	N	Y 3,4	Y 3,4
	Business Services	Y	Y 2	Y 3	Y 3	N	Y 3,4	Y 3,4
	Personal Services	Y	Y 2	N	N	N	N	N
	Professional Services	Y	Y 2	Y 3	Y 3	N	Y 3,4	Y 3,4
	Professional Offices	Y	Y 2	N	N	N	N	N
	All Other Commercial	Y	Y 2	Y 3	Y 3	N	Y 3,4	Y 3,4
	Manufacturing, Warehousing, Distribution	Y	Y 2	Y 3	Y 3	N	Y 3,4	Y 3,4
	Parking Facilities	Y	Y 2	Y 3	Y 3	N	Y 3,4	Y 3,4
	All Other Industrial	Y	Y 2	Y 3	Y 3	N	Y 3,4	Y 3,4
	Hospitals, Nursing Homes	Y 2	Y 3	N	N	N	N	N
	Other Medical Facilities	Y	Y 3	Y 3	N	N	N	Y 3,4
	Educational Facilities	Y2	Y 3	N	N	N	N	N
	Houses of Worship, Public Assembly	Y 2	Y 3	N	N	N	N	N
	Government Facilities	Y	Y 3	Y 3	Y 3	N	Y 3,4	Y 3,4
	Parks & Recreation	Y	Y 2	Y 3	Y 3	N	Y 3,4	Y 3,4
	ALL OTHER USES	Y	Y 2	Y 3	Y 3	N 6	Y 3,4	Y 3,4

Y Land use permitted

N Land use prohibited

1 Interior noise level reduction of 25 db is required in subdistrict A, 30 db in subdistrict B, 35 db in subdistrict C, and 40 db in subdistrict D.

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~~2 Interior noise level reduction of 25 db is required for all areas where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.~~

~~3 Interior noise level reduction of 30 db is required for all areas where the public is received, office areas, noise sensitive areas, or when the normal level is low.~~

~~4 Structures not exceeding 60 feet in height within APZ I and II.~~

~~5 Single family dwellings with a gross density of no more than one unit to the acre.~~

~~6 Agricultural uses not prohibited by [subsection] 22.8.~~

Land Use Compatibility Table		*Accident Potential Zones*			*Noise Zones in DNL dBA*			
SLUCM No.	***Name***	***Clear Zone***	***APZ I***	***APZ II***	***A 65-69***	***B 70-74***	***C 75-79***	***D 80+***
10	***Residential***							
11	*Household units*							
11.11	*Single units; detached*	*N*	*N*	*Y5, 12*	*Y1,12*	*Y2*	*N*	*N*
11.12	*Single units; semidetached and attached*	*N*	*N*	*N*	*Y1*	*Y2*	*N*	*N*
11.31	*Apartments*	*N*	*N*	*N*	*Y1*	*Y2*	*N*	*N*
12	*Group quarters*	*N*	*N*	*N*	*Y1*	*Y2*	*N*	*N*
13	*Residential hotels*	*N*	*N*	*N*	*Y1*	*Y2*	*N*	*N*
14	*Mobile home parks or courts*	*N*	*N*	*N*	*N*	*N*	*N*	*N*
15	*Transient lodgings*	*N*	*N*	*N*	*Y1*	*Y2*	*Y5*	*N*
16	*Other residential*	*N*	*N*	*N*	*Y1*	*Y2*	*N*	*N*
20	***Manufacturing***							
21	*Food & kindred products; manufacturing*	*N*	*N*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
22	*Textile mill products; manufacturing*	*N*	*N*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
23	*Apparel and other finished products made from fabrics, leather, and similar materials; manufacturing*	*N*	*N*	*N*	*Y1*	*Y2*	*Y3*	*Y4*
24	*Lumber and wood products (except furniture); manufacturing*	*N*	*Y5,9*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
25	*Furniture and fixtures; manufacturing*	*N*	*Y5,9*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
26	*Paper & allied products; manufacturing*	*N*	*Y5,9*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
27	*Printing, publishing, and allied industries*	*N*	*Y5,9*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
28	*Chemicals and allied products; manufacturing*	*N*	*N*	*N*	*Y1*	*Y2*	*Y3*	*Y4*
29	*Petroleum refining and related industries*	*N*	*N*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
30	***Manufacturing***							
31	*Rubber and misc. plastic products, manufacturing*	*N*	*N*	*N*	*Y1*	*Y2*	*Y3*	*Y4*
32	*Stone, clay and glass products manufacturing*	*N*	*N*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
33	*Primary metal industries*	*N*	*N*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
34	*Fabricated metal products; manufacturing*	*N*	*N*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
35	*Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks manufacturing*	*N*	*N*	*N*	*Y1*	*Y2*	*Y3*	*N*

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39	*Miscellaneous manufacturing*	*N*	*Y5,9*	*Y5,9*	*Y1*	*Y2*	*Y3*	*Y4*
40	***Transportation, Communications and Utilities***							
41	*Railroad, rapid rail transit and street railroad transportation*	*N*	*N*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
42	*Motor vehicle transportation*	*N*	*Y*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
43	*Aircraft transportation*	*N*	*Y10*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
44	*Marine craft transportation*	*N*	*Y10*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
45	*Highway & street right-of-way*	*N*	*Y*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
46	*Automobile parking*	*N*	*Y10*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
47	*Communications*	*N*	*Y10*	*Y*	*Y1*	*Y2*	*Y3*	*N*
48	*Utilities*	*N*	*Y10*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
49	*Other transportation communications and utilities*	*N*	*Y10*	*Y*	*Y1*	*Y2*	*Y3*	*N*
50	***Trade***							
51	*Wholesale trade*	*N*	*Y5*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
52	*Retail trade-building materials, hardware and farm equipment*	*N*	*Y5*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
53	*Retail trade-general merchandise*	*N*	*N*	*Y5*	*Y1*	*Y2*	*Y3*	*N*
54	*Retail trade-food*	*N*	*N*	*Y5*	*Y1*	*Y2*	*Y3*	*N*
55	*Retail trade-automotive, marine craft, aircraft and accessories*	*N*	*Y5*	*Y5*	*Y1*	*Y2*	*Y3*	*N*
56	*Retail trade-apparel and accessories*	*N*	*N*	*Y5*	*Y1*	*Y2*	*Y3*	*N*
57	*Retail trade-furniture, home furnishings and equipment*	*N*	*N*	*Y5*	*Y1*	*Y2*	*Y3*	*N*
58	*Retail trade-eating and drinking establishments*	*N*	*N*	*N*	*Y1*	*Y2*	*Y3*	*N*
59	*Other retail trade*	*N*	*N*	*Y5,9*	*Y1*	*Y2*	*Y3*	*N*
60	***Services***							
61	*Finance, insurance and real estate services*	*N*	*N*	*Y5,9*	*Y1*	*Y2*	*Y3*	*N*
62	*Personal services*	*N*	*N*	*Y5,9*	*Y1*	*Y2*	*Y3*	*N*
62.4	*Cemeteries*	*N*	*N*	*Y11*	*Y1*	*Y2*	*Y3*	*N*
63	*Business services*	*N*	*Y5,9*	*Y5,9*	*Y1*	*Y2*	*Y3*	*N*
64	*Repair services*	*N*	*Y5,9*	*Y*	*Y1*	*Y2*	*Y3*	*Y4*
65	*Professional services*	*N*	*N*	*Y5,9*	*Y1*	*Y2*	*Y3*	*N*
65.1	*Hospitals, nursing homes*	*N*	*N*	*N*	*Y1*	*Y2*	*N*	*N*
65.1	*Other medical facilities*	*N*	*N*	*N*	*Y1*	*Y2*	*Y3*	*N*
66	*Contract construction services*	*N*	*Y5,9*	*Y*	*Y1*	*Y2*	*Y3*	*N*
67	*Governmental services*	*N*	*N*	*Y5,9*	*Y1*	*Y2*	*Y3*	*N*
68	*Educational services*	*N*	*N*	*N*	*Y1*	*Y2*	*N*	*N*
69	*Miscellaneous services*	*N*	*N*	*Y5*	*Y1*	*Y2*	*Y3*	*N*
70	***Cultural, Entertainment and Recreational***							
71	*Cultural activities (including churches)*	*N*	*N*	*N*	*Y1*	*Y2*	*N*	*N*
71.2	*Nature exhibits*	*N*	*N*	*Y*	*Y1*	*N*	*N*	*N*
72	*Public assembly*	*N*	*N*	*N*	*Y1*	*N*	*N*	*N*
72.1	*Auditoriums, concert halls*	*N*	*N*	*N*	*Y1*	*Y2*	*N*	*N*
72.11	*Outdoor music shell, amphitheaters*	*N*	*N*	*N*	*N*	*N*	*N*	*N*
72.2	*Outdoor sports arenas, spectator sports*	*N*	*N*	*N*	*Y6*	*Y6*	*N*	*N*
73	*Amusements*	*N*	*N*	*Y9*	*Y1*	*Y2*	*N*	*N*

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74	*Recreational activities (including golf courses, riding stables, water recreation)*	*N*	*N*	*Y*	*Y*	*Y*	*N*	*N*
75	*Resorts and group camps*	*N*	*N*	*N*	*Y1*	*Y2*	*N*	*N*
76	*Parks*	*N*	*Y9*	*Y9*	*Y*	*Y*	*N*	*N*
79	*Other cultural, entertainment and recreation*	*N*	*N*	*N*	*Y2*	*Y3*	*N*	*N*
80	***Resources Production and Extraction***							
81	*Agriculture (except livestock)*	*Y8*	*Y*	*Y*	*Y7*	*Y7*	*Y8*	*Y8*
81.5 to 81.7	*Livestock farming and animal breeding*	*N*	*Y*	*Y*	*Y7*	*Y7*	*N*	*N*
82	*Agricultural related activities*	*N*	*Y*	*Y*	*Y7*	*Y7*	*N*	*N*
83	*Forestry activities and related services*	*N*	*Y*	*Y*	*Y7*	*Y7*	*N*	*N*
84	*Fishing activities and related services*	*N*	*N*	*N*	*N*	*N*	*N*	*N*
N	*Mining activities and related services*	*N*	*N*	*N*	*N*	*N*	*N*	*N*
89	*Other resources production and extraction*	*N*	*N*	*N*	*N*	*N*	*N*	*N*

Y - (Yes) - Land use and related structures are compatible without restriction.
N - (No) - Land use and related structures are not compatible and are prohibited.
Yx - (yes with restrictions) - Land use and related structures generally compatible; see notes 1-12.
NLR - (Noise Level Reduction) - NLR (outdoor to indoor) to be achieved through incorporation of noise attenuation measures into the design and construction of the structures.

NOTES

1. ***Require NLR of 25dB for DNL A.***
2. ***Require NLR of 30dB for DNL B.***
3. ***Require NLR of 35dB for DNL C.***
4. ***Require NLR of 40dB for DNL D.***
5. ***Require NLR of noise zone and building location and site planning, and design and use of berms and barriers can help mitigate outdoor exposure, particularly from near ground level sources. Measures that reduce outdoor noise should be used whenever practical in preference to measures which only protect interior spaces.***
6. ***Require NLR of noise zone and special sound reinforcement systems are installed.***
7. ***Associated residential uses require NLR of noise zone.***
8. ***Structures are not permitted and personnel should wear hearing protection devices.***
9. ***Facilities shall be low intensity.***
10. ***No Passenger terminals and no major aboveground transmission lines in APZ I.***
11. ***Excludes chapels.***
12. ***Maximum density of 1 dwelling unit per acre.***

22.7 Design standards.

(a) All buildings and structures to be constructed or placed within the AEOZ shall be situated on the portion of the lot that affords the least noise impact to the proposed building or structure, wherever and whenever practicable. Buildings and structures shall be designed and oriented to minimize exposure to the noise source and should take maximum advantage of existing physical features to minimize noise impact. Windows, doors and other building openings shall be located the greatest possible distance away from the noise source.

(b) ~~**The establishment of active recreation areas such as game fields and playgrounds shall be avoided within noise zones B through D.**~~ Landscape buffer plantings and related screening material shall be used whenever practicable to deflect noise away from areas intended for human habitation.

22.8 Prohibited uses. In addition to uses prohibited by ~~[~~sub~~]~~section 22.6, land use compatibility table, the following activities are prohibited within the CZ, APZ I and APZ II zones ***of the AEOZ***, including, but

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not limited to:~~, :storage of explosives, hazardous or toxic materials/waste; aboveground transmission lines; uses that release into the air any substance which would impair visibility or otherwise interfere with the operation of military aircraft (dust, smoke, etc.); uses that produce light emissions, direct or indirect, which would interfere with pilot vision; and uses that attract birds or water fowl, such as, but not limited to, landfills, wastewater treatment facilities, and associated settling ponds, artificial marshes, dredge spoil materials, sand and gravel dredging operations and open fish farming.~~

(a) Storage of explosives;
(b) Hazardous or toxic materials/waste;
(c) Aboveground transmission lines;
(d) Uses that release into the air any substance which would impair visibility or otherwise interfere with the operation of aircraft (dust, smoke, etc.);
(e) Uses that produce light emission, direct or indirect, which would interfere with pilot vision;
(f) And uses that attract birds or water fowl, such as, but not limited to, landfills, wastewater treatment facilities, and associated settling ponds, artificial marshes, dredge spoil materials, sand and gravel dredging operations and open fish farming.

SNOPSIS

The proposed ordinance would update the Airport Environs Overlay Zone in accordance with the 2010 Air Installation Compatible Use Zone study published by the Dover Air Force Base.

Actions History: January 14, 2013 – Introduced at the Legislative, Finance and Administration Committee
January 28, 2013 – First Reading at City Council

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FIRST READING

CITY OF DOVER
ORDINANCE #2013-02

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE BOUNDARY OF THE AIRPORT ENVIRONS OVERLAY ZONE IN ACCORDANCE WITH THE 2010 AICUZ STUDY PUBLISHED BY THE DOVER AIR FORCE BASE.

WHEREAS, the City of Dover adopted the Airport Environs Overlay Zone (AEOZ) in 2001 to protect the public health, safety, and welfare by identifying areas impacted by high levels of aircraft noise, and the potential for aircraft accidents associated with airport operations, by regulating land use and the construction of buildings within such areas; and to preserve and promote the integrity of the mission of Dover Air Force Base (DAFB) as a matter of local, regional and national importance, by regulating development and land use within the specific areas surrounding DAFB, and to protect DAFB from encroachment of incompatible land uses; and

WHEREAS, the Clear Zone, Accident Potential Zones, and Noise Zones identified as the AEOZ on the Zoning Map and in Appendix B – Zoning, Article 3 - District Regulations, Section 22 AEOZ are based upon information provided by the Dover Air Force Base.

WHEREAS, the Dover Air Force Base completed an Air Installation Compatibility Use Zone study in 2010, which changed the noise contours in the noise zones surrounding the Dover Air Force Base, and provided this updated information to the City of Dover; and

WHEREAS, the City of Dover Planning Office notified all affected property owners and held a public workshop on November 8, 2012, to answer any questions that property owners might have regarding the changes to the AEOZ; and

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover is amended by changing the Airport Environs Overlay Zone (AEOZ) in accordance with the map presented to City Council on March 11, 2013 entitled “Airport Environs Overlay Zone (AEOZ) – 2013 Amendments.”

SYNOPSIS

The proposed ordinance would incorporate the changes to the Air Installation Compatible Use Zone into the Zoning Map as the Airport Environs Overlay Zone (AEOZ).

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Actions History: January 14, 2013 – Introduced at the Legislative, Finance and Administration Committee
January 28, 2013 – First Reading at City Council

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FIRST READING

CITY OF DOVER
ORDINANCE #2013-04

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

That Chapter 22 – Buildings and Building Regulations, Article X – Rental Dwellings be amended by deleting the text indicated in bold, red strikethrough and inserting the text indicated in bold, blue italics as follows:

Division I. Generally

Sec. 22-331. - Purpose; applicability; definitions; compliance.

(a) *Purpose.* The purpose and intent of this article is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of dwellings operated for lease to the public. The health, safety and welfare of the occupants of the dwellings are of the utmost importance to the city, as is the general community character in which these dwelling units are located.

(b) *Applicability.* The provisions of this article shall apply to all matters affecting or relating to rental dwellings. Where, in this article, different sections of this Code may specify different requirements, the most restrictive shall govern.

(c) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dwelling unit means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Multiple-family dwellings means dwelling units operated as a group, and located in the same building. This shall include departments, roominghouses, condominium dwelling units, and accessory apartments located within structures principally used for owner occupancy.

Rental dwelling means a dwelling unit that is leased for occupancy to a person or persons in exchange for monetary payment or provision of goods or services to the owner of the dwelling unit.

Single-family dwellings means dwelling units operated singly, and separated from other units. In general, this definition shall apply to single-family detached dwellings, including mobile homes, and attached units, including duplexes, and townhouses.

(d) *Compliance required.* No person shall operate, occupy or let to another for occupancy any dwelling which is not in compliance with the International Property Maintenance Code adopted in section 22-221 and all other applicable codes.

Sec. 22-332. - Inspection required.

(a) The code enforcement office, in accordance with the procedures set forth in the International Property Maintenance Code adopted in section 22-221, shall inspect rental dwellings for compliance with the property maintenance code and all other applicable codes to ensure compliance.

(b) Following an inspection, the code enforcement office shall issue a letter and/or report of any code violations and provide a timeline for compliance. There shall be no fee for the first followup inspection. Each subsequent reinspection shall be subject to a fee as provided for in Appendix F—Fees and Fines.

Sec. 22-333. - Agent required.

(a) *Property manager.* Any owner of a rental dwelling, residing outside of the county, shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other rental real estate for a fee and who resides in the county acting as a property manager. The property manager, including family members and designated individuals, shall have charge, care and control of the rental dwelling, and shall provide access to the rental dwelling for inspection, upon request by the building inspector or city planner, within a reasonable time.

(b) *Corporate or partnership owners.* Any corporation or partnership owning a rental dwelling shall have a designated member, partner, or employee having charge, care, and control of the rental dwelling. The designated member, partner or employee shall reside in or have an office located in the county, or shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other rental real estate for a fee, and who resides in the county, acting as a property manager. The property manager, family members or other designated individuals shall have charge, care and control of the rental dwelling, and shall provide access to the rental dwelling for inspection, upon request by the building inspector or city planner, within a reasonable time.

Secs. 22-334—22-350. - Reserved.

Division 2. Permit

Sec. 22-351. - Generally.

(a) *Single-family dwellings.* It shall be unlawful for any person to operate any single-family rental dwelling without obtaining a permit from the licensing division of the department of planning and inspections in order to determine compliance with the appropriate

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provisions of this article. The permit shall expire annually on January 31. The fee for the annual permit shall be as provided for in Appendix F—Fees and Fines. ***The permit fee for rental dwelling permits issued after January 31st will be prorated from the date the permit is issued until the next January 31st.***

(b) *Multiple-family dwellings.* It shall be unlawful for any person to operate any multiple dwelling without first obtaining an annual permit therefor from the licensing division of the department of planning and inspections in order to determine compliance with the appropriate provisions of this article. The permit shall expire annually on January 31, and the fee for the annual permit shall be as provided for in Appendix F—Fees and Fines. ***The permit fee for rental dwelling permits issued after January 31st will be prorated from the date the permit is issued until the next January 31st.***

(c) *Late payment penalty.* In the event that the permit fee set forth herein is not paid on the date due, then the permittee shall incur a penalty fee as provided for in Appendix F—Fees and Fines until the same is paid.

(d) *Reinstatement fee.* An owner whose permit has been suspended in accordance with section 22-352 shall pay a reinstatement fee as provided for in Appendix F—Fees and Fines.

(e) *Lien.* In the event that the property owner fails to pay said fees within 30 days from the date a notice thereof is mailed to the owner, then such fees shall be entered in the municipal lien docket as a lien owing the city; and the same may be turned over to the city solicitor for collection.

(f) *Utilities.* The owner or occupant of any rental unit shall not be entitled to receive city utilities until the permit fee required in this section is paid in full and city personnel shall refuse to provide sewage, water and electricity to the property until satisfactory proof is furnished that such permit fee has been paid.

Sec. 22-352. - Suspension.

(a) *Grounds; duration.* The building inspector shall suspend the permit issued or withhold the permit paid for, pursuant to this division, when he determines that any dwelling or the premises surrounding the dwelling fails to meet the requirements of this chapter or any rule or regulation issued pursuant thereto. Suspension shall last until the violations have been corrected to the satisfaction of the building inspector, or the suspension shall have been reversed ~~**or appealed**~~.

(b) *Notice of violations.* Upon suspending any permit under this section or withholding the permit paid for, the building inspector shall notify the owner of the violations of the applicable code and shall prescribe a period in which the violation shall be corrected.

(c) *Appeal.* Any owner or operator of any dwelling, whose permit to operate the structure is suspended by the building inspector pursuant to the procedures of this section, shall have the right to appeal and notice as provided in section 22-225

(d) *Effect of appeal.* Upon suspension of a permit, or withholding of a permit ordered by the building inspector and upon the permittee serving the city clerk with a notice of appeal

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pursuant to section 22-225, the permit suspension shall be stayed and an existing permit shall remain in force until the appeal is decided.

Secs. 22-353—22-~~380~~ *370*. - Reserved.

Division 3. Crime free housing

Sec. 22-371. – Crime free housing seminar required.

All persons applying for a rental dwelling permit, and all persons administering, managing or controlling the operation of any rental dwelling unit must attend a crime free housing seminar, administered by the Dover police department, within 12 months of issuance of the permit. Each rental permit holder and each rental property manager must attend a seminar every three years. Documentation shall be submitted to the department of planning and inspections and kept on file within the department.

Sec. 22-372. – Crime free housing lease addendum.

(a) All residential leases shall include a crime free lease addendum, signed by the property owner and tenant, in the following form:

In addition to all other terms of the lease, landlord and tenant agree as follows:

1. The tenant, any member of the tenant's household, any guest or any other person associated with the tenant on or near the leased premises:

i. Shall not engage in criminal activity, including drug-related criminal activity, on or near the leased premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession of any illegal or controlled substance defined by Title 16, Chapter 47.

ii. Shall not engage in any act intended to facilitate criminal activity.

iii. Shall not permit the dwelling unit to be used for or to facilitate any criminal activity.

2. Any activity prohibited by this agreement shall constitute a substantial violation of the lease, material noncompliance with the lease, and grounds for termination of tenancy and eviction.

(b) The department of planning and inspections shall provide a template crime free lease addendum.

(c) A copy of the signed crime free lease addendum shall be submitted to the city of Dover prior to establishment of utility services to any residential property.

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Sec. 22-373. – Suspension of Rental Permit.

(a) Failure of the property owner to initiate and prosecute with effect eviction proceedings following notification by the City of Dover that the terms of the crime free housing lease addendum have been violated, or failure of the property owner and/or property manager to attend the required crime free housing seminar may be grounds for suspension of the rental permit in accordance with Section 22-352.

SYNOPSIS

The proposed ordinance adds the requirement that landlords participate in a crime free housing program that includes participation in a crime free housing seminar offered by the Dover Police Department and including a crime free housing addendum to leases. In addition, the proposed ordinance allows for prorating of rental permit fees for permits purchased after the beginning of the permit year.

Actions History

January 28, 2013 – Scheduled for First Reading by City Council

January 14, 2013 – Introduced at the Legislative, Finance and Administration Committee

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