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


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 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.