REGULAR COUNCIL MEETING
A G E N D A

NOVEMBER 26, 2012 - 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 COUNCILMAN JAMES L. HUTCHISON

PLEDGE OF ALLEGIANCE LED BY COUNCILWOMAN WILLIAMS

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 - Regular Council Meeting of November 13, 2012**

2. Certificate of Appreciation - Hurricane Sandy

3. Annexation/Rezoning Public Hearing/Final Reading of Ordinance #2012-21 - Properties Located at 110 and 136 Rustic Lane (owned by Taililou, LLC)

- **A. Annexation Referendum Results (11/15/12): 1 FOR 0 AGAINST**
- **B. Annexation Resolution No. 2012-16**
- **C. Rezoning Public Hearing and Final Reading of Proposed Ordinance #2012-21 Amending the Zoning Designation from BG - General Business (110) and RMH - Residential Manufactured Home District (136) (Kent County Zoning Classifications) to C-2A - Limited Central Commercial (City of Dover Zoning Classification). The First Reading of the Proposed Ordinance Was Accomplished During the Council Meeting of September 10, 2012.**

4. Appeal for Pension Benefits - Steve Warren and Dewey Ray Lavender

* **5. Utility Committee Report - November 13, 2012**

A. Water Quality and Inflow and Infiltration (I & I) Updates
(Committee Action Not Required)

B. Quarterly Review of Utility Related Capital Investment Plan (CIP) (Electric and Water/Wastewater) (July, August, and September)
(Due to Time Constraints, This Item Was Deferred Until the Next Meeting)

C. TEA/NAES Report (August)
(Due to Time Constraints, This Item Was Deferred Until the Next Meeting)

D. Updates
(Due to Time Constraints, This Item Was Deferred Until the Next Meeting)

* **6. Legislative, Finance, and Administration Committee Report - November 13, 2012**

A. Proposed Ordinance #2012-23 - FY13 Budget Revisions (*See Item #10-A*)
(Committee Recommended Adoption of Proposed Ordinance #2012-23 - FY 2013 Budget Revisions)

B. Martin Luther King, Jr. Boulevard *(Referred to Committee by City Council on October 8, 2012)*
(Committee Recommended Setting a Public Hearing Before City Council on December 10, 2012 to Consider Councilman Perza's Proposal to Rename Court, Duke of York, and William Penn Streets as Martin Luther King Street, to Rename Capital Drive as Court Street, and for the Alley Currently Named Court Street to Remain Court Street, and to Consider the Placement of Plaques of Dedication to William Penn and the Duke of York on the Respective Streets and the Proposed Renaming of the Dover Public Library in Honor of Dr. Martin Luther King, Jr.)

7. Evaluation of Bids

A. HVAC Maintenance and Repair Contract

B. Robbins Hose Station 2 Ramp Upgrade

* **8. Reappointments Recommended by Mayor Carey - St. Jones Greenway Commission - Three (3) Year Terms to Expire December 31, 2015**

A. James Burcham

B. Michael P. Mercer

* **9. Election of Officers - Robbins Hose Company - Year 2013 Fire Line Officers**

Fire Chief	**-**	**Patrick W. West** *(Unopposed)*
Deputy Fire Chief	**-**	**Matthew E. Carey** *(Unopposed)*
First Assistant Fire Chief	**-**	**David C. Carey** *(Unopposed)*
Second Assistant Fire Chief	**-**	**Mark A. Hall II** *(Unopposed)*
Third Assistant Fire Chief	**-**	**Carl S. Troubetaris Sr.** *(Unopposed)*
Fourth Assistant Fire Chief	**-**	**Duane A. Reeder**
First Fire Line Captain	**-**	**Benjamin P. Smetana** *(Unopposed)*
Second Fire Line Captain	**-**	**William C. Kelly II** *(Unopposed)*

10. First Reading - Proposed Ordinance #2012-23

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 December 10, 2012. 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. Proposed Ordinance #2012-23 - FY13 Budget Revisions (Staff Sponsored)
(Legislative, Finance, and Administration Committee)

11. Council Members Announcements

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on November 13, 2012 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Mr. Lynn, 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 Fortney, 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.

Mr. EShed Alston, 406 Arnold Court, informed members that earlier this evening, he spoke during the Legislative, Finance, and Administration Committee meeting in regard to Agenda Item #2 - Martin Luther King, Jr. Boulevard. He stated that he waited patiently until everyone else had spoken and then raised issues which he thought were relevant to issues involving the black community, specifically in regard to lynching of citizens in the black community. Mr. Alston stated his feeling that he was treated in a very disrespectful way by [Chairman Lynn]. He stated that Mr. Lynn referred to Chief Hosfelt in the audience and Mr. Alston conjectured that this was to have him arrested. He stated that there was a Caucasian man who spoke about the Presbyterian Church and a woman who had written a book, and that in his opinion these things were off subject, but that this man was not interrupted one (1) time and he spoke over the time allotted. Mr. Alston expressed his opinion that there is a racially-oriented double standard where Caucasians who are in power in this town treat black people one way and Caucasians another. He further explained that he, currently, had an appeal to the United States Supreme Court alleging that the most racist State in America today is not Mississippi, Alabama, or Georgia but the First State, Delaware, which has changed the least in this regard.

Mr. Douglas W. Beatty, 50 North Draper Circle, Magnolia, reminded members that he had relayed concerns during the Open Forum Segment on October 22, 2012 regarding a death that was ruled a suicide, an assault not being investigated, and a leaflet campaign. Since that time, he stated that additional information had been obtained regarding the incident involving Henry Fordham and felt that the Police Chief may have been misled. Mr. Beatty explained that statements made by the Police Chief regarding the September 21st incident at Silver Lake differ from that of the individual who actually made the 911 call. He suggested that this matter be revisited by the City and that an independent investigation be launched regarding these matters.

The invocation was given by Mr. Herb Konowitz, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF OCTOBER 22, 2012

The Minutes of the Regular Council Meeting of October 22, 2012 were unanimously approved by motion of Mr. Hare, seconded by Mr. Hutchison, and bore the written approval of Mayor Carey.

CERTIFICATE OF CONGRATULATIONS - ELIZABETH W. MURPHEY SCHOOL 90TH ANNIVERSARY

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

CERTIFICATE OF CONGRATULATIONS

Presented to

Elizabeth W. Murphey School

for
Providing less fortunate children the fullest opportunity to develop toward useful and efficient lives for 90 successful years.

The City of Dover extends its congratulations on this special milestone. We thank you for your continued dedication to fostering each child, and ensuring their happy childhood.

Presented on the 13th day of November two thousand and twelve.

Mayor Carey presented the Certificate to Mr. Joe McDaniel, President of the Board of Directors, and relayed appreciation for the services provided to the City of Dover.

Mr. McDaniel thanked members for the recognition and reminded them that Mr. Murphey was very forward looking in providing the monies and facilities that established the School. He expressed his hope that the next 90 years would prove to be as beneficial as the past 90 years. He noted that the "poster child" for the Elizabeth W. Murphey School was none other than Councilman James L. Hutchison, a graduate of the School.

PROCLAMATION - CLASSROOM KINDNESS WEEK

The City Clerk read the following Proclamation into the record:

WHEREAS, the most influential people in many children's lives, outside of family, are the school teachers with whom they spend their days; and

WHEREAS, teachers are rarely thanked or recognized for their tireless efforts to shape children's lives and empower their futures; and

WHEREAS, the Be Kind People Project, a non-profit organization dedicated to improving the nation's educational environment by recognizing teachers and positively impacting students, will launch a major initiative to thank teachers and promote kindness in the classroom; and

WHEREAS, in collaboration with Teach for America, the Be Kind People Project will bestow gifts of appreciation and classroom kindness kits to hundreds of teachers throughout Dover in hopes of sparking a movement to express gratitude to teachers while inspiring kindness; and

WHEREAS, Dover's teachers are unsung heroes who deserve this special acknowledgment.

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim the week of November 12, 2012 to be **CLASSROOM KINDNESS WEEK** in the City of Dover and urge all residents to take a moment to express their gratitude to all teachers for a job well done and celebrate the essential contributions they make to children's futures.

Mayor Carey presented the Proclamation to Ms. Laurisa Schutt, Executive Director of the Be Kind People Project, and Corpsmen Caitlin Dortch, Alexandra Czoschke, and Diane Codding.

Ms. Schutt indicated that there was no other profession that has so much influence as the extraordinary profession of teaching, since teachers affect children's lives for generations. She thanked all teachers for their contributions and had those present introduce themselves, as follows: Ms. Alexandra Czosche, teacher of 9th through 12th grade English at the Kent County Alternative Program; Ms. Caitlyn Dortch, teacher of 8th grade Science at Central Middle School; and Ms. Diane Codding, teacher of 10th and 12th grade English and Language Arts (ELA) at Dover High School. Ms. Schutt accepted the Proclamation on behalf of all teachers.

GEOGRAPHIC INFORMATION SYSTEMS (GIS) DAY AND GEOGRAPHY AWARENESS WEEK

The City Clerk read the following Proclamation into the record:

WHEREAS, fascination with the earth's geography inspired the early explorers of our country to learn and record information about the surface of the land and its people, environments, resources, political boundaries, and characteristics and today remains a fundamental part of our national heritage; and

WHEREAS, geographic information has many useful applications for our municipal government and is a valuable resource used in the analysis of infrastructure, emergency services, economic development, and long-range planning; and

WHEREAS; Geographic Information Systems (GIS) technology provides an efficient means of managing geographic information and providing data that allows for effective decision-making and improved delivery of services to the residents of the City of Dover and our surrounding area; and

WHEREAS, the City of Dover's GIS Department plays a vital role in the continued growth of the City and has been nationally recognized for its outstanding efforts in the advancement of GIS and its foresight in creating programs that can be used to better manage services in the City.

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim November 14, 2012 as GIS Day, and November 11 – 17, 2012 as **GEOGRAPHY AWARENESS WEEK** in the City of Dover and urge all residents to adopt the national Geography Awareness Week theme, "Declare Your Interdependence," by exploring our community's connection to our neighbors around the globe using geographic skills such as mapping, photography, and storytelling, and to learn about the value of GIS technology in the management and exchange of geographic information.

PRESENTATION - MPO REGIONAL TRANSPORTATION PLAN (KATE LAYTON)

Ms. Kate Layton, Dover/Kent County Metropolitan Planning Organization (MPO) Public Liaison, presented a Power Point Presentation of the Dover/Kent County MPO Metropolitan Transportation Plan 2013-2040.

In response to Mrs. Williams, Ms. Layton explained that synchronization of traffic lights within a municipality was within the purview of the municipality, and lights outside municipalities were controlled by the Delaware Department of Transportation (DelDOT).

Mr. Anderson requested assurance that there would be proper pedestrian crossings at the new Dover High School, explaining safety concerns that had been relayed. In addition, he suggested that the DelDOT be more "business friendly" in their consideration of any improvements in the area when the regulations are being made.

Responding to Mr. Anderson regarding the St. Jones improvements, Ms. Layton stated that these improvements were a part of the First State Trails and Pathways Plan and were incorporated as a project in the MPO's Regional Bicycle Plan, which was adopted a year ago. She indicated that this project was related to a recent workshop held regarding the downtown area and how it connects with the Transit Hub at Queen and Water Streets. Mr. Anderson felt that these projects would improve recreation and tourism within the City.

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - 488 NORTH EAST AVENUE - JEFFREY E. GARRISON

During their Regular Meeting on June 25, 2012, City Council held a public hearing to consider a violation of the Dangerous Building Ordinance at 488 North East Avenue, owned by Jeffrey E. Garrison. Members tabled action regarding this matter for 120 days to provide Wells Fargo the opportunity to proceed with the foreclosure action and, if at any time during this 120-day period City inspectors were to find the property to be a hazard or find a continuing increase in hazardous conditions, that staff be authorized to move forward with the demolition process.

Mr. Lynn moved to remove the matter from the table, seconded by Mr. Hare and unanimously carried.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, provided a chronological history and presentation on the condition of the house located at 488 North East Avenue ***(Exhibit #1)***. She stated that although the overgrowth and litter had been cleared from the property, the interior conditions had not been repaired. The property was sold at a Sheriff Sale on November 1, 2012 to HSBC Bank. According to Wells Fargo, the Veteran's Association (VA) will be assigned the property following confirmation of the sale expected to take place in December.

Given the lack of progress on correcting the violations, staff recommended the following: 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by December 13, 2012 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner within 10 days of the date established by City Council; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien, or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner. *(City Clerk's Office Note: The action form presented indicated a date of December 13, 2012; however, staff amended their recommendation to order the property repaired or demolished by January 13, 2013 to provide the VA time to make necessary repairs.)*

In response to Mr. Lynn, Mrs. Townshend indicated that she did not have a contact person at the VA. Mrs. Williams explained that the most effective way to obtain such a contact was through the City's Congressional Delegation, so that they are provided notice regarding the demolition.

Mrs. Townshend assured members that staff had notified all lien holders; therefore, the VA would probably have been made aware of the demolition through disclosure.

Mr. Anderson suggested providing 90 days for the necessary repairs to be made rather than 30 or 60 days.

Mr. Lynn noted that the property continued to be a problem for his constituents who have kept him apprised of the progress made with the property in the 120 days since its first presentation to Council. He advised members that although some cosmetic changes had been made to the property, there had been no substantive changes. He stated that the property continued to be infested with mold and mosquitos (during the season), lawless individuals had been hiding there, wild animals had been living in and on the property, etc. Mr. Lynn reminded members that during Council's consideration of this matter on June 25, 2012, the bank had indicated that appropriate action would be taken. Noting that they had not taken such action and that the property remained dangerous, he felt that members should approve staff's recommendation with a deadline of December 13, 2012 for the property to be repaired or demolished.

Mr. Lynn moved for approval of staff's recommendation regarding the property located at 488 North East Avenue, as follows: 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by December 13, 2012 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of

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

Mr. Anderson felt that Council should provide the VA additional time to take action and suggested that staff's amended date of January 13, 2013 be approved.

Mr. Anderson moved to amend the motion to provide a repair or demolition date of January 13, 2013. The motion failed for the lack of a second.

Concurring with Mr. Perza, Mr. Lynn reminded members that during the public hearing on June 25th, the attorney for the bank had promised that the necessary repairs would be made. As a result, Council provided them 120 days to complete the repairs. He noted that the bank purchased the property at Sheriff's sale and then immediately conveyed it to another party, delaying any action and putting the City's residents in danger.

Mr. Anderson stated that the nature of the amendment was to follow staff's recommendation. He explained that staff would then have the authority to take any necessary action and that the matter would not be presented to Council for any further consideration.

On a call for the question, the motion to approve staff's recommendation regarding the property located at 488 North East Avenue, as follows: 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by December 13, 2012 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner within 10 days of the date established by City Council; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien, or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner, was carried by a roll call vote of six (6) yes (Lynn, Perza, Williams, Hare, Hutchison, and Leary), one (1) no (Anderson), and one (1) absent (Bonar).

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - 628 NORTH WEST STREET - OWNED BY MARINA LAIRD

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 628 North West Street, owned by Marina Laird (c/o Marina Laird Valentine). Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the property consisted of a split-level, wood-framed, single-family home. On August 19, 2009, the metering department for the City disconnected the water to the home due to the failure of the owner to upgrade the current meter to an electronic radio-read water meter. On May 5, 2011, the home was declared unfit for human habitation due to no water service and the electric service was disconnected. She advised members that since then the home had been registered as a vacant

building with 1st and 2nd year registration fees due. Currently, the structure was still unoccupied, with no active utility services, and in a serious state of disrepair, with large amounts of debris, garbage, and personal effects filling the interior of the home. Mrs. Townshend provided a chronological history and presentation on the conditions of the house located at 628 North West Street ***(Exhibit #2)***.

Staff recommended that City Council: 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by December 13, 2012 by the owner or equity owner at their own risk: 3) order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner within 10 days of the date established by City Council; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien, or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Council President Leary declared the public hearing open.

Ms. Lisa Valentine Phillips, 57 Hardwood Drive, stated that the property was owned by her mother, (who had passed away 16 years ago) and her father. She believed that the property became overwhelming for her father to care for and that many of the code violations were not known by the children. She stated that the home was being transferred over to her and her siblings and assured members that the concerns would be addressed; however, she stated that they would need additional time to have them completed.

Responding to Mr. Hutchison, Ms. Phillips felt that the necessary repairs could be accomplished within 90 days. She advised members that they had already started cleaning up the property and that the upstairs had been completed, with the exception of the furniture and possessions. She stated that it was hoped that the family would save on costs by doing a lot of the work themselves.

In response to Mr. Perza, Ms. Phillips stated that the family had talked with a contractor regarding the repairs necessary to the siding and steps, and that the costs should be minimal.

Responding to Mrs. Williams, Mrs. Townshend indicated that she felt the property was not compromised; however, she reiterated that staff had not been able to inspect the interior to make such a determination.

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

Mr. Hare moved to approve staff's recommendation regarding the property located at 628 North West Street, as follows: 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by December 13, 2012 by the owner or equity owner at their own risk: 3) order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner within 10 days of the date established by City Council; and 4) order the City Manager, with the assistance of the City

Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien, or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner, with the stipulation that the property owner be granted a 90-day extension to make the necessary repairs. The motion was seconded by Mrs. Williams and carried by a roll call vote of six (6) yes (Lynn, Perza, Williams, Hare, Hutchison, and Leary), one (1) abstention (Anderson), and one (1) absent (Bonar). Mr. Anderson abstained due to concern that the property had not reached a level for condemnation.

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - 312-314 WEST DIVISION STREET - OWNED BY TARUNA, LLC

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 312-314 West Division Street, owned by Taruna, LLC. Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the property consisted of a three (3) story, wood-framed duplex. On April 4, 2007, the building was condemned and declared unsafe for human occupancy due to numerous code violations found within the structure and the illegal use that was occurring at the time. She advised members that the previous owner had created an illegal passageway between the two (2) structures and was using one (1) side as a church and the other as apartments. She stated that the property had been vacant with no active utility service since December 1, 2010, and that there had been no power in some of the smaller units since December 2005. Currently, the structure was vacant, with no active utility services, and in a serious state of disrepair. Mrs. Townshend provided a chronological history and presentation on the conditions of the house located at 312-314 West Division Street ***(Exhibit #3)***.

Staff recommended that City Council: 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by December 13, 2012 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien, or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mrs. Townshend stated that on November 1, 2012, she received a request from the property owner for additional time to take action regarding this property, explaining that his wife had been sick and he had just had surgery. When this request was received, she stated that the item had already been scheduled for a public hearing at this time.

Responding to Mrs. Williams, Mrs. Townshend indicated that the City did not have a structural report for the property and explained that, due to the amount of deterioration, staff would require a structural evaluation from a structural engineer.

In response to Council President Leary, Mrs. Townshend stated that approximately three (3) years ago, staff met with the current property owner regarding the possibility of using the property for

commercial purposes. Due to the required renovations and zoning issues, which were significant, no further discussion had taken place since that time.

Council President Leary declared the public hearing open.

Mr. Utpal Turakhia, 258 Harvest Road Trail, stated that he purchased the property in 2010 and was trying to make the necessary repairs. Unfortunately, his wife had been sick and he had been short-handed with his business, which had prevented him from having the necessary time to tend to this matter. Noting that several of the violations were issued in 2007, he questioned if the previous owner would be responsible for those violations. Responding, Council President Leary indicated that the Building Inspector noted that the situation regarding the property would have been known during the time of purchase. Mr. Turakhia indicated that he had been in contact with a contractor to assist with repairs; however, he has had recent deaths in the family.

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

Responding to Mr. Hare, Mrs. Townshend stated that she, along with the Fire Marshal, Building Inspector, and a member of the Planning Department staff met with the current owner in 2010, at which time he was made aware of the action that would be necessary, including architectural drawings and information regarding a contractor to perform the work. She stated that there had been no further contact since that time.

In response to Mrs. Williams, Mrs. Townshend explained that she had concerns about the building due to its age and the deterioration of the structure that has occurred for the past several years. Mrs. Williams questioned the ability of a person to purchase a building that may not be structurally sound. Responding, Mr. Perza stated that a buyer could purchase property with his own money and without requiring any type of inspection. However, if a lender is involved, such an inspection would be required.

Mrs. Williams moved that the structure located at 312-314 West Division Street be declared a dangerous building and subject to demolition, as recommended by staff, seconded by Mr. Perza. The motion failed by a roll call vote of four (4) yes (Perza, Williams, Hutchison, and Leary), three (3) no (Anderson, Lynn, and Hare) and one (1) absent (Bonar).

Mr. Lynn moved to approve staff's recommendation regarding the property located at 312-314 West Division Street, as follows: 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by December 13, 2012 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien, or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner, with the stipulation that the property owner be granted a 90-day extension to make the

necessary repairs. The motion was seconded by Mr. Anderson and carried by a roll call vote of six (6) yes (Anderson, Lynn, Perza, Williams, Hare, and Leary), one (1) no (Hutchison), and one (1) absent (Bonar).

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - 316 WEST DIVISION STREET - OWNED BY JOE W. BURDEN SR.

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 316 West Division Street, owned by Joe W. Burden Sr. Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the property consists of a two (2) story, wood-framed, single-family home. On January 13, 2010, a housing inspection was conducted on the structure with numerous code violations found. Some of the violations were corrected by the owner, but utilities were disconnected on April 7, 2010 and no further inspections had occurred. Since then, the home had been registered as a vacant building, with second year registration fees due, and the rental license had been suspended. Currently, the structure was still unoccupied, with no active utility services and in a serious state of disrepair. Mrs. Townshend provided a chronological history and presentation on the conditions of the house located at 316 West Division Street ***(Exhibit #4)***.

Staff recommended that City Council: 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by December 13, 2012 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien, or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

In response to Mr. Perza, Mrs. Townshend stated that although there had been interaction with the property owner regarding other properties and minor repairs, to her knowledge, there had been no interaction specifically regarding the property at 316 West Division Street.

Council President Leary declared the public hearing open.

Mr. Joe Burden Sr., 1422 McKee Road, advised members that he had visited the City's Inspections Department on November 5, 2012 and advised staff that all repairs had been made to the property. An inspector had visited the property and indicated that the exterior repairs had been made; however, he would need to also inspect the interior. Mr. Burden stated that he attempted to have the electric service restored and was advised that since approximately $7,000 was due in outstanding property taxes, the City could not restore electric service. Mr. Burden indicated that in January, he had paid $27,000 in back taxes and that in September he paid almost $16,000 in taxes. Due to the economy, he stated that his tenants were unable to pay rent, which had resulted in his being late for tax payments.

Responding to Mr. Perza, Mrs. Townshend explained that the electric service cannot be restored if there are any taxes due on any property (Clean Hands Ordinance) and that an interior inspection could not be done without running water and electricity.

In response to Mr. Lynn, Mrs. Townshend stated her belief that there were delinquent taxes on all properties owned by Mr. Burden, explaining that the City's delinquent tax list contained multiple pages of properties owned by Mr. Burden.

Disagreeing, Mr. Burden stated that all taxes for all the houses he owns have been paid and the only outstanding taxes due were for his land.

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

In response to Mr. Perza, Mrs. Townshend stated that 316 West Division Street was not listed on the delinquent tax roll; however, 320 West Division Street was listed.

Mr. Anderson felt that the recent amendments to the Clean Hands Ordinance would allow for utility service to be temporarily restored to allow for repairs and inspections.

Mr. Anderson moved to lay the matter on the table. The motion failed due to the lack of a second.

Mr. Hare moved to approve staff's recommendation regarding the property located at 316 West Division Street, as follows: 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by December 13, 2012 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien, or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner. The motion was seconded by Mrs. Williams and carried by a roll call vote of five (5) yes (Perza, Williams, Hare, Hutchison, and Leary), two (2) no (Anderson and Lynn) and one (1) absent (Bonar).

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - 320 WEST DIVISION STREET - OWNED BY JOE W. BURDEN SR.

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 320 West Division Street, owned by Joe W. Burden Sr. Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the property consisted of a two (2) story, wood-framed, single-family home that was converted at some point into two (2) apartments. On November 28, 2010 a housing inspection was conducted within the apartment units with numerous code violations found. Some of the violations were corrected by the owner, but no further inspections occurred after December 1, 2010. Since then, the home had been registered as a vacant building with first year registration fees due, and the rental license was suspended on

March 3, 2011. Currently the structure was still unoccupied, with no active utility services, and in a serious state of disrepair. Mrs. Townshend provided a chronological history and presentation on the conditions of the house located at 320 West Division Street ***(Exhibit #5).***

Staff recommended that City Council: 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by December 13, 2012 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien, or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Responding to Mrs. Williams, Mrs. Townshend stated that there were numerous interior violations and that the rental permit was not issued due to overall dilapidation.

Council President Leary declared the public hearing open.

Mr. Joe Burden, 1422 McKee Road, advised members that the City inspector had conducted an inspection on the interior of the property and, although he had indicated that it was in good shape, he could not finalize the inspection since utility service was necessary to complete the inspection. He stated that the electricity could not be turned on due to the outstanding taxes. However, Mr. Burden stated that he paid approximately $16,000 in taxes in September, and explained that his tenants were not paying him rent due to the economy.

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

Mr. Perza moved that the structure located at 320 West Division Street be declared a dangerous building and subject to demolition, as recommended by staff, seconded by Mrs. Williams.

Mr. Anderson stated that everyone knew that these properties were not dangerous and relayed concern with the City utilizing taxpayers' money to demolish affordable housing that was desperately needed.

Disagreeing, Mr. Hare stated that he was not aware of the condition of this house and that staff had the knowledge to make such a determination and report their findings to Council. He also felt that if the City inspector had determined that the necessary repairs were made to the property, it would have been included in the report. In addition, he felt that Council should follow the ordinances that they pass, including the Clean Hands Ordinance.

Responding to Mr. Lynn, Mrs. Townshend stated that there are fire concerns with any vacant building, which is one (1) of the reasons staff is vigilant in taking the appropriate action involving vacant buildings. Specifically, she stated her understanding that there were electrical concerns that required electrical inspection.

On a call for the question, the motion to approve staff's recommendation regarding the property located at 320 West Division Street, as follows: 1) declare this building and all accessory structures on this property dangerous; 2) order the property repaired or demolished by December 13, 2012 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien, or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner, was carried by a vote of five (5) yes (Perza, Williams, Hare, Hutchison, and Leary), two (2) no (Anderson and Lynn) and one (1) absent (Bonar).

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE REPORT - OCTOBER 24, 2012

The Safety Advisory and Transportation Committee met on October 24, 2012 with Chairman Hutchison presiding.

Proposed Resolution No. 2012-14 - Designating a Redevelopment Area on Properties Bounded by U.S. Route 13 (North DuPont Highway) on the East, Kings Highway on the North and West, and Delaware Route 8 (East Division Street) on the South

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that Delaware Department of Transportation (DelDOT) Standards and Regulations for Subdivision Streets and State Highway Access include level of service (LOS) criteria. She explained that DelDOT has limited flexibility to relax its LOS standards unless an area is designated as a redevelopment area. Mrs. Townshend noted that in the development process, the developer is typically responsible for the transportation upgrades necessary to support the proposed development project and must bring the road segment or intersection up to an acceptable level of service. She indicated that this becomes a challenge in highly developed urban areas as upgrades may involve property acquisition or condemnation, which can be costly enough to make a project economically infeasible.

Mrs. Townshend explained that the property located in the area bound by U.S. Route 13 on the east, Kings Highway on the north and west, and Delaware Route 8 on the south was in an area where current transportation challenges create an impediment to redevelopment without flexibility of the LOS standard. Although the language in the City's Comprehensive Plan supports redevelopment of underutilized sites along the Route 13 corridor, after discussing this matter with DelDOT, it was determined that the Comprehensive Plan was not specific enough to allow DelDOT to require only that the current LOS be maintained.

Mrs. Townshend reviewed Proposed Resolution No. 2012-14, designating a redevelopment area on Properties Bounded by U.S. Route 13 (North DuPont Highway) on the East, Kings Highway on the North and West, and Delaware Route 8 (East Division Street) on the South. She stated that the proposed Resolution would allow DelDOT to require the developer to contribute only a portion of the cost of improvement that is proportional to the traffic generated by the proposed development rather than making costly upgrades to the intersection that would make the project infeasible.

Mrs. Townshend assured members that the Proposed Resolution had been reviewed by DelDOT and no concerns were indicated; however, DelDOT staff forwarded the Resolution to the Deputy Attorney General for review before providing their approval. After speaking with representatives of DelDOT, she stated that it was suggested that the Proposed Resolution be presented to the Committee for their review and recommendation in hopes that approval from the Deputy Attorney General would be received prior to submission to City Council on November 13, 2012. Mrs. Townshend stated that if the approval were not received by that date, the matter would be removed from the Consent Agenda.

At the request of Mr. Hutchison, Mrs. Townshend assured members that the proposed Resolution would be forwarded to the City Solicitor's Office for review prior to its consideration by City Council.

The Committee recommended adoption of Resolution No. 2012-14, provided that approval of the Resolution was received from the Deputy Attorney General and City Solicitor.

By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and by a unanimous roll call vote (Bonar absent), Council adopted Resolution No. 2012-14, as follows:

A RESOLUTION DESIGNATING A REDEVELOPMENT AREA ON PROPERTIES BOUNDED BY U.S. ROUTE 13 (NORTH DUPONT HIGHWAY) ON THE EAST, KINGS HIGHWAY ON THE NORTH AND WEST, AND DELAWARE ROUTE 8 (EAST DIVISION STREET) ON THE SOUTH

WHEREAS, the City of Dover 2008 Comprehensive Plan, as amended, encourages redevelopment along the U.S. Route 13 corridor; and

WHEREAS, a number of intersections along the U.S. Route 13 corridor fail to meet the Level of Service Standards required by the State of Delaware, and the costs of modifying such intersections can cause redevelopment of certain properties to be financially infeasible; and

WHEREAS, economic growth, prosperity and redevelopment are identified priorities of the City of Dover, which wishes to work with the development community and the Delaware Department of Transportation to promote redevelopment while preserving and enhancing the transportation network.

NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE CITY OF DOVER

1. Designates the area bounded by U.S. Route 13 (North DuPont Highway) on the east, Kings Highway on the north and west, and Delaware Route 8 (East Division Street) on the south as a redevelopment area, and requests that the Delaware Department of Transportation allow for development to proceed without requiring the developer to make all of the necessary improvements but rather requiring the developer to contribute a portion of the costs to be set

aside for current and future improvements that is proportional to the traffic generated by the proposed development; and

2. Directs staff to work with the Delaware Department of Transportation and the Dover/Kent County Metropolitan Planning Organization to plan for and prioritize the transportation system improvements needed to facilitate redevelopment.

ADOPTED: NOVEMBER 13, 2012

Review of Rear Access Waiver for Leander Lakes Apartments

Members considered a request for a waiver of the emergency rear access requirements for the Leander Lakes Apartments. Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the site plan provided to members and explained that the subject property consists of one (1) parcel of land totaling $28.67^{+/-}$ acres. The subject property is zoned RM-1 (Medium Density Residence Zone) and is subject to the COZ-1 (Corridor Overlay Zone). This property is located on the south side of Forrest Avenue west of Dover High Drive and the property of Dover High School and east of Artis Drive. The owner of record is Leander Lakes, LLC (Tax Parcel: ED-05-075.00-01-05.01-000).

Mrs. Townshend advised members that the Site Plan proposes 240 apartment dwelling units in a series of three (3) story apartment buildings. The development will consist of a total of ten (10) apartment buildings, a clubhouse, and residual land to be used for stormwater management, the entry road, and open space. The entrances leading into the apartment complex site are off Dover High Drive, which connects to Forrest Avenue. The continuation of Dover High Drive is currently under construction and will connect to Tribbitt Street in the Cannon Mill subdivision.

Noting the close proximity to the new Dover High School, Mrs. Townshend indicated that one (1) of the requirements of the Planning Commission was for the developers to work together to execute a Memorandum of Agreement (MOA), which has been accomplished. She stated that the MOA specifies which portions of the roadway would be built by the developers of Dover High School and which would be the responsibility of the builders for Leander Lakes Apartments.

Mrs. Townshend reminded members that the Planning Commission had originally granted conditional Site Plan approval (S-09-13) for a 240-unit apartment complex at their meeting in August 2009. Since construction did not commence, the plan expired on August 31, 2012. A Record Plan was previously recorded to subdivide the subject property from the Destiny Christian Church parcel. A Record Plan also recorded the contribution of forty (40) feet of property by Leander Lakes, LLC to create the right-of-way for Dover High Drive. She advised members that the request for a waiver to eliminate the emergency rear access requirement was part of this previous application and that City Council granted the waiver request at their meeting of September 14, 2009.

In accordance with Article 5 §17.5(a) of the Zoning Ordinance, Mrs. Townshend indicated that a 16-foot alley or an 18-foot secondary fire lane and an 18-foot subgrade emergency access lane would be required as emergency access to the rear building areas for two (2) and three (3) story apartment buildings. She noted that the applicant was requesting a waiver of these requirements. She stated that the existing circulation layout provides a 24-foot fire lane access across the front side of each

building and that the buildings will contain sprinkler systems. For informational purposes, Mrs. Townshend advised members that since waivers of this requirement are granted frequently, staff was considering the removal of this section from the Zoning Ordinance. After review by the Fire Marshal, staff felt confident that the necessary fire protection was provided through fire lane coverage and sprinkler systems; however, it was necessary to conduct the waiver process because rear access was a current Code requirement.

The Planning Commission recommended approval of the waiver for the elimination of the emergency rear access. Members were provided a summary of the requested waiver as follows:

Zoning Ordinance	Required	Proposed	Waiver
Emergency Rear Access for Two-Three story apartment buildings	16 ft. alley or 18 ft. secondary fire lane and an 18 ft. subgrade Emergency access lane	None	Elimination of the Required alleys/ Secondary fire lanes

Responding to Mr. Davis, Mrs. Townshend assured members that City Staff had been meeting with the Delaware Department of Transportation (DelDOT), explaining the need for the Route 8/Hazlettville Road connection project to be completed sooner than originally planned. She advised members that staff was expecting an application for development for property located at the corner of Dover High Drive and Route 8. As a result, she stated that she had requested a meeting with all project engineers involved to assure that the infrastructure being planned would tie in together. Mrs. Townshend indicated that Calvary Baptist Church, which occupies the adjacent property to the west, has placed their development plans on hold; however, they plan to develop the property as a church/church school site.

Mrs. Townshend further explained that the City has required cross access easements to the Destiny Christian Center property, the Dover High School property, and other adjacent properties.

In response to Mr. Hutchison, Mrs. Townshend indicated her understanding that the developers hope to begin construction within a year.

The Committee recommended approval of a waiver of the Zoning Code requirement for emergency rear access for Leander Lakes Apartments, as recommended by the Planning Commission.

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

Creation of Bicycle and Pedestrian Committee

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that the 2008 City of Dover Comprehensive Plan included a recommendation for the formation of a Bicycle/Pedestrian Advisory Group made up of bicyclists, pedestrians, DelDOT staff, MPO staff, and City staff to begin identifying gaps in the pedestrian and bicycle network. She indicated that in September 2011, the Dover Kent County Metropolitan Planning Organization (MPO) approved the Kent County Regional Bicycle Plan, which aims to create an effective, safe bicycle system in central Delaware. It shows where there are bicycle trails, lanes, and similar

facilities in central Delaware and where there are gaps in such a service. This plan identifies a number of priorities in the City of Dover. She explained that the proposed Bicycle and Pedestrian Committee would work with the City, the Delaware Department of Transportation (DelDOT) and the Dover/Kent County MPO to prioritize projects for implementation and to promote safe opportunities for bicycling, walking, and jogging in the City of Dover.

Mrs. Townshend also explained that the creation of this Committee would provide the City a mechanism for regular communication with the cycling and pedestrian community, which would help to improve the quality of life in the City, help the City to achieve a Bicycle Friendly Community designation, and put the City in a positive position to receive funding through the State Trails and Pathways Initiative.

Staff recommended the creation of a Bicycle and Pedestrian Committee consisting of five (5) City residents who are active pedestrians and cyclists selected by the Chair of the Safety Advisory and Transportation Committee, with participation from City departments, DelDOT, and the Dover/Kent County MPO.

In response to Mr. Hutchison, Mrs. Townshend stated that two (2) individuals had indicated an interest in serving the City in this capacity and another individual who may also wish to serve approached her at a Bike Summit. She suggested that recommendations be provided for consideration and that she meet with the Committee Chair prior to the end of the year to finalize the selection of members.

Mr. Keller questioned whether the City would be required to maintain the pathway, including snow removal. Mrs. Townshend expressed her opinion that the City would be responsible for snow removal but that this would be a lower priority than snow removal from City streets. She acknowledged the importance of pathway maintenance, noting that an asphalt pathway on North Street that travels to Schutte Park has not been actively maintained and, as a result, grass is protruding and damaging the asphalt. She stated that the proposed committee would be discussing these types of issues.

The Committee recommended the creation of a Bicycle and Pedestrian Committee as recommended by staff, and that staff work with the Committee Chair to develop a list of members to be considered for appointment to this Committee.

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

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

MONTHLY REPORTS - SEPTEMBER 2012

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

Budget
Chief of Police
City Assessor
City Manager
City Planner
Dover Fire Department
Economic Development Office

QUARTERLY REVIEW OF UTILITY RELATED CAPITAL INVESTMENT PLAN (CIP) ***(July, August, and September)***

Mrs. Donna Mitchell, Controller/Treasurer, submitted the Quarterly Review of the Utility Related Capital Investment Plan (CIP) for July, August, and September.

By consent agenda, Mr. Hare moved for acceptance of the Quarterly Review of the Utility Related Capital Investment Plan (CIP) for July, August, and September. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote (Bonar absent).

CURFEW ORDINANCE SIX-MONTH REPORT BY POLICE CHIEF

In accordance with Section 59-9(a) of the Dover Code, Police Chief Hosfelt submitted a Curfew Ordinance Six-Month Report.

By consent agenda, Mr. Hare moved for acceptance of the Curfew Ordinance Six-Month Report by Police Chief Hosfelt, seconded by Mr. Hutchison and carried by a unanimous roll call vote (Bonar absent).

COUNCIL AND COMMITTEE MEETINGS - HOLIDAY SCHEDULE/DECEMBER 24, 2012 SPECIAL HOLIDAY

Council President Leary noted that as Council has done in the past, due to the holiday season, it was recommended that the Utility and Legislative, Finance, and Administration Committee Meetings and the Council Meeting scheduled for December 24th be cancelled, as well as the Safety Advisory and Transportation Committee meeting scheduled for December 26th. He assured members that if the need arose, Special Meetings would be called.

Additionally, Council President Leary noted that Christmas would fall on a Tuesday this year; therefore, it was recommended that consideration be given to recognizing Monday, December 24, 2012 as a special holiday declared by City Council for City employees.

Mr. Hare moved for approval of the Holiday Schedule for the Council and Committee Meetings, as presented by Council President Leary, and that Monday, December 24th be declared a Special Holiday for City employees. The motion was seconded by Mrs. Williams.

Responding to Mr. Lynn, Mrs. Donna Mitchell, Controller/Treasurer, stated her recollection that the costs associated with providing a holiday for employees was approximately $1,400 - $1,900.

On a call for the question, the motion to approve the Holiday Schedule for the Council and Committee Meetings, as presented by Council President Leary, and that Monday, December 24th be declared a Special Holiday for City employees carried by a roll call vote of five (5) yes (Lynn, Williams, Hare, Hutchison, and Leary), two (2) no (Anderson and Perza), and one (1) absent (Bonar).

FINAL READING - PROPOSED ORDINANCE #2012-22 WITH LF&A-1 AMENDING CHAPTER 114 - VEGETATION, ARTICLE II - WEEDS (COLLECTION OF GRASS CUTTING FEES)

The First Reading of the following proposed ordinance was accomplished during the Council Meeting of October 22, 2012.

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

Mrs. Ann Marie Townshend reminded members that the proposed ordinance amendment would add unpaid fines for grass cutting to the tax duplicate to be invoiced as part of the annual property tax bill and collected as part of the city property tax collection process and holds the violator responsible for collection costs and attorney's fees.

Responding to Mr. Lynn, Mrs. Townshend stated that according to the Deputy City Solicitor, the only items that can be included on a tax bill are those items that allow for a lien to be placed in accordance with State Statute (Title 25), which currently only allows exterior repairs and remediation to a property. Therefore, the City could not include most of the City's code enforcement fines on the tax bills.

Mr. Hare moved for approval of the Legislative, Finance, and Administration Committee's Amendment to Ordinance #2012-22, seconded by Mr. Lynn and unanimously carried.

Mr. Hare moved for adoption of the proposed ordinance, as amended, seconded by Mr. Lynn and, by a unanimous roll call vote (Bonar absent), Council adopted Ordinance #2012-22, as follows:

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

That Chapter 114 - Vegetation, Article II - Weeds, Section 114-33 - Failure to Maintain Proper Height; Abatement by City; Costs and Lien, be amended to read as follows:

Sec. 114-33. - Failure to maintain proper height; abatement by city; costs and lien.

(a) *Summons; action by city*. In the event that any owner, occupant or tenant of any premises within the city, or any agent caring for or in charge of the premises, shall permit any grass, weeds, underbrush, deleterious or unhealthful growths or other noxious matter to grow to a height of eight inches or more as prohibited by this article, then the code enforcement officer or fire marshal or his authorized agents shall issue a summons showing a violation of section 114-32, said summons to be served personally or by mail evidenced by certificate of mailing upon the owner, occupant, or tenant of the premises, or any agent caring for or in charge of the premises. The summons shall cite the violation of this article and shall be accompanied by a letter or a copy of the relevant provisions of this article stating what corrective action must be taken and shall state the consequences for failure to take such corrective action. If the violation is not corrected within three days from the date of personal service of the summons or within seven days from the date of mailing of the summons evidenced by certificate of mailing, then the city, at the direction of the code enforcement officer or the fire marshal, may remove the weeds, grass, underbrush, deleterious or other unhealthful growths or other noxious matter growing to a height in excess of eight inches or more in violation of section 114-32 and charge the responsible person as provided for in Appendix F—Fees and Fines for such work that must be done to render the property in compliance with this article. When the owner, occupant, or tenant of any premises, or any agent caring for or in charge of the premises, has received summonses, or been issued a summons evidenced by certificate of mailing, and fails to take corrective action, and the city has corrected the violation in accordance with this subsection, then no further notification shall be necessary for the city to take any further corrective action on any subsequent violations within the following 12-month period starting from the date of the first corrective action by the city.

(b) *Failure to pay charges*. In the event that the owner of record is deemed to be in violation of section 114-32, and in the event that the violation is corrected in compliance with subsection (a) of this section, and if the charges assessed by the city for correcting said deficiency are not paid, then the city, after having corrected the deficiency and violation, shall place its charges and expenses as specified in the municipal lien docket as a lien against said property, and add the charges and expenses as specified to the tax duplicate for the tax year said services were provided by the city and invoiced as part of the annual property tax bill for said property and collected as part of the city property tax collection process. In addition to the methods directed herein, the city solicitor shall be directed to enforce said lien or to collect the charges imposed by the city by any other means that he may deem desirable and most advantageous to the city. The violator shall be responsible for all collection costs and expenses, including attorneys' fees.

BE IT FURTHER ORDAINED THAT Section 114-34 - Fines, be amended to read as follows:

Sec. 114-34. - Fines.

(a) *Generally*. Any person convicted of a violation of section 114-32, regardless of corrective actions taken, shall be punished for that violation by a fine as provided for in Appendix F—Fees and Fines. Any such fine shall be in addition to any charges or assessments imposed

upon the violator pursuant to section 114-33(a). All fines imposed shall be in accordance with the minimum fine schedule set out in subsection (c) herein.

(b) *Each day*. Every day that a violation of section 114-32 continues shall be considered a separate offense, for which the violator may be tried and convicted without necessity of further notice.

(c) *Minimums*.

(1) Any fine assessed pursuant to subsection (a) of this section shall be no less than the minimum amount as provided for in Appendix F—Fees and Fines.

(2) In determining the applicable minimum fine, an offense shall be considered a recurring offense only if the defendant has previously pleaded, or been found guilty of causing or permitting the same nuisance at the same location within the past 18 months, or for every day that the violation of section 114-32 continues as per subsection (b) of this section.

(d) *Lien*. Any fines imposed pursuant to subsection (a) of this section which remain unpaid shall:

(1) be added to the tax duplicate for the tax year said services were provided by the city and invoiced as part of the annual property tax bill for said property and collected as part of the city property tax collection process, and

(2) be placed by the city as specified in the municipal lien docket as a lien against the property on which the violation occurred, and the procedures for enforcement or collection of said lien shall be as set out in section 114-33(b).

(e) *When not paid*. Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.

COUNCIL MEMBERS ANNOUNCEMENTS

Council President Leary announced that the Special Fourth District Election would be held on November 27, 2012 between the hours of 7:00 a.m. and 8:00 p.m. at the Elk's Lodge #1903 at 200 Saulsbury Road.

Mr. Hare commended the City's Electric Department for the assistance they provided to the residents of New Jersey due to the devastation caused by Hurricane Sandy. (Several members of Council joined in this commendation.)

Mr. Lynn congratulated Mrs. Sharon Duca for her recent appointment as Director of Public Works.

Mayor Carey relayed appreciation to all employees for the hard work and extra hours provided during and after Hurricane Sandy, as well as those who traveled to New Jersey.

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

Meeting Adjourned at 9:20 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of November 13, 2012, are hereby approved.

CARLETON E. CAREY SR.
MAYOR

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Exhibits
Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 488 North East Avenue
Exhibit #2 - Presentation - Violation of Dangerous Building Ordinance - 628 North West Street
Exhibit #3 - Presentation - Violation of Dangerous Building Ordinance - 312-314 West Division
Exhibit #4 - Presentation - Violation of Dangerous Building Ordinance - 316 West Division Street
Exhibit #5 - Presentation - Violation of Dangerous Building Ordinance - 320 West Division Street

Violation of Dangerous Building Ordinance 488 N East Avenue

Planning & Inspections Department

Dover, Delaware

November 13, 2012

Exhibit #1
Council Meeting November 13, 2012

488 North East Avenue
Case History

- Four code enforcement cases since 2009 (2 minor cases prior to 2009)
  - Tall grass and weeds
  - Vacant building
- Registered as vacant building by staff in August 2009.
- Source of neighbor complaints.

488 North East Avenue
Recent Case History

- Staff met with contractor on site on 7/3/12.
- Permit issued for roof repair on 10/10/12
  - Contractor indicates repairs have been done
  - No inspection on record
- Litter and overgrowth removed
- Acquired by HSBC Bank at sheriff sale on 11/1/12
- Per Wells Fargo VA will own property following confirmation of sale December 2012.

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

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*


06/25/2012 10:31


488
11/13/2012 10:45


11/13/2012 10:45














06/25/2012 10:33


06/25/2012 10:34


11/13/2012 10:46


06/25/2012 10:33


11/13/2012 10:46


06/25/2012 10:34


11/13/2012 10:46

Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property repaired or demolished by **December 13, 2012** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Violation of Dangerous Building Ordinance 628 North West Street

Planning & Inspections Department

Dover, Delaware

November 13, 2012

Exhibit #2
Council Meeting November 13, 2012

628 North West Street
Case History

- 30 code enforcement cases since 2002
  - Pool demolished by City in late 2010
  - Tall grass and weeds
  - Vacant building
- Water disconnected due to inability to access house to install remote read for water meter in August 2009.
- Home condemned on May 5, 2011 and electric disconnected.
- Source of neighbor complaints.

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

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*


09/11/2012 09:05


10/11/2012 10:33


10/11/2012 10:33


11/09/2012


09/11/2012 09:10


09/11/2012 09:08

Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property repaired or demolished by **December 13, 2012** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Violation of Dangerous Building Ordinance 312-314 West Division Street

Planning & Inspections Department

Dover, Delaware

November 13, 2012

Exhibit #3
Council Meeting November 13, 2012

312-314 West Division Street Case History

- 25+ code enforcement cases since 1998
  - Tall grass and weeds
  - Vacant building
  - Electric termination
  - Multiple condemnation cases
  - Overcrowding
- Condemned in April 2007.
- No active utilities since 2010
  - Some units without power since December 2005

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

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*


11/09/2012


310
312
11/09/2012

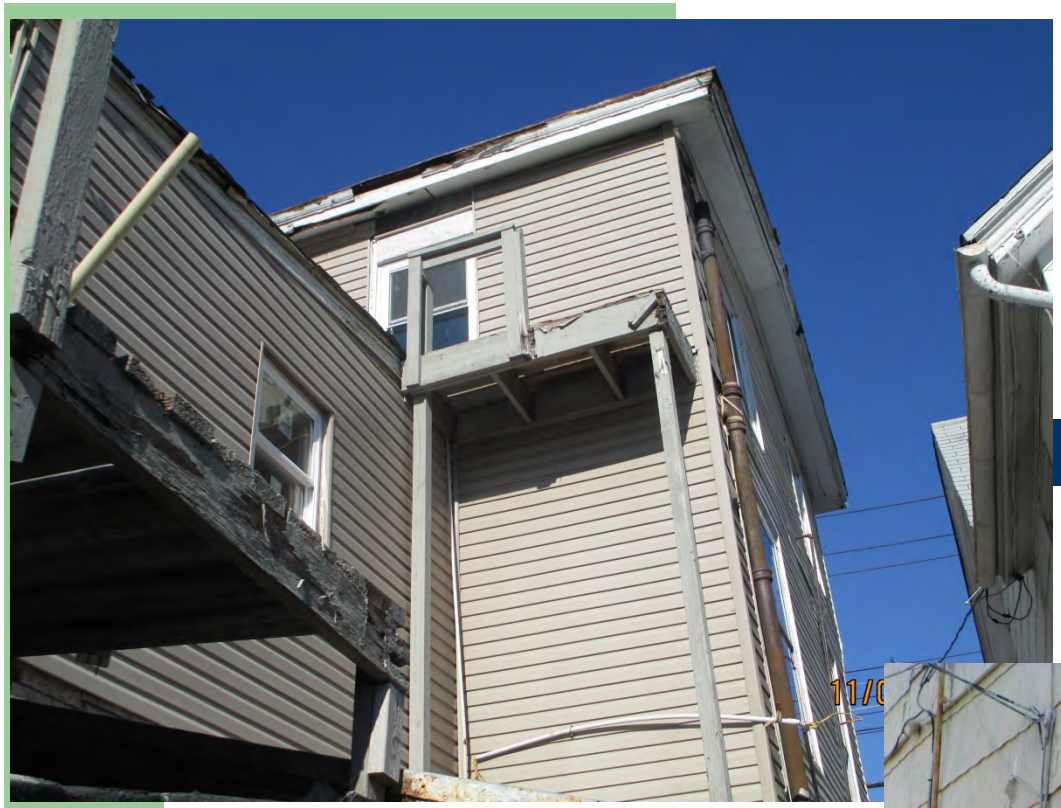

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Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property repaired or demolished by **December 13, 2012** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Violation of Dangerous Building Ordinance 316 West Division Street

Planning & Inspections Department

Dover, Delaware

November 13, 2012

Exhibit #4
Council Meeting November 13, 2012

316 West Division Street
Case History

- 12 code enforcement cases since 1998.
  - Tall grass and weeds
  - Vacant building
  - Housing inspections
  - Electric service termination
- Numerous violations found during inspection on January 13, 2010.
- Utilities disconnected on April 7, 2010.
- Owner owes delinquent taxes and utilities on multiple properties.

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

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*


11/09/2012


11/09/2012


11/09/2012


11/09/2012


11/09/2012


11/09/2012

Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property repaired or demolished by **December 13, 2012** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Violation of Dangerous Building Ordinance 320 West Division Street

Planning & Inspections Department

Dover, Delaware

November 13, 2012

Exhibit #5
Council Meeting November 13, 2012

320 West Division Street
Case History

- 20 code enforcement cases since 1998.
  - Tall grass and weeds
  - Vacant building
  - Housing inspections
  - Electric service termination
- Numerous violations found during inspection on November 28, 2010.
- Rental permit suspended on March 3, 2011.
- Owner owes delinquent taxes and utilities on multiple properties

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

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*


11/09/2012


11/09/2012


11/09/2012


11/09/2012


11/09/2012


11/09/2012




11/09/2012

Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property repaired or demolished by **December 13, 2012** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

CERTIFICATE OF APPRECIATION

WHEREAS, *the City of Dover experienced the effects of Hurricane Sandy when it made landfall on October 29, 2012, bringing approximately 10 inches of rain to the area; and*

WHEREAS, *the City of Dover staff implemented an Incident Command Structure which included Mr. Scott Koenig, City Manager; Mrs. Kay Dietz-Sass, Public Affairs and Emergency Management Coordinator; Mrs. Sharon Duca, Public Works Director, and Mayor Carleton Carey; who worked tirelessly to coordinate staff efforts to protect the safety and well-being of the residents of the City of Dover; and*

WHEREAS, *City staff established and maintained an Emergency Call Center manned by employees who offered to work from several departments, including the City Manager's/Mayor's Office, City Clerk's Office, Planning and Inspections Department, Information Technology Department, along with Council Members James Hutchison and Sean Lynn and Mayor Carleton Carey; and*

WHEREAS, *Department of Public Works crews, working twelve (12) hour shifts, started leaf and debris removal well before the storm's landfall to alleviate storm drain blockages and ensure access to City infrastruture and worked diligently to ensure continued provision of potable water and proper transmission of increased wastewater flow; and Electric Department staff worked relentlessly to maintain power for City residents during the storm, resulting in minimal power outages; and*

WHEREAS, *the Fire Marshal's Office and Fire Department responded to fire calls, including performing a water rescue; and Police Officers and dispatchers responded to calls and requests for assistance during the period when City offices were closed due to inclement weather and Code Enforcement staff worked steadfastly on damage assessment to ensure the safety of our community; and*

WHEREAS, *Finance Department employees worked diligently to ensure there was no disruption in payroll due to the storm; and Central Services Department staff dedicated themselves to ensuring that supplies and materials needed for hurricane preparedness and storm clean-up were readily available for work crews.*

NOW, THEREFORE, *it is deemed an honor and privilege to present this Certificate of Appreciation to the City of Dover Employees for their diligent efforts and service on behalf of the community.*

With Sincere Appreciation from the Mayor and Council

CARLETON E. CAREY, SR.
MAYOR

THOMAS J. LEARY
COUNCIL PRESIDENT

PREPARED BY:
City of Dover
PO Box 475
Dover, DE 19903-0475

TAX MAP PARCEL NO.
ED-00-057.02-02-38.00/000
ED-00-057.02-02-40.00/000

MAYOR AND COUNCIL

RESOLUTION NO. 2012-16 APPROVING THE INCLUSION OF AN AREA WITHIN THE LIMITS OF THE CITY OF DOVER.

WHEREAS, the Charter of the City of Dover authorizes Council to extend the boundaries of the said City after a special election of the qualified voters and real estate owners of the territory proposed to be annexed, and

WHEREAS, the Mayor and Council of the City of Dover deem it in the best interest of the City of Dover to include an area contiguous to the present City limits, and hereinafter more particularly described within the limits of the City of Dover, and

WHEREAS, the Charter of the City of Dover provides that if a majority of the votes cast in an election held in a territory proposed to be annexed shall be in favor of inclusion of that territory within the limits of the City of Dover, the Council may thereupon adopt a resolution annexing said territory and including same within the limits of the City of Dover.

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

1. That the following described area, situated in East Dover Hundred, Kent County, State of Delaware, shall be annexed to and included within the limits of the City of Dover:

ED-00-057.02-02-38.00-000 - 110 RUSTIC LANE (TAILILOU, LLC)

ALL THAT TRACT PIECE OR PARCEL of land situated in East Dover Hundred, Kent County, State of Delaware, as shown on a survey prepared by Douglas J. Annand, Professional Land Surveyor, dated November 13, 2011.

BEGINNING at a set iron bar on the southerly right-of-way line of Rustic Lane, (50' wide), said point being a corner of this property and Tax Map No. ED-05-057.00-01-50.00, said point being distant easterly 519' from the easterly right-of-way line of U.S. Route 13; thence with said southerly right-of-way line of Rustic Lane,

1) N 50°00'00" E a distance of 200.00', to a set iron bar at a corner of Tax Map No. ED-00-057.02-02-40.00; thence with said Tax Map No. ED-00-057.02-02-40.00,
2) S 39°51'44" E, a distance of 245.88', to a set iron bar in line of lands now or formerly of the State of Delaware, (DB. Q 25-190); thence with the State of Delaware and lands now or formerly of Tidewater Utilities, (DB. B 24, PG. 323),
3) S 50°51'13" W, a distance of 198.64', to a set iron bar at a corner of aforesaid Tax Map No. ED-05-057.00-01-50.00; thence with said Tax Map No. ED-05-057.00-01-50.00,
4) N 40°11'13" W, a distance of 242.92', to the point of beginning.

Contained within these metes and bounds are 1.118 acres of land more or less.

ED-00-057.02-02-40.00-000 - 136 RUSTIC LANE (TAILILOU, LLC)

ALL THAT TRACT PIECE OR PARCEL of land situated in East Dover Hundred, Kent County, State of Delaware, as shown on a survey prepared by Douglas J. Annand, Professional Land Surveyor, dated November 13, 2011.

BEGINNING at a set iron bar on the southerly right-of-way line of Rustic Lane, (50' wide), said point being a corner of this property and Tax Map No. ED-00-057.02-02-38.00, said point being distant easterly 719' from the easterly right-of-way line of U.S. Route 13; thence with said southerly right-of-way line of Rustic Lane,

1) N 50°00'00" E, a distance of 100.00', to a found iron bar at a corner of lands now or formerly of Michael C. Biddle, (DB. 614, PG. 309); thence with said Biddle and lands now or formerly of Clorinda I. Garrett, (DB. K 39, PG. 311),
2) S 39°51'44" E, a distance of 250.50', to a found iron bar in line of lands now or formerly of The State of Delaware, (DB. Q 25, PG. 190), passing over a found iron bar at 146.20' from the beginning of this line; thence with The State of Delaware,
3) S 52°38'49" W, a distance of 100.10', to a set iron bar at a corner of Tax Map No. ED-00-057.02-02-38.00; thence with said Tax Map No. ED-00-057.02-02-38.00,
4) N 39°51'44" W, a distance of 245.88', to the point of beginning.

Contained within these metes and bounds are 24,819 square feet of land more or less.

2. That the above described property shall be annexed into the City of Dover with a zoning classification as set by City Council and in accordance with the zoning map and environs, then in force, effective upon such lands being included within the limits of the City of Dover.

3. That the certified copy of the resolution of annexation, together with a plot of the area annexed, shall be filed for record with the Recorder of Deeds of Kent County.

4. That the effective date of this resolution shall be the 27th day of November, 2012 at 12:01 a.m.

ADOPTED: NOVEMBER 26, 2012

S:\ANNEXATIONS\Annex-2012\110 and 136 Rustic Lane\Approval Resolution for Packets.wpd

CARLETON E. CAREY
MAYOR

THOMAS J. LEARY
COUNCIL PRESIDENT

PETITION TO ANNEX AND ZONE PROPERTY
Before the Dover City Council
November 26, 2012

Applicant/Owner:	Taililou, LLC 17601 Coastal Highway, Unit 6 Lewes, DE 19958
Location:	110 Rustic Lane
Size:	1.118 +/- ac.
Tax Parcel:	ED-00-057.02-02-38.00-000
Application Date:	August 31, 2012
County Zoning:	BG (General Business District)
Proposed Zoning:	C-2A (Limited Central Commercial Zone)
Present Use:	Residential
Proposed Use:	Commercial
Comprehensive Plan Designation:	Category 1 – High Priority Annexation Areas
Comprehensive Plan Land Use Designation:	Mixed Use

Applicant/Owner:	Taililou, LLC 17601 Coastal Highway, Unit 6 Lewes, DE 19958
Location:	136 Rustic Lane
Size:	0.56986 +/- ac.
Tax Parcels:	ED-00-057.02-02-40.00-000
Application Date:	August 31, 2012
County Zoning:	RMH (Residential Manufactured Home District)
Proposed Zoning:	C-2A (Limited Central Commercial Zone)
Present Use:	Residential
Proposed Use:	Commercial
Comprehensive Plan Designation:	Category 1 – High Priority Annexation Areas
Comprehensive Plan Land Use Designation:	Mixed Use

Planning Commission Recommendation: Following a public hearing regarding the rezoning request on October 16, 2012 where one member of the public spoke against the request, the Planning Commission voted unanimously to recommend in favor of the rezoning as requested. The Planning Commission's role in annexation requests is to make a recommendation on the zoning of the property, not the annexation itself.

File Number: AX-12-01

Surrounding Land Uses:
The immediately adjacent properties to the southwest are within the City limits and zoned C-4 (Highway Commercial). This includes the Sonic drive-thru restaurant located on the corner of Rustic Lane and North DuPont Highway/Route 13, and three properties under the same ownership as the properties requested for annexation. The property abutting the subject properties to the rear (south) is zoned IO (Institutional and Office) in the City of Dover and houses the Delaware State Police Headquarters. The unincorporated properties in the vicinity of the subject parcel are zoned RMH (Residential Manufactured Home) and BN (Neighborhood Business) and are residential in use.

Comprehensive Plan:
The Annexation and Growth Map (Map 13-1: Potential Annexation Areas) contained within the current certified *2008 Comprehensive Plan* as amended designates this land as Category #1 – High Priority Annexation Areas thus making these lands desirable for Annexation. Map 13-2: Potential Land Use for Annexation Areas indicates the Mixed Use designation for the properties. The requested zoning is consistent with this designation.

Request for C-2A Zoning:
The types of permitted uses in the C-2A (Limited Central Commercial Zone) are given Article 3 §14 of the *Zoning Ordinance*, and include the following:

- Convenience retail stores such as drug stores, grocery stores, luncheonettes, variety stores or combinations thereof.
- Personal service stores such as, but not limited to, barbershops, beauty parlors, and tailors, provided that where steam pressure is used in clothes pressing, it shall not exceed 60 pounds per square inch.
- Service establishments furnishing services other than of a personal nature, but excluding gasoline filling stations and motor vehicle storage, repair, or service.
- Residential uses.
- Other retail and service establishments, but excluding:
    - Gasoline filling stations and motor vehicle storage, repair, or service, except that gasoline pumps shall be permitted as an accessory use, subject to conditional use approval by the planning commission pursuant to article 10, section 1.
    - Wholesaling, warehousing or storage.
    - The manufacturing, printing, assembling, converting, altering, finishing, cleaning or any other processing of goods on the premises, except as permitted in the C-1 zone.
    - Excessive traffic generating uses, such as theaters, drive-ins, bowling alleys and other commercial, recreation, restaurants, etc.
- Business, professional or governmental offices.
- Banks, theaters and restaurants.
- Hotels, clubs and places of worship.
- Civic institutions.

Recommendation of the Planning Staff and Planning Commission:

The requested zoning of C-2A is consistent with the Comprehensive Plan and compatible with the surrounding area. The adjacent properties that are under common ownership are zoned C-4 (Highway Commercial); however, the applicant wishes to develop the property as a mix of commercial and residential. This would not be permitted in the C-4 (Highway Commercial) zone; however, it would be permitted in the C-2A (Limited Central Commercial) zone. Staff recommends in favor of the C-2A zoning requested by the applicant and the ultimate development of the site as mixed use. Such development would be subject to site development plan review by the Planning Commission.

Staff recommendation was made prior to public testimony on the request. Following a public hearing on the rezoning request on October 16, 2012, the Planning Commission voted unanimously to recommend in favor of the C-2A zoning requested by the applicant. An excerpt of the draft minutes of the Planning Commission is provided.

Excerpt from DRAFT Planning Commission Minutes of October 16, 2012:

AX-12-01 Lands of Taililou LLC at 110 and 136 Rustic Lane –Public Hearing and Recommendation to City Council on the Rezoning Request associated with the Annexation of two parcels of land totaling 1.68786 +/- acres located at 110 and 136 Rustic Lane. The property at 110 Rustic Lane consists of 1.118 +/- acres is currently zoned BG (General Business District). The property at 136 Rustic Lane consists of 0.56986 +/- acres is currently zoned RMH (Residential Manufactured Home District) in Kent County. The proposed zoning for both properties is C-2A (Limited Central Commercial Zone). The properties are located east of North DuPont Highway. The current annexation category according to Dover's *2008 Comprehensive Plan* is Category 1: High Priority Annexation Areas. The owner of record is Taililou LLC. Addresses: 110 and 136 Rustic Lane. Tax Parcels: ED-00-057.02-02-38.00-000 and ED-00-057-02-02-40.00-000.

Representative: Mr. Tailap Luk, Property Owner.

Mrs. Townshend stated that as you may recall, the last annexation request that was heard about three (3) years ago. There was the determination that was made after the Planning Commission recommended against an Annexation that it was not within the pervue of the Planning Commission. The pervue of the Commission is to make a recommendation on zoning. With this in mind, Staff structured their report accordingly.

Mrs. Townshend further stated that the adjacent properties also owned by the same owner are zoned C-4 and are closer to the highway. The property request for annexation is located directly behind the Sonic Restaurant. There are three (3) pieces of property owned by the applicant that are currently in the City and zoned C-4 and then there are two (2) pieces of property 110 & 136 Rustic Lane that the applicant has requested annexation and zoning of C-2A.

Mrs. Townshend further stated that the purpose of the C-2A zoning is that it allows mixed use. Also, if you look at the location of these two (2) properties they are further back from the highway. The Highway Commercial Zone becomes a little less appropriate as you get out of the highway and transitioning into a residential neighborhood. Staff provided in the report an overview of the types of uses permitted in the C-2A zone. The applicant wants to do a mixed use which would include residential and first floor retail. The zoning requested is consistent with the Comprehensive Plan that is in a high priority annexation area. Comments were received from other agencies including under the advisory comments that there are some technical issues that the applicant will have to deal with in terms of getting sewer and water to the site. When there is a development application, they will have to deal with the Kent Conservation District and DelDOT requirements associated with that application.

Mr. Holt questioned with regards to the sewer/septic and your continued use of it will this be permanent or will they be made to tie into the City's? Responding to Mr. Holt, Mrs. Townshend stated that they can tie in; however, there is a lot of main that they will have to install to serve the property and they will work with the Public Works Department to design that.

Mr. Luk stated that he spoke with the owner of the Sonic Restaurant today and he will be working with him to get this done.

Mr. Holt further stated that it would be to your advantage to do this because with his experience being in real estate for a few years, he is aware of the problems that come up with septic systems and they are continuous.

Colonel Welsh opened a public hearing.

Mr. William McKee – 111 Rustic Lane – Stated that he is against this request. The house that he (the applicant) has at 136 Rustic Lane has five (5) families living in this house that is a single family home and it has a sewer problem. All of the people he has talked to in this area are against this request. He lives at the second home on the left as you come onto Rustic Lane behind the Wawa. The people who live in the first and third place also do not want it. He also owns the fourth lot on Rustic Lane behind the Wawa and the sewer in this area is not that great. This home that they live in has poor maintenance on it and has four to five weeks of papers laying out in the front yard.

Colonel Welsh closed the public hearing after seeing no one else wishing to speak.

Mr. Tolbert stated that this application is dealing with a petition to annex and zone exclusively at this point. Responding to Mr. Tolbert, Mrs. Townshend stated that this was correct. He was concerned that discussion was brought up about what is going on at that site and this application deals exclusively with annexing and zoning.

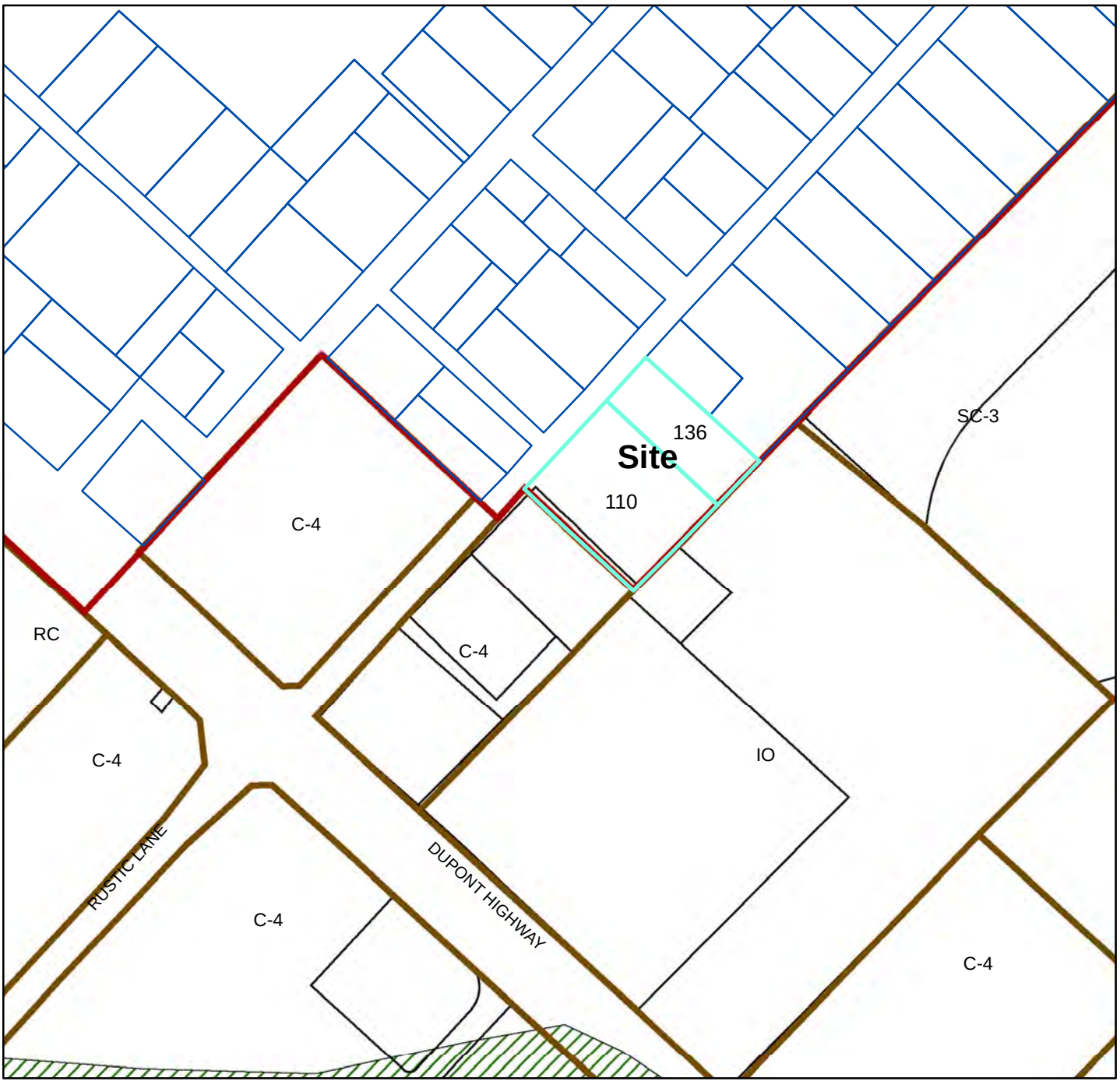
Mr. Tolbert moved to forward to City Council a recommendation of approval for AX-12-01 Lands of Taililou LLC located at 110 and 136 Rustic Lane to C-2A (Limited Central Commercial Zone), seconded by Mr. Holt and the motion was unanimously carried 8-0.

Mrs. Townshend questioned for clarification if the reasons for supporting the rezoning as requested are the reasons laid out in the Staff Report? Responding to Mrs. Townshend, Mr. Tolbert stated that yes they are.

City of Dover

Department of Planning & Inspections

Application No.: AX-12-01



Plan Title: Lands of Taililou, LLC
Location: 110 and 136 Rustic Lane
Plan Type: Annexation
Tax Parcels: ED-00-057.02-02-38.00 and ED-00-057-02-02-40.00
Proposed Zoning: C-2A
Proposed Land Use Classification: Mixed Use
Annexation Classification: Category 1 Priority
Owner: Taililou, LLC
Date: 8-31-12

Legend

- Zoning
- Dover Parcels
- Kent County Parcels
- Dover Boundary

0 150 300 600 Feet

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: SEPTEMBER 26, 2012

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **LANDS OF TAILILOU, LLC, 110 & 136 RUSTIC LN.**

FILE #: **AX-12-01**

REVIEWING AGENCY: **City of Dover Electric and Public Works Departments**

CONTACT PERSON: **Steve Enss - Electric**
Jason A. Lyon – Public Works

CONTACT PHONE #: **Electric - 302-736-7070 Public Works – 302-736-7025**

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

ELECTRIC / WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

1. Our office has no objections to the proposed annexation of tax parcels ED-00-057.02-02-38.00-000 and ED-00-057.02-02-40.00-000

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC / WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None.

WATER

1. As per the Petition to Annex and Zone Property, as heard by the City of Dover Utility Committee, September 24, 2012, please find the following:
    a. There is currently an eight-inch (8") water main that terminates at 58 E. Rustic Lane. To receive water service, the developer / owner of the subject properties must extend the water main to the easternmost property line of 136 East Rustic Lane. Infrastructure must be installed in accordance with the requirements of the City of Dover Water / Wastewater Handbook and DelDOT.
    b. The subject parcels are currently located within Tidewater Utilities Certificate of Public Convenience and Necessity (CPCN). The property owner must follow the appropriate guidelines to allow for transference to the City of Dover's CPCN.

WASTEWATER

1. As per the Petition to Annex and Zone Property, as heard by the City of Dover Utility Committee, September 24, 2012, please find the following:
    a. Currently, there is no City of Dover gravity sanitary sewer service on East Rustic Lane. The closest City of Dover gravity sanitary sewer main is roughly 770 linear feet south of the intersection of East Rustic Lane and Route 13. There is also a one and one quarter inch (1-1/4") force main located on the east side of Route 13, utilized by WaWa and the Sonic, which is now a maintenance responsibility of the City of Dover.
    b. Providing sanitary sewer service to this area has been a long term goal of the Department of Public Works and will continue to be pursued through an out year capital improvement project as options become available to provide sanitary sewer service to the community as a whole.
    c. Until such time as gravity sanitary sewer service becomes available to the community the options for service are limited. The owner / developer of the subject properties could perform the following, in accordance with the Water / Wastewater Handbook:
        i. Install approximately 1,531 linear feet of sanitary sewer main (provided gravity flow can be obtained). This option has limited viability as it would be cost-prohibitive to any project and would not be approved by DelDOT for at least five (5) years, as Route 13 was recently repaved.
        ii. Utilize grinder pumps and install a force main connection to Route 13. This would become a long term maintenance responsibility for the City of Dover, which is discouraged unless there is a community benefit, as East Rustic Lane is a State road. In addition, the existing force main referenced may be unable to receive any additional contribution and connection in Route 13 would not be approved as noted above. The properties would be required to connect to gravity sanitary sewer when it became available.
        iii. The subject properties could continue to use a septic system. This option would only be viable for residential use if also approved by DNREC and adequate space was available. The property would be required to connect to public sewer when it became available.
    d. Due to the information above regarding the wastewater utility, future uses of the subject properties would therefore be limited.

STORMWATER / SANITATION / STREETS / GROUNDS

1. None.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

KENT CONSERVATION DISTRICT
800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 (302) 741 2600 EXT. 3 • FAX (302) 741 0947

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
September 2012

APPLICATION: Lands of Taililou

FILE #: AX-12-01

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *David C. Cahill* **PHONE #:** *741-2600 ext.3*

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. *Kent Conservation District has no objection to the annexation of the above referenced site.*

ADVISORY COMMENTS TO THE APPLICANT:
The Following comments are advisory and apply to the development of a detailed site plan for this project.

1. *If at any time expansion or earth disturbing activity (clearing, grubbing tree clearing etc.) takes place and exceeds 5000 square feet; a detailed Sediment and Stormwater Management Plan must be submitted and approved to the Kent Conversation District.*

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: September 26, 2012

D E L D O T

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APPLICATION: Lands of Taililou LLC at 110 and 136 Rustic Lane
FILE#: AX-12-01 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Julio F. Seneus PHONE#: 760-2145

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THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT FOR THE REZONING:

- A Traffic Impact Study (TIS) will be required if the proposed business exceeds 50 VPH (vehicle per Peak Hour) or 400 VPD (vehicle per day). When the study is completed, DelDOT will review it and send recommendations of the improvements to Kent County. The improvements contained in the study will be implemented by the developer per DelDOT's discretion. Please, contact Mr. Troy Brestel at (302) 760-2167 or via e-mail at Troy.Brestel@state.de.us to set up a scoping meeting for this project.

- A pre-submittal meeting with the applicant will be required, if the proposed development generates 200 vehicles per day (VPD).

- In order to be issued an entrance permit, the department will require the applicant to provide the proper forms, fees, and entrance plans.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the planning department as soon as possible.

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET

October 23, 2012

Ms. Ann Marie Townshend, AICP
City of Dover
P.O. Box 475
Dover, DE 19903-0475

RE: Plan of Services 2012-07, Taililou Annexation
Tax Parcels # ED00-057.02-02-38.00, ED00-057.02-02-40.00

Dear Ms. Townshend,

This letter is to confirm that we have received and accepted the Plan of Services for the above-referenced annexation. The City has completed all relevant annexation requirements of Title 22, Section 101, Subsection (3) of the Delaware Code.

After the property has been annexed please notify our office in writing so that we may update our records and maps. A copy of the official annexation resolution should accompany this notification. Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

David L. Edgell, AICP
Principal Planner

cc: Connie Holland
Laura Simmons

BUDGET DEVELOPMENT, PLANNING AND ADMINISTRATION
STATE PLANNING COORDINATION
122 WILLIAM PENN STREET• THIRD FLOOR • DOVER, DE 19901
PHONE: (302) 739-3090 • FAX: (302) 739-6958 • WWW.OMB.DELAWARE.GOV

FINAL READING

CITY OF DOVER PROPOSED ORDINANCE #2012-21

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTIES LOCATED AT 110 AND 136 RUSTIC LANE

WHEREAS, the City of Dover has enacted a zoning ordinance regulating the use of property within the limits of the City of Dover; and

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from BG - General Business (110) (ED00-057.02-02-38.00-000) and RMH - Residential Manufactured Home District (136) (ED00-057.02-02-40.00-000) (Kent County zoning classifications) to C-2A - Limited Central Commercial (City of Dover zoning classification).

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 have been amended by changing the zoning designations from BG - General Business (110) and RMH - Residential Manufactured Home District (136) (Kent County zoning classifications) to C-2A - Limited Central Commercial (City of Dover zoning classification) on those properties located at 110 and 136 Rustic Lane, owned by Taililou, LLC. (THIRD COUNCIL DISTRICT; PLANNING REFERENCE: AX-12-01)

ADOPTED: *

S:\ANNEXATIONS\Annex-2012\110 and 136 Rustic Lane\Ordinance #2012-21 Rezoning of 110 & 136 Rustic Ln - Final Reading.wpd

Actions History
November 26, 2012 - Scheduled for Public Hearing/Final Reading Before City Council
September 10, 2012 - First Reading/Referral by City Council

Draft

ACTION FORM

PROCEEDING: Council
DEPARTMENT OF ORIGIN: City Manager and Human Resources **DATE SUBMITTED**: 11/20/12
PREPARED BY: Scott Koenig, P.E., City Manager and Kimberly Hawkins, SPHR, Human Resources Director
SUBJECT: Requested pension for Steve Warren and Dewey Ray Lavender
REFERENCE: City of Dover General Employee Pension Plan
EXHIBITS: Employment Offer Letters (Exhibit A and B), Statement of Intent/Action (Exhibit C and D)
RECOMMENDED ACTION: Denial of pension request until Warren and Lavender obtain age 65.

BACKGROUND AND ANALYSIS

The City of Dover is in receipt of a request from the law firm of Wier and Allan, P.A. to immediately grant a pension to Steve Warren and Dewey Ray Lavender.

Steve Warren began working for the City of Dover on or about August 26, 1980. Dewey Lavender began working for the City on or about March 17, 1981. Both men remained employed with the City of Dover into 1996. They were then vested in the City's General Employee Pension Plan.

In 1996, D/FD Operating Services took over the operation of the electric plant. The agreement between the City and D/FD provided a variety of options for the affected employees. Some employees, including Messrs. Warren and Lavender were offered employment with D/FD Operating Services. Copies of the offers of employment for Messrs Warren and Lavender are attached hereto as Exhibits A and B respectively. Both men accepted the offers of employment. Each received a "sign on" bonus valued at 50% of his unused City sick leave. The balance of the unused City sick leave would be paid at the time of City retirement.

On March 5, 1996, Dewey Lavender executed a Statement of Intent/Action with respect to his General Employees' Pension Contribution. He chose the option that provided:

I am terminating my employment with the City of Dover and am a vested employee. I elect to retain my pension contributions in the Pension Plan and, in accordance with Section 2-190(c) of the General Employees' Pension Plan. I may apply for pension benefits to the General Employees' Pension Board of Trustees upon attaining the age of 65. Exhibit C

Mr. Lavender's date of birth is January 24, 1961. Therefore, he is eligible for a pension on January 24, 2026.

On March 12, 1996, Steve Warren executed a Statement of Intent/Action with respect to his General Employees' Pension Contribution. He chose the option that provided:

I am terminating my employment with the City of Dover and am a vested employee. I elect to retain my pension contributions in the Pension Plan and, in accordance with Section 2-190(c) of the General Employees' Pension Plan, I may apply for pension benefits to the General Employees' Pension Board of Trustees upon attaining the age of 65. Exhibit D

Mr. Warren's date of birth is October 11, 1955. Therefore, he is eligible for a pension on October 11, 2020.

In 1996, §2-190(c) of the City of Dover Code of Ordinances provided:

Any participant with a minimum of ten years of continuous service and whose employment is terminated, for reasons other than for cause, prior to the date he becomes eligible for retirement benefits under sections 2-181, 2-182, 2-183 or 2-187 of this code, upon attaining the age of sixty-five (65) years of age, shall be eligible for retirement benefits under the provisions of section 2-185 of this code upon application to the pension board of trustees. The form of the benefit will be based on the formula which was in effect at the time of termination.

The current version of this provision is now codified at §2-335(c) of the Code.

Messrs. Warren and Lavender worked for D/FD Operating Services while that entity operated the power plant. They participated in that entity's pension plan. When NAES replaced D/FD Operating Services as the operator of the electric plant, Messrs. Warren and Lavender became employees of NAES and participated in the 401(k) available with that company. The plan includes a 50% contribution match.

Since March 1996, neither of the men has been an employee of the City of Dover. Neither has received City paychecks or other benefits provided to City employees. The City has not supervised either man or controlled the work.

Messrs. Warren and Lavender claim entitlement to early retirement under §2-327 of the Code. Neither is entitled to such benefit. Such benefits are available only to eligible employees. See §2-327(b). Eligible employees are defined by the Code as a person who is

"regularly employed in rendering service to the city on a full-time permanent basis, who is not participating in any other retirement plan to which the City contributes for them, and whose compensation is paid directly by the city. An employee will be considered a full-time employee if he regularly works 40 or more hours each week."

Section 2-321. Messrs. Warren and Lavender do not render service to the City of Dover. They now work for NAES. They have not worked for the City since March 5, 1996, or March 12, 1996. These men do not receive compensation that is paid directly by the City.

Messrs. Warren and Lavender will be eligible to receive a City pension under §2-335(c) of the Code when each reaches age 65.

UTILITY COMMITTEE

The Utility Committee Meeting was held on November 13, 2012 at 5:00 p.m. with Councilwoman Williams presiding in the absence of Chairman Bonar. Members present were Mr. Perza and Mr. Blakeman. Mr. Snaman was absent. Members of Council present were Mr. Hutchison, Mr. Lynn (arrived at 5:08 p.m.), and Council President Leary (arrived at 5:05 p.m.). Mayor Carey (arrived at 5:03 p.m.) was also present.

AGENDA ADDITIONS/DELETIONS

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

Water Quality and Inflow and Infiltration (I & I) Updates

Members were provided a presentation entitled "Water Quality Update," ***(Attachment #1)***, a City of Dover Water Quality Applicable Expenditures Report ***(Attachment #2)***, a City of Dover Inflow and Infiltration Applicable Expenditures Report ***(Attachment #3)***, and a presentation entitled "Inflow/Infiltration Update" ***(Attachment #4).*** Mrs. Duca reviewed the "Water Quality Update" presentation *(Attachment #1),* providing background information on the origin of brown water issues and explaining steps that have been taken to remedy the situation and find solutions. Referring to the Water Quality Expenses and Complaints graph (Page 4 of the presentation) and the City of Dover Water Quality Applicable Expenditures Report (*Attachment #2*), Mrs. Duca noted that the changes that have been made have brought about significant improvement in terms of stabilizing the water chemistry.

In response to Mrs. Williams inquiry regarding the function of the Wellhead Variable Frequency Drive (VFD) Upgrade referenced in the presentation under "Production Capital Improvements," Mrs. Duca advised that the flow is primarily regulated by pumps rather than gravity, but the VFD allows water to slowly "ramp up" into the system. The VFD controls how quickly water turns on and the pace at which it flows, allowing for less disturbance in the mains.

Mrs. Duca reviewed the Distribution Capital Improvements portion of the presentation (Page 7), identifying various methods that have been implemented to design a more structurally superior pipe system, allowing for ease of locating the pipes at all times and minimizing reactions between the iron and the pipes themselves. She explained the prioritization schedule for water main relining and/or replacement projects to meet industry standards and address water quality concerns. Mrs. Duca reviewed improvements that have been or are being made to address the problem, including upgrades to the water main. She noted that future plans include replacing a minimum of one (1) mile of pipe per year beginning in FY 2014, along with other operational improvements and monitoring plans. She concluded this portion of her presentation by outlining the steps needed to move forward to meet the desired improvement goals to the City's water system, including long-term planning, securing increased long term financial resources and staffing resources, and the utilization of consultants and outside contractors to meet critical timeframes.

Mrs. Duca stated that the City of Dover Inflow and Infiltration Applicable Expenditures Spreadsheet *(Attachment #3*) was created approximately six (6) years ago to track expenses, and explained that the spreadsheet provides a breakdown of the various projects that have been done on both production and distribution sides, including actual expenses from FY 2003 to FY 2012. Also included on the spreadsheet was a total amount for each category, (including the amount budgeted for this fiscal year) which reflected any carry over required, ensuring everything is accounted for when jobs are complete. She stated that operational expenses including staff time, advertising, laundry claims, complaints, etc., are also included on the spreadsheet.

In response to Mrs. Williams regarding the cost of replacing unlined cast iron pipe, Mrs. Duca explained that with staff doing the work, the cost to replace one (1) mile of pipe each year would be under $1M per year since labor is accounted for in the Departments operating expenses. She noted with larger projects, such as the Route 13 project that was recently completed, the expense would exceed $1M per mile. She felt that the time would come when the City's manpower limitation (having only one (1) crew) would require the use of contractors as well. Mrs. Duca explained that within the next five (5) years, as staff encounters water lines that are more appropriate in size, consideration would be given to relining rather than replacing pipe. She noted that this may require expending a three year (3) allocation of funds for the project within one (1) year to obtain the best cost overall. Mrs. Duca noted that staff was still analyzing this project.

In response to Mrs. Williams' concerns regarding leakage into groundwater and the County's sewer system, Mrs. Duca explained that leakage would not necessarily go into the sewer; however, the Department of Natural Resources and Environmental Control (DNREC) had issues regarding slow leaks from the system into the ground. She noted that DNREC had concerns regarding how quickly chlorinated water reaches a receiving body of water; therefore, it was important to keep the City's water loss at a minimum.

Responding to Councilman Hutchison regarding the life expectancy of the new piping that was recommended, Mrs. Duca advised members that the cement-lined ductile iron pipe has had the best field testing and has a life expectancy of approximately 80-100 years. She noted that the existing cast iron lines had been in the ground for approximately 100 years and were manufactured prior to relining technology development. Mrs. Duca explained that the process of replacing pipes in the City began about six (6) or seven (7) years ago and included the replacement of some of the lines that were installed in the early 1800s. She noted that these projects would improve the structural integrity of the system.

Proceeding to the Inflow/Infiltration Update presentation *(Attachment #4),* Mrs. Duca provided an overview of the program and stated that these assessments had not been "on the books" as long as the water quality concerns, so it had taken some time to identify the issues and the best way to address the problem. She reviewed the presentation, outlining specifics pertaining to the City's Inflow & Infiltration system. She attributed much of the problem to the age of the City's pipes and progressive deterioration, which increase the possibility of groundwater entering the system and

resulting in increased cost to the City. Mrs. Duca reminded members that the City pays for what is discharged; however, customers are charged based on their usage.

Referring to Page 4 of the presentation, Mrs. Duca explained that inflow and infiltration can enter the system as a result of broken laterals, mains, manholes, direct connections, and sump pump connections, all of which contribute to the issue of what enters the City's sanitary sewer system and is not directed to the storm drain or other drainage features. She elaborated by displaying a chart representing the increased costs associated with the inflow and infiltration issues. Mrs. Duca presented some of the ways the City is trying to assess the problems and strategies being implemented to work toward resolution, explaining that this is a huge undertaking and requires prioritization based on research regarding the level of damage and structural integrity. She identified several tools which are utilized to accomplish this, including the City's Closed Circuit Television (CCTV) Sewer Truck and staff certification in the Pipeline Assessment Certification Program (PACP) for the use of the GraniteXP software, allowing them to assess each pipe in the system.

Mrs. Duca advised members of the efforts currently in motion to address the problem, including interceptors on Division Street, northwest Loockerman Street, and the St. Jones, as well as main replacements on New and Reed Streets, infrastructure replacement in Morris Estates, and Fox Hall manhole replacement. She stated that the Fox Hall manhole replacement was almost complete and was the last item that would be attributed to City I & I infrastructure; remaining concerns are related to I & I from private sources.

Mrs. Duca concluded her presentation by outlining the resources needed to achieve the desired results, including increased dedicated financial resources, increased and long term staffing resources, and utilization of outside consultants and contractors to meet critical timeframes. She noted that the cost of utilizing contractors to complete the work was much higher on the I & I side due to the specialty relining, as well as the ultimatums on the actual replacement of the sewer line.

Referring to the City of Dover Inflow and Infiltration Applicable Expenditures Report *(Attachment #3)*, Mrs. Duca explained that the report, which dates back to FY 2008 when projects began in an effort to resolve the I & I problem, outlined the expenses involved in the various projects, including the CCTV Sewer Truck investment, staff time, etc. She noted that the cost of doing the work internally by utilizing the truck and internal staff was a fraction of what it would cost to use an outside contractor. Mrs. Duca stated that the City is trying to get Kent County to grant impact fee credits for what is being removed from the system to offset some of the expenses incurred.

Committee action was not required.

Quarterly Review of Utility Related Capital Investment Plan (CIP) (Electric and Water/Wastewater) *(July, August, and September)*

Due to time constraints, this item was deferred until the next meeting.

TEA/NAES Report *(August)*
Due to time constraints, this item was deferred until the next meeting.

Updates - Garrison Oak Technical Park
Due to time constraints, this item was deferred until the next meeting.

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

Meeting Adjourned at 5:30 P.M.

Beverly C. Williams
Acting Chair

BCW/DD/mk/js/tm
S:\AGENDAS-MINUTES-PACKETS\Committee-Minutes\2012\11-13-2012 UTILITY.wpd

Attachment
Attachment #1 - Water Quality Update Presentation
Attachment #2 - City of Dover Water Quality Applicable Expenditures
Attachment #3 - City of Dover Inflow and Infiltration Applicable Expenditures
Attachment #4 - Inflow/Infiltration Update Presentation

Water Quality Update

Utility Committee Presentation

November 13, 2012

Department of Public Works

Utility Committee Meeting November 13, 2012
Attachment #1

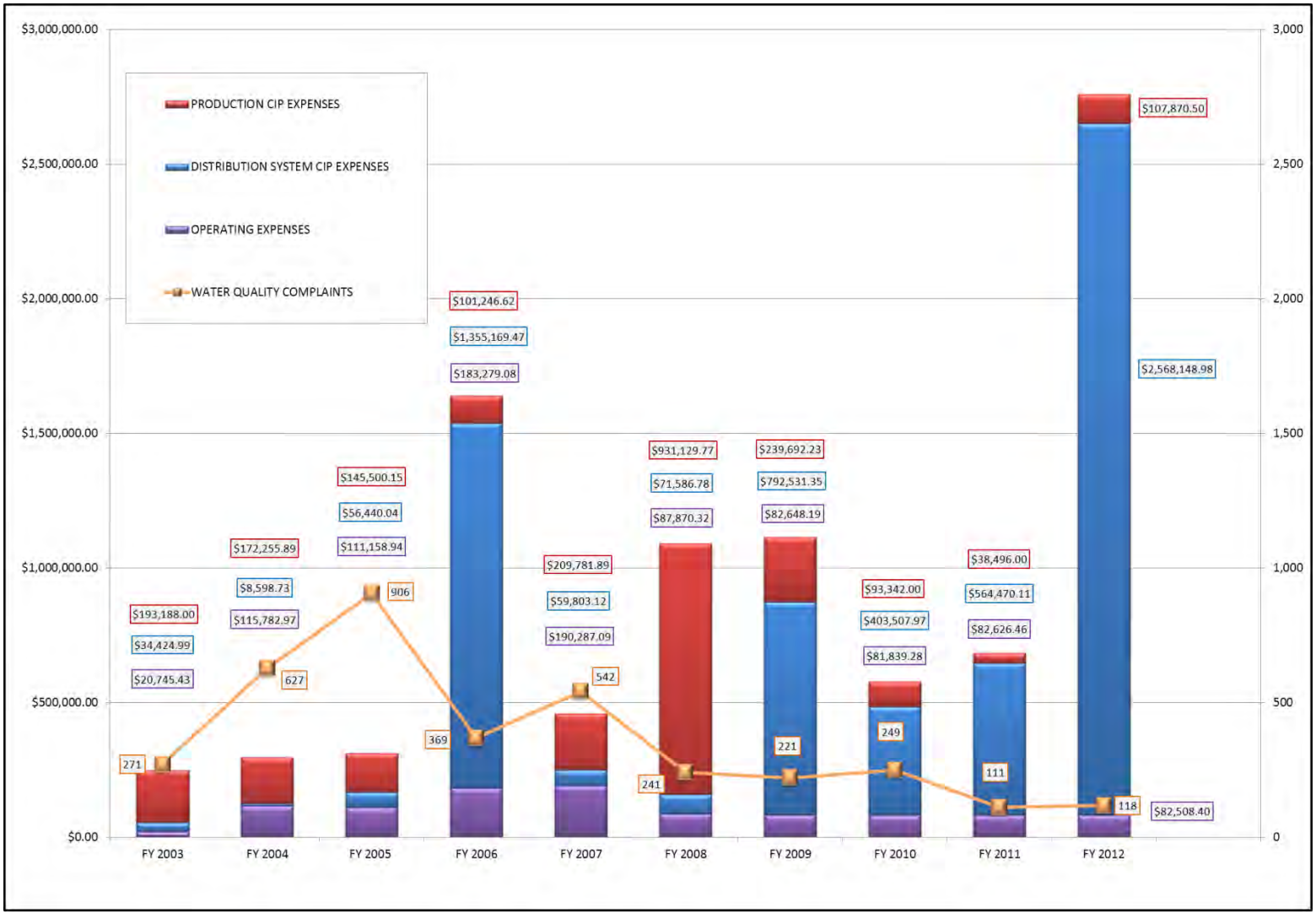
Water Quality Overview

- Water Quality issues (i.e. brown water) began in 2002 following the implementation of mandated chemical addition.
- As is the case with other systems nationwide, Dover's water system was not designed for chemical addition.
  - Complex system
  - 3 aquifer sources
  - Multiple entry points (1 Water Treatment Plant and 15 unmanned wells with treatment)

Water Quality Overview

- Consultants have been utilized to assist staff in analyzing the system, finding solutions to brown water issues and designing projects.
- “Magic Pill” or “Textbook” solutions do not exist.
- It will take the dedication of staff time and financial resources to address all components relating to this problem.

Water Quality Expenses & Complaints



Addressing the Problem – Production Capital Improvements

- Deep Well Contact Chambers
  - Chambers have been installed at all sites by our in-house Construction Crew
  - Will be required at any future deep well sites
  - Testing by our Water Operators demonstrates that chemical reactions resulting from mandated chemical addition are stabilized





Addressing the Problem – Production Capital Improvements



- Wellhead Redevelopment Program
  - Annual program to improve capacity and flow
- Wellhead VFD Upgrades
  - Installed at appropriate wells to improve flow control
- Remote Control & Monitor Wells
  - Installed to improve control at all well sites, primarily by our Water Operators

Addressing the Problem – Distribution Capital Improvements

- Pipe material control
  - Cement-lined DIP
- Water Main Replacement Priority List
  - Developed by our engineering staff to determine prioritization schedule for water main relining and/or replacement projects to meet industry standards and address water quality concerns





Addressing the Problem – Distribution Capital Improvements

- Water Main Upgrades
  - Since FY 2009 the Department has upgraded 24,842 l.f. (4.7 miles) of undersized and unlined cast iron pipe primarily with our in-house Construction Crew
  - It is planned to replace a minimum of one (1) mile per year starting FY 2014





Addressing the Problem - Operations

- Additional Monitoring & System Analysis
  - Continuous monitors installed at all well sites by our Water Operators to allow them to receive and respond to water quality parameter changes quickly
  - New radios and antennas also installed by our Water Operators to enable proper equipment functioning





Addressing the Problem - Operations





- Water System Flushing
  - Continue to conduct two (2), three (3) week long system wide flushing operations
  - Design utilizing water model, perform field testing for and implement Unidirectional Flushing Program for water system to provide the most effective cleaning of the water mains (projected FY 2015)

Desired Results and Resources

- The improvements desired to the City's water system will require:
  - Increased, dedicated and long term financial resources.
    - FY 2013 Capital Budget = $916,142
  - Increased, dedicated and long term staffing resources.
    - Goals will require time from our 36 Water / Wastewater Utility staff members including engineers, field crews, construction workers, inspectors and water operators.
  - Utilization of consultants and outside contractors to meet critical time frames.





CITY OF DOVER WATER QUALITY APPLICABLE EXPENDITURES

PROJECT INFORMATION	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	TO DATE	FY 2013 BUD
Production CIP Expenses												
Wellhead Redevelopment Program							$12,179.00			$52,736.00		*SPENT:*
Description: capacity and flow improvements							WD0801			WD1102		$67,675.00
WQ Recommendation: n/a							$32,151.00					*PENDING:*
Account #: 417-6800-568.40-31	$990.00	$150,961.29	$143,840.15	$23,838.98		$21,984.00	WD0904	$70,238.00	$6,600.00	$55,134.50	$674,695.92	$2,325.00
Project #:	WS0201	WS0404	WS0505	WS0606		WD0801	$36,368.00	WD1001	WD1102	WD1203		WD1301
Water System SCADA Upgrade							WD0905					
Description: flow control improvements												
WQ Recommendation: data acquisition and storage												
Account #: 417-6800-568.40-31	$192,198.00	$21,294.60									$213,492.60	
Project #:	WS0301	WS0301										
Water Quality Evaluation												
Description: system analysis												
WQ Recommendation: n/a												
Account #: 417-6800-568.40-34			$1,660.00	$77,407.64							$79,067.64	
Project #:			WD0504	WD0504								
Water Quality Improvements: WTP Transducer / Analyzers												
Description: flow control improvements, monitoring												
WQ Recommendation: water quality monitoring (analyzers)												
Account #: 417-6800-568.40-34					$12,317.10						$12,317.10	
Project #:					WS0502							
Water Quality Improvements: Well #2 VFD Upgrade												
Description: flow control improvements												
WQ Recommendation: n/a												
Account #: 417-6800-568.40-34					$22,655.85						$22,655.85	
Project #:					WS0502							
Water Quality Improvements: Consulting												
Description: Deep Well Contact Chamber Design, Stage II Disinfection By-Product Rule Analysis												
WQ Recommendation: deep well contact chambers, preparation for new / pending regulations												
Account #: 417-6800-568.40-34					$103,765.47	$35,836.70					$139,602.17	
Project #:					WS0502	WD0811						
Bayard Avenue Contact Chamber: Well #13R												
Description: chlorine reaction time improvements												
WQ Recommendation: deep well contact chambers												
Account #: 417-6800-568.40-34/.40-31					$71,043.47	$8,905.21					$79,948.68	
Project #:					WS0707	WS0707						
Remote Control and Monitor Wells												
Description: flow control improvements												
WQ Recommendation: n/a												
Account #: 417-6800-568.40-31						$51,135.46	$63,767.66	$23,104.00	$31,896.00		$169,903.12	
Project #:						WD0802	WD0802	WD1002	WD1002			
Water Quality Improvements: Deep Well Contact Chambers Wells #1, #2, #3, #4, #6, #7, #8, #9, #10, #11, #14, #15												
Description: chlorine reaction time improvements												
WQ Recommendation: deep well contact chambers												
Account #: 417-6800-568.40-34/.40-31						$805,753.22	$95,484.30				$901,237.52	
Project #:						WD0811	WQ0904					
Wellhead VFD Upgrades: Well #11												
Description: flow control improvements												
WQ Recommendation: n/a												
Account #: 417-6800-568.40-31						$2,505.06	$18,780.94				$21,286.00	
Project #:						WD0808	WD0808					

Attachment #2
Utility Committee Meeting November 13, 2012

CITY OF DOVER WATER QUALITY APPLICABLE EXPENDITURES

PROJECT INFORMATION	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	TO DATE	FY 2013 BUD
Wellhead VFD Upgrades: Well #13R												
Description: flow control improvements												
WQ Recommendation: n/a												
Account #: 417-6800-568.40-31						$2,505.06	$11,717.99				$14,223.05	
Project #:						WD0809	WD0809					
Wellhead VFD Upgrades: Well #15												
Description: flow control improvements												
WQ Recommendation: n/a												
Account #: 417-6800-568.40-31						$2,505.06	$11,717.99				$14,223.05	
Project #:						WD0810	WD0810					
Wellhead VFD Upgrades: Well #3												
Description: flow control improvements												
WQ Recommendation: n/a												
Account #: 417-6800-568.40-31							$17,960.97				$17,960.97	
Project #:							WD0901					
Wellhead VFD Upgrades: Well #9												
Description: flow control improvements												
WQ Recommendation: n/a												
Account #: 417-6800-568.40-31							$20,262.38				$20,262.38	
Project #:							WD0902					
Production CIP Expenses	**$193,188.00**	**$172,255.89**	**$145,500.15**	**$101,246.62**	**$209,781.89**	**$931,129.77**	**$239,692.23**	**$93,342.00**	**$38,496.00**	**$107,870.50**	**$2,380,876.05**	**$70,000.00**
Distribution System CIP Expenses												
Dead End Water Main Removal												
Description: flow improvements												
WQ Recommendation: n/a												
Account #: 417-6800-568.40-34	$22,391.79										$22,391.79	
Project #:	WD0306											
Division Street Water Main Upgrade												
Description: unlined pipe replacement												
WQ Recommendation: main rehabilitation												
Account #: 417-6800-568.40-34	$12,033.20	$8,498.73		$1,334,251.51							$1,354,783.44	
Project #:	WD0304	WD0304		WD0304								
Misc. Distribution System Improvements												
Description: capacity and flow improvements, unlined pipe replacement												
WQ Recommendation: main rehabilitation												
Account #: 417-6800-568.40-34		$100.00	$56,440.04	$20,917.96	$36,700.41	$21,449.28	$20,206.06	$21,188.32	$11,352.86	$39,772.12	$228,127.05	
Project #:		WD0401	WD0503	WS0602	WS0706	WD0806	WD0903	WD1004	WD1101	WD1201		
Water Quality Improvements: Bayard Avenue Connection												
Description: Division Street Upgrade completion												
WQ Recommendation: main rehabilitation												
Account #: 417-6800-568.40-34					$23,102.71						$23,102.71	
Project #:					WS0502							
Water Quality Improvements: Water Main Rehabilitation												
Description: Surveying and Design												
WQ Recommendation: main rehabilitation												
Account #: 417-6800-568.40-31						$50,137.50					$50,137.50	
Project #:						WD0811						
Water Quality Improvements: Pear St./West St.												
Description: capacity improvements, unlined pipe replacement												
WQ Recommendation: main rehabilitation												
Account #: 417-6800-568.40-31							$321,903.84	$203,693.63			$525,597.47	
Project #:							WQ0902	WQ0902				

CITY OF DOVER WATER QUALITY APPLICABLE EXPENDITURES

PROJECT INFORMATION	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	TO DATE	FY 2013 BUD
Water Quality Improvements: South St.												
Description: capacity improvements, unlined pipe replacement												
WQ Recommendation: main rehabilitation												
Account #: 417-6800-568.40-31							$37,469.28				$37,469.28	
Project #:							WQ0903					
Water Quality Improvements: Washington St./Pennsylvania Ave.												
Description: capacity improvements, unlined pipe replacement												
WQ Recommendation: main rehabilitation												
Account #: 417-6800-568.40-31							$310,063.02				$310,063.02	
Project #:							WQ0901					
Water Quality Improvements: Route 13 Water Main												
Description: capacity improvements, unlined pipe replacement												*SPENT:* $20,055.68
WQ Recommendation: main rehabilitation												*PENDING:*
Account #: 417-6800-568.40-31							$67,396.65	$56,599.26	$40,948.72	$1,905,647.45	$2,090,647.76	$172,544.32
Project #:							WQ0907	WQ0907	WQ0907	WQ0907		WQ0907
Water Quality Improvements: Bayard Ave. area Partial Const.												
Description: capacity improvements, unlined pipe replacement												
WQ Recommendation: main rehabilitation												
Account #: 417-6800-568.40-31							$6,490.00		$242,720.76	$255,995.67	$505,206.43	
Project #:							WQ0905		WQ0905	WQ0905		
Water Quality Improvements: East of North State Street												
Description: capacity improvements, unlined pipe replacement												
WQ Recommendation: main rehabilitation												
Account #: 417-6800-568.40-31							$29,002.50		$147,821.91		$176,824.41	
Project #:							WQ0906		WQ0906			
S. Governors Avenue Water Main Upgrade												
Description: capacity improvements unlined pipe replacement												
WQ Recommendation: main rehabilitation												
Account #: 417-6800-568.40-34								$2,664.00		$81,534.98	$84,198.98	
Project #:								WD0807		WD0807		
Water Quality Improvements: McKee Run Plant WMR												
Description: capacity improvements, unlined pipe replacement												
WQ Recommendation: main rehabilitation												
Account #: 417-6800-568.40-31								$95,612.76			$95,612.76	
Project #:								WQ1001				
Water Quality Improvements: Walker Road												
Description: Surveying and Design												
WQ Recommendation: main rehabilitation												
Account #: 417-6800-568.40-31								$23,750.00			$23,750.00	
Project #:								WQ1002				
Water Quality Improvements: Loockerman Plaza												
Description: capacity improvements, unlined pipe replacement												
WQ Recommendation: main rehabilitation												
Account #: 417-6800-568.40-31									$104,625.86		$104,625.86	
Project #:									WQ1101			

CITY OF DOVER WATER QUALITY APPLICABLE EXPENDITURES

PROJECT INFORMATION	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	TO DATE	FY 2013 BUD
Water Quality Improvements: Ross Street *Description:* capacity improvements, unlined pipe replacement *WQ Recommendation*: main rehabilitation *Account #*: 417-6800-568.40-31 *Project #:*									$4,250.00 WQ1103		$4,250.00	
Water Quality Improvements: Wesley Campus (N. & S. Bradford) *Description:* capacity improvements, unlined pipe replacement *WQ Recommendation*: main rehabilitation *Account #*: 417-6800-568.40-31 *Project #:*										$103,298.32 WQ1201	$103,298.32	
Water Quality Improvements: New Street *Description:* capacity improvements, unlined pipe replacement *WQ Recommendation*: main rehabilitation *Account #*: 417-6800-568.40-31 *Project #:*										$26,600.00 WQ1202	$26,600.00	$87,400.00 WQ1202
Water Quality Improvements: Silver Lake WMR *Description:* capacity improvements, unlined pipe replacement *WQ Recommendation*: main rehabilitation *Account #*: 417-6800-568.40-31 *Project #:*										$155,300.44 WQ1203	$204,446.26	*SPENT:* $49,145.82 *PENDING:* $85,995.73 WQ1203
Water Quality Improvements: North Street *Description:* capacity improvements, unlined pipe replacement *WQ Recommendation*: main rehabilitation *Account #*: 417-6800-568.40-31 *Project #:*											$33,335.00	*SPENT:* $33,335.00 *PENDING:* $11,665.00 WQ1301
Water Quality Improvements: West Street W Alley *Description:* capacity improvements, unlined pipe replacement *WQ Recommendation*: main rehabilitation *Account #*: 417-6800-568.40-31 *Project #:*									$4,250.00 WQ1105		$4,250.00	$161,000.00 WQ1105
Water Quality Improvements: Columbia Avenue *Description:* capacity improvements, unlined pipe replacement *WQ Recommendation*: main rehabilitation *Account #*: 417-6800-568.40-31 *Project #:*									$4,250.00 WQ1102		$4,250.00	
Water Quality Improvements: William Street *Description:* capacity improvements, unlined pipe replacement *WQ Recommendation*: main rehabilitation *Account #*: 417-6800-568.40-31 *Project #:*									$4,250.00 WQ1104		$4,250.00	$280,000.00 WQ1302
Water Quality Improvements: Governors Avenue West Alley *Description:* capacity improvements, unlined pipe replacement *WQ Recommendation*: main rehabilitation *Account #*: 417-6800-568.40-31 *Project #:*											$0.00	$15,000.00 WQ1303
Distribution System CIP Expenses	**$34,424.99**	**$8,598.73**	**$56,440.04**	**$1,355,169.47**	**$59,803.12**	**$71,586.78**	**$792,531.35**	**$403,507.97**	**$564,470.11**	**$2,568,148.98**	**$6,017,218.04**	**$916,141.55**

CITY OF DOVER WATER QUALITY APPLICABLE EXPENDITURES

PROJECT INFORMATION	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	TO DATE	FY 2013 BUD
Operating Expenses												
Claims Since 12/2002												
Description: damaged laundry, etc.												
WQ Recommendation: n/a												
Account #: 412-6800-568.20-51	$1,143.31	$3,376.00	$5,586.40	$2,939.41	$1,259.93	$1,888.82	$417.74	$1,220.38	$921.32	$740.60	$19,493.91	$1,000.00
Distribution System Flushing	$19,602.12	$112,406.97	$105,572.54	$177,062.77	$184,505.68	$82,072.50	$78,730.45	$77,118.90	$78,205.14	$78,267.80	$993,544.87	$81,600.00
Description: advertising, labor, supplies												
WQ Recommendation: distribution system flushing program												
➪ **ADVERTISING**												
Account #: 412-6800-568.30-25	$504.12	$5,309.70	$2,974.44	$9,592.00	$15,340.30	$12,156.08	$9,530.45	$7,218.90	$7,105.14	$5,122.80	$74,853.93	$7,500.00
➪ **LABOR (in-house)**												
Account #: 412-2600/5600/6800/6900/7600	$19,098.00	$106,948.80	$101,856.00	$165,516.00	$168,257.35	$68,768.64	$68,100.00	$68,800.00	$70,000.00	$72,045.00	$909,389.79	$73,000.00
➪ **SUPPLIES - DISTRIBUTION (estimate)**												
Account #: 412-6800-568		$148.47	$742.10	$777.31	$598.03	$892.78	$800.00	$800.00	$800.00	$800.00	$6,358.69	$800.00
➪ **SUPPLIES - WTP (estimate)**												
Account #: 412-7600-576				$1,177.46	$310.00	$255.00	$300.00	$300.00	$300.00	$300.00	$2,942.46	$300.00
System Monitoring												
Description: sample analysis supplies (est.)												
WQ Recommendation: distribution system monitoring, water quality monitoring program												
Account #: 412-7600-576				$3,276.90	$4,521.48	$3,909.00	$3,500.00	$3,500.00	$3,500.00	$3,500.00	$25,707.38	$3,500.00
Operating Expenses	**$20,745.43**	**$115,782.97**	**$111,158.94**	**$183,279.08**	**$190,287.09**	**$87,870.32**	**$82,648.19**	**$81,839.28**	**$82,626.46**	**$82,508.40**	**$1,038,746.16**	**$86,100.00**
WATER QUALITY EXPENSE TOTAL	**$248,358.42**	**$296,637.59**	**$313,099.13**	**$1,639,695.17**	**$459,872.10**	**$1,090,586.87**	**$1,114,871.77**	**$578,689.25**	**$685,592.57**	**$2,758,527.88**	**$9,436,840.25**	**$1,072,241.55**
WATER QUALITY COMPLAINTS	**271**	**627**	**906**	**369**	**542**	**241**	**221**	**249**	**111**	**118**	***2,956***	

CITY OF DOVER WATER QUALITY APPLICABLE EXPENDITURES

PROJECT INFORMATION	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	TO DATE	FY 2013 BUD
PRODUCTION CIP EXPENSES	$193,188.00	$172,255.89	$145,500.15	$101,246.62	$209,781.89	$931,129.77	$239,692.23	$93,342.00	$38,496.00	$107,870.50		
DISTRIBUTION SYSTEM CIP EXPENSES	$34,424.99	$8,598.73	$56,440.04	$1,355,169.47	$59,803.12	$71,586.78	$792,531.35	$403,507.97	$564,470.11	$2,568,148.98		
OPERATING EXPENSES	$20,745.43	$115,782.97	$111,158.94	$183,279.08	$190,287.09	$87,870.32	$82,648.19	$81,839.28	$82,626.46		$82,508.40	
WATER QUALITY COMPLAINTS	271	627	906	369	542	241	221	249	111	118		

CITY OF DOVER INFLOW AND INFILTRATION APPLICABLE EXPENDITURES

PROJECT INFORMATION	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	TO DATE	FY 2013 BUD
CIP Expenses							
Inflow/Infiltration Removal Program							
Description : design, rehabilitation of sanitary sewer with I&I problems							
Account # : 417-6900-569.40-31	$5,160.98	$1,350.52	$1,767,683.77	$451,249.04	$54,612.78	$2,280,057.09	$1,122,087.22
Project #:	WW0803	WW0903	WW1001	WW1101	WW1201		Various
Inflow/Infiltration Removal - New Street/Reed Street							SPENT:
Description : Numerous cracks, reverse flow on main							$43,940.52
Account # : 417-6900-569.40-31						$43,940.52	*PENDING:*
							$286,059.48
Project #:							II1301
Inflow/Infiltration Removal - Fox Hall Sewer Rehab							
Description : manholes allowing infiltration							
Account # : 417-6900-569.40-31						$0.00	
							$142,000.00
Project #:							II1302
Inflow/Infiltration Removal - Morris Estates Sewer Rehab							
Description : pipe deterioration, causing infiltration							
Account # : 417-6900-569.40-31						$0.00	
							$276,000.00
Project #:							II1303
Inflow/Infiltration Removal - Wesley College Sewer Rehab							SPENT
Description : Various cracks causing infiltration							$7,200.00
Account # : 417-6900-569.40-31						$7,200.00	*PENDING:*
							$0.00
Project #:							II1304
Inflow/Infiltration Removal - NRG Sewer Rehab							
Description : Inflitration occuring in existing interceptor							
Account # : 417-6900-569.40-31						$0.00	
							$175,000.00
Project #:							II1305
Inflow/Infiltration Removal - FY13 I & I Design							*SPENT:*
Description : consultant review of three sanitary sewer basins							$14,023.90
Account # : 417-6900-569.40-31						$14,023.90	*PENDING:*
							$25,976.10
Project #:							II1306
Lepore Road Pump Station Replacement							
Description : installing new liner in wet well to prohibit infiltration							
Account # : 417-6900-569.40-31						$0.00	
							$50,000.00
Project #:							WW1104
CIP Expenses	**$5,160.98**	**$1,350.52**	**$1,767,683.77**	**$451,249.04**	**$54,612.78**	**$2,345,221.51**	**$1,967,287.22**

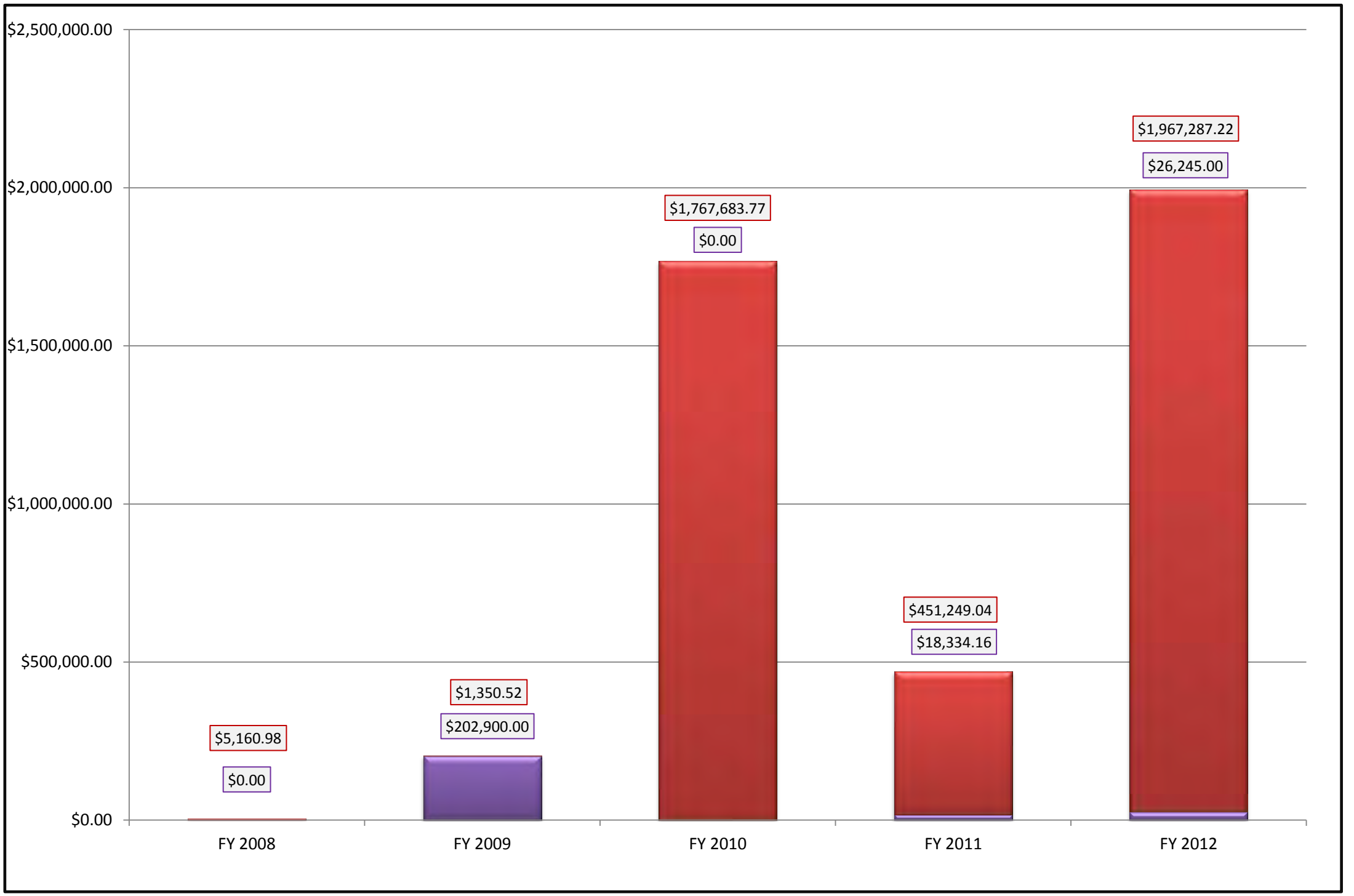
Attachment #3
Utility Committee Meeting November 13, 2012

CITY OF DOVER INFLOW AND INFILTRATION APPLICABLE EXPENDITURES

PROJECT INFORMATION	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	TO DATE	FY 2013 BUD
Operating Expenses							
PACP Certification (10)		$3,000.00				$3,000.00	
Staff trained to properly identify and rate sanitary sewer condition							
Recording and Rating Sanitary Sewer Mains				$14,734.16	$20,471.08	$35,205.24	$22,645.00
Staff labor hours.							
GraniteXP Software				$3,600.00	$3,600.00	$7,200.00	$3,600.00
Initial software cost and corresponding yearly fee							
CCTV Camera Truck		$199,900.00				$199,900.00	
Operating Expenses	**$0.00**	**$202,900.00**	**$0.00**	**$18,334.16**	**$24,071.08**	**$245,305.24**	**$26,245.00**
INFLOW AND INFILTRATION REMOVAL EXPENSE TOTAL	**$5,160.98**	**$204,250.52**	**$1,767,683.77**	**$469,583.20**	**$78,683.86**	**$2,590,526.75**	**$1,993,532.22**

CITY OF DOVER INFLOW AND INFILTRATION APPLICABLE EXPENDITURES

PROJECT INFORMATION	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	TO DATE	FY 2013 BUD



Inflow / Infiltration Update

Utility Committee Presentation

November 13, 2012

Department of Public Works

Utility Committee Meeting November 13, 2012
Attachment #4

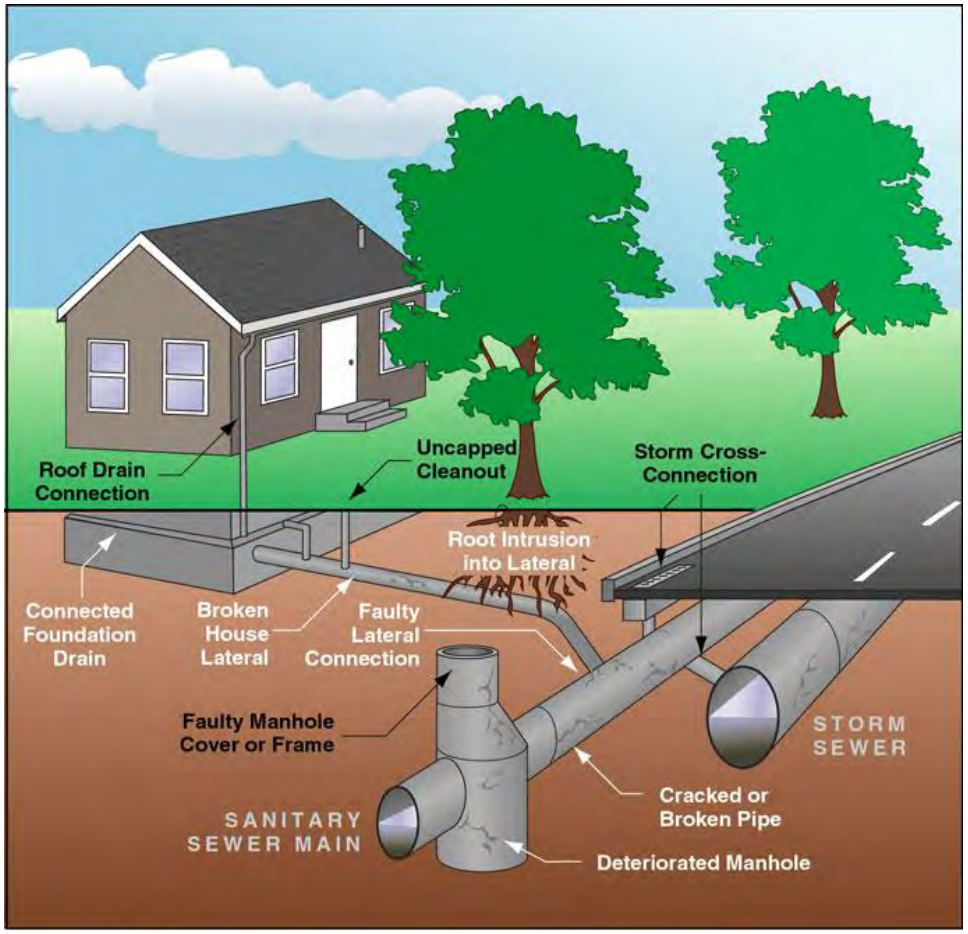
Inflow and Infiltration Overview

- In FY 2010, the City of Dover experienced its wettest year in recent memory. An estimated 1.97 billion gallons were sent for treatment at the Kent County Wastewater Treatment Plant with 0.26 billion gallons sent in March 2010 alone.
- On average, the annual volume of wastewater sent is approximately 1.58 billion gallons. The monthly average is approximately 0.13 billion gallons.
- At $2.34/1,000 gallons, inflow and infiltration accounts for $304,200 on a monthly basis.

Inflow and Infiltration Overview

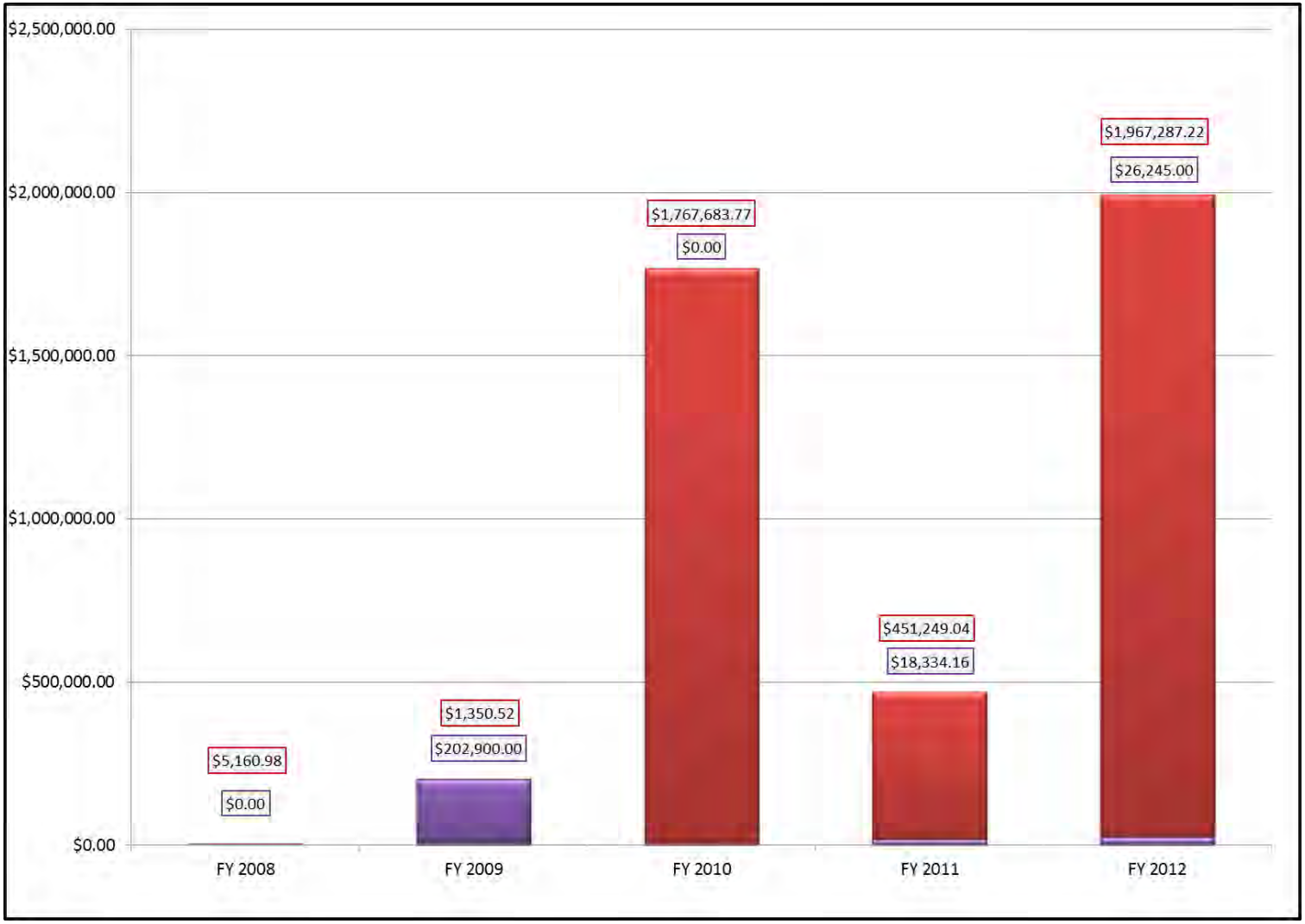
- The threat of infiltration is continuously increasing. The pipes in the ground are deteriorating, which increases the possibility of groundwater entering our sanitary sewer system.
- Older homes and developments also have illicit connections to sanitary sewer mains, which send rain water / groundwater to our system.
- The City of Dover is a contract user of Kent County and therefore charged by the volume of wastewater sent to the WWTP for treatment.

Inflow and Infiltration Basics



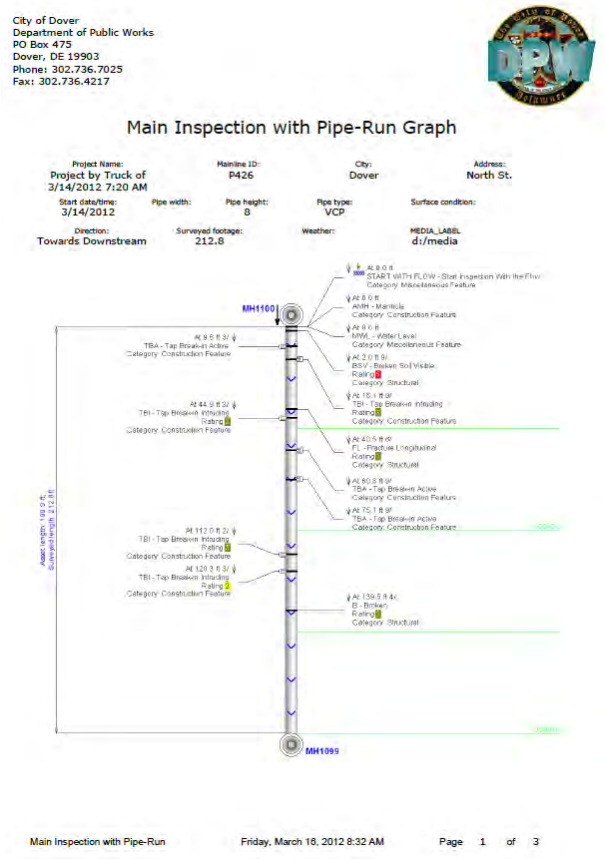
- Inflow Examples
  - Roof Drain Connection to the Sanitary Sewer
  - Uncapped Cleanout, connected to the Sanitary Sewer
  - Storm Sewer Cross Connection
- Infiltration Examples
  - Broken House Lateral
  - Root Intrusion into Lateral
  - Cracked or Broken Sanitary Sewer Pipe

Inflow and Infiltration Expenses



Assessing the Problem

- Pump Station Flow Analysis
  - Developed by engineering staff to determine which sanitary sewer basins have the largest inflow and infiltration problem.
  - This analysis is utilized to prioritize the video inspection of the sanitary sewer basins.
- Rehabilitation Methods
  - Ultraviolet Cured Fiberglass reliner
  - Infrastructure replacement



Assessing the Problem

- Utilization of CCTV Sewer Truck
  - Wastewater Maintenance staff assesses the sanitary basins to record any structural/operational issues.



- Pipeline Assessment Certification Program (PACP)
  - Staff are certified in the PACP methodology. With the use of the GraniteXP software package, staff can rate each pipe in the system, justifying the need for rehabilitation.

Assessing the Problem – Video Inspections







Addressing the Problem – Transmission Capital Improvements

- Inflow and Infiltration Rehabilitation
  - Division Street, Northwest, Loockerman Street, St. Jones Interceptor Relining
  - New Street / Reed Street Main Replacement
  - Morris Estates Infrastructure Replacement
  - Fox Hall Manhole Replacement





Desired Results and Resources

- The improvements desired to the City's water system will require:
  - Increased, dedicated and long term financial resources.
    - FY 2013 Capital Budget = $1,967,287
  - Increased, dedicated and long term staffing resources.
    - Goals will require time from 23 Water / Wastewater Utility staff members including engineers, field crews and inspectors
  - Utilization of consultants and outside contractors to meet critical time frames.

LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on November 13, 2012, at 5:32 p.m. with Chairman Lynn presiding. Members present were Mr. Anderson (arrived at 6:05 p.m.), Mr. Hare, Mr. Rushe, and Mr. Shevock. Members of Council present were Council President Leary, Mr. Perza, Mrs. Williams, and Mr. Hutchison. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

By unanimous consent, the agenda was approved as presented.

Proposed Ordinance #2012-23 - FY Budget Revisions

Mrs. Donna Mitchell, Controller/Treasurer advised members that Proposed Ordinance #2012-23 would incorporate the following changes into the FY13 Budget:

- The Original Budget for the Police Grant Funds that was missed in the original budget ordinance.
    - The budget ordinance represents the combined fund summary for three (3) separate Federal and State grants; the individual revenue and expenditure line items will be entered into the City's financial accounting system for each grant.
- The audited Beginning Balances for the Municipal Street Aid, Library, Community Development Block Grant (CDBG), and Police Grant funds and corresponding revisions to the expenditures.
- Capital project funds are amended to reflect the audited Beginning Balances and corresponding adjustments for those uncompleted projects with multi-year construction periods.
- Amends the Beginning Balances for the Operating Funds to include the carry forward balances to cover the purchase of the mobile and portable radios for Federal Communications Commission (FCC) compliance that was budgeted for in FY12. The offsetting expenditures are also amended by department.
- The remaining Beginning Balances for the Operating Funds will be brought forward for amendment after the completion of the audit.
- Property Taxes are adjusted to reflect higher Payment in Lieu of Taxes (PILOT) from the State of Delaware that was approved in the State budget after the adoption of the City budget.
- The additional Municipal Street Aid funds that the State appropriated for capital outlay on street projects in FY12 are carried forward in the Beginning Balance. This, coupled with another additional appropriation (revenue) for capital outlay, is included in the Municipal Street Aid Budget to be spent this fiscal year.

- Increased the Capital Investment Plan for the Electric Improvement & Extension Fund to provide funding for increased request for new developments and commercial properties, which is an increase of $300,000 which is being taken from the carry forward balance from last year.

- Amends the power supply and generation budget to provide more detail and inclusion of cost of the Solar Renewable Energy Credits.

It was noted that all changes were noted in red font in the proposed ordinance.

Mrs. Mitchell stated that Line #265 on Page 7 of the ordinance reflected $351,600 that was missed in the original budget. She explained that by July of 2012, adequate funds were produced through generation of electricity to realize a credit, which was included in Line #271, PJM Spot Market, in order to offset the $351,600 rather than changing the budget balance. She also noted that more detail was provided in the revised ordinance in the Electric Revenue Fund Summary regarding energy and supply items.

Mr. Hare moved to recommend adoption of Proposed Ordinance #2012-23 - FY 2013 - Budget Revisions, seconded by Mr. Shevock and unanimously carried (Anderson absent).

Martin Luther King, Jr. Boulevard

During the City Council Meeting of October 8, 2012, a public hearing was held regarding consideration of renaming Division Street within the City limits as Martin Luther King, Jr. Boulevard. At that time, the matter was referred back to the Legislative, Finance, and Administration Committee with the stipulation that the Committee would provide a recommendation to City Council within 120 days and that public notification would be provided to all affected parties. *(Clerk's Office Note: Written notification of the November 13, 2012 LF&A meeting regarding the proposed renaming was sent to all owners of property on Division Street.)*

Councilman Adam Perza reminded members that various proposals to honor Dr. King had been considered over the past several months and that there were two (2) proposals currently before the City: 1) to rename Route 8, Division Street, and Forrest Avenue from the east boundary of the City to the west boundary of the City in Dr. King's honor, and 2) to rename Division Street from DuPont Highway on the east to Saulsbury Road on the west. He noted that the City had provided opportunities for public comment during two (2) public meetings in order to obtain feedback from business owners, property owners, and government officials from the State and County regarding the impact on the community. He explained that there were significant concerns regarding the potential impact to the business community in terms of costs incurred, private residents had expressed concerns regarding the administrative burdens of changing home addresses, and members of the historic community had made the City aware that the Division Street corridor had been in the community since the 1850s and was historical to the City. Mr. Perza explained that these comments, criticisms, and recommendations were balanced against the concerns of the advocates for the King Street proposal, noting that the City had considered a form of recognition for Dr. King for

approximately 20 years with no decision being made. He indicated his desire to submit the Court Street corridor as an alternative plan for consideration, noting that this would not necessarily replace either Division Street plan.

Councilman Perza provided a presentation entitled "Public Hearing Re: Dedication of Public Street for Rev. Martin Luther King, Jr." ***(Attachment #1)***. Referring to Page 3 of the presentation, he explained that the alternative proposal would rename the current Court Street, beginning at its intersection with Route 13, as Martin Luther King, Jr. Street or Boulevard and would "wrap around" Legislative Hall, extending to the intersection with Federal Street. The current Duke of York Street would become the northern portion of the proposed corridor, and William Penn Street would become the southern portion. This would include renaming the current Court Street, Duke of York Street, and William Penn Street after Dr. King. Mr. Perza stated that Capital Drive, which serves Courtside Apartments (on the north side of current Court Street), would be renamed as Court Street and would unite with the southern lane of existing Court Street (on the south side of Court Street) which is effectively an "alley" running parallel to Court Street extending to Cowgill Street and serving approximately eight (8) private properties. Mr. Perza advised members that there was precedent in the City for uniting streets such as Capital Drive and the alleyway, pointing out that Kings Highway Southwest extends north past the Governor's mansion, intersects with Division Street (where Division Street becomes Kings Highway for several blocks), and then turns north at Park Drive past Silver Lake Park and intersects with Route13. He explained that if all of the suggested actions were accomplished, no residents on the north or south sides of Court Street would be impacted and no businesses would be affected.

Mr. Perza advised members that four (4) State facilities, including the Haslet Armory, the Tatnall Building, the Delaware Public Archives, and Family Court would be affected. He explained that Family Court would have two (2) address options: 1) retain 400 Court Street because it would be located on the newly defined Court Street, or 2) adopt the Martin Luther King, Jr. renaming.

Mr. Perza described this proposal as involving a prominent, visible thoroughfare of the Capital that serves as an entrance to the legislative corridor which attracts attention from Delawareans and legislators from all three (3) counties. He noted that it contains a mixture of residential neighborhoods (including Capital Green, Garden Court Apartments, and Courtside Apartments) and there is no commercial development in the area, with the exception of the Route 13 strip on the eastern boundary. Mr. Perza explained that the advantage of the proposal was that it would minimize much of the impact mentioned in all of the public comments received from City and Kent County residents, Delawareans, and State and County officials. In addition, the cost should be less due to the reduced number of sign changes needed. He noted that consideration of this option at the current Legislative, Finance, and Administration Committee meeting was the initial introduction of the plan, which had not been vetted by the public, State, or the City and that more public comment would surely be offered.

Mr. Lynn thanked Mr. Perza for his efforts in developing this proposal and expressed his opinion that this was the best solution because it addressed the concerns of residents and businesses.

Mr. Anderson stated that he liked the proposal, noting that this thoroughfare was one (1) of the best kept avenues in the City, the location of the seat of government, an entrance for tourists and visitors, and connects Capital Green to Legislative Hall, which he felt was symbolic. He stated that it was just as important that businesses not be disrupted in these economic times, noting that Dr. King was "about not just freedom but jobs." Mr. Anderson indicated that the proposal addressed all these concerns and showed that the City was listening to the public and he thanked Mr. Perza for his work.

Mr. Shevock questioned if any other proposals had been received and if the Committee would follow up to ensure that all property owners were notified of Mr. Perza's plan. He stated his understanding that the State did not appear to object to the proposal and inquired if this would be documented in writing so that there would be no questions in the future.

Mr. Perza reiterated that the plan was just being introduced; therefore, no advertised public meeting had been held to consider this proposal. He stated his belief that Council would schedule a hearing at the appropriate time and notify by mail the State and private property owners who would be impacted. Mr. Perza indicated that approximately 20-25 properties would be affected and it was his belief that 16 of them were owned by either the State or the City. He advised members that efforts had been made to reach out to the State to make them aware of the initial proposal since the City was seeking their input regarding the potential impact to users of the buildings.

Mr. Lynn stated that if the proposal were adopted by the Committee it would be sent to Council for approval in two (2) weeks and the first available public hearing date would be December 10, 2012. He believed that the State would be notified and would have an opportunity to appear on or before December 10, 2012 to weigh in.

Mr. Shevock questioned if everything in this regard should be in place prior to going to a public hearing because a "fly in the ointment" could appear after the public hearing. He noted that he had no problem with the proposals but felt that feedback should be received prior to going to public hearing because the public hearing could be a waste of time for the Committee and the City unless everything was in order.

Mr. Hare stated his understanding that the purpose of the proposed renaming was to honor Dr. King in history and that he could understand the concept of renaming Court Street up to the Legislative Mall area; however, he was not in favor of renaming William Penn and Duke of York Streets since they were prominent in Delaware history.

Mr. Perza indicated that he felt this was a fair comment to make for historians who are aware of the Duke of York's contributions from England and William Penn's contributions from Pennsylvania. He felt that these concerns should be considered through this process and that the Committee or Council could modify the proposal.

Mr. Hare felt that renaming Court Street and honoring Dr. King "in the same breath" as William Penn and the Duke of York was appropriate. He felt that the correct process should be followed and should be "as pure as the results."

Mr. Perza stated that a number of the components to the process had been streamlined and many of the logistical arguments that were previously obstacles were removed. He agreed that there would be discussion as to what William Penn and the Duke of York mean to the State and this would be weighed against the contributions of Dr. King to members of the community, noting that history means different things to different people.

Responding to Mr. Lynn, Mr. Perza confirmed that no private individuals or businesses would be impacted by the proposal in terms of having to change driver's licenses, social security information, etc.

Mr. Hutchison thanked Mr. Perza for his efforts and inquired if any other locations had been considered by the Committee.

Mr. Anderson stated that he had heard that interest was expressed in renaming the Dover Public Library after Dr. King.

Mr. Hare noted that a suggestion had been received regarding renaming newly created parks or "different things in the parks" in honor of Dr. King. Mr. Koenig confirmed that emails had been received regarding the potential for naming a park system or part of a park system after Dr. King.

Mr. Hutchison stated that a location directly across from the Police Memorial had been suggested as a site for a memorial for Dr. King. He indicated that he would like to see a list of the options, to include feedback, and that the selection should be made as quickly as possible.

Mr. Lynn reiterated the options before the Committee regarding this matter, as follows:

1) The entirety of Division Street, as previously suggested by Councilman Bonar.
2) A portion of Division Street (the original proposal from Route 13 to Saulsbury Road).
3) Mr. Perza's Court Street proposal.
4) The renaming of the Dover Public Library.
5) The naming of a proposed pocket park system. Mr. Lynn noted that only one (1) of these parks exists to date in the form of an empty lot on the corner of North Street and Governors Avenue, which is completely unimproved.

Mr. Shevock inquired if Mr. Perza's proposal was a three (3) pronged proposal that could be divided as follows:

a) Court Street only.
b) Court and Duke of York Streets only.
c) Court, Duke of York, and William Penn Streets.

Mr. Lynn stated that any of those alternatives were on the table.

Members were provided correspondence received regarding this matter ***(Attachment #2)***. Mr. Lynn noted that a sign-in sheet had been made available for those who wished to comment and advised speakers to keep in mind that advocates of the Martin Luther King, Jr. Boulevard proposal were leaning toward the Court Street option. He reminded speakers that comments would be limited to three (3) minutes and that the meeting was running a bit behind.

Ms. Carroll-Lisa Malone, 1559 Forrest Avenue, inquired if Legislative Mall was the only name of the green, grassy area [between Duke of York and William Penn Streets]. Responding, Mr. Perza stated that he did not believe that this area had a name but that it may be codified as Independence Park, although he was unsure. Ms. Malone suggested that if there was concern about renaming Duke of York Street and William Penn Street, perhaps only Court Street could be renamed and the park could be named Martin Luther King Park. Mr. Perza stated that he had been taking notes from all those who appeared and would add this idea to the list of public comments. Ms. Malone indicated that she had prepared a statement with objections to the renaming of the Forrest Avenue corridor ***(Attachment #3)*** but had no objections to the Court Street proposal in its various forms that were suggested or the renaming of the Dover library.

Mr. David Louie, 1684 N. Little Creek Road, read the following statement into the record:

> *We, the 580 residents and businesses on Division Street, received a letter concerning this meeting tonight in reference to renaming Division Street from Artis Drive to Long Point Road to Martin Luther King, Jr. Boulevard.*
>
> *Since I live on North Little Creek Road and will be affected by expense and time, I wanted to be sure this committee and Council will follow City of Dover Code and Charter. Whereas, every 580 residents and businesses will be petitioned to where we either want a street name change or we do not. And, this committee or Council will not "by pass" the charter or code and pass this name change without the petition being presented to all those concerned.*
>
> *In Oct. 2012, I received a statement from an investment firm for my son and it still had my old address from when my address was Division Street and later changed to North Little Creek, this was over 8 years ago. I am still updating companies from that change.*

Mr. Emil Voshell, 1125 E. Division Street, stated that he had resided at his address for over 50 years and inquired if his property would be included in this proposal. Responding, Mr. Lynn stated that under Mr. Perza's proposal Division Street would be completely unaffected. However, if any of the multiple proposals on the table with regard to Division Street were adopted, Mr. Voshell's particular house may be affected.

Mr. John Welgin, 1082 Forrest Avenue, stated that he spoke at the previous meeting and advised members that he was not in favor of the street name change and had failed to mention that his parcel of land was not within the City of Dover but was in Kent County. He felt that the City could not legally change his County address. He stated that he felt that Mr. Perza's proposal was "fantastic" and he was "all for it."

Ms. Justine Jarrell Davis, 5233 S. DuPont Highway, stated that she was 100% against changing the name of Dover's 150-year-old historic Division Street. She explained that she and her family had owned property at 991 Forrest Avenue (on the corner of Saulsbury Road and Forrest Avenue) for over 72 years, that this address had been a constant in their lives, and it would be affected by the first two (2) proposals. She felt that renaming Division Street would create a hardship for all residents and business owners on the street as they would be forced to change the street name on many very important items, from business cards, to signs, checks, wills, etc. Ms. Davis stated that it would also cost the City a great deal for all the new signage, paperwork, and man hours. She noted that, while Dr. Martin Luther King is a prominent figure in our country's history, he was not in Delaware or Dover history. She indicated that Dover is constantly growing and requested that if a new street name were to be chosen, that it be for a new Dover street rather than historic Division Street.

Mr. Vernon Ingram, 402 Greenhill Road, stated that he is a business owner on Division Street. He thanked the Committee for the fine job that they are doing and expressed his agreement with Mr. Perza's proposal.

Mr. Gary Michaels, 1520 N. Little Creek Road, stated that he was recently informed of this issue. He stated that he takes care of an 88-year-old woman and has had a difficult time trying to take care of himself and her. He felt that making such a rapid change as the proposed renaming of Division Street was unfair to the community. He stated that this was not a racial issue to him but it was his personal opinion regarding how those affected would suffer the consequences. Mr. Michaels questioned if 1520 N. Little Creek Road would be affected. Responding, Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that if the property was within City limits it would be affected by the most expansive proposal in regard to Division Street.

Mr. Charles David, 751 Hatchery Road, stated that he planned to speak about history and was speaking as a private person, with no connection to any organization. He provided members with a written statement and historical information including an excerpt from "A History of Kent County Delaware," by Harold B. Hancock, and an excerpt from a Presbyterian Church history entitled "Bridge Across the Years," by Aline Noren Ehinger ***(Attachment #4)***. He advised members that a good deal of history made in Delaware since the time of William Penn was included in "Bridge Across the Years." Mr. David reminded members that the City of Dover was the first City of the First State and that this creates pride among residents due to the history which has been forged over the centuries, from William Penn's inception until today. It was his opinion that history has been made and that "history is history" and, like birthdays, cannot be changed. He felt that trying to change or do over what has gone before is not giving credence to our forefathers and that this applies to the renaming of Division Street. He read from Page 114 of "Bridge Across the Years," as follows:

> *A wealthy, well-known and distinguished Dover citizen, Reverend Thomas Budd Bradford, was a member of the Dover congregation from 1850 to his death 1871. He had inherited extensive property in and around Dover from his uncle, Nicholas Loockerman, and lived in the Bradford-Loockerman House at 419 South State Street. He was active in the life of the town due to his large property holdings and to his enjoyment in knowing people and in having a part in social and business activities.*

He was well known in this small town which numbered about 600 people within the city limits. In the 1850's Mr. Bradford laid out all his property in building lots and streets and proposed the name Bradford City.

Mr. Lynn advised Mr. David that he had exceeded the three (3) minute time limitation. He apologized for cutting Mr. David off; however, he noted that the sign-in list included two (2) full sheets of names of individuals who wished to speak on this matter. Mr. David stated that he took this as an offense against what he was attempting to present.

Mr. Lynn stated that although he found the information informative and educational, only three (3) minutes could be allotted per speaker. He suggested that Mr. David provide information to Committee members in writing or at a subsequent hearing on this matter.

Ms. Florene LeCompte, 1110 E. Division Street, stated that she wished to present a statement from one (1) of the residents on her street who was unavailable to speak because she was not in town and did not know about the proposal and began to read a statement, as follows: "For reasons of personal security, I prefer not to reveal my name or specific address because . . ." Mr. Lynn advised Ms. LeCompte that she could make a statement on her own behalf, but not for a third party.

Speaking on her own behalf, Ms. LeCompte stated that she agreed with Mr. Perza's proposal; however, she did not agree with the renaming of William Penn and Duke of York Streets. She expressed her opinion that these streets were part of the City's history and she did not feel that this should be changed. Referring to Councilman Anderson's previous comment that he approved of the Court Street option as it related to Capital Green, she questioned why Capital Green would have anything to do with this. She stated that she thought that the matter being considered was not a racial issue; however, she felt that Mr. Anderson's comment denoted that it was a racial issue. Responding, Mr. Anderson stated that he did not perceive the issue this way, but that Ms. LeCompte should take it the way she liked.

Ms. LeCompte expressed her opinion that other options, such as renaming the library or any street that had not already been named would be good options; however, she did not agree with the ABCD corridor of Division Street (from City limit to City limit) because it would affect so many people located on that road.

Mr. Kenny Shelton, 1539 Forrest Avenue, stated his agreement with Mr. Perza's proposal. He noted that he spoke with an individual from Maryland who advised him that a street dedication had been performed to honor troopers who were killed a number of years ago. A large plaque was placed at that location but no addresses were changed and the only cost was a plaque and a dedication. He felt that a memory could be honored without changing addresses.

Reverend Michael Rogers, 118 Springfield Way, President, Interdenominational Ministerial Alliance (IMA) (Dover and vicinity) stated that the IMA was pleased to hear the new proposal that was brought forth. He noted that the organization's original plan was to seek a change to Division Street; however, that Mr. Perza had brought forth a very viable alternative and the organization would like

to offer support. Rev. Rogers stated that other options were presented; however, the Court Street area seemed very plausible and prominent for honoring Dr. King. He thanked members and Councilman Perza for their efforts and trusted that Council would see this as a reasonable and viable alternative.

Reverend Philemon Hill, 3728 N. DuPont Highway, stated he was glad that some reason had come forth and that "we are not like Congress and everyone has to have their way." He indicated that the Court Street proposal seemed to be a legitimate proposal and stated that proponents were looking to unify the City rather than to divide it. Rev. Hill explained that the previous recommendation from Route 13 to Saulsbury Road was because of the location of the former William Henry High School, which he stated was predominantly a school for people of color until a change in government took place. He expressed appreciation for Mr. Perza's efforts.

Reverend Rita Mishoe Paige, 355 Rita Wilma Road, stated that the IMA supported Councilman Perza's proposal for Court, Duke of York, and William Penn Streets and indicated that she would like to go on official record by saying that the IMA had sent the entire Legislative, Finance, and Administration Committee a letter officially endorsing that proposal. From a personal standpoint, she stated that she found it offensive that the City government would consider a "scattered" park system, was "embarrassed for [Council]" that this would be considered, and requested that this option be taken off the table. Rev. Paige expressed her opinion that the leadership of Dr. Martin Luther King, Jr. and the entire civil rights movement impacted all 50 states. She stated that because of Dr. Martin Luther King, we can vote, members such as Councilwoman Williams are able to reside on City Council, and all those present at the meeting could be in the room and attend the same schools. Rev. Paige stated that because of Dr. Martin Luther King, history was made in Delaware and all over. On behalf of the IMA, Rev. Paige stated she was in favor of Mr. Perza's proposal because no residents or businesses would be impacted, it would be less expensive than the Division Street proposal, and it would be a win-win situation for all; therefore, she urged members "let's do it."

Mr. Paul Davis, 5233 S. DuPont Highway, co-owner of a business at 991 Forrest Avenue, commended the Committee for their work. He noted that he and his wife were opposed to renaming Division Street. He felt that when people sit down and debate or discuss in an intelligent manner a solution can always be found, and he felt this was what had occurred with this issue. He noted that many were affected; however, everyone kept their head and ultimately a great resolution was found. Mr. Davis expressed support for the Court Street proposal; however, he noted that he agreed with Councilman Hare that Duke of York and William Penn Streets should be left alone as part of Delaware history and felt that the same mission could be accomplished by honoring Dr. King by renaming Court Street. He noted that this was how things were accomplished in Delaware, by sitting down and talking about it.

Mr. Edwin Baker, Jr., 1526 Forrest Avenue, stated that when he spoke before Council previously on this matter he noted that if people would sit down and get together they could do better and that this had been accomplished. He felt that the Court Street proposal was excellent; however, he agreed with Councilman Hare that a "good look" should be taken at the other two (2) streets as they are part of the City's history.

Mr. EShed Alston, 406 Arnold Court, stated that he had a document that was received from the Clerk of the United States Supreme Court regarding an ongoing appeal to the Court. He began to read some of the questions that he indicated that he presented to the United States Supreme Court from a prepared statement, as follows:

> *Is it not irrefutably true that the U.S. constitutionally protected due process right of law and coinheritance in Civil Law and the equally important legal guarantee in and of the equal protection of American law trumps, outweighs, and completely circumvents any State's ability to unconstitutionally compromise, trivialize, minimize, victimize--*

Mr. Anderson called for a point of order.

Mr. Lynn inquired if Mr. Alston's statement was about the street renaming, noting that this was the topic at hand. Mr. Alston continued to read from his statement. Mr. Lynn reminded Mr. Alston that he had been addressed by the Committee. Mr. Alston stated that the statement did refer to this matter and this was why he was reading it into the record. He expressed his opinion that there was a double standard in the way that the black community was treated, that this was not just his observation but that this matter was presently before the U.S. Supreme Court, and he stated he was reading what the record was. He inquired if he should continue.

Mr. Lynn inquired how Mr. Alston's statement was pertinent to the issue at hand. Mr. Alston stated that the issue at hand was "our current circumstances." He stated that there were currently lynchings going on in the City, whether people accepted this or not. Mr. Lynn requested that Mr. Alston take his seat since he had deviated from the topic at hand. Mr. Alston stated that the topic at hand was how "we" are treated in this town.

Mr. Lynn stated that if Mr. Alston continued he would be removed from the Chamber.

Mr. Anderson advised Mr. Alston that an Open Forum would be held later in the evening, beginning at 7:15 p.m.

Mr. Alston stated that "there is no inextricability" and that all of this was connected.

Mr. James Fogell, 360 Nimitz Road, stated that he wrote a letter to the Mayor and members of City Council about the hardships involved in changing the name of any street. He suggested that a memorial be constructed using privately donated funds, as was done for the Vietnam Veterans' Memorial in Dover and the Martin Luther King Memorial in Washington, D.C. He noted that funds were donated for these memorials by those who really wanted to honor someone. Mr. Fogell felt that those who want to honor Dr. Martin Luther King should get together and put up a nice memorial, not just a street or a flyer by a street name. He advised members that there was a nice plot where the police officers park near the railroad tracks and he felt that this would be one (1) possible location for such a memorial, where people could sit on the grass and tell their children about Dr. King. He felt that donations could be received from black and white individuals. Mr. Fogell expressed his opinion that those who want a memorial should sacrifice.

Former City Councilman Reuben Salters, 109 Bertrand Drive, stated that he had heard a lot of dialogue about the changing of the name and was both dismayed and encouraged by the comments. He expressed his opinion that "we, as good citizens of Dover" would find a way to come to fruition with this project. He indicated that many suggestions had been made. Mr. Salters noted that one (1) individual suggested that advocates pay for a memorial; however, he felt that Dr. King had already paid. As law-abiding citizens with great hearts, he felt that if everyone looked deep into their hearts and souls and thought about what Dr. King did for our nation and world, that the conclusion would be reached that no price was to great to be paid. Mr. Salters felt that "we did not give our life, our honor, we have given nothing but words." He noted that history changes and depends on who is writing it. He reminded members that Mr. Perza stated that Duke of York Street was named in the 1930s, which he felt was not a long time ago, and that Washington, D.C. was not always Washington, D.C. He felt that history changes all the time and that it was time to start a new chapter in Dover. Mr. Salters suggested that if Mr. Perza's suggestions were not followed that the $18M library could be named after Dr. King.

Mr. Lynn noted that one (1) additional speaker would be allowed.

Pastor Richard Avant, Calvary Baptist Church, stated that he had worked with Council over the last 30 years and that 20 years ago he and the Mayor considered changing the name of a street to Martin Luther King Street or Boulevard. At that time, petitions were obtained and the project was ready to move forward, and he suggested Scarborough Road as it had not yet been built; however, 20 years later nothing had been done. Rev. Avant stated that a proposal had been made and Council made a counterproposal through Mr. Perza, and proponents liked that proposal. He stated the desire to get the project accomplished. He noted that the matter had been talked about for a long time and that everyone would never come to agreement and that Mr. Perza's plan presented the least amount of problems with no businesses involved. He felt that it was a waste of time to talk about Forrest Avenue if Mr. Perza's proposal were to be moved forward. Rev. Avant stated that he appreciated everything that had been done and was looking forward to moving ahead with the new proposal.

Mr. Lynn expressed his pride in being a member of the Committee and in Mr. Perza's accomplishment in bringing different ideas together. He read the following statement into the record:

> *I have been asked by many since the inception of this debate about why I feel so passionately about the issue, and why the City of Dover, with so many other concerns, feels the need to worry itself with changing the name of one of its oldest streets. I was first introduced, and became intrigued by, the issue of renaming a street to honor to Dr. Martin Luther King, Jr., Blvd., when I heard a presentation on the topic at a Towne Point/White Oak Community Homeowners Association Meeting.*
>
> *Listening to the presentation that evening under the fluorescent lights of the 'lunch room' in Towne Point Elementary, I quickly realized that, to my Constituents, particularly my African-American Constituents, that this street renaming held significantly more import to their community, the essence of social justice, and their sense of self and worth than merely honoring Dr. Martin Luther King, Jr.*

As in all things, I began to research the topic. First, how have other communities dealt with the renaming of streets to honor Dr. King? How have these efforts been received? What are the costs and inconveniences experienced by the individuals and businesses located on those streets? My research led me to Dr. Derek Alderman, Ph.D., a Professor at the University of Tennessee, currently head of Department of Geography, who describes himself as "a cultural and historical geographer interested in public memory, popular culture, and heritage tourism in the U.S." and whose work "focuses on the rights of African Americans to claim the power to commemorate the past and shape cultural landscapes as part of a broader goal of social and spatial justice." Reading Dr. Alderman's work, together with my first-hand experience meeting with my Constituents, confirmed that this issue represents more than a commemorative street renaming, but is, in the words of Dr. Alderman, "a practice of increasing importance to racial and ethnic minorities in the U.S. as they seek ways to recognize their past achievements and struggles and, in turn, to establish their current legitimacy." Dr. Alderman suggests that more than 900 streets have been commemorated to Dr. King in the United States, across 40 states and the District of Columbia.

My constituents maintain that the renaming of such an important road in the City of Dover is a testament to the City's commitment to social justice, and affirmation of the sacrifices, trials and tribulations endured by the African-American community. Dr. Alderman, in his research, concluded that the renaming of major thoroughfare is representative of a "city's commitment to recognizing King's legacy" and that "by asking residents and business owners to change their mailing address, proponents seek to make King's memory visible and personal to a larger cross section of the community."

Mr. Anderson moved to recommend setting a public hearing before City Council on December 10, 2012 to consider Councilman Perza's proposal to rename Court, Duke of York, and William Penn Streets as Martin Luther King Street, to rename Capital Drive as Court Street, and for the alley currently named Court Street to remain Court Street, and to consider the placement of plaques of dedication to William Penn and the Duke of York on the respective streets and the proposed renaming of the Dover Public Library in honor of Dr. Martin Luther King, Jr. The motion was seconded by Mr. Lynn, and carried by a roll call vote of three (3) yes (Lynn, Anderson, and Rushe) and two (2) no (Hare and Shevock).

Mr. Shevock indicated that he felt that the proposal should be presented and voted on in sections to include Court Street; Court, Duke of York, and William Penn Streets; or the Dover Public Library.

Mr. Hare agreed with Mr. Shevock. He reiterated that he had no objection to renaming Court Street itself and felt that these issues should be considered separately with two (2) separate hearings.

Mr. Anderson pointed out that once the public hearing was held, Council could choose which proposal to pass, could adopt neither or both if they wished to, or could amend the proposal. He felt that there were many avenues that Council could take; however, this was the next step to "keep the ball rolling."

Mr. Shevock noted that if these options could be put forward to Council as separate proposals and if this were part of the motion, he could support the motion.

Mr. Lynn stated that the motion had already been voted on.

Mr. Hare requested that when this matter is considered before Council that enough time be allowed so that everyone can be heard.

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

Meeting adjourned at 7:07 p.m.

Sean M. Lynn
Chairman

SML/DD/js/mk/tm

U:\Minutes\11-13-2012 LFA.wpd

Attachments
Attachment #1 - Public Hearing RE: Dedication of Public Street for Rev. Martin Luther King, Jr.
Attachment #2 - Correspondence Received Regarding Martin Luther King, Jr. Boulevard
Attachment #3 - Statement Provided by Ms. Carroll-Lisa Malone
Attachment #4 - Statement and Historical Information Provided by Mr. Charles David

City of Dover

Legislative Finance and Administration Committee

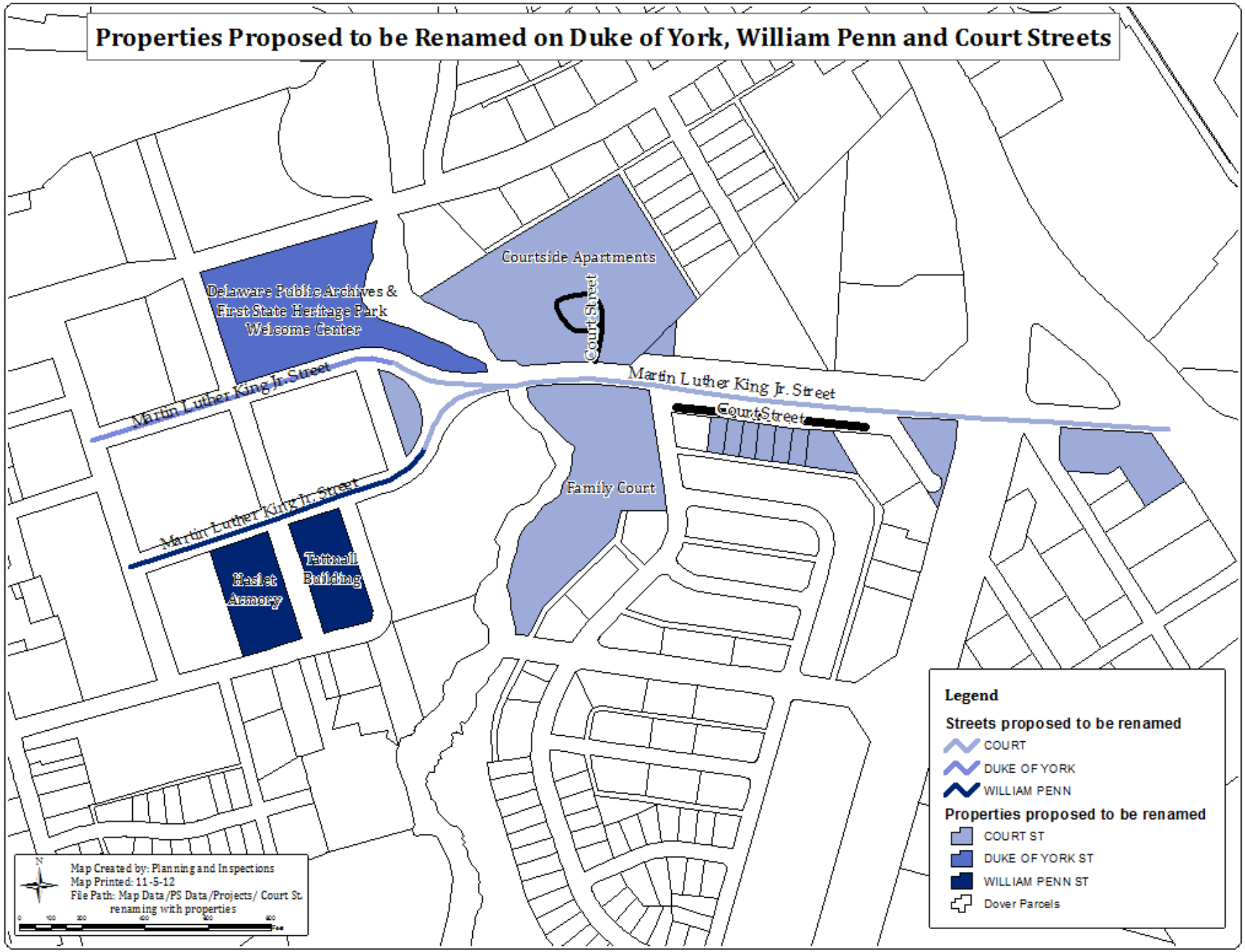
Public hearing re: Dedication of Public Street for Rev. Martin Luther King Jr.

November 13, 2012

LF&A Committee Meeting November 13, 2012
Attachment #1

LFA Proposals

- Division Street ABCD
  - East boundary of City to west boundary of City (Route 8/Division Street/Forrest Avenue)
- Division Street BC
  - DuPont Highway (east) to Salisbury Road (west)
- Court Street/Duke of York/William Penn Street
  - DuPont Highway (east) to Federal Street (west)


Properties Proposed to be Renamed on Duke of York, William Penn and Court Streets
Courtside Apartments
Court Street
Delaware Public Archives &
First State Heritage Park
Welcome Center
Martin Luther King Jr. Street
Martin Luther King Jr. Street
Court Street
Family Court
Martin Luther King Jr. Street
Haslet
Armory
Tattnall
Building
Legend
Streets proposed to be renamed
COURT
DUKE OF YORK
WILLIAM PENN
Properties proposed to be renamed
COURT ST
DUKE OF YORK ST
WILLIAM PENN ST
Dover Parcels
N
Map Created by: Planning and Inspections
Map Printed: 11-5-12
File Path: Map Data /PS Data /Projects/ Court St.
renaming with properties

Court Street

- Rededicate Court Street (main artery) as "Martin Luther King Street"
- Rededicate
  - Capital Drive as "Court Street"
- No change to Court Street (alley)
- Rededicate
  - Duke of York Street
  - William Penn Street

Residential impact

- Courtside Apartments – no address change, residents retain United Way address
- Garden Court Apartments – no address change, residents retain Court Street address
- Court Street (alley) private residences – no address change, resident retain Court Street address

Residential classified properties

- Residential properties impacted on:

- Division Street ABCD 226
- Division Street BC 80
- Court Street 0

All property classifications

- Division Street ABCD 373
- Division Street BC 143
- Court Street 24

Address impact

- Division Street ABCD 580
- Division Street BC 309
- Court Street 5

Capital Drive (Court Street)

- Capital Drive presently situated to north of present Court Street
- Capital Drive will be renamed Court Street and connect with existing Court Street (alley)
- Garden Court Apartments access road
- All residents will retain their Court Street addresses


NO
OUTLET
Garden
Court






RIVER
COURT ST
STOP

Family Court (400 Court Street)

- Family Court is one of four state owned properties in proposal
- Proposal presents state with two options:
  - 1. Retain 400 Court Street
  - 2. Adopt 400 Martin Luther King Boulevard
- State will confer with the Administrative Office of the Courts
  - Avoid public confusion over location of the court


400
STOP
FAMILY COURT

Court Street (alley)

- Court Street (alley) already exists
- Bounded on south by private property, private residences
- Unofficial parking for Family Court (400 Court)
- King proposal will not impact any property on Court Street (alley)




FAMILY COURT








STOP


COURT ST.

Entrance to Legislative Corridor

- Prominent thoroughfare to the Capital
- Mixture of residential neighborhoods
  - Entrance to Capitol Green
  - Entrance to Garden Court Apartments
- No commercial development




BIGGS
B
INFO
THE OLD STATE HOUSE
JOHNSON VICTROLA MUSEUM
HISTORIC DISTRICT

Duke of York Street

- Laid out and constructed in 1930s during eastward expansion of Dover to recently completed DuPont Highway
- Duke of York was the original grantor of the land that would become Delaware to William Penn
- Delaware Public Archives building is presently situated on Duke of York Street


DUKE OF YORK ST








STOP









William Penn Street

- William Penn, original fee simple holder of the Three Lower Counties (Delaware
- Street constructed in 1930s during eastward expansion of Dover to DuPont Highway
- Formerly location of minor league baseball field
- Site of two state office buildings (Tattnall, former Armory Building)


DO NOT
ENTER
LEGISLATIVE AVE
W


LEGISLATIVE AVE
WILLIAM PENN ST








DELAWARE
LAW ENFORCEMENT
MEMORIAL
"IN VALOR
THERE IS HOPE."
~TACITUS


FEDERAL ST
WILLIAM PENN ST


FEDERAL ST.
WILLIAM PENN ST







Kelsall, Melanie

From: McDowell, Traci
Sent: Friday, October 26, 2012 3:33 PM
To: Kelsall, Melanie
Subject: FW: Martin Luther King Blvd

From: McDowell, Traci
Sent: Tuesday, October 09, 2012 11:40 AM
To: Williams, Beverly C.
Subject: FW: Martin Luther King Blvd

From: Charles Moor [mailto:mmoor86728@gmail.com]
Sent: Monday, October 08, 2012 6:15 PM
To: tmcdowell-bcw
Subject: Martin Luther King Blvd

What is the hurry concerning skipping normal procedures to get this issue shoved down the throat of taxpayers. My family has been living in Delaware since the 1600 hundreds and before that came over on the Mayflower. Left England to find freedom to create our own laws. City council members have made a grave mistake in trying to push this through as fast as they did, Martin Luther King Jr., was a great man and we have a national holiday in his honor. Name the new Library in his honor or the new south Dover connector. Name route 1 area that runs through Dover. I live on Forrest Ave and this has been home since 1980. Does anybody care what I think?

Charles Moor

Kelsall, Melanie

From: McDowell, Traci
Sent: Friday, October 26, 2012 3:31 PM
To: Kelsall, Melanie
Subject: FW: better tribute to Martin Luther King, Jr.?

-----Original Message-----
From: Donald Sauter [mailto:donaldsauter@gmail.com]
Sent: Thursday, October 18, 2012 4:43 PM
To: tmcdowell-bcw
Subject: better tribute to Martin Luther King, Jr.?

Dear Beverly,

Rename Legislative Avenue to MLK Avenue, short and sweet.

Isn't that far more appropriate and far less disruptive?

Donald Sauter

Kelsall, Melanie

From: McDowell, Traci
Sent: Friday, October 26, 2012 3:34 PM
To: Kelsall, Melanie
Subject: FW: Re-Naming Division Street

From: McDowell, Traci
Sent: Tuesday, October 09, 2012 11:40 AM
To: Williams, Beverly C.
Subject: FW: Re-Naming Division Street

From: Ellison Carey [mailto:emclewes@comcast.net]
Sent: Monday, October 08, 2012 6:39 PM
To: tmcdowell-bcw
Subject: Re-Naming Division Street

Bev,

I am opposed to the re-naming of Division Street. I hope you will oppose it tonight.

The expense to all, the aggravation to homeowners and business' alike is not a good idea in today's economic times. We are also changing Dover's history. I would like to explore George "Jody" Sweeney's idea by naming the West Dover highway. Perhaps there are other ideas.

Martin Luther King can be honored in Dover, but not in this way.

Thank you.

Ellison Carey
734 Bicentennial
Dover DE 19904

734 0398

RECEIVED
OCT 26 2012
OFFICE OF THE CITY CLERK

I don't belive that Divison St. is a good choice for Dr King Rd. most people that live on Divison St. weren't. affected by Dr. King. The changing of Division St. To Dr. King Blvd. would be devesting To the people who would be affected by changing their address. IT would Take years for all the addresses To get changed. Each residence and business would have 2 addresses for 2 years in the post office.

Rep. Blakey said the Capital Theater now called the Schwartz Center is the same thing. That is not True, it was a business changed to a different business, paid by private Funds, The addess wasn't changed, only the name was changed

Division St. is an established St. and don't need anything done To it

I suggest Kirkwood or Queen st. To be Dr. King Blvd. Most of the people that Live on these streets was affected by Dr. King. They could improve the st. in honor of Dr. King and be proud of what they done in honor of Dr. King, and a road sign would go across Division St. saying Dr. Martin Luther King Blvd N+S. I really believe this would be more approate For the people that Dr. King affected

what I am Trying to say, the people that want Dr. King St. should do something on their own to b prode of, not put Dr. King's name on something that someone else did.

It should be done by private funds and donations. Like the Vetnam Memorial in Dover or The Dr King memorial in Washington

They were done by private funds and donations by the people that wanted the Memorial

Mr. James Fogell
360 Nimitz Rd
Dover, DE 19901

Kelsall, Melanie

From: McDowell, Traci
Sent: Monday, November 05, 2012 1:50 PM
To: Kelsall, Melanie
Subject: FW: MLK Honor Compromise

From: Jim Stewart [mailto:storemanageramcm@comcast.net]
Sent: Friday, October 19, 2012 11:56 AM
To: c.carey@dover.de.us; Anderson, David; Leary, Thomas J.; Hutchison, James L.; tmcdowell-bcw; Hare, Bill; Perza, Adam; Bonar, David L; Lynn, Sean M.
Subject: MLK Honor Compromise

Hello this is Jim Stewart . I am emailing from work. I would like to offer a potential solution to the honoring of MLK/Division St. issue. Go to Channel 6 Philadelphia WPVI and type in Cottman Avenue and Wednesday October 17. They just honored a slain police officer by dedicating a portion of Cottman Ave in his honor. They did so with signage. There was no actual changing of the street name so there was no impact on the people living or doing business on that street or on the City having to change records etc. .

I know other cities have done similar things in the past. The only cost to the City is the cost of the signs and their installation. The only discussion would be the design, number and placement of the signs. You could have one per block going East and West if so desired.

If you look at the street naming pattern in Dover you notice that the main north-south streets being Governors and State are not named after any individual. The main downtown East/West Streets being Water and Division are also not named after individuals. Loockerman Street is named after the family and they owned the land on that the street and northwards. On the perimeter the streets are named after land owning families being Walker, McKee and Saulsbury. When (if?) the Dover bypass that would connect to Saulsbury is built it would be a natural to name for MLK but I get the sense that the group pushing this agenda feels a sense of urgency for reasons that are not clear to me.

You have one other option and that is Federal Street. Again signage would be the path of least resistance as opposed to actually renaming the street with all the issues involved for the City and those on the street. The biggest impact would be on the Court and the Biggs Museum . I am not sure how the Health Department is addressed.

Let me know what you think. Jim

Kelsall, Melanie

From: McDowell, Traci
Sent: Friday, October 26, 2012 3:32 PM
To: Kelsall, Melanie
Subject: FW: AGAINST RENAMING DIVISION STREET

From: Pat Brice [mailto:Pat.Brice@comcast.net]
Sent: Thursday, October 18, 2012 2:10 PM
To: Hutchison, James L.; Carey Sr., Carleton; tmcdowell-bcw
Subject: AGAINST RENAMING DIVISION STREET

From: Pat Brice [mailto:Pat.Brice@comcast.net]
Sent: Thursday, October 18, 2012 1:59 PM
To: 'jlhutch9595@yahoo.com'; 'ccarey@dover.de.us'; 'tmcdowell-bcw@dover.de.us'

I am sending an email to state that I am totally **against renaming** Division Street.

There are new streets being build all the time name a new street Martin Luther King.

Do Not rename a main downtown historical street.

Patricia Brice
106 Stoney Drive
Dover, De. 19904
302-734-4150

To: Dover City Council

From: Ray Mobley
411 N. Governors Avenue
Dover, DE 19904

RECEIVED
OCT 16 2012
OFFICE OF THE CITY CLERK

Date: October 16, 2012

Subject: Proposed Martin Luther King Boulevard

I would like to take time to congratulate the council in its decision to rename Division Street and Forest Street after Dr. King. It is time for the city of Dover to recognize the contributions that Dr. Martin Luther King, Jr. has made to the American society.

Your choice of Dr. King is an excellent choice, and you should not allow the voices of reactionaries to dissuade you from this noble gesture to one of America's greatest citizens.

Now is not the time to retreat from you intended purpose of honoring Dr. King with a boulevard name after him. Some say that they have to endure a sacrifice of changing letterhead for their businesses, because of the new name change. Well Dr. King made the ultimate sacrifice: he gave his life for love, peace, brotherhood, and racial reconciliation.

I can think of no one who more deserves this honor than Dr. King. So don't be afraid or timid. Dr. King faced adversity with courage and strength, and so should you. Be bold and make this occasion a reality. The citizens of Dover and Delaware are made better people by your courageous action.

Kelsall, Melanie

From: McDowell, Traci
Sent: Friday, October 26, 2012 3:31 PM
To: Kelsall, Melanie
Subject: FW: Division Street

From: Carey Sr., Carleton
Sent: Thursday, October 18, 2012 4:29 PM
To: Shelley Brocklehurst
Cc: City Council; City Clerks Office
Subject: RE: Division Street

Ms. Brocklehurst:

Thank You for your E-Mail with your concerns and recommendation!
I will forward your E-Mail to City Council for their consideration.

Best Regards,

Carleton E. Carey Sr.
Mayor City of Dover
302-736-7004

From: Shelley Brocklehurst [mailto:shelley.brocklehurst@comcast.net]
Sent: Thursday, October 18, 2012 4:02 PM
To: Carey Sr., Carleton
Subject:

Dear Mr. Mayor,
I would like to take a moment of your time to express my concern for changing the name of Division Street to Martin Luther King Boulevard. In my opinion Division Street has been part of Dover for many years and is a landmark in itself. To change the name isn't only taking away a part of our history, it puts a financial burden on the citizens of Dover during a time when budgets are stretch beyond their means. This is one of the most obscure request I have heard in a very long time. The suggestions about using a street that has yet to be named makes the most sense or renaming the current park on Division Street would be considered a valid request.

Thank you for your time,

Shelley Brocklehurst
410 Ann Moore Street
Dover, DE 19901

Kelsall, Melanie

From: McDowell, Traci
Sent: Monday, November 05, 2012 1:49 PM
To: Kelsall, Melanie
Subject: FW: Street name changes

From: dewey742home@comcast.net [mailto:dewey742home@comcast.net]
Sent: Thursday, November 01, 2012 11:20 PM
To: c.carey@dover.de.us; davlevianderson@gmail.com; Leary, Thomas J.; Hutchison, James L.; tmcdowell-bcw; Hare, Bill; Perza, Adam; Bonar, David L; slynn@thedelawarelawyer.com
Subject: Fwd: Street name changes

Ladies and Gentlemen I just received this from the City of Philadelphia. Almost 20 years ago they adopted policy to accomodate honoring people by dedicating stretches of streets without changing the actual mailing/ official address due to the impact on residents and businesses. Its time for Dover to approach the MLK effort with a similiar approach. Every body wins. Jim

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From: "Jim Stewart" <storemanageramcm@comcast.net>
To: dewey742home@comcast.net
Sent: Thursday, November 1, 2012 9:59:34 AM
Subject: FW: Fw: Street name changes

From: Charles.Denny@phila.gov [mailto:Charles.Denny@phila.gov]
Sent: Wednesday, October 31, 2012 5:59 PM
To: Jim Stewart
Cc: Richard.Montanez@phila.gov
Subject: Re: Fw: Street name changes

The City of Philadelphia about two decades ago started the practice of using AKA signs instead of renaming a street. There is significant expenses and effort required for residents and businesses to change there addresses on letter heads and return addresses as well as the expense of changing street Name Signs. We allow the AKA to be added to a block by a resolution of City Council.
Our Street Names are 6 inch white letters on a green background. For AKA signs we use a larger plate and on the bottom of the sign we add the AKA name with 4 inch white letters on a Red background.

Charles J. Denny P. E.
Assistant Chief Traffic Engineer
Philadelphia Streets Department
Room 980 MSB
1401 J.F. Kennedy Blvd
Philadelphia. PA 19102
Phone 215-686-5521
Fax 215-686-5067

Streets Department Customer Service
Sent by: csstreets@phila.gov

To Richard Montanez/STREETS/Phila@Phila, Charles Denny/STREETS/Phila@Phila
cc

Subject Fw: Street name changes

10/11/2012 12:11 PM

Please respond to
csstreets@phila.gov

Please advise.

Thank you.

D. Barraclough
The Customer Service Team at the Streets Department
http://www.philadelphiastreets.com
http:// PhillyRecyclingPAYS.com

For faster service and more information please use our Customer Service web page:
http://potholes.phila.gov/streetscustomerservice

----- Forwarded by CSStreets on 10/11/2012 10:40 AM -----

"Jim Stewart" <storemanageramcm@comcast.net>

10/10/2012 03:43 PM

To <csstreets@phila.gov>
cc
Subject Street name changes

Hello my name is Jim Stewart and I live in Dover, Delaware. Currently a group of citizens wants to honor Martin Luther King by changing the name of a major street in town and there is a lot of debate due to the impact on businesses and the residents re change of address issues etc. I remember seeing streets or section there of being marked in honor of someone but not actually changing the street name for business purposes. The honorific name being added to the street sign. Has that been done in Philadelphia? I know I have seen it and thought it was in Philly. Can you help me?

In Dover the argument isn't about should we honor Dr. King but how. One option is a new road being put in that will be a major road. I have run for city council before and am seeking a compromise solution. Jim Stewart

Stein, Jody

From: Stein, Jody
Sent: Friday, November 09, 2012 11:59 AM
To: City Clerks Office
Subject: Call from Maria C. Rodriguez - Martin Luther King Jr. Boulevard

We received a call from Ms. Maria C. Rodriguez who resides at 1070 Forrest Avenue regarding consideration of Martin Luther King, Jr. Boulevard by the Legislative, Finance, and Administration Committee at the meeting scheduled for November 13, 2012. Ms. Rodriguez stated that she was unable to attend the meeting as she is scheduled to work but asked that we convey her thoughts on this matter to Committee members. She explained that she has resided on Forrest Avenue for 30 years and was not in favor of it being renamed due to the need that it would create for herself and business owners on the roadway to change multiple documents. She suggested that Dr. King's name be placed on a park or a library rather than on Division Street/Forrest Avenue.

Jody Stein
Administrative Assistant
City Clerk's Office - City of Dover
P.O. Box 475
Dover, DE 19903
(302) 736-7008

This email has been included included with related correspondence to be handed out at the Legislative, Finance, and Administration Committee Meeting scheduled on November 13, 2012.

Carroll - Lisa Malone 1559 Forrest Ave 302-359-1361

In reading Dr. King's February 4th, 1968 "The Drum Major Instinct" when you get to the end he talks about his thoughts of his own death. I wonder from those last few paragraghs, would he (Dr. Martin Luther King Jr.) want a road, park or statue in his honor? He states "If any of you are around when I have to meet my day, I don't want a long funeral. And if you get somebody to deliver the eulogy, tell them not to talk too long. Every now and then I wonder what I want them to say. Tell them not to mention that I have a Nobel Peace Prize, that isn't important. Tell them not to mention that I have three or four hundred other awards, that's not important. Tell him not to mention where I went to school. I'd like somebody to mention that day, that Martin Luther King, Jr., tried to give his life serving others. "

On April 3rd, 1968, the day before his tragic assination, Dr. King gave what became his final speech titled "I've Been to the Mountaintop" Memphis, Tenn. In this speech he talks about the good samaratin. He says "Somehow the preacher must say with Jesus, "The spirit of the Lord is upon me, because He hath anointed me and He's anointed me to deal with the problems of the ***poor***." And I'm always happy to see a relevant ministry. It's all right to talk about long white robes over yonder, in all of its symbolism, ***but ultimately people want some suits and dresses and shoes to wear down here***. It's all right to talk about streets flowing with milk and honey, but God has commanded us to be concerned about the slums down here and His children who can't eat three square meals a day. say, "God sent us by here to say to you that you're not treating His children right. And we've come by here to ask you to make the first item on your agenda fair treatment where God's children are concerned. He got down from his beast, decided not to be compassionate by proxy. But he got down with him, administered first aid, and helped the man in need. Jesus ended up saying this was the good man, this was the great man because he had the capacity to project the "I" into the "thou," and to be concerned about his brother....And every now and then we begin to wonder whether maybe they were not going down to Jerusalem, or down to Jericho, rather, to organize a Jericho Road Improvement Association. That's a possibility. Maybe they felt it was better to deal with the problem from the causal root, rather than to get bogged down with an individual effect."

So are we truely serving his memory with road signs? Is it something he would want? Is the road more imporant than the "***individual*** effect"? Would Dr. King want to hear "I think the costs would pale in comparison to what Dr. King gave his life for," when those on fixed incomes burdened with those costs may have no enough money during and/or afterward to pay for food, necessary medications, electricity/water (in Dover city limits both are 1 bill), heating or cooling, or transportation to medical care. I can not believe that a man who dedicated his life to "people" would want even one person to suffer in any such matter, mearly for his name to be on a street. (TO HONOR (definition) do somebody the honor of doing something to make somebody feel proud and pleased) Would he feel proud or pleased to have a street named after him at such a cost? I BELIEVE NOT.

He was a man about "Justice". Many of the injustices he fought were "legal" but those laws were not "Just". So going about the re-naming of the street even though it is "legal" but view by many as "unjust", is that "Honoring" his memory, his life? I BELIEVE NOT. Legislative, Finance & Administration Committee find a way of honor the man, in a way that reflects his life's work with "FAIRNESS & JUSTICE" without a adverse finical affect. In this economic climate we expect our "elected" officials to be not only fiscally responsible with our tax dollars, but make decision that take our current income issues into consideration.

Carroll-Lisa Malone 1559 Forrest Avenue, Dover, DE 19904 (302) 359-1360

Carroll Lisa Malone

I have no objections to the court street Proposal. I do suggest the Park in between Duke of York and William Penn to MLK Park to 1 (one) minimize state diddresses and those who object to changing of Duke of york and Willian Penn. as well as having no objection to Renaming of Dover Libary.

Carroll Lisa Malone

Suggestion:

Best Senerio maybe court street leading to MLK Park with MLK Libary within a block. (mall Park)

No Change to Duke of york st or William Penn street

thus leaving option of No address Changes and little change of acknowledge- - Merit of Duke of York and William Penn.

November 12, 2012

To The Honorable Mayor and the city council of the city of Dover, Delaware.

The city of Dover is the First city of the First State; when we hear this, our hearts swell with pride, due to our history that has been forged over centenaries. We look back from William Penn's inception, and on to modern today; history has been made and history is history to be accepted as such. If we try to change or do over what has gone before, we are not giving credence to our forfathers.

The above applies to renaming of Dover's Division Street.

Please read the attached history recorded in Bridge Across The years by Aline Ehinger. *Page 114, boxed Area

Also see chronology of Kent County in A History of Kent County by Harold B. Hancock

Evidence of the naming of Dover's streets by early forfathers of Dover. We as residence of Dover are very proud and protective of our History and Historic district.

Respectfully Submitted,

Charles R. David
302-736-6769

A HISTORY

OF

KENT COUNTY DELAWARE

HAROLD B. HANCOCK

To Jim, & Mrs Charles David —
In memory of many
happy times on
Governor's Avenue —
Harold Hancock

DOVER, DELAWARE

1975-76

KENT COUNTY CHRONOLOGY

1671, First land grants by James, Duke of York, to the earliest permanent settlers in area of present Kent County.

1680, St. Jones County formed out of upper Whorekill County, as a result of a petition

1682, December 25. St. Jones County named Kent County by William Penn

1683, August 11. William Penn orders the laying out of a County seat in Kent County (Dover)

1691, Court house erected in Dover

1694, Brothers Portion purchased as site for County seat

1704, William Rodney becomes Speaker of General Assembly

1705, Rev. Thomas Crawford begins Anglican services in Dover, Duck Creek and at Three Runs (near Milford)

1723, A second courthouse built at Dover

1736, Levy Court created by General Assembly as governing body in each of the three counties

1765, Caesar Rodney one of two delegates at Stamp Act Congress

1768, Duck Creek Crossroads founded at intersection of King's Highway and Maryland road

1768, John Dickinson publishes *Letters from a Pennsylvania Farmer*

1774, July. County meeting in Dover to protest closing of Boston Harbor as punishment for Boston tea party

1774, Caesar Rodney a delegate to First Continental Congress

1775, April, Militia companies formed in County after Lexington and Concord

May, Caesar Rodney one of three delegates at Second Continental Congress

July, Caesar Rodney and John Haslet appointed commanders of militia in the lower and upper parts of the county

1776, January 19. John Haslet becomes Commander of First Delaware Regiment.

June 8. County Committee of Inspection and Observation approves proposal for a new government for the colony and counterpetition destroyed

June 10. Black Monday insurrection led by Richard Bassett and Thomas White threatens seizure of Whig leaders and possible burning of Dover, but is averted by negotiation

July 1-2. Caesar Rodney leaves his plantation at Byfield near Dover and rides by horse or carriage to Philadelphia to break the tie of the Delaware delegation in favor of independence

July 29. A call for a state Constitutional Convention and Declaration of Independence read at a meeting of militia officers in Dover. Afterwards the Committee of Inspection and Observation burned a portrait of George III on the Green

1777, May, Dover selected by General Assembly as permanent capital of state

1778, March. Caesar Rodney chosen to be President of Delaware State, April. Cheney Clow, a Tory, builds a fort near Grogtown (Kenton) and threatens to march against the Assembly meeting in Dover, but his followers are dispersed by soldiers led by Lt. Colonel Charles Pope of Duck Creek Crossroads.

1778, September. For the first time a Methodist sermon is preached in Dover, but Francis Asbury, the speaker, is heckled on the steps of the Old Academy as "one of Clow's men."

1780, Barratt's Chapel erected

1781, John Dickinson becomes President of Delaware State

1782, Clow arrested at home and accused of killing a soldier in an exchange of shots and hanged in 1786.

1787, Milford founded by Rev. Sydenham Thorne and Mr. Joseph Oliver December 7. A convention in Dover ratifies unanimously the Constitution of the United States earlier than any other state, thus making Delaware the First State.

1790, First post office opens in Dover in a building still standing on the Green

1791, New Statehouse completed

1799, William Black published first newspaper, *Friend of the People* on September 14 in Dover

1805, July. First Methodist camp meeting near Duck Creek Crossroads

1806, The name of Duck Creek Crossroads changed to Smyrna

1807, First bank founded in Kent County – the Farmers Bank of Dover

1812, Militia companies formed in several towns to guard against British attack

1825, Steamboat line begins to operate from Dona Landing near Dover to Philadelphia and Norfolk

1829, Public school act prepares way for a democratic system of education

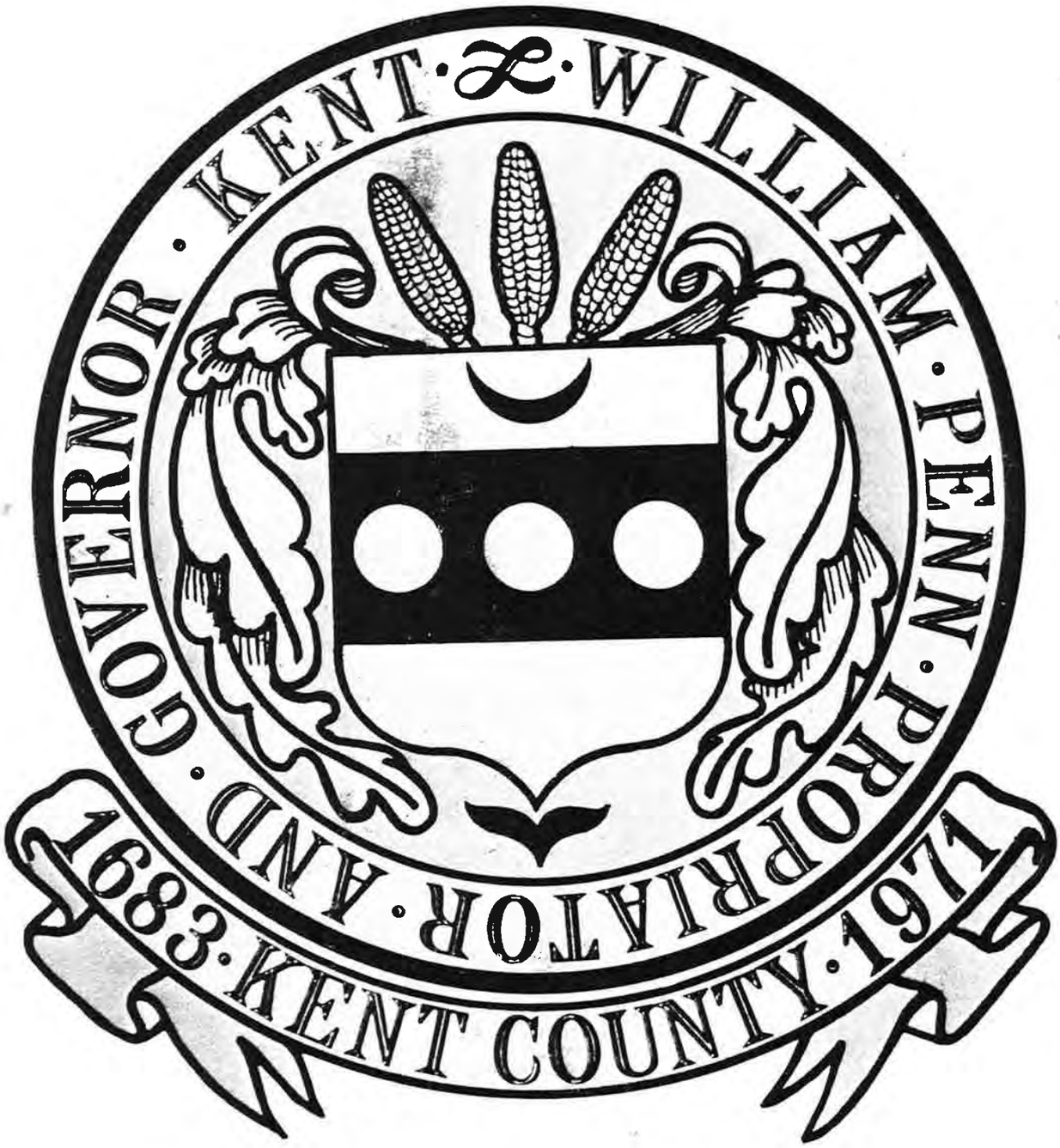
1836, Octagonal Schoolhouse built near Little Creek

1850, Clayton-Bulwer Treaty with Great Britain negotiated by John M Clayton as Secretary of State

1852, Celebration of Big Thursday at Bowers Beach in August marks beginning of opening of oyster season

1855, Richardson and Robbins, manufacturer

Could Lead, Further research needed.



SEAL OF KENT COUNTY

BRIDGE ACROSS THE YEARS

A HISTORY OF
THE PRESBYTERIAN CHURCH OF DOVER
INCLUDING CHAPTERS ON THE LIFE OF
THE COMMUNITY AND DENOMINATION

BY
ALINE NOREN EHINGER
1975

13

The Dover Church Was Revived during the Rev. Thomas Grier Murphey's Pastorate of Sixteen Years

1844-1860

At the beginning of the 19th century the influence of the churches in Dover was at a low ebb. Methodism was the only fast-growing denomination during this time. Like the Presbyterians, the Episcopalians were struggling to maintain a congregation. As their church building had fallen into decay, they held services on Sunday afternoons in the Presbyterian Church. The glebe which had been given them in 1704, located 1-1/2 miles south of Dover on St. Jones River, had been sold for $1,800, and the money was being used to repair the church on Church Square. The rector, the Rev. Marshall Smith, reported only two communicants when he arrived, but in 1860, when the restored church was consecrated, there were five members.

In 1751, according to the Episcopal missionary, Jesuit priests from the Old Bohemia Manor came to Dover to hold mass once a month, usually in private homes, for the few Catholic families in Kent County. This practice probably continued for many years. However, by 1870 Father Edward Ignatius Taylor was in residence in Dover and was holding services once a month in the old Academy on South State Street and is regarded as the founder of the Roman Catholic Church in Dover. He was also serving the Smyrna, Milford and Salisbury areas. The next three years he spent in the almost impossible task of raising money for a church building. This was difficult for two reasons—the small number of Catholic families in the area and the dire financial difficulties everyone, even the most affluent, were having in the 1870's mainly due to the peach blight. However, Father Taylor succeeded in his goal and on May 14, 1873, the new Holy Cross Church on South Bradford Street was dedicated.

The only Baptists in the early years of the 18th century in or near Dover were George Parnish and Jonathan Stites and their families. A few years later, the Rev. John P. Thompson was sent to this region by the Amercian Baptist Missionary Society, and he was followed in 1847 by the Rev. John P. Walter. In 1852 this small group of eight members built the Georgian edifice on Public Square (now the Dover Century Club) which was their church home for 42 years.

The Society of Friends, who had been strong and active in public life

during the pre-Revolutionary period, had four meeting houses in Kent County—Duck Creek, Little Creek, Magnolia, and Camden, built in 1805. The fact that they had been pacifists during the Revolution and were strong abolitionists as the Civil War approached set them apart from many of their neighbors and prevented to some extent their participation in public life, though their churches remained strong.

All of these congregations were troubled by the disrupting problem of the day—slavery. The North and the South were slowly being separated.

While the Presbyterians were beset by the differences over slavery, they were weakened also by an inadequate supply of ministers. Dr. Samuel Miller reported to the General Assembly in 1834 that "there are more than 600 vacant congregations . . . calling for pastors and . . . declining for want of them."

The Dover Presbyterian Church was weak, and, as was true also of the other denominations in the community, its influence among the people was negligible.

Although by 1839 the Presbytery of Lewes evidently regarded the Dover Church as extinct, Dr. W. W. Morris was not to be discouraged so easily. He was a trustee of the church and the son of Mrs. Leah W. Morris, who had so courageously supported the failing church some years earlier.

Dr. Morris turned to the Presbytery of New Castle and on April 11, 1843, sent the Presbytery a letter by way of Elder Johns of the Smyrna Church, serving with Elder Samuel Murphey, explaining the desolation of the Dover Church and asking that supply pastors be sent them. The Presbytery responded by appointing Messrs. Dickey, Spottswood, and Elder Johns as a committee to arrange supplies for the Dover Church. The committee reported and the Presbytery directed that Messrs. Wynkoop, Spottswood, Hamilton, Burrows, Gayley, Wilson and Work supply the Dover Church once a month from May to October and "whilst attending to these appointments to spend as many days in preaching as they can conveniently spare."

It was at this time, on April 26, 1843, that Thomas Grier Murphey, son of Elder Samuel Murphey, Esq. of Alley Mills near Clayton, Kent County, was licensed to preach by the Second Presbytery of New York in the Canal Street Church.

The Presbytery of New Castle on October 4 of that year requested the young licentiate to go to Dover as a stated supply for three months beginning November 1. The Presbytery also gave additional assignments of one a month until April, 1844, to Messrs, Dubois, Spottswood, Wynkoop, Love, Burrows and Gayley. The Presbytery further advised Mr. Murphey that "in case it should be agreeable to the people of

Dover and himself that ... [he] continue to supply them after the three months had expired, Mr. Murphey is to inform the above supplies in due time." This was agreeable and Mr. Murphey continued as the Dover supply past the three-month period.

Furthermore, the Presbytery gave encouragement to the struggling congregation by recommending to the Board of Missions that it be granted $300.00 for the coming year.

On April 9, 1844, the Presbytery received a letter from Elder Elias Naudain stating "that the Church in Dover which had been for a number of years nearly extinct had been resuscitated, and requested to be taken under the care of this Presbytery." This was done and Dover was enrolled. Also permission was granted to the church to procure the services of Mr. Murphey for the next six months. So, the 26 year old Kent Countian continued to work with the Dover congregation, weak in members and influence and sadly divided in their sympathies on slavery.

Thomas Grier Murphey was born March 26, 1817, at the family home, one of 11 children (according to a letter from a brother, David J. Murphey, to his niece Florence Murphey in Dover April 18, 1887) of staunch Presbyterian parents, Samuel and Ann (Nancy) Vail Murphey, who had a farm and grist mill known as Murphey Fulling Mill at Alley Mills on Duck Creek. Nancy Vail was from an English family noted for beauty and refinement. Though the mill is gone and Duck Creek is diminished, the tall three story brick home still stands out on a slight rise in the farmland which surrounds it.

Samuel had been an elder in the Pencader Presbyterian Church and upon moving to Alley Mills immediately affiliated with the Smyrna congregation. He faithfully served as elder and trustee in the little restored brick church on Holy Hill, and later when the congregation removed to the church on East Methodist Street.

Samuel saw that his four sons were well educated. The two oldest, Andrew and Samuel, went to Princeton and became doctors, and the youngest son, David (often taken for Thomas' twin) went to Princeton University, served as captain in the Civil War, and operated the farm and grist mill after his father's death. Thomas received a superior education for his work in the ministry. He attended New Ark Academy, Newark, Delaware; Philips Academy in Andover, Massachusetts; the academic department of Delaware College; and graduated from Amherst College in July, 1840. While he was at school at Andover he made a public confession of religion at the age of 15 and united with the Congregational Church of Andover Theological Seminary. He went immediately to Princeton Seminary and graduated in 1843.

This devout Presbyterian family of the youthful preacher reached

back into the days of his great, great grandfather, Archibald (Arsbal) Murphey, native of North Ireland who had served as a lieutenant in the Prostestant army during the agonizing siege of Londonderry. When Romanists, under the rule of the English Catholic King, James II, approached the city, zealous Presbyterians closed the gates and by this decisive step saved Derry to the Protestants. Thus the siege began, April 18, 1689, and lasted 105 days amidst the agonies of fever, cholera, and famine. So serious was the condition that dogs, rats, hides and shoe leather had to be used for food. Arsbal Murphey once said that the sweetest morsel he ever ate was a piece of young dog. During the siege a dog ran out and bit him, and he then killed it with the butt of his musket. The dog's mistress made great complaint and an officer was about to strike Arsbal when he exclaimed, "Stop, noble captain, until I explain."[1] The captain listened kindly, then rebuked the woman for begrudging a soldier who was defending his country a dog to eat.

At length, after many urgent pleas that help be sent from England, the two vessels *Mountjoy* and *Phoenix* reached the docks of Derry, and the besiegers abandoned their trenches. Had James' soldiers occupied Derry, they would have had an easy conquest of all Ulster and into Scotland, but the perseverance and endurance of these brave Protestants cemented the foundations of the Protestant state known as Northern Ireland. History shows few parallels to such valor and endurance. Rarely have more memorable services been performed in behalf of civil liberty than by the heroic defenders of Derry.

Arsbal Murphey, one of these defenders, came to the New World a year or two later with his young son, William. They landed in New Castle and bought a tract of land in the woods near Red Lion in 1708. He blazed the trees along a trail to his homeplace so that new arrivals from Ireland could find their way to him.

Arsbal became a ruling elder in the White Clay Creek Church and traveled the forest roads on horseback with the pastor, visiting the scattered members. It is said he asked a blessing whenever he partook of a scrap of food or a drink of water. A touching story is told that when they were calling at a remote forest cabin, Elder Murphey, who always carried with him his prized packet of tea, asked the woman of the house to make some tea. She boiled the tea with care, poured out the water—and with modest pride served the tea leaves to the visitors.

The records of the Presbytery of New Castle list his attendance at the April 10, 1723, session and at the ordination of Thomas Evans at Pencader Church the following May 7. The leadership of Elder Murphey in his church is indicated by a letter from the New Castle congregation which he presented to the Presbytery, January 27, 1730, "asking that Mr. John Thomson settle among them as their pastor." In

Arsbal Murphey's time, the Backwoods Tavern stood where the White Clay Creek Church stands today.

The old records of White Clay, Pigeon Run, St. Georges, Head of Christiana, Forest, Duck Creek, Cool Spring and Dover carry the names of descendants of this ardent Presbyterian, Arsbal Murphey, whose father and grandfather before him had been elders in the Kirk of Scotland. Arsbal Murphey's son, William, became an elder in St. Georges Church; a grandson, William, was an elder in Cool Spring Presbyterian Church; and later a great grandson became Elder of the same church under Rev. John Burton.

When the congregation of St. Georges elected William as a Ruling Elder, he was sitting in the gallery of the church. Rev. John Rodgers called him to come down and take part in the ministry. William did not respond but remained seated. Rev. Rodgers sat down to wait. Finally he commanded William to come down in the name of God and be ordained. William came down at once and served as a dedicated Elder for many years.

William and his wife were buried by the side of Arsbal Murphey in Pigeon Run Meeting House Graveyard which is located about three miles north of St. Georges. Other Murphey graves are in Holy Hill Cemetery near Smyrna, as well as in Dover Presbyterian Churchyard.

The Rev. J. F. Stonecipher declared in his sermon October 23, 1887, that in 1845 there were but 16 members in the Dover Church, four of whom were men. At any rate, four months after the young Murphey began to supply, new members applied and were taken in. The minutes of the Trustees and Session begin in October, 1843, when Mr. Murphey entered upon his three-month supply assignment which lengthened into nine months. These are the earliest records in possession of the Dover Church. In this well-bound book in faded hand-writing, in addition to the minutes of the Session and Trustees, are included congregational meetings, collections and expenditures, lists of members, marriages, baptisms, and deaths. Many items in each category concern the Smyrna Church as well as the Dover Church.

On March 3, 1844, during Mr. Murphey's licentiate period, Elder Elias Naudain and Rev. J. B. Spottswood received five new members—Mrs. Sally Waples, George E. and Mary Finnemore, Miss Anna Maria Morris, and Mrs. Mary Hilyard—the first during Mr. Murphey's time.

Again on April 14, 1844, Elder Naudain and another minister of the Presbytery of New Castle, Rev. S. R. Wynkoop, received seven new members by confession of faith, including David J. Murphey of Alley Mills, the younger brother of the supply pastor. Later when the Smyrna Church was reorganized, he transferred there.

The growing membership seems to indicate that the young licentiate was proving an effective spiritual leader. The minutes of the Session record the admission of 66 new members during Mr. Murphey's 17 years of service. Of these members, all of whom contributed to the strength of this growing congregation, a few are listed according to the years they were received: in 1849, Mrs. L. F. Cowgill by certificate from Gettysburg, Pa. and Mrs. Margaret Naudain; in 1854, Mrs. S. A. Sipple and Mrs. Pennington; in 1855, Mrs. Mary J. Dickson; in 1856, Dr. James C. Bird, Mrs. William R. Morris, George V. Massey, Margaret Brown and Martha Gibbons; in 1857, William R. Morris, Mrs. Isabella Culbreth from Philadelphia, Mrs. Angelica K. Nicholson, Mr. and Mrs. Alexander McCurdy, Mrs. David F. Burton; in 1858, John A. Nicholson, Mrs. Carolyn Bird, Mrs. Margaret Jane Ridgeway from White Clay Creek, Miss Cornelia Comegys and Joseph Meeks; in 1859, Miss Margaret Culbreth, Mrs. Rebecca Watson Gallagher; and in 1860, Mrs. W. R. Massey from East Whitelawn Presbyterian Church.

When Mr. Murphey was sent to the Dover Church, the Presbytery hoped that the assignment would lead to a regular pastorate. This hope was fulfilled. On May 21, 1844, at a congregational meeting with Elder Naudain as moderator, the members voted unanimously to call Mr. Murphey as pastor and to obligate themselves to pay him $175 annually, the year to begin the previous February 1. The call read in part "... having good hopes from our past experience of your labors that your ministrations in the gospel will be profitable to our spiritual interests ..." It was signed by Elias Naudain, ruling elder, and Robert Frame, I. Reed, William W. Morris, James G. Waples, James C. Wallace, George W. Welsh, T. S. Maddin and D. J. Murphey of the congregation. The call was accompanied by a letter from Elder Naudain relating the action taken by the congregation Tuesday afternoon, May 21.

Mr. Murphey received the expected call at the June 27, 1844 Presbytery meeting and accepted it. His ordination was set for July 24, 1844. Ministers of the New Castle Presbytery, Synod of Philadelphia, came to Dover to examine, ordain and install the new minister. Rev. G. A. Gayley presided over the ceremonies in the Dover Church and proposed the constitutional questions. After Rev. Alfred Hamilton had preached the ordination sermon, Rev. E. Wilson gave the charge to the pastor, and Rev. J. B. Spottswood, D. D. delivered the charge to the congregation rejoiced in having at last, after a period of 53 years, a full-time pastor of their own. Mr. Murphey became the third installed pastor of the Dover congregation which had its beginning in 1714.

The Presbytery of New Castle further demonstrated its interest by voting at the October 12, 1844, meeting to pay Mr. Murphey $50.00 for his original three-months' labor as licentiate which had ended the preceding April 1.

A few days after his ordination Mr. Murphey journeyed to Amherst, Massachusetts, where he was married on July 31 to Elizabeth Walker Kimberly of Worcester, Massachusetts. Miss Kimberly was a graduate of the Ladies Seminary in Amherst. The wedding ceremony was performed by Rev. Edward Hitchcock, D.D., of the Presbytery of New York, who later became president of Amherst College.

At first Mr. Murphey made his home in Dover, though, up to the present date the exact location is not known. Some time before 1854, he removed his family to Corydon (Croydon), a farm on the King's Road a short distance northeast of Dover, where the Kent County Motor Company is now located, with the farm extending east into the present White Oaks development. Their home was a substantial two and one-half story brick dwelling at the end of a long lane which was lined on either side with tall trees. The farm helped to provide a livelihood as the salary from both congregations (he was pastor at Smyrna Church also at this time) was small and was seldom paid promptly. In addition, according to the Smyrna Trustee minutes of December 3, 1847, Mr. Murphey "superintended the education of a few young ladies at his residence." Additional information about Mr. Murphey's school is given by historian J. Thomas Scharf as follows: "He taught the English branches, Latin, French, music and drawing in this school ... he continued his school for 6 or 7 years. Attendance averaged about 18 or 20 pupils."[2]

The Murpheys had a family of seven children: Charles Edward (1846-1850); Florence (1848-1904); Sanford Sayre (1850-1928); Bradford (1852-1905); Ophelia (1854-1897); Blanche (1857-1866); and Ella (1860-1946).

At the first Session meeting presided over by the new pastor, November 16, 1844, his wife Elizabeth was received on certificate from the First Congregational Church of Amherst, Massachusetts.

At the congregational meeting, December 31, 1845, with Dr. W. W. Morris in the chair, Messrs. Elias Naudain, James G. Waples, Thomas L. Maddin, Robert Frame and Dr. Morris were elected trustees for the church. No doubt this small growing church was expressing its independence by creating its own trustees which surplanted the three trustees who had been provided by the state around 1831 when the church was reported inactive and was no longer carried on the rolls of the Presbytery of Lewes.

Since its earliest beginning, the Smyrna Church had been associated with the Dover Church in the matter of pastoral supplies, but for years the Presbytery of New Castle had heard nothing of the Smyrna Church, formerly Duck Creek Village Church. The restored church located on Holy Hill had long since fallen into decay, and the scattered bricks were removed. Only the neglected cemetery remained.

The Presbytery of New Castle appointed a committee to visit Smyrna to investigate the possibility of reorganizing that congregation. However, at the Presbytery meeting in Dover, October 7, 1845, this committee reported that Smyrna had been supplied for the last six months with New School ministers by the New School Presbytery of Wilmington, principally by Rev. Joseph Wilson. The Drawyers, Forest (Middletown), and Smyrna churches had combined to call the New School ministers.

To press the issue further, the Old School Presbytery of New Castle directed the committee to again visit Smyrna and ascertain the views of the people themselves on this matter. Early the next year the committee reported to the Presbytery that they deemed it inadvisable to press the action any further due to the presence of New School influence. However, after several months had elapsed, the Old School Presbytery of New Castle received a letter from a group of Smyrna Presbyterians asking to be organized into a church and taken into that body.

In 1846, Samuel Murphey again helped with the reorganization of the congregation and with the purchase of the newly built Methodist Protestant Church building on East Methodist Street. The minutes state that the Methodists were embarrassed to find that they had no congregation after building the church, and were ready to sell for $1100. David J. Murphey, son of Samuel, was chairman of the drive to raise the $600 needed to pay down on the purchase. The list of the twenty persons who gave shows that David gave $100 which was twice as much as the next two highest gifts. According to the minutes of October 6, 1847, the Dover Church gave $26.00 toward the Smyrna fund.

The Presbytery received the Smyrna Church under its care at the April 4, 1847, meeting and resolved that "the Board of Missions be requested to appoint Rev. T. G. Murphey, a missionary to Dover and vicinity", for one year, and that they appropriate $200 for his support.

Samuel Murphey was one of the two ruling elders when his son was ordained and installed as pastor, November 8, 1847. At the new pastor's first Session meeting of the Smyrna Church, David J. Murphey and his wife Anna E. Murphey were received by certificate. Presumably David was transferred from the Dover Church. He later became a ruling elder in the Smyrna congregation.

Rev. Thomas Murphey divided his time between his two pastorates preaching in Dover in the forenoon and in Smyrna in the afternoon.

The National Board of Domestic Missions lent financial assistance to

the two congregations for several years. In 1848 Dover received $100; in 1849 both shared $150, and the same amount was requested for the next three years by Elder Haddon Smith, representing both congregations.

The Dover Church not only received aid, but also gave aid, even though it was in small sums. Dover is credited by the Domestic Missionary Fund with a contribution of $14.02 in 1845 and $9.00 in 1846. In 1854 Dover and Smyrna were assessed $15.00 toward a scholarship to Lafayette College.

During Mr. Murphey's pastorate, the Dover congregation was twice left without a ruling elder. It was at this time, March 12, 1849, that Elder Elias Naudain died. He had served Dover and Smyrna faithfully as an elder since his ordination by Rev. John Patton in 1835. Dover was without an elder for seven months. However, in the Session minutes of September 29, 1849, the name of Haddon Smith appears as a ruling elder, though the date of his ordination is not recorded.

Later, on November 21, Dr. Morris was again chairman of a congregational meeting called to fill the vacancies in the Trustees due to the deaths of Elias Naudain and Robert Frame and the withdrawal of Thomas L. Maddin. Haddon Smith, John A. Nicholson and James Wallace were elected.

At this time the Dover congregation felt that the church should own a parsonage. The matter may have been brought to the congregation's attention by Mr. Murphey's intention to move from Dover to a farm which would be some distance from the town. At any rate, at a Trustees' meeting June 3, 1852, it was decided either to build a parsonage on the north side of the graveyard or on some other suitable location, or to purchase a house. A building committee of Rev. Thomas Budd Bradford, Dr. W. W. Morris, and J. G. Waples was appointed and authorized to draw funds from the bank and to collect the sums pledged for this purpose. The minutes note that Lenox of New York contributed $250 for the building in 1852.

A year and a half passed before there was any increase in the church membership, but on October 15, 1854, more new members were received.

Upon the death of Elder Haddon Smith at his residence near "Thomas' Chapel", October 18, 1855, the congregation was left a second time during Mr. Murphey's pastorate without a ruling elder. This situation continued for two years. When a Session meeting was called after the service April 12, 1856, to receive new members, David J. Murphey, ruling elder from the Smyrna Church was present with the pastor.

Apparently nothing was done by the parsonage building committee appointed in 1852. Almost three years later at a congregational meeting February 22, 1855, called to elect two trustees as John A. Nicholson had resigned, Dr. Morris as chairman appointed another building committee of Dr. J. C. Bird, J. P. Comegys, and J. G. Waples. Dr. Bird and Mr. Comegys were appointed trustees.

This building committee became busy at once. A parsonage was erected on the northwest corner lot on Maine (State) and Reed Streets where the present church stands. According to a letter to Rev. Joseph Brown Turner, a later Dover pastor, the address was 62 South State Street. It is said the house was built in 1856 or 1857, although Ruth Heintz in her historical sketch of the history of the church gives the date as 1855.

Several Dover citizens recall the appearance of the manse. Hughett K. McDaniel remembers it as a narrow three-story house, with one step up to the porch, which extended across the front, with the door to the right. He thinks it was probably of brick but plastered and painted a gray yellow. Anna Massey Sutton recalls that when as a child she used to pass the parsonage every day on her way to school, she seemed to be able to look through the long narrow house standing on the corner close to the street. An old picture belonging to Mrs. Harry Mayer shows an iron fence around the front of the property. The manse was similar to the house just north of it, 46 South State Street, built about the same time by Richard M. Jones where he made his home. Some years later George M. Jones, son of Elder Jones, built his home, a three-storied brick residence at 54 South State Street, on the lot between his father's property and the manse.

By 1857 the indebtedness for the parsonage was paid. The Trustees' minutes of March 14 record that $113.83 was paid in full by the treasurer on the parsonage debt to James G. Waples from whom the money had been borrowed. There is no record of the use of the parsonage until the Trustees' minutes of March 31, 1863, which state that it was rented to Thomas B. Pennington. Rev. Cyrus Huntington was the first pastor known to occupy it, though it is quite possible that Rev. John J. Pomeroy resided here the short time he was in Dover, as the records do not show where he lived.

It was at this same Trustees' meeting that a committee of Dr. James C. Bird, Joseph P. Comegys and Clayton A. Cowgill was appointed to draft a constitution and rules for the government of the Board of Trustees. It was further ordered that a book be purchased in which to record the minutes.

Finally, after being so long without an elder, the congregation elected Richard Morgan Jones. On April 19, 1857, he

was ordained by laying on of hands and prayers by Rev. T. G.

Murphey, pastor, William Thompson and Nathan T. Underwood, Ruling Elders of the Smyrna Church in the presence of the congregation.

Elder Jones attended the April 13, 1858, Presbytery of New Castle, representing the Smyrna and Dover congregations. Mr. Jones acted as superintendent of the Sabbath School during Mr. Murphey's pastorate. He was followed in this post by John A. Nicholson.

A wealthy, well-known and distinguished Dover citizen, Reverend Thomas Budd Bradford, was a member of the Dover congregation from 1850 to his death in 1871. He had inherited extensive property in and around Dover from his uncle, Nicholas Loockerman, and lived in the Bradford-Loockerman House at 419 South State Street. He was active in the life of the town due to his large property holdings and to his enjoyment in knowing people and in having a part in social and business activities. He was well known in this small town which numbered about 600 people within the city limits. In the 1850's Mr. Bradford laid out all his property in building lots and streets and proposed the name Bradford City. His property extended from Kings Highway on the east, to Division Street on the north, to North Street on the south, to a line somewhere east of the railroad as the western boundary. Mr. Bradford, as he owned the ground, named the streets. South State Street up to Loockerman he gave the name Maine Street. The state of Maine had just voted dry, and being an ardent prohibitionist, Mr. Bradford wished to commemorate this event. Although his desire that this area of Dover bear the name Bradford City was not fulfilled, one of the lovely residential streets running through Dover still bears his name.

He was the son of Thomas Bradford, a distinguished lawyer in Philadelphia, who was an elder in the Fifth Presbyterian Church there. His mother was Elizabeth Loockerman, who remarried after the death of her first husband, Joseph Miller. Rev. Bradford's great grandson, William Bradford, resided in the Bradford-Loockerman House until his death in 1970.

Rev. Bradford had been licensed to preach by the Second Presbytery of Philadelphia. He had preached in Michigan and held pastorates in Neshaminy Presbyterian Church and in the First Presbyterian Church of Germantown, Pennsylvania. The records do not state he supplied the pulpit of the Dover Church, but he may have done so. However, he was a staunch supporter of this congregation, frequently acting on committees and as moderator of the Session.

Though the distinguished Delawarean, the Honorable John Middleton Clayton, had long been associated with the Dover Presbyterian Church and had served it in many ways, he had not become a member.

Mr. Clayton, one of the great men of American history, eminent in the state and in the nation, had served as Chief Justice of the Delaware Courts, United States Senator, and while Secretary of State under President Zachary Taylor, "Old Rough and Ready", had negotiated the famous Clayton-Bulwer Treaty which served to prevent a war between the United States and England over territorial claims in the Isthmus of Panama and surrounding areas. This is possibly the first time in modern history that a treaty rather than an open war settled a conflict between two great nations. The United States could ill afford war during the 1850's.

Mr. Clayton was a familiar figure in Dover as he carried on his law and political career from his office south of the State House, facing The Green. In addition to his distinction as a political figure, he was also a man of the people. He was famed as a tanner and admired as a fiddler. Though he was a big man and sometimes people were in awe of him, his simplicity soon put them at ease.

The story is told how shy and uncomfortable young Henry Churchman was when he was assigned to drive Mr. Clayton "down the state" when he was campaigning for reelection. Shortly after leaving Wilmington, Mr. Clayton took off his boots and put his feet on the dashboard, made himself comfortable, and said, "Now, Henry, we'll be happy."[3] Immediately the boy forgot their differences in age and for the remainder of the trip they became two boys off on a lark.

Another story, familiar in Dover, is the occasion when Mr. Clayton and a prominent temperance leader were the speakers of the evening. When Mr. Clayton spoke, he was in the habit of having a pitcher and glass beside him, the contents of the pitcher known only to him. Before the program, Mr. Clayton would prepare the contents of the pitcher, part water, part gin. On the table at the time of the joint appearance of Mr. Clayton and the temperance advocate, the usual pitcher was in place. After Mr. Clayton spoke, the second speaker rose and before beginning his address filled the glass from Mr. Clayton's pitcher and raised it to his lips. Immediately a look of amazement spread over his face. Most of the audience thought the speaker was ill, but Mr. Clayton's friends who knew the contents of the pitcher had difficulty in suppressing their laughter. Doubtless this surprising incident caused the speaker to launch into a vehement denunciation of the evils of strong drink.

When Mr. Clayton grew lonely in his retirement in Buena Vista, a residence which he had built and named for the battle of Buena Vista, he came to the home of his niece Margaret (Douglas) and her husband, Joseph P. Comegys, at 36 The Green. The October 14, 1856, session minutes record that "the Hon. John M. Clayton, being ill and fearing

he might never be able to go to the church, and being anxious to make a profession of his repentance and faith and to receive the sacrament, requested to be received into the church ...he was baptized and received the sacrament in his chambers in the house of Joseph P. Comegys, Esq." Attending the private service were the Rev. Thomas G. Murphey, pastor, the Rev. Thomas Budd Bradford, Dr. J. C. Bird, Ruling Elder Richard M. Jones, members of the Dover Presbyterian Church, and M. W. Bates, Esq., member of the Methodist Espiscopal Church.

Mr. Clayton died November 9, 1856, and was buried in the Dover Presbyterian Churchyard. He had left funds for the erection of his tomb which was to be enclosed by a cast iron fence and shaded by a willow tree. Both of these are gone, but the tomb of simple classic design in the old churchyard is a constant reminder of his eminence in the history of Delaware and the nation.

His final testimonial as revealed in his will is as follows:

> First I leave to my friends and relations, as well as to all others who may think my opinion of any value, this testimonial—that the religion taught in the New Testament is the best that has been offered for our adoption, both for this world and that which is to come, and that Jesus Christ was the true Messiah and will remain forever the Redeemer and Savior of fallen man. Let my humble testimony stand in favor of the Christian religion. I am, deeply, thoroughly convinced of its truth.[4]

In his obituary address in the United States Senate on Mr. Clayton, Senator James A. Bayard of Delaware said, "As the last and crowning act of my colleague's life he died in faith with the hopes of a Christian."[5]

At the Trustees' meeting of February 22, 1859, the secretary, George B. Dickson, noted that "James Smithers presented the bill for building the steeple and windry." A separate, hand-written list of 71 "Subscribers to the tower of the Presbyterian Church in Dover" totalling $907.50 accompanies the Trustees' minutes. There is no record of the kind of tower placed on the church when it was first built. Mr. Leon de Valinger, Jr., former Delaware State Archivist, believes that either there was no tower or that it was a slender, simple spire, similar to the one that graces the building today.

From a photograph in the Delaware State Museum, the tower appears to be a heavy brick structure rising to considerable height, with rounded sides, growing slightly smaller as they rise with a crenelated border around the top. In each side of the lower part of the tower was a windry, a series of level slits or narrow openings, one above the other. This photograph also indicates that a white picket fence enclosed the cemetery on the north, including Haslet's grave. The glass in the church windows appears to be clear. About the middle of the church rose a chimney near the right edge of the roof. At present there are hooks near the windows which would mean that there may have been shutters there at one time.

At the same meeting, $58.51 was paid to Mr. Murphey by the Treasurer, James G. Waples, "being the balance of parsonage money ...as a present." Again at the January 24, 1860 Trustees' meeting, Mr. Murphey received $102.53 from the Trustees as "the balance of the rent of the year 1859 after deducting expenses." It would seem from these entries that Mr. Murphey was being paid an extra sum since he did not reside in the parsonage.

After two years with Richard M. Jones as the only ruling elder, the congregation elected John Anthony Nicholson an elder. He was ordained on October 30, 1859. This prominent Dover citizen was a lawyer and later a United States Representative in the 39th and 40th Congresses. Both of these elders served until their deaths.

The Trustees of the church during Mr. Murphey's pastorate, according to the minutes "incorporated in the act passed at Dover, March 1857," are given as follows:

President—William R. Morris, Esq.
Treasurer—James G. Waples
Secretary—George B. Dickson
Members—Joseph P. Comegys, Esq.
Doct. James C. Bird
Doct. Clayton A. Cowgill
Edwin O. Eccles

However, it was not until March 20, 1863 that the actual incorporation of the "Trustees of the Presbyterian Church of Dover" was recognized by the county, as recorded in deed book V, Volume 4, p. 99. Trustees Waples, Comegys, Bird, Eccles, and Dickson were re-elected, and the new trustees were H. Stout and David F. Burton.

At the April 30, 1859 Presbytery, Mr. Murphey requested that he be released from the Smyrna pastorate, assigning insufficient support as the reason. He must have been reluctant to make this request due to his family's connection with the church, but his action is easily understood. As early in his pastorate as 1848, the Trustees of the Smyrna Church had adopted at their October 8 meeting the following:

> Whereas the trustees having agreed in writing to pay Rev. Thomas G. Murphey $150 per annum ... and whereas the first year's salary is not yet paid fully and the second year's salary is

> nearly due, resolved ... the treasurer ... call on all the other trustees for aid in collecting money to pay the said salary.

Five years later, April 23, 1853, the Trustees increased Mr. Murphey's salary to $200, the year to begin January 1, 1852. Though the intentions of the church members were sincere, payment of the salary continued to be infrequent.

Mr. Murphey's request for dismissal from the Smyrna Church was at first refused by the Presbytery, but later at their October 4, 1859 meeting it was granted.

At this time, following the recommendation of the General Assembly of 1858, the Dover Church was transferred from the Presbytery of New Castle to the Presbytery of Lewes.

Mr. Murphey served the Dover Church for seventeen years, including his time as a licentiate. According to the Rev. J. F. Stonecipher's history, he resigned October 12, 1860. However, a statement in Mr. Murphey's handwriting gives the resignation date as January 1, 1861. Living nearby, he continued to serve, according to the minutes, at baptisms, marriages, and on other occasions.

Dover was given leave to supply its own pulpit. Mr. Murphey was chosen the Presbytery's evangelist The Rev. Thomas Budd Bradford served as moderator of the Session after Mr. Murphey's pastorate.

The Dover and Smyrna churches were the only pastorates Mr. Murphey ever filled. He had brought to the task youthful eagerness and an abiding devotion to the work of the ministry. Though there was unrest in the town over slavery, and though he differed with many of his parishioners on the subject, a mutual satisfaction and affection existed between him and his people.

Under Mr. Murphey's care both the Dover and Smyrna churches, though small, were well established. Never again was it necessary for either congregation to share a pastor. The edifice on East Methodist Street served the Smyrna congregation for twenty years. They then built a new church on Main Street (Commerce), and on Sunday April 6, 1884, the congregation and friends of the church led by the pastor and ruling elders walked in procession from the old church to the new one where the Sunday service was held.

Mr. Murphey represented the Presbytery of New Castle at the General Assembly at Philadelphia in 1861. He had performed the same service ten years earlier at the General Assembly meeting at St. Louis, Missouri.

The Dover Church was well organized and, though critically divided over the slavery question, was able to endure. There was no doubt on which side of the slavery problem Mr. Murphey stood. He was an ardent abolitionist. Mrs. Mary Bell Richardson remembers hearing it

said that Mr. Murphey left the Dover Church "because he prayed on the wrong side." The tragic break between the North and the South was near.

Once again on September 24, 1861, Mr. Murphey answered the call of duty and entered the service of the United States as Chaplain of the First Regiment, Delaware Volunteers Infantry. Before he left, he baptized his youngest child, one year old Ella, April 28, at his home in Corydon.

In October, when the regiment was on its way by the Steamship *Louisiana* from Baltimore to Fortress Monroe, Virginia, he wrote his sons, Sanford and Bradford, that the boat was big enough to hold all the people in Dover "if they were stowed away as close as our regiment."[6]

The chaplain spared no effort in bringing outward comfort to his men and guiding them spiritually. In February, 1862 at Camp Hamilton, near Fortress Monroe, he formed an organization for soldiers and officers with a Preamble which stated:

> We, whose names are here enrolled, for the purpose of our intellectual, moral and religious improvement, do hereby form ourselves into an association to be called, The Soldiers Christian Association.



The Rev. Thomas Grier Murphey, Chaplain, First Regiment, Delaware Volunteers Infantry.

Article VI of their by-laws provided that:

> any member who shall behave inconsistently with the foregoing declarations may be admonished in the spirit of meekness and if he persists in his improprieties may be expelled from the association by a majority of the members present at any regular meeting.[7]

Later he served in a camp near Falmouth in Stafford County, Virginia.

The Delware Volunteers of nearly a thousand men saw their first action when the Regiment joined McClellan's forces on the eve of the battle of Antietam, when the officers and men fought "with the coolness and bravery of veterans."[8] On December 12, 1862, the First Regiment opened the battle of Fredericksburg and remained in the field until all their ammunition was spent.

Out of 2,085 men on the muster roll, 897 remained, and out of nearly 1,000 First Regiment Delaware Infantry Volunteers, only 151 were left. Only four officers survived: Colonel David Woodall (later General), Captain Sparks, Surgeon Maull, and Chaplain Murphey. The Regiment never lost a flag in battle. These tattered, blood-stained flags are now on display at the Delaware Historical Society in Wilmington.

Chaplain Murphey served to the end of the war and was honorably discharged at Wilmington, Delaware, July 14, 1865. The next year he had published an interesting work, *Four Years of the War—The History of the First Regiment of Delaware Veteran Volunteers [Infantry] 1866,* by Thomas S. Claxton of Philadelphia. A copy may be found in the State Hall of Records.

After the return of peace, Mr. Murphey was commissioned in February, 1866, a missionary to the Freedmen by the Committee of Missions to the Freedmen of the Presbyterian General Assembly. His salary was $75 a month. He took up his residence at Amelia Court House, Virginia, but extended his labors over the entire region. In this field he perhaps performed the greatest and most useful work of his life. He counseled the people and helped them become employed. He gathered together children and superintended schools. He distributed books. He "won the hearts of the people to whom he ministered" and established several churches with 228 members. "His later years were given with great zeal and devotion to this labor, and he rejoiced in the fruits thereof."[9] He was greatly beloved and honored by the Negroes throughout the entire area.

He was appointed Justice of the Peace for the Fourth Magisterial District of Amelia County, March 15, 1869, to fill a vacancy caused by the removal of a magistrate.

Mr. Murphey continued to serve in Amelia County as a missionary for ten years, leaving the post in November, 1877, because of ill health.

He returned to Corydon, his Dover home on the Kings Road, where he prepared two manuscripts for publication, "A History of the Presbyterian Churches and Schools for Freedmen in Amelia County, Virginia" and "Ten Years Among the Freedmen in Virginia."

Thomas Grier Murphey was gentle, amiable, and dedicated to helping others, yet of great firmness and perseverance. "His piety was warm and intelligent." He was regarded as a good man, a faithful friend, a loyal citizen and a tireless worker in the church. Though they did not all share his views against slavery, this was the universal feeling of all who knew him ... "those who knew him best always loved him most."[10]

Mr. Murphey died at age 61 at Corydon, January 9, 1878. A poem written by his wife was read at his funeral service in the Dover Church, January 12. He was buried in the family plot in the Presbyterian Churchyard in Dover.



The Murphey Family graves in the Presbyterian Churchyard.

A fitting tribute was paid to him in the following editorial: "The Presbyterian Church has recently lost one of its most useful and faithful ministers, whose life and labors deserve to be held in loving remembrance."[11]

Two years later October 25, 1880, the two sons, Sanford and Bradford, bought their mother a home at 417 South State Street, Dover. This dwelling became the family home. Here the daughter, Miss

Florence, kept a kindergarten in the back room of the house, overlooking the garden, which was attended by Mary Bell Richardson at the age of six. Miss Florence also gave drawing and painting lessons. The newspaper announced that,

> among the many beautiful things at Starling and Beck's for Christmas presents are two handsome water color paintings by Miss Florence Murphey ... both rare works of art representing Christ Church of this town and the rare Lotus Lillie of St. Jones' River.[12]

Mr. William Bradford remembered that as a small boy "he and his friends regarded Sanford as a hero because he went west."

Mrs. Murphey—retiring and conservative—was a faithful churchwomen till the end of her days. Mrs. Richardson remembers her quaint cork-screw curls, and that she was afraid to ride behind horses.

On May 5, 1900, in accordance with a Special Act of Congress in 1890, the widow was issued a pension by the government of $20 a month to begin May 5, 1900.

In honor of his mother, Sanford Murphey established the Elizabeth W. Murphey School on Kings Highway, Dover, incorporated under the laws of Delaware, October 23, 1922. In the Declaration of Gift he states:

> Through it I desire to honor the memory of my mother in the community where she lived, and to render some service to the community in which I was born and spent my early life.

The object of the school may be best described in the words of the founder who states that it was to be

> a fostering home where children who would otherwise be neglected may have a happy childhood and where they may develop toward useful and efficient lives.[13]

During the pastorate of Dr. G. Ashworth Burslem, Sanford Murphey built, as a memorial to his father, the Murphey Memorial Presbyterian Church (the present church without the educational wing) on the corner of State and Reed Streets where the parsonage had stood. It was dedicated on Easter Sunday, April 20, 1924, as a son's tribute to his father and an investment in the things the father believed and taught. The dedication address, given by the Rev. J. Ross Stevenson, Princeton Theological Seminary, closed with, "This edifice, erected in his memory, will continually remind us that it is possible to embody in a human life the word of our Lord, 'I come not to be ministered unto, but to minister.'"

14

The War Years and Post War Years Brought Strife and Change

1860-1894

News of the firing upon Fort Sumter seriously disrupted life in Delaware. Bitterness between Union and Southern sympathizers intensified as the war progressed. Life-long friends quarreled and became bitter enemies, passing on their enmity to their children.

Delaware, as a border state, lent support to both sides but gave complete allegiance to neither. That Delaware remained in the Union is by no means proof that it was a Union state in sentiment. Southern sympathies were evident from the overwhelming vote for John C. Breckenridge, the Southern Democratic candidate for President in 1860. However, Delaware would be exposed and helpless in the event of war, being small in territory, few in inhabitants, and with a coastline on its entire east side. Therefore, Delaware depended upon the Union for protection and in 1861 voted against secession. Willard Saulsbury was a fervent Democratic senator and was opposed to President Lincoln, but he expressed the general feeling when he said, "My state having been the first to adopt the Constitution, will be the last to countenance any act calculated to lead to a separation of the State and of the glorious Union."[1]

Although the majority were in agreement with this act of Legislature, Kent County was strongly pro-South and remained Democratic in its sympathies. Dover was frequently the scene of active controversy. In 1862 it was necessary for Union troops to confiscate the arms of rioting secessionists and to hold them under guard in the State House for a long period of time.

Fearing that the secessionists would gain control in Dover, the Republicans asked that Union troops be sent them from Philadelphia. These soldiers pitched camp on The Green in front of the State House. At the same time Dover organized a home guard, Southern in sympathy, and uniformed in gray.

John Reed Nicholson, son of John Anthony Nicholson and later a Presbyterian elder and Chancellor of the State of Delaware, told an amusing incident which happened to him at the age of twelve when the Union soldiers were camped in front of his home at 45 The Green. Like his father, he was a staunch Southern sympathizer. He remembered that his mother told him to take his father's rifle with him when he went on an errand to the ice house. On his return, John boldly stood

APPENDIX 1—SIGNIFICANT EVENTS

1714—the congregation of Kent upon Delaware was recognized by the first presbytery in America
1717—Meeting House Square was designated by the town planners for the Presbyterians
1727—first installed pastor—Rev. Archibald McCook
1749-1791—longest pastorate—Rev. John Miller
1790—laying of the cornerstone of the brick church on Meeting House Square by Mr. Miller
1791-1792—the distinguished Dr. Samuel Miller served these early years of his career as a stated supply
1792—the second State Constitutional Convention under John Dickinson was held in the church
1818-1819—the distinguished Dr. Elisha P. Swift served these early years of his career as a stated supply
1856 or 1857—the first manse was built on the site of the present church
1857—the church became incorporated
1870—a tower was erected and a bell installed
1880—the chapel was built and given as a gift by George V. Massey
1882—a pipe organ was installed, the first in Dover
1883—Pastoral Aid Society organized
1895—Elyne Circle organized
1898—the celebration in the Dover Church by the New Castle Presbytery of the Quarter—Millennial Anniversary of the completion of the Westminster Confession of Faith and the Larger and Shorter Catechisms
1904—commemoration of 60 years of membership of Elizabeth W. Murphey, widow of Rev. Thomas Grier Murphey
1915—celebration of the 200th Anniversary (1914)
1924—the present church was erected as a gift from Sanford S. Murphey as a tribute to his father, Rev. Thomas Grier Murphey; Week of Dedication
1925-1932—an Annual Service was held each year in the former church on Governors Avenue
1943—dedication of the Henry Derby Richardson Memorial Plaque, beginning an Honor Roll of those of the congregation who served during World War II
1947—the organization of the Women's Association, thus combining the efforts of the Pastoral Aid Society and Elyne Circle

1950, 1951—the gifts of the former church and chapel were dedicated respectively as Buildings 1 and 2 of the Delaware State Museum
1953—first church secretary (part time)
1956—rotary system adopted for elders and trustees
1956—Educational Wing built
1962—installation of the present E. M. Skinner organ
1964—celebration of the 250th Anniversary
1970—Unicameral System took effect
1970—first full-time Director of Music (March)
1970—first full-time secretary (July)
1973—celebration of Mr. McKim's 20th Anniversary of service

APPENDIX 2—MINISTERS

James Anderson	1714	stated supply
Samuel Gelston	1715	stated supply
Samuel Davis	1716	stated supply
George Gillespie	1716, 1717, 1730	stated supply
Robert Witherspoon	1716, 1717	stated supply
David Evans	1716, 1717	stated supply
Robert Cross	1717	stated supply
Daniel McGill	1720	stated supply
Henry Hook	1722, 1723, 1725, 1726, 1730	stated supply
William Stewart	1725	stated supply
Alexander Hutcheson	1726, 1730	stated supply
Archibald McCook	1726–1727	stated supply
	1727–1729	installed pastor
Robert Cathcart	1730	stated supply
Robert Jamison	1734	stated supply
John Miller	1749–1791	installed pastor
Samuel Miller	1791–1792	stated supply
William McKee	1793	stated supply
Francis Hindman	1793	stated supply
(John C. Brush	1798	not approved by the Presbytery)
Elisha P. Swift	1818–1819	stated supply
Alexander Campbell	1825	stated supply
John Patton	1834–1835	stated supply
S. R. Wynkoop	1843, 1844	stated supply
J. B. Spottswood	1843, 1844	stated supply

Alfred Hamilton	1843	stated supply
Mr. Burrows	1843, 1844	stated supply
S. A. Gayley	1843, 1844	stated supply
E. Wilson	1843	stated supply
Mr. Work	1843	stated supply
Mr. Dubois	1844	stated supply
Mr. Love	1844	stated supply
Thomas Grier Murphey	1843, 1844	stated supply
	1844–1860	installed pastor
John J. Pomeroy	1861–1862	installed pastor
Cyrus Huntington	1863–1883	installed pastor
James F. Stonecipher	1883–1894	installed pastor
Joseph Brown Turner	1894–1912	installed pastor
David A. Reed	1914–1916	installed pastor
Floris Ferwerda	1916–1920	installed pastor
G. Ashworth Burslem	1921–1935	installed pastor
Elliot Field	1936–1938	stated supply
	1938–1945	installed pastor
Lindley Ewing Cook	1946–1948	installed pastor
Howard Newton Hudson	1948–1953	installed pastor
Robert L. McKim	1953–	installed pastor

APPENDIX 3—ELDERS

Arthur Medston	1714–
John Caton	1743 (probably earlier)
Robert Bohanan	1743 (probably earlier)
William Killen	1749 (probably earlier)
John Frazier	1766–
Dr. John Miller	earlier than 1777–
Dr. Edward Miller	after 1786–1796
Eleazer McComb, Esq.	earlier than 1787–
James Bellach, Esq.	earlier than 1787–
James McClyment, Esq.	earlier than 1787–
John Torbert	earlier than 1787–
Joseph Miller	earlier than 1788 to about 1795
Dr. James Tilton	earlier than 1792–
Elias Naudain	1835–1849
Dr. Andrew Naudain	1835–
Haddon Smith	1849–1855
David J. Murphey	1852–

Richard Morgan Jones	1857–1904
John Anthony Nicholson	1859–1906
Andrew Wilson Slaymaker	1892–1930
George Valentine Massey	1892–1895
John Heitshu	1896–1923
Hiram Reedy	1896–1898
Caleb S. Pennewill	1896–
George Valentine Massey Jones	1907–1920; 1923–1926
Victor Frank Danner	1909–1923
Frank Martin	1909–1959
Clarence D. Sypherd	1909–1915
Nelson J. Forney	1923–1936
Dr. I. H. Boyd	1924–1929
Walter W. Rash	1930–1959; 1960–1963
Herbert C. Richardson	1930–1935; 1944–1947
George Ehinger	1937–1958; 1959–1965; 1969–1970
Arthur F. Walker	1937–1958
Victor E. Holpp	1944–1957; 1958–1961
Dr. Robert C. Stewart	1951–1954
William D. J. Moore	1951
William O. Comella	1952
Harold R. Schriver	1952 (½ year)
Dr. Rhoslyn J. Bishoff	1953–1959; 1960–1966; 1969–1972
John S. Charlton	1953–1958; 1959–1965
Robert A. Williams	1954–1955
Francis R. Benn	1956–1957; 1958–1961
Willard F. Schroeder	1957–1958
A. Owen Sheffer	1957–1960; 1963–1969
Philip W. Tuthill	1957–1960
George M. Hess	1958–1961
Richard L. Hurst	1958–1964; 1965–1968
Albert G. Bloore	1959–1963
Mrs. W. H. Lemmel	1959–1964
Gilbert A. Shank	1959–1965; 1968–1970
Margaret H. Crawford	1959–1965
Frank A. Wangler	1960–1963
Dr. Donald P. Elliott	1961
John W. Jardine	1962–1967; 1969–1970
John F. Rayne	1963–1969
Jack C. Baker	1963–1969
John A. Bivens, Jr.	1964–1970
Arthur W. Dobberstein	1964–1970
George A. Skinner	1964–1968

Cliff A. McCluney	1965
Lois B. Faircloth	1965–1968
Marion H. Herbst	1965–1970
Samuel B. Kendall	1965–1968
Don O. Winslow	1966–1970
William D. Benn	1967–1970
C. Arnold Morris	1968–1970
Dorothy C. Watson	1968–1970
John C. Fisher	1969–1970

Unicameral System—effective January, 1970

(*indicates trustees)

*Hugh R. Dale	1970–1971
George Ehinger	1970 (4 months)
Walter C. Fili	1970–1971
Marion H. Herbst	1970–1971
C. Arnold Morris	1970–1971; 1971–1974
*William C. Storey	1970–1971; 1971–1972
*Donald C. Appenzeller	1970–1972
*Jack C. Baker	1970–1972
Margaret H. Crawford	1970–1972; 1972–
John C. Fisher	1970–1972; 1972
William K. Howlett	1970–1972
John W. Jardine	1970–1972
*Daniel R. Barclay	1970–1974; 1974–
Dr. James A. Hill	1970–1974; 1974–
Phyllis E. Howarth	1970–1973
Richard L. Hurst	1970–1973; 1974–
*Robert S. Teats	1970–1973
Hector E. Villa	1970–1973; 1973–
*Thomas Q. Brooks	1971–1974; 1974–
James L. Carter	1971–1972
*Dr. William W. Flanagan	1971–1974
Dr. Joseph D. Moore	1971–1974; 1975
Isabella Ward	1971–1974; 1974–
*James L. Bensinger	1972–1974; 1975–
*Edward A. Gazze	1972–1973; 1973–
*Richard L. Murchison	1972–1974; 1975
Donald S. Stewart	1972–1974
Carston R. Wagner	1972–
Arthur W. Dobberstein	1973–
Patricia S. Muir	1973–
Elisabeth S. Satterfield	1973–
*Donald C. Spangler, Jr.	1973–
L. Warren Emery	1974–
Lois B. Faircloth	1974–
John J. Pallace	1975–
Sandra S. Hawley	1975–
Dr. Rhosyln J. Bishoff	1975–

APPENDIX 4—TRUSTEES

Rev. John Miller	1787–
Eleazer McComb, Esq.	1787–
James Bellach, Esq.	1787–
John Torbert	1787–
Hon. John M. Clayton	1831–
Elias Naudain	1831; 1845–1849
Dr. William Winder Morris	1831; 1845
Robert Frame	1845–1849
Thomas L. Maddin	1845–1849
James G. Waples	1845–1892
John Anthony Nicholson	1849–1855; 1867–1906
Haddon Smith	1849–1855
James Wallace	1849–
Thomas Budd Bradford	1852 (probably earlier)
Dr. James C. Bird	1855–1867
Joseph P. Comegys, Esq.	1855–
Dr. Clayton A. Cowgill	1857–
George B. Dickson	1857–1879
Edwin O. Eccles	1857–1896
William R. Morris	1857–
Henry Stoat	earlier than 1863–1867
David F. Burton	1864–
Richard Morgan Jones	1867–1904
James L. Smith	1879–1896
George M. Jones	1892–1906
Dr. Robert Hayes VanDyke	1892–1908
James Buchanan Slaymaker	1892–1895
Hiram Reedy	–1896
Dr. John Heitshu	1894–1915
Dr. Presley S. Downs	1894–1922
Alden R. Benson	1896–1905
Walter Morris	1896–1910
Caleb S. Pennewill	1896–1907
Victor Frank Danner	1906–1915

ACTION FORM

PROCEEDING: Council	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works - Facilities	**DATE SUBMITTED**: 11/16/12
PREPARED BY: Sharon Duca, P.E., Public Works Director / City Engineer	
SUBJECT: Evaluation of Bids – HVAC Maintenance and Repair Contract	
REFERENCE: N/A	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller	
EXHIBITS: N/A	
EXPENDITURE REQUIRED: $43,950 over three years (projected) **AMOUNT BUDGETED**: budgeted within multiple Departments operational budgets **FUNDING SOURCE (Dept./Page in CIP & Budget)**: operational budgets	
TIMETABLE: Contract will be executed following Council approval	
RECOMMENDED ACTION: Award the bid to Progressive Mechanical Services, Inc. in accordance with the rates bid.	

BACKGROUND AND ANALYSIS

The Department of Public Works maintains blanket contracts with contractors that are required to perform services for the City through the Department. These contracts are established in accordance with the purchasing policy. These contracts are often priced as a "time, materials and equipment" type contract and may exceed $25,000 annually. This contract will provide HVAC maintenance and repair to City buildings / facilities and includes provisions for regular and emergency call out services. The facilities included under this contract include the following: Electric Administration Building, equipment at the McKee Power Plant necessary for utility SCADA services, seventeen (17) substations, Weyandt Hall, City Hall, 710 William Street, Dover Park, John W. Pitts Center, Water Treatment Plant and Puncheon Run Pump Station. Although provided as an option, the library is being excluded from the contract at this time.

The Department of Public Works created bid documents and the bid package was advertised to the public as an Invitation to Bid in accordance with the City's purchasing policy by the City's Purchasing Agent under Bid #13-0009PW. Bids were opened on October 3, 2012. The following five (5) contractors submitted bids for the proposed HVAC Maintenance and Repair Contract:

BIDDER	ANTICIPATED 3 YEAR COST
Core Mechanical, Inc.	$59,585.00
AA Ducket, Inc.	$205,623.80
Progressive Mechanical Services, Inc.	**$43,950.00**
Worth & Company, Inc.	$66,689.00
Multi-Temp Mechanical, Inc.	$75,410.00

City staff reviewed the bid packages and found them free of math errors and/or discrepancies. In conclusion staff recommends awarding the HVAC Maintenance and Repair Contract to Progressive Mechanical Services, Inc.

ACTION FORM

PROCEEDING: Council	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works - Streets	**DATE SUBMITTED**: 11/16/12
PREPARED BY: Sharon Duca, P.E., Public Works Director / City Engineer	
SUBJECT: Robbins Hose Station 2 Ramp Upgrade	
APPROVALS: City Manager and Controller	
EXHIBITS: Site Plan	
EXPENDITURE REQUIRED: $85,823.00	**AMOUNT BUDGETED**: $700,000 *
FUNDING SOURCE (Dept./Page in CIP & Budget): Community Transportation Funds - $111,925.00	
* The City budget includes $700,000 for potential CT Agreements that get approved throughout the year.	
TIMETABLE: Notice of Award/Proceed following Council approval, construction to be finalized within sixty (60) calendar days of Notice of Award.	
RECOMMENDED ACTION: Staff recommends approval of the only responsive bid, submitted by George & Lynch, Inc., in the amount of $85,823.00.	

BACKGROUND AND ANALYSIS

Robbins Hose Fire Company requested a rehabilitation of their ramp at Station 2, located on the corner of Walker Road and Dover-Kenton Road. This rehabilitation would include replacing the existing concrete pad with a new reinforced concrete slab and installing a new reinforced concrete pad in an existing grassed area. The additional concrete area will provide fire apparatus increased maneuverability on the property, which could reduce impedance to the flow of traffic. The Department of Public Works created bid documents and worked with the Community Transportation Fund (CTF) Division of the Delaware Department of Transportation (DelDOT) to acquire the proper funding from local legislators to fund this project. The bid package was advertised to the public as an Invitation to Bid in accordance with the City's purchasing policy by the City's Purchasing Agent under Bid #13-0014PW. Bids were opened on October 25, 2012. The following three (3) contractors submitted bids for the proposed project.

CONTRACTOR	LOCATION	AMOUNT OF BID	EVALUATED BID PRICE
Kent Construction Co.	Smyrna, DE	$40,043.50^	$40,043.50^
George & Lynch, Inc.	Dover, DE	$85,823.00	$83,248.31
Donald E. Reisinger, Inc.	West Chester, PA	$74,200.00*	$74,200.00*

^Kent Construction withdrew their bid on November 1, 2012.

**Donald E. Reisinger, Inc. did not submit required information for bid (calculations that would indicate the concrete slab could meet the load requirements of the fire apparatus) and therefore was found non-responsive.*

City staff reviewed the George & Lynch, Inc. bid package and found it free of math errors and/or discrepancies. In addition, staff has reviewed the contractor's qualification information which included a list of recently completed projects similar in scope to the Robbins Hose Station 2 Ramp Upgrade project, their financial statement and found all information to be adequate. George & Lynch qualified for a 3% reduction of their evaluated bid, which is depicted in the table. In conclusion staff recommends awarding a construction contract to George & Lynch, Inc., in the amount of $85,823.00 for the construction of the Robbins Hose Station 2 Ramp Upgrade.

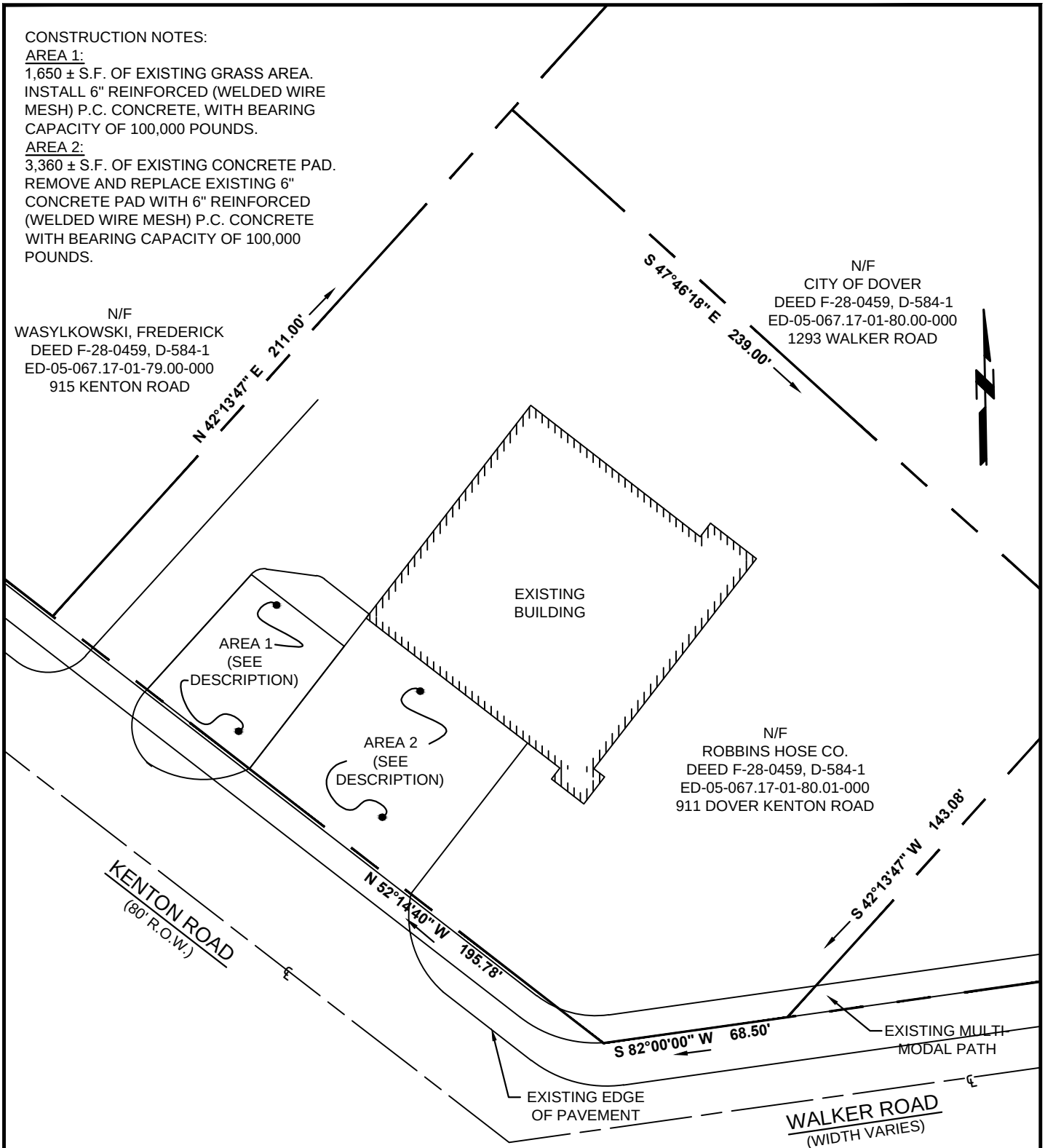
CONSTRUCTION NOTES:

AREA 1:

1,650 ± S.F. OF EXISTING GRASS AREA. INSTALL 6" REINFORCED (WELDED WIRE MESH) P.C. CONCRETE, WITH BEARING CAPACITY OF 100,000 POUNDS.

AREA 2:

3,360 ± S.F. OF EXISTING CONCRETE PAD. REMOVE AND REPLACE EXISTING 6" CONCRETE PAD WITH 6" REINFORCED (WELDED WIRE MESH) P.C. CONCRETE WITH BEARING CAPACITY OF 100,000 POUNDS.



City of Dover

SITE PLAN
CONCRETE PAD CONSTRUCTION
ACROSS THE LANDS OF ROBBINS HOSE CO.

DEPARTMENT OF PUBLIC WORKS

DRAWN: JAL	DATE: JUNE 26, 2012
CKD:	SCALE: 1" = 40'
APRVD:	DWG. NO: ROBBINS HOSE CD

DOVER FIRE DEPARTMENT

Established 1882

November 23, 2012

City of Dover
Traci A. McDowell, City Clerk
PO Box 475
Dover, DE 19903

RE: 2013 Fire Line Officer Election Results

Dear Mrs. McDowell:

The following are the results of the November 19, 2012 Dover Fire Department Fire Line Officer Election as certified by the election judges:

Chief	Patrick A. West (Uncontested)
Deputy Chief	Matthew E. Carey (Uncontested
1st Assistant Chief	David C. Carey (Uncontested)
2nd Assistant Chief	Mark Hall II. (Uncontested)
3rd Assistant Chief	Carl Troubetaris, Sr. (Uncontested)
4th Assistant Chief	Duane Reeder (Elected)**
1st Fire Line Captain	Benjamin Smetana (Uncontested)
2nd Fire Line Captain	William Kelly II (Uncontested)

**Election results for the position of 4th Assistant Chief (David Knight and Duane Reeder) was David Knight vote count as 7 and Duane Reeder as 18.

Please forward the above uncontested and elected names to City Council for their review and approval.

Respectfully,

Carleton Carey Jr., President

Edward Hill, Secretary

cc: File

103 South Governors Avenue • Dover, Delaware 19904
Headquarters: (302)736-7168 • Fire Chief's Office: (302)736-7167 • FAX: (302)736-7166

FIRST READING

GENERAL FUND - REVENUES AND BUDGET

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL ME
The amount hereinafter named aggregating Thirty Eight Million, Five Hundred Four Thousand, Seven Hundred dollars ($38,504,700) or so much thereof as may be necessary are hereby appropriated from current revenues and other funds for the use by several departments of the Municipal Government for the fiscal year beginning July 1, 2012 and ending June 30, 2013:

	ORIGINAL 2012/13 BUDGET	REVISED 2012/13 BUDGET
RECEIPTS		
BEGINNING BALANCE	**2,666,600**	**2,734,400**
FINES AND POLICE REVENUE	668,000	668,000
INVESTMENT INCOME	75,000	75,000
LIBRARY REVENUES	66,200	66,200
KENT COUNTY BOOK REIMBURSEMENT	405,900	405,900
BUSINESS LICENSES	1,455,000	1,455,000
PERMITS AND OTHER FEES	1,053,300	1,053,300
MISCELLANEOUS CHARGES	55,500	55,500
POLICE EXTRA DUTY	494,400	494,400
PROPERTY TAXES	10,997,400	11,063,400
BID REVENUE	51,600	51,600
RECREATION REVENUE	130,000	130,000
FRANCHISE FEE	550,000	550,000
SANITATION FEES	2,690,200	2,690,200
RENT REVENUE - GARRISON FARM	62,000	62,000
COURT OF CHANCERY FEES	753,800	753,800
RECEIPTS SUBTOTAL	**19,508,300**	**19,574,300**
INTERFUND SERVICE RECEIPTS		
INTRAFUND SERVICE RECEIPTS W/WW	1,104,600	1,104,600
INTRAFUND SERVICE RECEIPTS ELECTRIC	3,224,500	3,224,500
INTERFUND SERVICE RECEIPTS SUBTOTAL	**4,329,100**	**4,329,100**
GRANTS:		
POLICE RELATED/EXTRA DUTY	85,000	85,000
POLICE PENSION GRANT	500,000	500,000
GREEN ENERGY GRANT	98,500	98,500
MISC GRANT REVENUE	25,000	25,000
GRANTS SUBTOTAL	**708,500**	**708,500**
TRANSFERS FROM:		
TRANSFER TAX	1,370,000	1,370,000
MUNICIPAL STREET AID	527,400	527,400
CIVIL TRAFFIC PENALTIES	750,000	750,000
WATER/WASTEWATER	500,000	500,000
ELECTRIC	8,000,000	8,000,000
VERIZON AND CI RESERVES	11,000	11,000
TRANSFERS FROM SUBTOTAL	**11,158,400**	**11,158,400**
TOTAL REVENUES	**35,704,300**	**35,770,300**
TOTAL BEGINNING BALANCE & REVENUE	**38,370,900**	**38,504,700**

CITY OF DOVER ORDINANCE # 2012-23
2012-2013 BUDGET ORDINANCES

GENERAL FUND EXPENSE SUMMARY

	ORIGINAL 2012/13 BUDGET	REVISED 2012/13 BUDGET
DEPARTMENT EXPENSES:		
CITY CLERK	326,900	326,900
COUNCIL	114,200	114,200
TAX ASSESSOR	187,500	187,500
FIRE	688,300	688,300
GROUNDS MAINTENANCE	993,300	1,008,100
LIBRARY	1,250,200	1,250,200
RECREATION	713,400	715,400
LIFE SAFETY	469,900	471,200
CODE ENFORCEMENT	293,100	295,100
PLANNING	410,300	412,300
INSPECTIONS	592,200	596,900
ECONOMIC DEVELOPMENT	231,100	231,100
POLICE	13,195,200	13,195,200
POLICE EXTRA DUTY	579,400	579,400
STREETS	756,700	772,200
SANITATION	2,140,700	2,152,800
CITY MANAGER	420,000	420,000
INFORMATION TECHNOLOGY	642,700	642,700
FINANCE	879,500	879,500
PUBLIC SERVICES - ADMINISTRATION	468,600	472,600
FACILITIES MANAGEMENT	678,800	683,500
CENTRAL SERVICES	576,900	578,200
FLEET MAINTENANCE	712,700	716,100
CUSTOMER SERVICE	901,200	901,200
HUMAN RESOURCES	319,700	319,700
MAYOR	82,400	82,400
DEPARTMENT SUBTOTALS	**28,624,900**	**28,692,700**
OTHER EXPENDITURES:		
DEBT SERVICE	624,200	624,200
CONTRIBUTION TO DDP	180,000	180,000
MISCELLANEOUS GRANT RELATED EXPENSES	25,000	25,000
INSURANCE	600,000	600,000
RETIREES HEALTH CARE	1,620,600	1,620,600
OTHER EMPLOYMENT EXPENSES	463,400	463,400
GENERAL PENSION UNFUNDED LIABILITY	1,310,500	1,310,500
POLICE PENSION FUND - STATE GRANT	500,000	500,000
POLICE PENSION UNFUNDED LIABILITY	95,000	95,000
UNCOLLECTIBLES - TRASH AND OTHER	10,000	10,000
STREET LIGHTS	869,700	869,700
OTHER EXPENSE SUBTOTAL	**6,298,400**	**6,298,400**
TRANSFERS		
TRANSFER TO CAPITAL FUND - PROJECTS	613,400	613,400
TRANSFERS SUBTOTAL	**613,400**	**613,400**
TOTAL EXPENDITURES	**35,536,700**	**35,536,700**
CURRENT YEAR BALANCE	**2,834,200**	**2,968,000**
TOTAL BUDGET BALANCE & EXPENDITURES	**38,370,900**	**38,504,700**

GOVERNMENTAL CAPITAL PROJECTS FUND SUMMARY

	ORIGINAL 2012/13 BUDGET	REVISED 2012/13 BUDGET
BEGINNING BALANCE	**294,400**	**241,100**
BEGINNING BALANCE - Library Project	**-**	**(95,500)**
REVENUES		
STATE GRANTS - Library	884,200	1,746,000
PROPOSED BOND/BANK PROCEEDS - Library	317,500	648,500
INCOME FROM SALE OF ASSETS	1,200,000	1,200,000
LIBRARY FOUNDATION DONATIONS	-	71,000
KENT COUNTY CONTRIBUTION	-	250,000
FRIENDS OF THE LIBRARY DONATION	-	102,400
DEMEC GRANT	-	166,700
PROPOSED BANK PROCEEDS - Streets	2,000,000	2,000,000
PROPOSED BANK PROCEEDS - Garrison	2,000,000	-
STATE GRANTS - DEMA	108,000	158,000
POLICE GRANTS	33,800	33,800
MUNICIPAL STREET AID CAPITAL CONTRIBUTION	-	132,200
TRANSFER FROM FUTURE CAPACITY RESERVE	-	2,000,000
TRANSFER FROM GENERAL FUND	613,400	613,400
TOTAL REVENUES	**7,156,900**	**9,122,000**
TOTAL BEGINNING BALANCE & REVENUES	**7,451,300**	**9,267,600**
EXPENDITURES		
FIRE	238,500	238,500
GROUNDS MAINTENANCE	112,000	112,000
LIBRARY	2,535,000	4,089,100
RECREATION	30,000	30,000
POLICE	197,000	197,000
STREETS	1,974,000	2,144,200
SANITATION	150,000	150,000
INFORMATION TECHNOLOGY	57,000	107,000
FACILITIES MANAGEMENT	381,000	381,000
MAYOR	33,000	33,000
DEPARTMENT SUBTOTAL	**5,707,500**	**7,481,800**
TRANSFERS & MISCELLANEOUS EXPENSES		
BOND/LOAN ISSUANCE COST	56,000	-
TRANSFER TO COMMUNITY TRANS FUND	1,606,700	1,606,700
TRANSFERS & MISCELLANEOUS SUBTOTAL	**1,662,700**	**1,606,700**
TOTAL EXPENDITURES	**7,370,200**	**9,088,500**
CURRENT YEAR BALANCE	81,100	179,100
TOTAL BUDGET BALANCE & EXPENDITURES	**7,451,300**	**9,267,600**

WATER/WASTEWATER FUND SUMMARY

	ORIGINAL 2012/13 BUDGET	REVISED 2012/13 BUDGET
BEGINNING BALANCE - WATER	865,100	884,600
BEGINNING BALANCE - WASTEWATER	853,000	867,800
BEGINNING BALANCE - KCSA	(553,500)	(553,500)
TOTAL BEGINNING BALANCES	**1,164,600**	**1,198,900**
BASE REVENUE:		
WATER FEES	4,730,700	4,730,700
WASTEWATER FEES	3,834,600	3,834,600
WASTEWATER ADJUSTMENT FEES	3,090,800	3,090,800
GROUNDWATER INFLOW ADJUSTMENT	1,257,600	1,257,600
WATER TANK SPACE LEASING	313,500	313,500
SEWER IMPACT FEES	317,000	317,000
WATER IMPACT FEES	350,000	350,000
INTEREST - WATER	8,700	8,700
INTEREST - WASTEWATER	17,100	17,100
MISCELLANEOUS SERVICE FEE	77,000	77,000
TOTAL REVENUES	**13,997,000**	**13,997,000**
TOTAL BEGINNING BALANCE & REVENUES	**15,161,600**	**15,195,900**
DIRECT EXPENSES:		
ENGINEERING & INSPECTION	597,900	601,900
WATER CONSTRUCTION	345,700	352,400
WATER DEPARTMENT	408,200	415,000
WATER TREATMENT PLANT	1,522,600	1,535,400
WASTEWATER DEPARTMENT	993,000	997,000
DIRECT EXPENDITURE SUBTOTAL	**3,867,400**	**3,901,700**
OTHER EXPENSES:		
DEBT SERVICE - WATER	532,100	532,100
DEBT SERVICE - WASTEWATER	731,500	731,500
RETIREES HEALTH CARE	220,000	220,000
OTHER EMPLOYMENT EXPENSES	16,200	16,200
PENSION UNFUNDED LIABILITY	309,800	309,800
KENT COUNTY TREATMENT CHARGE	3,600,000	3,600,000
INTRAFUND SERVICE FEES	1,235,400	1,235,400
UNCOLLECTIBLES	5,000	5,000
INVENTORY/FIXED ASSET WRITEOFFS	5,000	5,000
OTHER EXPENSES SUBTOTAL	**6,655,000**	**6,655,000**
TRANSFER TO:		
GENERAL FUND FROM WATER	250,000	250,000
GENERAL FUND FROM WASTEWATER	250,000	250,000
WATER IMP AND EXT	1,700,000	1,700,000
WASTEWATER IMP AND EXT	1,200,000	1,200,000
CAPITAL ASSET RESERVE WATER	70,000	70,000
CAPITAL ASSET RESERVE WASTEWATER	22,000	22,000
TRANSFER TO SUBTOTAL	**3,492,000**	**3,492,000**
TOTAL EXPENSES	**14,014,400**	**14,048,700**
BUDGET BALANCES		
CURRENT YEAR BALANCE WATER	482,700	482,700
CURRENT YEAR BALANCE WASTEWATER	664,500	664,500
SUBTOTAL CURRENT YEAR BALANCES	**1,147,200**	**1,147,200**
TOTAL BUDGET BALANCES & EXPENSES	**15,161,600**	**15,195,900**

WATER/WASTEWATER IMPROVEMENT & EXTENSION FUND

	ORIGINAL 2012/13 BUDGET	REVISED 2012/13 BUDGET
BEGINNING BALANCE - WATER	3,071,800	3,811,200
BEGINNING BALANCE - WASTEWATER	1,013,600	2,641,000
TOTAL BEGINNING BALANCES	**4,085,400**	**6,452,200**
REVENUES		
BOND PROCEEDS - WATER - 2013 ISSUE	2,000,000	2,000,000
BOND PROCEEDS - WASTEWATER - 2013 ISSUE	2,000,000	2,000,000
TRANS FR OPERATING FUND FOR WATER	1,700,000	1,700,000
TRANS FR OPERATING FUND FOR WASTEWATER	1,200,000	1,200,000
TRANSFER FR WATER IMPACT FEE RESERVE	250,000	250,000
TRANSFER FR WASTEWATER IMPACT FEE RES	300,000	300,000
PROCEEDS FROM SALE OF ASSETS	-	-
INTEREST INCOME	25,000	25,000
TOTAL REVENUES	**7,475,000**	**7,475,000**
TOTAL BEGINNING BALANCES & REVENUES	**11,560,400**	**13,927,200**
EXPENSES		
WATER	5,140,000	5,762,600
WASTEWATER	3,817,300	5,798,400
WATER TREATMENT PLANT	24,100	24,100
WATER CONSTRUCTION	31,000	31,000
ENGINEERING & INSPECTION	23,400	23,400
BOND ISSUANCE COST & DEBT SERVICE RESERVE	344,000	344,000
TOTAL EXPENSES	**9,379,800**	**11,983,500**
CUREENT YEAR BALANCE - WATER	1,655,500	1,772,300
CURRENT YEAR BALANCE - WASTEWATER	525,100	171,400
TOTAL ENDING BUDGET BALANCES	**2,180,600**	**1,943,700**
TOTAL BUDGET BALANCES & EXPENSES	**11,560,400**	**13,927,200**

ELECTRIC REVENUE FUND SUMMARY

	ORIGINAL 2012/13 BUDGET	REVISED 2012/13 BUDGET
BEGINNING BALANCE	**7,184,000**	**7,201,500**
BASE REVENUE:		
DIRECT SALES TO CUSTOMER	85,071,400	85,071,400
UTILITY TAX	1,595,200	1,595,200
MISCELLANEOUS REVENUE	850,700	850,700
RENT REVENUE	225,000	225,000
GREEN ENERGY	129,000	129,000
INTEREST EARNINGS	107,800	107,800
TRANSFER FROM RATE STABILIZATION	5,400,000	5,400,000
INTRAFUND SERVICE RECEIPTS W/WW	130,800	130,800
TOTAL REVENUES	**93,509,900**	**93,509,900**
TOTAL BEGINNING BALANCE & REVENUES	**100,693,900**	**100,711,400**
EXPENSES:		
POWER SUPPLY - HEDGED ENERGY	39,468,900	39,468,900
PJM CHARGES - PURCHASED ENERGY	17,508,300	13,752,300
PJM CHARGES - TRANSMISSION & FEEES	-	3,756,000
SOLAR ENERGY	1,414,500	1,414,500
SOLAR RENEWAL ENERGY CREDITS	-	351,600
CAPACITY CHARGES - LOAD	12,564,800	12,564,800
POWER SUPPLY MANAGEMENT	996,000	996,000
SUB-TOTAL POWER SUPPLY	**71,952,500**	**72,304,100**
PLANT OPERATIONS	5,914,900	5,914,900
GENERATIONS FUELS	586,000	586,000
PJM SPOT MARKET ENERGY	-	(1,124,300)
PJM CREDITS	(1,199,700)	(427,000)
CAPACITY CREDITS	(14,318,600)	(14,318,600)
GENERATION SUBTOTAL	**(9,017,400)**	**(9,369,000)**
POWER SUPPLY & GENERATION SUBTOTAL	**62,935,100**	**62,935,100**
DIRECT EXPENDITURES		
TRANSMISSION/DISTRIBUTION	3,223,600	3,233,700
ELECTRICAL ENGINEERING	1,163,900	1,171,300
ADMINISTRATION	501,200	501,200
METER READING	212,500	212,500
SYSTEMS OPERATIONS	517,600	517,600
DIRECT EXPENDITURE SUBTOTALS	**5,618,800**	**5,636,300**
OTHER EXPENSES:		
UTILITY TAX	1,595,200	1,595,200
ALLOW FOR UNCOLLECTIBLES	150,000	150,000
CONTRACTUAL SERVICES - RFP'S	190,000	190,000
RETIREES HEALTH CARE	696,500	696,500
OTHER EMPLOYMENT EXPENSES	157,900	157,900
TRANSFER TO PENSION UNFUNDED LIABILITY	1,074,200	1,074,200
GREEN ENERGY PAYMENT TO DEMEC	129,000	129,000
INTRAFUND SERVICE FEES	3,224,500	3,224,500
INTEREST ON DEPOSITS	35,000	35,000
INVENTORY WRITE OFFS	175,000	175,000
DEBT SERVICE	3,323,600	3,323,600
OTHER EXPENSES SUBTOTAL	**10,750,900**	**10,750,900**
TRANSFER TO:		
IMPROVEMENT & EXTENSION	3,500,000	3,500,000
GENERAL FUND	8,000,000	8,000,000
TRANSFER TO SUBTOTAL	**11,500,000**	**11,500,000**
TOTAL EXPENSES	**90,804,800**	**90,822,300**
CURRENT YEAR BALANCE	**9,889,100**	**9,889,100**
TOTAL BUDGET BALANCE & EXPENSES	**100,693,900**	**100,711,400**

ELECTRIC IMPROVEMENT & EXTENSION FUND SUMMARY

	ORIGINAL 2012/13 BUDGET	REVISED 2012/13 BUDGET
BEGINNING BALANCE	**2,714,600**	**3,534,600**
REVENUE		
TRANSFER FROM ELECTRIC	3,500,000	3,500,000
TRANSFER FROM FUTURE CAPACITY RESERVE	550,000	550,000
INTEREST EARNINGS	40,700	40,700
TOTAL REVENUES	**4,090,700**	**4,090,700**
TOTAL BEGINNING BALANCE & REVENUE	**6,805,300**	**7,625,300**
EXPENSES		
ELECTRIC GENERATION	1,441,300	1,786,600
TRANSMISSION AND DISTRIBUTION	596,000	896,000
ELECTRICAL ENGINEERING	1,932,700	1,942,800
TOTAL EXPENSES	**3,970,000**	**4,625,400**
CURRENT YEAR BALANCE	**2,835,300**	**2,999,900**
TOTAL BUDGET BALANCE & EXPENSES	**6,805,300**	**7,625,300**

MUNICIPAL STREET AID

	ORIGINAL 2012/13 BUDGET	REVISED 2012/13 BUDGET
BEGINNING BALANCE	**100**	**132,200**
REVENUES		
STATE GRANTS	527,400	659,600
TOTAL REVENUES	**527,400**	**659,600**
TOTAL BEGINNING BALANCE & REVENUES	**527,500**	**791,800**
EXPENDITURES		
STREET IMPROVEMENTS	-	264,300
TRANSFER TO GENERAL FUND	527,400	527,400
TOTAL EXPENDITURES	**527,400**	**791,700**
CURRENT YEAR BALANCE	100	100
TOTAL BUDGET BALANCE & EXPENDITURES	**527,500**	**791,800**

LIBRARY GRANT

	ORIGINAL 2012/13 BUDGET	REVISED 2012/13 BUDGET
BEGINNING BALANCE	**-**	**30,000**
REVENUE		
STATE GRANT	280,500	280,500
TOTAL REVENUE	**280,500**	**280,500**
TOTAL BEGINNING BALANCE & REVENUE	**280,500**	**310,500**
EXPENDITURES		
FURNITURE/FIXTURES	52,300	62,900
PROGRAM EXPENSES/SUPPLIES	15,300	17,100
OFFICE SUPPLIES	15,000	15,000
PRINTING & DUPLICATING	9,500	9,800
POSTAGE	200	200
BOOKS	95,000	95,000
COMPUTER HARDWARE	20,000	20,000
AUDIO VISUAL SUPPLIES	65,000	65,000
TRAINING/CONF/FOOD/TRAV	4,000	4,000
OFF EQP/REPAIRS & MAINT	4,200	4,200
TOTAL EXPENDITURES	**280,500**	**293,200**
CURRENT YEAR BALANCE	-	17,300
TOTALS	**280,500**	**310,500**

POLICE GRANTS

	ORIGINAL 2012/13 BUDGET	REVISED 2012/13 BUDGET
PRIOR YEAR BALANCE	**-**	**178,400**
REVENUE		
GRANTS RECEIVED	382,600	429,400
INTEREST INCOME	-	-
TOTAL REVENUE	**382,600**	**429,400**
TOTALS	**382,600**	**607,800**
EXPENDITURES		
FURNITURE & FIXTURES	-	15,000
OFFICE & COMPUTER SUPP	-	-
PHOTO EQUIPT & SUPPLIES	-	-
POLICE EQUIPT & PROG SUPP	64,000	87,000
UNIFORMS & BODY ARMOR	-	-
TECHNOLOGY EQUIPMENT	57,000	57,000
BUILDING IMPROVEMENTS	-	-
CELL PHONE CHARGES	15,000	15,000
TRAINING	17,000	27,000
AUDIT FEES	1,000	1,000
OTHER EQUIPMENT	-	25,000
VEHICLE PURCHASE	10,500	10,500
TOTAL EXPENDITURES	**164,500**	**222,500**
OTHER FINANCING USES		
OPERATING TRANSFERS-OUT	218,100	242,400
TOTAL FINANCING USES	**218,100**	**242,400**
CURRENT YEAR BALANCE	-	142,900
TOTALS	**382,600**	**607,800**

THE ABOVE BUDGET INCLUDES THE POLICE GRANTS FUND, USDOJ BYRNE GRANTS FUND AS WELL AS THE OTHER FEDERAL POLICE

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

	ORIGINAL 2012/13 BUDGET	REVISED 2012/13 BUDGET
BEGINNING BALANCE	**-**	**16,200**
REVENUE		
FEDERAL GRANT	235,300	317,200
TOTAL REVENUE	**235,300**	**317,200**
TOTAL BEGINNING BALANCE & REVENUE	**235,300**	**333,400**
EXPENDITURES		
SALARIES	38,300	38,300
FICA TAXES	2,900	2,900
WORKER'S COMPENSATION	200	200
PENSION	2,300	2,300
OPEB	3,300	3,300
COMMUNITY REVITAL. INFRASTRUCTURE	-	60,100
CLOSING COST & DOWNPAYMENT PROGRAM	30,000	36,000
DOVER INTERFAITH MINISTRY	27,500	34,600
FIRST STATE RES CONSV & DEV	35,000	41,900
ELIZABETH W MURPHEY SCHOOL	20,000	20,000
NCALL RESEARCH	7,800	7,800
SERENITY PLACE	28,000	28,000
MILFORD HOUSING H/O REHAB PROGRAM	40,000	41,800
TOTAL EXPENDITURES	**235,300**	**317,200**
CURRENT YEAR BALANCE	-	16,200
TOTALS	**235,300**	**333,400**