# REGULAR COUNCIL MEETING
# A G E N D A

**OCTOBER 22, 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 CHAPLAIN WALLACE DIXON**

**PLEDGE OF ALLEGIANCE LED BY COUNCILMAN PERZA**

**AGENDA ADDITIONS/DELETIONS**

* **CONSENT AGENDA**

***Those items on the Council Agenda which are considered routine and non-controversial are 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 October 8, 2012**

**2. Resolution No. 2012-15 - Recognition of Service - Francis Nichols - Planning Commission - May 28, 2002 through September 17, 2012**

**3. Proclamation - Extra Mile Day**

* **4. Parks, Recreation, and Community Enhancement Committee Report - October 8, 2012**

**A. Review of Active Recreation Area Plan - Leander Lakes Apartments**

*(Committee Recommended Approval of the Active Recreation Area Plan for Leander Lakes Apartments as Presented, Including Staff's Comments and Recommendations, with the Exception of the Requirement for Bike Racks in the Playground Area)*

**B. Updates**

*(Committee Action Not Required)*

* **5. Utility Committee Report - October 8, 2012**

**A. Unit 1 Turbine Steam Seal Repair - McKee Run Generating Station**

*(Committee Recommended Approval of the Unit 1 Turbine Steam Seal Repair as a New Capital Investment Plan (CIP) Project and Expenditure of Funds for the Project in FY 2013)*

**B. Updates**

*(Committee Action Not Required)*

* **6. Legislative, Finance, and Administration Committee Report - October 8, 2012**

**A. Authorization to Purchase Downtown Security Cameras**

*(Committee Recommended that Staff Be Authorized to Sign a Contract with Advantech Incorporated for the Purchase and Installation of 16 Additional Security Cameras at an Estimated Cost of $135,400 Using $102,400 of General Fund Street Program Carry Forward Balance and $33,000 That Was Approved in the Mayor's Budget)*

**B. Revision to Fee Policy - Library Meeting Room Fees**

*(Committee Recommended Approval of Staff's Recommendation to Endorse and Adopt the Fees for the Meeting Rooms in the New Dover Public Library)*

**C. Proposal to Develop Pocket Park at 301 South Governors Avenue (Southeast Corner of South Governors Avenue and North Street)**

*(Committee Recommended that a Pocket Park Be Established on the Property Located at 301 South Governors Avenue (On the Southeast Corner of South Governors Avenue and North Street) Once the City Holds the Title to the Property)*

**D. Proposed Ordinance #2012-22 Amending Chapter 114 - Vegetation, Article II - Weeds (Collection of Grass Cutting Fees) (See Item #12-A)**

*(Committee Recommended Amending Line #29 of Proposed Ordinance #2012-22 by Replacing the Words "Owner, Occupant, Tenant or Other Agent Caring for or in Charge of the Premises" with "Owner of Record")*

*(Committee Recommended Adoption of the Ordinance as Amended)*

**E. Fund to Combat Violent Crimes - New Grant Program Initiative**

*(Committee Recommended Approval for the Police Department to Use its Allocation from the Fund to Combat Violent Crime Program)*

**7. Quarterly Revenue Report**

* **8. Semi-Annual Inspection by City Manager - Robbins Hose Company**

**9. Evaluation of Bids**

**A. NRG Sanitary Sewer Upgrade**

**B. Radio System Narrow Banding Project**

**10. Attorney Services for Labor Negotiations** *(Presented During the Executive Session Held Prior to the Council Meeting)*

* **11. Appointment of Judges - Robbins Hose Company Election - November 19, 2012**

**A. James Howlett**

**B. James Hurley, Jr.**

**C. William Hurley IV *(Alternate)***

**12. First Reading - Proposed Ordinances**

**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 November 13, 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 #2012-22 Amending Chapter 114 - Vegetation, Article II - Weeds (Collection of Grass Cutting Fees)**

*(Legislative, Finance, and Administration Committee)*

**13. Council Members Announcements**

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# REGULAR COUNCIL MEETING

The Regular Council Meeting was held on October 8, 2012 at 7:30 p.m. with Council President Leary presiding (departed at 10:49 p.m. and returned at 10:56 p.m.). Council members present were Mr. Anderson, Mr. Lynn, Mr. Perza (departed at 8:33 p.m. and returned at 8:37 p.m.), Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison.

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

## OPEN FORUM

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

There was no one wishing to speak during the Open Forum.

The invocation was given by Chaplain Dixon, followed by the Pledge of Allegiance.

## AGENDA ADDITIONS/DELETIONS

**Mr. Bonar moved for approval of the agenda as presented, seconded by Mr. Hutchison and carried, with Mr. Anderson voting no.**

Council President Leary requested that Item #8B - Update on Changes to the Economic Development Office, be considered on the consent agenda. Council President Leary indicated that it would be necessary for him to recuse himself during the consideration of Item #8A - Financing Proposal - Garrison Oak Park Street and Storm Sewer Infrastructure; therefore, Councilwoman Williams would chair the meeting during consideration of this item.

**Mr. Bonar moved for approval of the consent agenda as amended, seconded by Mr. Hutchison and carried by a unanimous roll call vote.**

## ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF SEPTEMBER 24, 2012

**The Minutes of the Regular Council Meeting of September 24, 2012 were unanimously approved by motion of Mr. Bonar, seconded by Mr. Hutchison, and bore the written approval of Mayor Carey.**

## PROCLAMATION - HALLOWEEN TRICK-OR-TREAT

The City Clerk read the following Proclamation into the record:

WHEREAS, the children of the City of Dover enjoy the fun and festivities associated with the observance of the Halloween Trick-or-Treat custom of traveling with friends and family going from door to door in their neighborhood, displaying their costumes, and gathering treats; and

WHEREAS, parents are urged to join in the festivities by accompanying their children throughout their journeys in celebrating Halloween Trick-or-Treat; and

WHEREAS, residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes so lighted; and

WHEREAS, the Mayor of the City of Dover has deemed it advisable to observe the celebration of Halloween Trick-or-Treat on Wednesday, October 31, 2012 between the hours of 6:00 p.m. and 8:00 p.m.

NOW, THEREFORE, I, Carleton E. Carey, Sr., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim that the Halloween Trick-or-Treat observance be held on the 31st day of October 2012, between the hours of 6:00 P.M. and 8:00 P.M. in the City of Dover and urge all residents, both young and old, to make this a happy and safe occasion for our children.

**PRESENTATION - FRIENDS OF THE LIBRARY**

Mayor Carey introduced Mr. N. C. Vasuki, Friends of the Dover Public Library, who presented Ms. Marjorie Cyr, Library Director, a check for the Dover Library Foundation in the amount of $67,360.66, which completed the Friends of the Library's commitment for funding the new Dover Library. He reminded members that this organization committed to provide $210,000 for the construction of the new Library.

Mayor Carey relayed appreciation to the Friends of the Dover Public Library for the many contributions they have made throughout the years.

**PRESENTATION - MAYOR'S ARTS AWARDS**

Mayor Carey and representatives of the Greater Dover Arts Council presented Dr. Basilio Bautista with a Mayor's Arts Award in recognition of his lasting and profound impact on the artistic and cultural life in the Greater Dover area. Mayor Carey explained that Dr. Bautista had made outstanding contributions to the arts as a performer, a dancer, an artist, and a music composer and had been a supporter of the arts through his work with numerous local arts organizations. Mayor Carey noted that Dr. Bautista had been acknowledged in the past by the naming of an art gallery in his honor at the Schwartz Center for the Arts.

Mayor Carey and representatives of the Greater Dover Arts Council presented Ms. Linda Danko, Mr. Ryan Grover, Ms. Jennifer Kemske, and Ms. Rebecca Cooper, representing the Biggs Museum of American Art, with a Mayor's Arts Award. He advised members that in its second decade as a fine and decorative arts museum, the Biggs Museum of American Art had made outstanding contributions to the culture of the citizens of Dover through exceptional permanent collections, diverse temporary exhibits, creative programming, and inspiring children's programs and that nearly 20,000 individuals visited the Biggs Museum last year, breaking attendance records.

Ms. Danko relayed appreciation for the recognition, advising members that a great deal of hard work was being done to bring art to each and every member of the greater Dover community and beyond the State of Delaware.

**RESOLUTION NO. 2012-13 - COUNCILWOMAN SOPHIA R. RUSSELL**

The City Clerk read Resolution No. 2012-13 into the record, as follows:

WHEREAS, the Mayor and Council of the City of Dover have been greatly saddened by the death of their fellow Council Member, Sophia R. Russell, who passed away on October 6, 2012; and

WHEREAS, Sophie R. Russell was sworn into office as Councilwoman of the Fourth Council District of the City of Dover on December 20, 2005 and served with distinction in that position for nearly seven years, serving as Chair of the Parks, Recreation, and Community Enhancement Committee; Co-Chair of the Services to Seniors Committee; and member of the Safety Advisory and Transportation Committee, Youth Advisory Committee, Downtown Dover Partnership Steering Committee, Downtown Dover Development Corporation, Kent County Tourism, Consolidated Plan Advisory Group, Haggerty & Haggerty Ad Hoc Review Committee, and Tax Appeals Committee; and

WHEREAS, throughout her tenure, Sophia R. Russell served as a voice for the constituents of the Fourth District and spoke with empathy, passion, and candor on their behalf; and

WHEREAS, Sophia R. Russell dedicated her time and talents to furthering the interests of young people in the City of Dover and was instrumental in re-establishing a Youth Advisory Committee to promote youth involvement in government; and

WHEREAS, Sophia R. Russell served as an outspoken advocate for the rights of the underprivileged in our community, especially children, senior citizens, and the homeless, and worked tirelessly to address their needs; and

WHEREAS, the City of Dover has sustained a great loss in the death of Sophia R. Russell.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council express their regret for the loss of Sophia R. Russell and extend their deepest sympathy to the members of her family and hope that they will be consoled by the memories of her exemplary life and commendable achievements.

BE IT FURTHER RESOLVED that the Mayor and Council direct the City Clerk to place this Resolution in the permanent records of the City of Dover in recognition of the many contributions graciously given to the community by Councilwoman Sophia R. Russell.

ADOPTED: OCTOBER 8, 2012

Mayor Carey presented the Resolution to Ms. Kay Dietz-Sass, Public Affairs Officer, and Emergency Management Coordinator, on behalf of Mrs. Russell's family. He noted that Mrs. Russell would be sorely missed and thanked her family for sharing her with the City throughout the years.

**Mr. Hutchison moved for the adoption of Resolution No. 2012-13, seconded by Mrs. Williams and carried by a unanimous roll call vote.**

**PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 209 NORTH NEW STREET, OWNED BY JAMES W. AND LINDA A. CACCAMO**

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 209 North New Street, owned by James W. and Linda A. Caccamo. Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the property consisted of a two (2) story, wood-framed, single-family home with a detached one (1) car garage at the rear of the property. The dwelling was condemned as unfit for human habitation on January 30, 2012 due to vacancy, lack of utilities, and a number of broken windows and unsecured doors. The property was boarded by City staff and the City hired a contractor to cut the grass and remove overgrowth on the property. The property has been vacant with no active utility service since May 2011. Prior mailings to the property owners were returned unclaimed. The structure was vacant, with no active utility services and in a serious state of disrepair. Mrs. Townshend provided a chronological history and a presentation on the condition of the property ***(Exhibit #1)***.

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 November 8, 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.

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

**Mr. Bonar moved that the structures located at 209 North New Street be declared dangerous buildings and subject to demolition, as recommended by staff. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote.**

**PUBLIC HEARING - RENAMING OF DIVISION STREET WITHIN THE CITY LIMITS AS MARTIN LUTHER KING, JR. BOULEVARD**

A public hearing was set for this time and place to consider the renaming of Division Street "from City limit to City limit" to Martin Luther King, Jr. Boulevard. Members were reminded that during their Regular Meeting of September 24, 2012, City Council approved the recommendation of the Legislative, Finance, and Administration Committee to set a public hearing regarding the renaming of Division Street as Martin Luther King, Jr. Boulevard. Members reviewed a map depicting the Route 8 corridor and a history of street names, which indicated that action of Town (City) Council to number the houses in 1880 established State Street as a dividing line for the west and east segments of streets and established Division Street to serve as the dividing line for the north and south segments of streets (now referenced in Dover Code of Ordinances, Article VIII, Section 98-342).

It was noted that the proposal for this street renaming would bypass the normal procedures for street name changes. The specific procedure for street name changes is outlined in the Dover Code of Ordinances, Chapter 98, Article II, Section 98-45 Street Name Change Procedure. As outlined in Code, the normal procedure for street name changes requires a formal petition of request from a majority of abutting property owners to the street, review and comments by the Development Advisory Committee (DAC), review by the Planning Commission, review by the Utility Committee, and then a public hearing and consideration by City Council.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the Planning Office referred the matter to the Development Advisory Committee (DAC) agencies for their review. To assist them in compiling information and providing comments about specific areas of the Route 8 corridor in the City of Dover, segments of the roadway were identified (as indicated on an overall map as well as maps of each segment). She noted that there were a total of 373 properties abutting Route 8, 63 of which were in unincorporated Kent County and outside of City of Dover limits. There were approximately 580 addresses, 226 residential properties, 136 non-residential properties, and 11 City-owned properties along the Route 8 corridor.

Mrs. Townshend reviewed the various implications, such as readdressing properties, mapping, awareness, code amendments, costs, etc. She explained that the street right-of-way for the Route 8 corridor was owned and maintained by the State of Delaware; however, the Department of Transportation (DelDOT) indicated that they would not be responsible for any costs associated with the change. Mrs. Townshend advised members that the comments received from Kent County through the 911 addressing indicated that Kent County currently has a moratorium on road name changes and that some of the properties that would be affected were in Kent County's jurisdiction; therefore, it would be necessary to determine how such a change would impact Kent County and what their role would be in addressing those parcels. Members were provided staff recommendations and DAC comments, as follows:

1) The Planning Office notes that portions of Route 8 between the City's east and west boundaries lie outside of the City in unincorporated Kent County. To avoid confusion, City Council may want to consider reducing the portion of the road where the name would be changed to encompass the area bounded on the west by Saulsbury Road and on the east by U.S. Route 13 (Segments B and C noted on the Exhibit Map), as these segments do not include properties in unincorporated Kent County and therefore would not lead to confusion over jurisdiction between the City of Dover and Kent County.

2) Staff recommended that if the street name change is approved by City Council, that an effective date of January 1, 2013 be set. This will give the affected agencies time to make the necessary operational changes and for notification of property owners.

3) As part of the Development Advisory Committee process, a series of City, County, and State agencies were notified of the street name change request. Any comments received regarding the request were provided to members as an attachment to the report submitted.

4) Upon approval of the street name change, notification of appropriate City, County, and State agencies will be completed by the City of Dover.

5) Upon approval of the street name change, a public outreach effort (in various media) is recommended to alert residents, customers, visitors, etc. of the change and its implementation. A key contact point should be established for questions.

6) Upon approval of the street name change, the installation of updated street name blades and other associated street signage will need to be completed by the City of Dover.

7) Upon approval of the street name and assignment of a street number, it is the responsibility of the individual property owner to bear the cost of and take action to repost address number and update appropriate mailing address on documents.

In response to Mrs. Williams, Mrs. Townshend stated that property owners and businesses were not notified of the proposed street name change since it was brought forward by the Legislative, Finance, and Administration Committee and did not go through the normal process, as specified in Section 98-45 of the Dover Code. Noting that she was the Chief Executive Officer (CEO) of a business that was owned and operated along Division Street, Mrs. Williams suggested that the matter be referred as specified within the Dover Code.

Noting that staff had requested ample time to make necessary operational changes, etc., if the name change were approved, Mr. Anderson suggested that a date near August 23, 2013 be selected since it would be the 50th Anniversary of Dr. Martin Luther King's "I Have a Dream" speech.

Mr. Hutchison noted that, in accordance with the procedure for the consideration of a street name change (Section 98-45 of the Dover Code), in order to initiate the procedure for changing the name of an existing street, a petition or formal request must be received from a majority of the property owners. Responding, Council President Leary reminded members that an email was provided by the City Solicitor indicating that City Council had the right to take the action without such a request.

Elaborating, City Solicitor Rodriguez stated that the question posed to him was whether City Council had the legislative power to rename streets without following the Code. After researching the matter, it was determined that City Council had such a right. He indicated that there were two (2) actions that could be considered by City Council regarding this matter: 1) exercise their legislative power and rename the street, or 2) go through the process as outlined in the Dover Code.

In response to Mr. Perza regarding the Code requirement for an affirmative vote of two-thirds of Council for approval of a street name change, City Solicitor Rodriguez stated that there was no indication by Council's approval of the Legislative, Finance, and Committee's recommendation whether to consider the matter in accordance with the Dover Code or to exercise Council's legislative rights. He opined that an affirmative vote of two-thirds of Council would not be required if Council considered the matter through exercising their legislative rights.

Mrs. Williams moved to remand the matter back to the proper process in accordance with the Dover Code to assure that all property owners and business owners are notified, and that there be no deviation from the procedure as outlined in Section 98-45 of the Dover Code. The motion was seconded by Mr. Hutchison.

On a point of order, Mr. Lynn indicated that the motion was procedurally improper, explaining that the decision to bypass Section 98-45 of the Dover Code was implicit in the actions of the Legislative, Finance, and Administration Committee and was ratified by City Council during their meeting of September 24, 2012. He stated that in order to change the process at this time, it would be necessary for Council to approve a motion to rescind Council's previous action. He noted that members of Council had already made the decision not to follow the Dover Code in considering the street name change by setting it for public hearing tonight.

City Solicitor Rodriguez concurred that a motion to rescind would be required and, according to *Roberts Rules of Order*, a vote of two-thirds of those elected to Council would be required for its passage. Had notice been provided of the motion to rescind, only a majority of Council would have been required.

Mrs. Williams moved to amend her previous motion and to rescind the actions taken by City Council regarding this matter during their meeting of September 24, 2012, seconded by Mr. Hutchison.

Noting that there were several individuals in the audience present who wished to speak during the Public Hearing regarding this matter, Mr. Lynn explained that if the motion were approved, it would terminate a public hearing from being held; therefore, their attendance would have been in vain. The matter would then be presented to Council only if a petition were circulated among the businesses and property owners along Division Street. He also relayed concern with the precedent that would be set by the City whereby the City would be limited in its power to change the name of its own streets.

Disagreeing, Mr. Perza explained that the City had an ordinance that addressed the procedure for renaming streets. If members of Council wished to change the procedure, they would simply be required to approve an ordinance amendment. He also felt that Council could use the procedure already put in place and would theoretically have the authority to hold the public hearing tonight. Mr. Perza suggested that Council hold the public hearing in order to gain knowledge of the positions of individuals present, learn what issues were involved, and then make a decision.

At the request of Mr. Bonar, it was determined that approximately 50 individuals were present who either lived, owned property, or owned a business along Division Street that would be directly affected by the proposed street name change. It was Mr. Bonar's feeling that the public had a right to be heard regarding the issue; however, he explained that there were procedures that must be followed and reminded members of the impact that such a change would have on the affected individuals and businesses. He felt that there may be an opportunity to honor Dr. Martin Luther King, Jr. in a bigger and better way.

Mr. Bonar moved to table the matter to be brought back at a later time after proper review, seconded by Mr. Hare. The motion failed by a roll call vote of four (4) yes and four (4) no (Anderson, Lynn, Perza, and Leary).

Quoting Dr. King in his letter from Birmingham Jail, Mr. Lynn stated that "wait usually means never." He referred to an article written by Derek Alderman, dated January 2008 ***(Exhibit #2)***, regarding street name changes to honor Dr. Martin Luther King, Jr. After reading excerpts of the article, Mr. Lynn stated that this matter was something that should be addressed now and should have been addressed 40 years ago. Since everyone was in attendance, he suggested that members hold the public hearing as set.

Mr. Hare advised members that he had the privilege of going with his grandfather to hear Dr. King speak during the 1960s and that Dr. King stated that "the rights of one are the rights of all." It was his feeling that if Dr. King were here today he would not want his rights to supercede the rights of others. He suggested that, since there were individuals present wishing to speak, members of Council should hear them.

Mr. Perza explained the importance of a decision being made in unity and relayed his concerns regarding making any decision that is "fissured" down the line, and he affirmed the importance of obtaining a unanimous vote. He felt that the question was how best to recognize Dr. King and expressed his desire to hear from those who made an effort to attend the meeting this evening, without promising that action would definitely be taken by City Council.

Concurring, Mr. Hutchison felt that members should hear the comments of those present wishing to speak; however, he felt that members would take action to refer the matter back for further consideration with a recommendation to be made within 30, 60, or 90 days.

In response to Mrs. Williams, City Solicitor Rodriguez stated that the motion to rescind the actions of City Council during their meeting of September 24, 2012 would dispense with the public hearing for this evening.

Mrs. Williams withdrew the motion to rescind, as did the seconder, Mr. Hutchison.

Responding to Mr. Hare's request that Council provide all individuals wishing to speak the opportunity to do so, Council President Leary indicated that the sign-in sheet reflected approximately 60 individuals wishing to speak.

For purposes of conserving time, Mr. Bonar suggested that individuals refrain from redundancy and that when possible, one (1) individual be chosen to speak on behalf of several. Mr. Anderson noted the importance of numbers; therefore, he suggested that if individuals agreed with another speaker, this should be relayed to members so that individuals would not feel they needed to speak if their position regarding the matter had already been conveyed.

Council President Leary announced that a sign-up sheet had been made available and that he would call on those who had signed up first. In order to allow sufficient time for opposing views to be heard, he stated that he would alternate between speakers in favor of the proposal and those opposed. Each speaker would be given three (3) minutes to comment. He requested that speakers avoid repetitive comments and that large groups or organizations select a representative to speak on their behalf. He noted that yielding of one's time to another would not be permitted. As was customary, he requested that everyone please be respectful of the opinions of others.

Council President Leary noted the receipt of several pieces of correspondence regarding this matter and indicated that they would be entered into the official record ***(Exhibit #3)***.

Council President Leary declared the public hearing open.

Mr. Edward T. Christian, Jr., 9 Pennwood Drive, gave thanks to the Creator of heaven and earth. He stated that had a quirk about certain things being correct, more so than being right or conforming to what everyone else is doing or saying. Mr. Christian said he trusted that due diligence research regarding the correct and proper renaming of Division Street or a suitable replacement for Division Street had been performed. He advised members that Dr. King's proper name was Martin Luther King, Jr. and that he was known as Rev. Martin Luther King, Jr., Dr. Martin Luther King, Jr., or Rev. Dr. Martin Luther King, Jr., and that there are many variations in the ways that cities have designated streets in honor of Dr. King, including MLK Boulevard, Martin Luther King Boulevard, MLK, Jr. Boulevard, or Martin Luther King, Jr. Boulevard. He stated that Dover could follow the lead of other cities or establish its own lead in this regard, whichever was correct and proper. Mr. Christian said he believed that this was an overdue symbolic designation that he hoped would have some useful purposes. He felt [a change in] our behavior, our habits, and our practices, which were not in alignment with the beliefs, principals, and dreams of the iconic Dr. Martin Luther King, Jr., was also long overdue.

Ms. Judy Diogo, Executive Director, Central Delaware Chamber of Commerce (CDCC), 435 North DuPont Highway, thanked everyone for the opportunity to speak on behalf of the business community and asked that it be noted that the CDCC was not at all opposed to the name change; however, the Chamber would like Council to provide enough time to the business community to utilize the investments they have made in marketing and advertising before the name change became effective. Ms. Diogo stated that she liked Councilman Anderson's suggestion to allow a full year to provide time for businesses to make the necessary changes.

Rev. Rita Paige, 355 Rita Wilma Road, stated that the renaming of Division Street was an opportunity to write a new chapter in the history of Dover streets. She pointed out these streets have been torn up and redone to preserve historic downtown and suggested that the City continue to preserve history by renaming Division Street as proposed. Rev. Paige noted that because of Martin Luther King, Jr., people can choose where they want to go to school; all races of people can be educated, eat, marry interracially, ride the same bus or airplane, and vote together; and men and women are entitled to equal pay, etc. She indicated that members currently serving on City Council would not have been able to do so if not for Dr. King. She expressed her opinion that changes may

take some time; however, people should be willing to make these changes to honor a man who gave his life fighting for justice for all, equal rights for all, and a better America. Rev. Paige felt that alternative suggestions to rename the library or new bypass in Dr. King's honor would be "taking the easy way out." She indicated that hearing that people were not willing to make small sacrifices and changes to rename Division Street reminded her of those who fought against public housing in certain areas by saying "not in my backyard," only now people were saying "not in my yard." Rev. Paige stated her belief that Division Street was one of the major arteries in the City which feeds and unites every element of our diverse community, from the wealthiest to the homeless, the oldest to the newest of residents, and persons of every racial and ethnic group, and encompasses views of the Governors mansion and the [Elizabeth W.] Murphey home and school (that was originally for orphans of the State), as well as Dover's formerly segregated all black and all white public schools and businesses. She felt it was the best public location in Dover to honor and promote Dr. King's vision.

Mr. Vernon Ingram, 402 Greenhill Road and owner of a business located at 319 West Division Street, stated that he grew up on Division Street and continued to work there in his father's business which was begun in 1929. He assured members that he was not a racist and this was not a racist issue. He felt that all could agree that Dr. King was an outstanding American, that we are justified and proud to honor him, and we should all attempt to continue his high standards of peaceful coexistence; however, Mr. Ingram was confident that "self-emulation" was not part of Dr. King's dream for us, and that if he were here tonight, he would be concerned with the high cost this change would bring to everyone. Mr. Ingram indicated that Rev. John Moore [who spoke on this matter during the Open Forum prior to the City Council meeting held on September 24, 2012] was well aware of the financial cost to the City, businesses, and residences affected by this change, as Rev. Moore had stated that the cost would be worth the investment when all was said and done. Mr. Ingram informed members that Dr. King was well aware of the high cost of change and paid the ultimate cost. Acknowledging the effects of current difficult economic times and the importance of investing in our community's future, he questioned if renaming Division Street was the best way to invest people's money. He noted that Rev. Moore mentioned some of the factors involved but felt that the Reverend did not realize how many there were and the age of those who would have to make changes. Mr. Ingram felt that our forefathers named Division Street wisely, as it serves as the north/south boundary of the City, and that the dollar cost involved in making this change should be known by all before any action is taken.

Rev. John Moore, Youth Pastor at Calvary Baptist Church, 410 Fulton Street, stated that he was honored to speak and thankful to the Mayor, Council, and the spirit of Councilwoman Sophie Russell. He stated that he is a businessman and the Vice-President of Resource Development and Strategic Partnerships, which is the largest non-profit organization in the State and is responsible for raising over $20M in revenue to support those in Delaware whose needs are greatest. Rev. Moore advised members that he holds an MBA from Delaware State University and is very sensitive to the business community. He felt that those not living on the affected street are impacted by it and noted that he has three (3) business connections with the street, as he has served as Youth Pastor at Calvary Baptist Church for over 13 years, is a former board member of the Modern Maturity Center, and is "the voice" for Bennie Smith Funeral Home. Rev. Moore explained that he is passionate about

Dr. Martin Luther King, Jr. and goes to prisons, schools, churches and organizations to share his message and his dream because as a young man, who came from the city of Philadelphia with no dreams because of the poverty he grew up in, he heard the great Dr. Martin Luther King Jr.'s voice and now obligates himself to go wherever he can to share this dream and make a difference in the lives of young people. For this reason, he also felt it important to serve on a joint task force, along with the Chief of Police, focusing on the heart of the situation in downtown Dover in areas like Queen Street, New Street, and Kirkwood Street, where the need of hope is greater than anywhere else in the City and, therefore, the right area in which to accomplish the renaming. Rev. Moore advised members that he had the opportunity to share a powerful message about communication at St. John's Lutheran School last week under the guidance of the 2006 [*Dover Post*] Great Person of the Year for Dover, Dr. Dina Vendetti, based on Dr. King's dream. There he challenged first and second greaters to understand what it is to be a sender, a receiver, and to use action. Following his message, he asked the children 10 questions about Dr. King and they scored a perfect 100 percent. Rev. Moore felt that this was not a Republican, Democratic, Independent, Green, or Tea Party issue, etc., this was about a community of unity coming together about a great man that could tremendously change the complexion of this City. He believed that we have the opportunity to make the change and make Dr. King's dream become a reality.

Mr. Kenny Shelton, 1539 Forrest Avenue, and a small business owner since 1989, stated that he felt that those proposing the renaming of Division Street did not realize that it would affect him "tremendously." He said that he recently bought business checks for two (2) checking accounts that would have to be discarded and re-purchased and, in addition, he would have to change business insurances, credit cards, and re-letter his work truck at a cost close to $2,000, and "a lot of aggravation" would be created. Mr. Shelton suggested naming a new street Martin Luther King, Jr. Boulevard to avoid these issues and informed members that his neighbors, many of whom were elderly, felt the same way. Mr. Shelton said this was a financial issue rather than a religious one and that it was a lot to ask "the little guy" to put out extra money during the current financial times because it was decided to rename a street.

Ms. Carla Benson-Green, Evangelist, John Wesley AME Church, 217 W. Division Street, stated that she read in Sunday's *Delaware State News* that the question was posed "Why now?" with regard to renaming Division Street as Martin Luther King, Jr. Boulevard and, in response, she asked, "Why not now?" She felt that Division Street had no historical ties but recently had proven to own up to its definition by dividing and separating the local community. Ms. Green recognized that renaming Division Street would not come without an expense, indicating that she did not know the hard figures for the purchase and installation of the street signs for the approximate 1.5 mile portion of Division Street extending from Route 13 and ending at Saulsbury Road. As a member of a church that owns two (2) properties on that street, she informed members that the church understood that they would need to change mailing addresses, vendors, utilities, banking, insurance companies, letterhead, website information, as mentioned by others and in previous meetings. While she acknowledged that the changes would be necessary, important, and require money, she felt that, with a transition period, the cost factors appeared to be minimal barriers compared to the monumental effort and cause. She reminded members that Dr. King's vision impacted everyone in the room individually, collectively, and nationally and that we are true testaments of the fruits of what

Dr. King stood, fought, and died for in an effort to bring about justice, equality, and unity in the nation. She stated that Dr. King was responsible for our ability to live, eat in the same restaurants, and be educated together; have courageous conversations like the one being held in this room tonight together; and to deal with the challenges and the social ills of this community that our Police Department and our neighborhoods face every day together. Ms. Benson-Green suggested, "Let's do what's good and what's right, but let's do it together" and asked Council to consider a vote of "yay" for the renaming of the corridor of Division Street extending from Route 13 and Division Street west to the corner of Forrest Avenue and Salisbury Road to Martin Luther King Jr. Boulevard, Sections B and C [as designated on the Summary Report on Proposal for Renaming of Division Street (Route 8)].

Council President Leary called upon Ms. Helen McCusker to speak, at which time a gentleman from the audience interjected, stating that he had arrived at the meeting at 6 p.m., was the first person on the list, and had yet to be allowed the opportunity to speak. Council President Leary apologized and advised him that a list had been circulating through the Clerk's Office for approximately one (1) week and that he would be called upon eventually.

Ms. Helen McCusker, owner of Merle Norman Studios, 1030 Forrest Avenue, Suite 113 Gateway West Shopping Center, stated that her primary issue was that there were procedures in place and a City Code and she questioned how many of those who were pushing for the change actually lived or had a business on Route 8. She felt that it was easy to ask that someone else do or change something when there was no expense or sweat equity involved with you. Ms. McCusker noted that memorials honoring fallen police officers and Vietnam veterans had been planned and erected by the private sector in the community, and numerous organizations are in town that help the homeless, at risk youth, working mothers, and others in need, all done by the private sector. She felt that this was another avenue that could be explored to honor Rev. Dr. King. She requested that the Dover City Council, at the very least, table the proposal and (with all due respect to the City Solicitor and Council) affirmed that "just because something is legal doesn't make it right."

Mr. Gregory Bunkley, 1418 S. Fairview Drive stated that the Committee's vision was to promote Dr. Martin Luther King, Jr.'s vision and end the division in the City of Dover, the State's capital, second largest city in State, and the County Seat. He noted that he had heard people asking "Why Division Street?" and indicated that, as stated by Mr. Lynn, the way that Dover handles the renaming of "Division" Street (which he stated means a boundary that serves to divide or separate), after an icon who stood for the unity of all, may very well indicate to the rest of the State and nation how relations in this city will be perceived in the future. Mr. Bunkley said he had heard it said that Martin Luther King, Jr. is of the past; however, he felt it was important to his own father that yesterday should be a landmark for today. He wished to see Dover reflected as a city of all the people and, just as other streets were named for leaders such as Carvel, Boggs, Bacon and Buckson, he would like to see a street named after someone who gave his life in the pursuit of equal rights and privileges for all and who had a hand in the direction of our community. Mr. Bunkley asked the citizens to set aside their differences and embrace the notion of renaming Division Street after Dr. King as this was an appropriate and respectful way to honor him and unite diverse neighborhoods where all ages, races, and economic levels could come together and be linked as equals.

Mr. Bunkley acknowledged that the undertaking may be expensive and require much change for those residing and doing business in the affected area; however, he felt there should be a commitment to move forward with the renaming and suggested that it could be done in phases. Mr. Bunkley proposed that the original proposal (Section B) be implemented by January 2013, Phase 2 by 2014, and Phase 3 by 2015.

Mr. David Moses, 46 Delaware Avenue and owner of two (2) businesses located at 1238 Forrest Avenue, stated that he understood the historical significance of Dr. King, in part because he himself was a second generation holocaust survivor. He explained that that his mother, Sarah Moses, survived two (2) Nazi concentration camps, including Bergen-Belsen, and he had scores of relatives he would never have the opportunity to know because they were not judged by the content of their character. Mr. Moses said, however, that this is a time of economic struggle and, although he had been a business owner in the City of Dover for twenty years, he was now working twice as hard to make half the money that he earned not long ago. Mr. Moses agreed that the honoring of Dr. King should have occurred generations ago; however, he stated that from a business standpoint, he could not afford to lose one (1) customer. He explained that beyond the clerical cost and the cost related to a change of address, there were additional costs involved in changing a business location, noting that with today's technology, customers must have the ability find a retail location. Mr. Moses said he did not wish to be selfish; however, he had seen many establishments go out of business in this economy and many that are hanging by a thread, and at times he felt that this was the case with his business. He stated that a decision to extend the renaming to Artis Drive on Forrest Avenue would affect many business. Mr. Moses advised members that changing his home residence address would not be an issue for him; however, this was something that could make or break many businesses in this area.

Pastor Michael Rogers, 118 Springfield Way and President of the Interdenominational Ministerial Alliance (IMA) of Dover and Vicinity, stated that he was thankful for the opportunity to represent 14 area churches, pastors, and ministers who come together to honor Dr. King in the City. Pastor Rogers applauded the Mayor and Council and urged them to give full consideration to this effort to lift and honor Dr. King for all that he had done over the many years and for those things that we are now benefitting from by virtue of his life. Pastor Rogers stated that he prayed that this body would come to an agreement with regard to honoring Dr. King in the City of Dover, one of the few capital cities in this country that had no recognition for Martin Luther King, Jr. He asked that Council please move forward, address the issue, and bring it to completion in the near future.

Mr. David Louie,1684 North Little Creek Road, and owner of a business on Govenors Avenue, read the following statement:

> *In 1982, I built my house and was given a mailing address with East Division Street, all my personal documents reflected this address. Twenty years later, the street name was changed to North Little Creek Road and it took over two years and money to change all my personal information. Mainly it took that long because I had just ordered 200 checks and I figured I'd just let them run out before I changed anything. The postal employee told me, If I don't notify*

*all interested parties of the address change, he would not deliver my mail unless it reflected the new address. Since it took so long to change all my personal documents and information, there were problems when I tried to pay bills where my bank checks had one address and my I.D.'s had another address. My drivers license, all my vehicles registrations, all my personal I.D.'s (which cost money to change), credit cards, banks, utilities, County records, insurance companies (life, health, auto), all my medical information from doctors to pharmacies had to be notified and I had to notify all interested business companies since my credit card statements are sent to my house instead of my business.*

*All businesses will have to change their business license, bank information, business cards and stationary, checks and everything associated with their business accounts. If it were not for the cost, the time waiting at Motor Vehicle or the hassle of writing to all parties, (if I can remember them all) concerning the change of street name and frustration this involves...I would not mind.*

*But I am not the only person who will go through the out of personal pocket expense and wasted time to change over all personal information, there will be hundreds who also must do this who live or have a business on this street. Remember, the distance of the proposed street change goes from Long Point Road on the East of City of Dover to Artis Drive on the West of Dover, which is 7.3 miles. I am sure a majority of people behind this change of street name don't even live on the proposed street, so there is no expense or time wasted for them...they only see one goal...to put Dr. Martin Luther King's name in the public eye in Dover. I am sure Dr. King would be proud to have a new library named after him where young and old can say they have benefitted in knowledge, instead of having a street change it's name, where it is causing stress and anguish through wasted money and time for all the residents and business people on the proposed street. I also just heard of an excellent idea from* [Kent County Levy Court Commissioner] *Jody Sweeney, naming the new western connector proposed for west Dover after Dr. King instead of this costly measure.*

Ms. Jane D. Wingfield, 1012 Ravens Court, Wyoming, Delaware, thanked Council for the opportunity to speak and advised members that, according to the Merriam-Webster dictionary, the meaning of "division" is the process of dividing or separating and, as a fairly new resident of Delaware, she wondered about the reason for a "Division" Street. She questioned if it was to divide the rich from the poor or the black people from the white. Ms. Wingfield said that she felt it would be an honor for the capital city of Delaware to honor Dr. King by naming Division Street, Forrest Avenue, and part of Route 8 the Martin Luther King, Jr. Boulevard from Route 13 to far as it could go, as it would then be one street with one name. Ms. Wingfield acknowledged there would be a cost to the merchants and taxpayers but asked that everyone think about the cost Dr. King paid to

promote his dream of equality, freedom, and justice for all people, regardless of the color of their skin, as it cost him his life. Ms. Wingfield stated that she would gladly pay to help bring it all about and offered one dollar as the first dollar contributed to accomplish this.

Mr. John Welgan, 1082 Forrest Avenue, stated his belief that many of the points that Ms. Wingfield made were very correct. He explained that he is a small business owner and had been in business 18 years. He stated that life was very good for a long time; however, when the housing market crashed, so did his business, which is now hanging by a thread and has been for some time. Mr. Welgan said that many of those who like this proposal do not live on Forrest Avenue or own a business there and are not trying to make a living there. He noted that tonight's speakers were very eloquent and very nice and he loved what they said, but they were not in his shoes. Mr. Welgan requested that if the road had to be renamed, to provide him a year or a year-and-a-half notice to adjust accordingly.

Rev. Frances Benson, representing John Wesley African Methodist Episcopal (AME) Church, 217 W. Division Street thanked members for the opportunity to come and to stand in support of the renaming of Division Street to Dr. Martin Luther King Boulevard. She stated that she had come tonight to stand on behalf of the church to offer support in renaming Division Street to Martin Luther King, Jr. Blvd. She explained that during the last 11½ years she had watched with great interest and admiration at what the city has done, watching project after project. She indicated that she saw it going on right now in Downtown Dover and I have admired the effort that had been given to make the City something fresh and new. Rev. Bacon stated that the sidewalks and lighting on Division Street, as well as on others streets, have done more than Council realized to promote the people on that street. She felt that there was no better time to continue with the renaming of the street. She advised members that she was aware that there would be costs involved and her church would have those same costs. Rev. Bacon stated that she was in sympathy because she would want someone else to be in sympathy with the church as they strived to get the licenses, directions, etc., changed. However, she felt it was important to make a special effort now. She acknowledged that it would cost, it would hurt, but it would be worth all the effort if we stay the course and do what is right.

Ms. Joyce Bordley, 1542 N. Little Creek Road, stated that she had been in Dover since 1988, and that after hearing all of the voices that have spoken this evening, she felt as though she was being very selfish. She was not in opposition to honoring Dr. Martin Luther King, but she protested the proposed location because the change would have an adverse effect on many residential property owners as well as numerous business owners. She noted that many of those residents, including herself, are retired senior citizens and making major address changes would create untold problems. Ms. Bordley suggested renaming the Green, located in front Legislative Hall, to Martin Luther King, Jr. Plaza, since no residents would have to endure the numerous changes of address and the City Council could feel that they had done something positive to keep the voters happy. She suggested that Council members implement some much needed proposals, such as prohibiting left turns on Loockerman Street during business hours (8 a.m. to 6 p.m). Ms. Bordley questioned how many Council members would be affected by the renaming of Division Street.

Former City Councilman William Daisy (Second District), 215 Pine Street, expressed appreciation for the opportunity to speak. He stated that many forget that the legacy of Dr. King was relevant not only to minorities but to everyone, noting many were not old enough to remember the situation this country was in when he was a young person. Mr. Daisy said that the concern currently being discussed related to Division Street; however, had it not been for Dr. King's efforts, as well those of others, there might not have even been a Division Street to argue about. He referred to Councilman Lynn's statement that there are over 900 streets that have been named after Dr. King, stating that this was no accident. He believed that the people affected by those changes went through the same things that Dover is going through; they survived and no one went out of business. As far as the cost of stationary, etc., that had been mentioned, Mr. Daisy stated that the Chamber of Commerce had a reasonable suggestion to give the businesses enough time to change their business materials. He suggested that we not delay and that we get the job done and honor Dr. King's memory. He noted that Delaware was the first state in the Union and it should not be the last state to name a major street after Dr. King. Regarding a previous comment that Division Street is an old street [Mr. Daisy indicated that this may have been said in the newspaper], he stated that there were a lot of old streets in Dover, and that was not a reason not to move forward. Mr. Daisy felt that naming a street after Dr. King would cause individuals to feel a sense of belonging and that Dover needed to be more united. He believed that this was not just about renaming a street, but about the meaning behind it, and noted that the deep south had more streets named after Dr. King than the north. He urged the Mayor and Council to support the renaming of Division Street.

Mr. Richard Heisler, 1598 Forrest Avenue, stated that those who were asking for the renaming of Division Street would not be affected by it and felt those who would be affected should have a lot of input because it would cost them a lot of money. He referred to the gentleman who claimed that no one went out of business in other areas where the streets were renamed and questioned if this were correct. Mr. Heisler said that the street renaming would not cause him to go out of business or file bankruptcy; however, it would a huge inconvenience. He questioned the positives and negatives of renaming Division Street to Martin Luther King Jr., Boulevard, indicating that he understood the benefits of naming a street or plaza after Dr. King but suggested naming something that was not already named to avoid inconvenience.

Mr. Tolano Anderson, 630 West Division Street, stated that he was speaking on behalf of Crossroad Christian Church and Pastor Anthony Wallace as well as for himself as a business owner on Division Street, where he has two (2) companies. Mr. Anderson noted he owns a 20,000 square foot building which houses nine (9) tenants, three (3) residential properties, and two (2) commercial businesses that are leased to other people on Division Street. Mr. Anderson noted that everyone on both sides had good arguments. Regarding the inconveniences imposed, Mr. Anderson said he understood them since he would have to endure them, along with the increased expenses, some of which would be significant for signage, business cards, etc. However, he felt that it was well worth overcoming these concerns to remember Dr. Marin Luther King, Jr. and what he represented because this what allowed him the opportunity to stand here today. Mr. Anderson stated that he thought the costs that would be incurred paled in comparison to what Dr. King represented and ultimately gave his life for. Mr. Anderson acknowledged the difficult that job that Council had before them; however, he felt the application should be supported and noted that all of the other arguments were well made.

Mr. Robert Tudor, Former City Council Member (Second and Third Districts), 706 E. Division Street, stated that he went to the City Clerk's Office earlier this morning regarding the proposed renaming, specifically to determine what the term "boulevard" was in the City's eyes. The information he received indicated that roads that run north and south should be designated as streets and roads that run east and west should be avenues. Mr. Tudor commented that other designations, such as drives, were also listed, however boulevard was not. He said the very last section of the material provided referenced "arterial" streets, noting that they shall be designated as boulevards. Mr. Tudor stated that he was aware of only one (1) place north of Dover that is named boulevard and that the City would not have had the crowd that was present tonight if the roads were named according to the original standards. Mr. Tudor said based on the information provided to him by the City, Division Street would not fit the criteria to be named boulevard. He suggested that Council hold off renaming Division Street and select a place by the hospital or a place that had yet to be built.

Ms. Roxie Smiley-Carter, P.O. Box 282, felt that, in keeping with the times, Division Street should be named after the man who gave his time and life for a cause that represents the people as a whole: civil rights for all people. She believed that in Delaware, the First State in the United States, change had not happened. She questioned why this had not occurred and if we were united.

Ms. Florene LeCompte, 1110 E. Division Street, stated she had resided at this address with her husband, Jack, for 41½ years. She expressed her respect for all of the comments that were made this evening. She indicated that she wished to honor Dr. Martin Luther King and had no objection to that; however, she did object to renaming a street that had been named since the 1700's. She acknowledged that the street divides, noting that it separates the north of the City from the south of the City, and felt that this was the only division that it makes. She questioned how many people who live on this seven (7) mile section of road knew of the proposed name change before seeing it in the *Delaware State News* or before flyers were put in their doors by a concerned citizen. Ms. LeCompte indicated that she was appalled that the people who were elected to represent citizens would forego the six (6) step process for a street name change and use their legislative power so that the Interdenominational Ministerial Alliance (IMA) would not have to get property owners' signatures to approve their plan to change the street name. She observed that, according to the headlines in the *Delaware State News*, many favor the name change; however, she questioned how many of those people live or have a business on this stretch of road and if the Committee had considered this or the cost of the change. It was her belief that they wanted this done and sealed before the people could express their feelings. Mrs. LeCompte stated that this would be a very expensive and time-consuming venture for the people, the City, and the County to take on at a time when money was short for everyone. She noted that there is a national holiday to honor Dr. Martin Luther King, Jr., and she was not opposed, nor did she think that anyone else was, if people in Dover thought that Delaware needed more. She felt that dedicating the new public library in Dr. King's honor would be an easy fix and one that would make the family of Dr. King proud for generations to come since he was an educator.

Ms. Linda Hackett, 1117 Charles Drive, stated that it was an honor to stand before Council in an effort to have Division Street named Martin Luther King Boulevard. She felt that, as a city, this could be one thing that everyone could pull together for. She noted that problems with crime, etc.,

were occurring on parts of this street. In her opinion, this would be one positive thing that people living in the area would see the City do that was for them. Ms. Hacket stated that everyone had their own opinion as to what should be done. She felt that Martin Luther King told us to do things that pull us together rather than dividing us and that this had little to do with the expense because if people were like-minded, it would be better for everyone. Mrs. Hackett stated that sometimes people do not feel safe on Division Street and that renaming the street would make that part of the City a place where people wouldn't mind doing business because they felt safe there, and everyone would prosper as a result. Mrs. Hackett indicated that it was a time for healing. She acknowledged some of the negative things going on in the City and she felt that this was one thing that could be done together in a positive manner that would set the tone for more positive things to happen.

Mr. Jonathan Patz, 430 Kings Highway, reiterated a previous comment that "just because it's legal, doesn't make it right." He stated that there was a procedure in the City Code to accomplish a street name change that provided a six (6) step process. He advised members of City Council that they work for him and every other citizen of the City and that when the procedures of this government are short-circuited as laid out by the Code, they "shaft" some of the taxpayers for whom they work. He directed members to go back to the procedure in the Code and if they failed to do so, he suggested that the name of City Hall be changed to the City of Dover Railway Station, because Council would be "railroading" something that many were not in favor of.

Pastor Theodore A. Henderson, 506 Wyoming Avenue, Pastor at Dover Christian Church, read a statement on behalf of Senator Brian Bushweller, as follows:

> *I am sorry I cannot join you tonight as you consider whether to rename Division Street to Dr. Martin Luther King, Jr. Boulevard. I spent this day out of town attending to some minor medical issues and am unable to make it in time to the meeting. I do appreciate the opportunity to have this statement read into the record. I support the renaming of Division Street for Dr. King. I spent a great deal of time considering this matter and I have talked to many people to get their views. While some have expressed concerns over certain aspects, I believe that the concerns are outweighed by the simple fact that the capital of the First State, Dover, should have a significant street in the central part of the City close to the historic area named after Dr. Martin Luther King, Jr. Dr. King was a pivotal figure in American history because of his creative use of non-violence and disobedience, and through sheer force of his intellect and dedication, millions of people who previously languished in the shadows of democracy are welcomed into the outstretched arms of the American family. Dover is no exception, and today our wonderful city thrives as a shining example of racial and ethnic diversity, with all the attendant vitality and enthusiasm that that entails. Dr. King changed America for the better. It is right and fitting that we, the people of Dover, recognize that in honor of him. Some people have suggested that Division Street is not the best street to choose for this purpose but, given the significance of Dr. King, I believe the street we choose should itself be a significant street in a central part of Dover, in the heart of the City, and close to its historical area. Division Street meets all these criteria. I understand the current*

*proposal is to rename all Route 8 from city limit to limit. Perhaps an appropriate amendment would be rename only the portion of Route 8 with the side of Route 13 that is actually called Division Street, that is from Route 13 to Forest Street. Others have mentioned that the cost of signage or inconvenience of changing the addresses argue against proposed changes. While we are sensitive to all of these things, they should not be allowed to outweigh the essential positive nature of making the proposed change. There are some steps we can take to mitigate concerns, such as delaying final implementation for one year and seeking an alternative means to pay for the signage, such as Community Transportation Funds. I appreciate the opportunity to express my views.*

*The Honorable Brian Bushweller*

Speaking on his own behalf, Pastor Henderson stated that many people had mentioned the inconvenience and cost, but he urged everyone to remember that Dr. King himself was an advocate of proposing a boycott that seriously disrupted the city, and that this involved finances beyond what we could think of. He noted that renaming the street would reflect the people's character and that financing was where ideology meets asphalt. He urged members, "Let's get it done."

Ms. Paula Kinsey, 224 N. State Street, stated that she purchased a house five (5) years ago on State Street which recently had become a tea house. She noted that she had worked with the City previously, which took time and patience on both parts, and thanked Mr. Bonar for his support in getting her establishment ready. She stated that she spoke "with a nervous voice and a southern accent" and that there were many Martin Luther King Boulevards where she came from in Virginia, where she lived for approximately 50 years. Ms. Kinsey noted that she was born in Woodside, Delaware, where her parents' family owned the building that was now the post office. She wanted to be in Delaware, returned, and was very happy; however, she advised members that had "fright night" quite often where she resides. Each night she takes in everything from her porch that she can lift and places it in the house until the next day. She has had numerous items stolen from her porch and has seen accidents, as many as five (5) in the last year, including rollovers of cars due to the influence of drinking and speed. Mrs. Kinsey thought that when someone comes onto your property, tells you to get off, and strips down, there is something lacking. She understood that the police could not be everywhere at every minute; however, she did not think that there was a person present who would be willing to take her things in for her every night, plug up their ears when they hear one gunshot after another, see the people who are in accidents in the middle of the night, listen to the cursing of the people up and down the streets, and tell her that it is more important to put a sign up above than attend to the health and well-being of citizens. She stated she was told that the City has a police force of approximately 90 and should have approximately 125. Mrs. Kinsey indicated that she respected Dr. Martin Luther King and the people; however, she respected her life and body first. She suggested that members name the library after Martin Luther King, Jr.

Mr. Joe Burden, 1422 McKee Road, stated that he supported changing the name of Division Street to Martin Luther King, Jr. Boulevard. He noted that he owned approximately nine (9) rental properties on Division Street and 60-70 houses in town. He indicated that if it weren't for Martin

Luther King, he would not be where he is today. Dr. King inspired him to help poor people who do not have houses to live in. He stated that he was the only landlord in this country that tries to help poor people to the point of allowing people to get $30,000 behind in their rent.

Mr. Charles Mundorf, 1954 Forrest Avenue, stated he objected to changing to the street name. He advised members that he had been a resident and a business owner on Division Street for 42 years and making the change in the economy today would affect him to a point that he thought was unfair. He believed that someone started this process without giving due consideration to every resident and business owner on the street and what it would cost them. He had no objection to renaming a street for Martin Luther King, Jr.; however, he objected to being forced in the manner proposed. Mr. Mundorf felt that Mr. Lynn had expressed a good point previously and noted that Mr. Lynn was a young man who was not around when Martin Luther King was giving his speeches. Mr. Mundorf stated that he could not believe for one minute that Dr. King would want this to happen and affect so many people. He stated that he was in Section A (Forrest Avenue to Artis Drive), which had both Kent County and City residents, complicating the change. He acknowledged that Mr. Rodriguez had indicated that it was legal for Council to make the change, but reiterated "legal doesn't make it right." He stated that he had to hear about this matter through the newspaper and a piece of literature in his mailbox and did not feel it right and fair for a citizen who had been here for so long to be advised in that way.

Ms. Yvonne Hall, 228 N. State Street, thanked members for the opportunity to speak. She agreed with Mrs. Kinsey's statement, noting that she lived next door to Mrs. Kinsey and was experiencing the same problems, stating that she could not even leave pumpkins on her step for her grandchildren and that more costly things must be brought in at night. She informed members that language heard at her address every day is horrific, as is the trash that is thrown on her street. (She picks up a bag of trash every morning.) Ms. Hall felt that Dover should honor Dr. Martin Luther King; however, she did not feel that it had to be Division Street and that the new, unnamed segment of Saulsbury Road to the U.S. 13 bypass would be a perfect option as it has not been named and would not cost extra for signage or labor to erect. Ms. Hall acknowledged that many think that it should not be a matter of cost, but it would be a cost to taxpayers in the City of Dover and she pays dearly for taxes. She reminded members that at the last meeting she suggested that the decision needed further budget analysis and to this point none had been provided. She questioned what the actual cost would be to the taxpayers to make this change. She felt it was a bad economic time for everyone and did not think that money should be spent for this purpose at this time when more police officers were needed in the City. Ms. Hall believed that additional expenses would result, as well as a need to raise additional revenues from property owners, and that a thorough accounting of expenses should be provided. She was sure Council understood that this would not be the only cost to property owners along the proposed corridor. Referring to recent submissions to the *Delaware State News* on this topic, Ms. Hall stated she felt that Mr. Ingram had done a good job of listing the many changes that would be required of property owners if the street were renamed and that she believed that Council was aware of other notices in the newspaper cataloging the additional expenses that would result to each individual person in the City who was affected by the proposed name change.

Mr. Don Blakey, 956 Bison Road, Delaware State Representative, 34th District, stated that he was present to support the name change of Division Street to Dr. Martin Luther King, Jr. Boulevard. He

noted that some have suggested that the costs associated with the name change and the disruption of life to those affected dictate that another location be chosen; however, he felt that this was not so. He believed that there was a larger payback to be considered: solidarity, pride, and progress. He stressed that symbolism outweighs the physical cost and the burden of the name change. Rep. Blakey stated that the word division denotes (symbolically and actually) a time in our State when people were forcibly separated, black from white, schools were created based on division, communities were built based upon division, and every aspect of Delaware life was based on division. He felt that the word division was "loaded, crippling and subconsciously divisive." In regard to the enabling power that a name change could produce, he explained that a name change had made a significant difference in the Dover community and indicated that Capitol Theater was once a bastian of segregation where Negros had to sit in the balcony while there were no people sitting in the orchestra seats, yet now on Saturdays, people of all persuasions come to the Schwartz Center for the Arts [former Capitol Theater] to enjoy wonderful presentations and are seated together. Rep. Blakey felt that a name change helped to accomplish this. He encouraged Council members "to pull off the scab of division and let the healing continue." Stating that he understood political pressure very well, he urged members to make the tough decision and do the right thing for our fair City and State.

Ms. Nancy Gardner, 213 N. State Street, stated that she had lived here for almost 50 years and on the street for 40 years. She noted that she was confronted every day by change and was getting old, but if there were no change she felt that she would be even older and sadder. She indicated that she did not like living between two (2) virtually slum-run houses; however, stated that this was not what the evening was about. Ms. Gardner informed members that when she first heard of the proposed change to Martin Luther King, Jr. Boulevard, she thought it was not enough. She noted that she was not a big fan of this terribly mixed length of street; however, she felt if more streets were named for men like [former City Council Members] Bill Daisy or John Pitts, [State Representative] Don Blakey, or people that live their lives here every day, that we could reach out and touch, she would be a lot happier because she would feel they were close to her. She felt that Martin Luther King was about a movement of millions of people and the very least that we could do is to pay some honor in our own town, on our own streets, with signs that have not been "made in China." Ms. Gardner freely admitted that there would be no direct cost to her; however, felt that if anyone wanted to continue to honor Martin Luther King in the movement for diversity, they need only to go to their school or local library and ask "What books can I buy for this library?" She noted that Dr. King was about struggle, future, and change and that if this City could not be about an organized and responsible change, then we will have lost a good part of what 50 years in this town should represent to every one of us.

Mr. Joseph McDaniel, 54 The Green, stated that he was present to discuss the Elizabeth W. Murphey School at 42 Kings Highway East. He noted that the easternmost part of Division Street was called Kings Highway East. He acknowledged that on one hand there were wonderful ideas about Dr. King; on the other hand, practical ideas about how much the change would cost. He noted that those at the Murphey School felt that Dr. King should be honored; however, he informed members that if he had not read the *Delaware State News* he would not have known about the discussion tonight and was unhappy with the way that Council had gone about the name change. Mr. McDaniel

advised members that the Murphey School had approximately 18 acres on Division Street/Kings Highway East, four (4) buildings on Kings Highway East, and four (4) buildings on Kent Street (which extends to Central Middle School). The school serves 34 children, has a population that changes frequently, and must maintain all of the records that go with these children. In addition, the school has 52 employees and eight (8) vehicles; therefore, dealing with the name change would be "no small feat." He advised members that the school had been at this location for 90 years and this would be "a big deal"; therefore he was opposed to the name change.

Mr. Edwin Baker, Jr., (City of Dover retiree), 1526 Forrest Avenue, stated that he had lived at this address for over 45 years, this would be his third address change, and changing it would involve "quite a bit." He felt that Dr. King should be honored but did not feel that a street was good enough. He questioned if anyone present knew why Saulsbury Road, Clara Street, Mary Street, and Fulton Street were named as such and reminded members Pat Lynn Drive was named to honor a man who was a good principal; however, the school was now being relocated. Mr. Baker felt that the City could do better than renaming Division Street for Dr. King. He noted that buildings or bridges are typically named to commemorate famous people, for example, the George Washington Bridge, the Washington Monument, and the Lincoln Memorial, and that streets seem to go by the wayside eventually. Mr. Baker reminded those present that the City building was named after Mayor Crawford Carroll. He suggested that a committee be formed to give the City an opportunity to come up with a better venue and that those who wished to rename the street should "take a step back" to allow a course of action that would be "a little different and bigger." Mr. Baker indicated that he did not wish to go through the process of changing his driver's license, insurance, and titles and, as a resident of Kent County (rather than the City), he felt that he was not represented.

Ms. Caroll Lisa Malone, 1559 Forrest Avenue stated that she was curious about Mayor Carey's input, noting that he lived a only a few doors down from her and the proposal would affect him as well. She informed members that her husband was older than her, they were on a fixed income, and this would impact them greatly. Having been a former Internal Revenue Service (IRS) employee, she understood that businesses could recoup a lot of loss through Schedule C on their income tax returns. She noted this would not help a business while experiencing the trouble, but losses could be recouped in the end; however, private citizens would not have that option. Ms. Malone explained that she came to Dover from Philadelphia approximately 11 years ago and felt that Dover was a very progressive City and Delaware a progressive state. She had seen a lot more interracial relationships (noting that there were some in her house) and a lot more intersexual relationships. Having come from Philadelphia and having seen racial tension and fights, she felt that it was difficult to understand comments that Dover was "behind." Mrs. Malone indicated that she did not like finding out about the proposal through last-minute notice, supported Councilwoman Williams' statement that this was not done right, and stated that the City was "back door on this one." Since Dr. King was an educator, she felt that naming an educational facility after him would be the best way to honor him and reminded members that a new high school was being built in the City and a new library had been built. She felt that naming either of these facilities after Dr. King would be "great."

Ms. Tricia Arndt, 11 Pennsylvania, read the following statement into the record:

*I am in support of honoring the legacy of Martin Luther King Jr. within the city limits of Dover. However, I am NOT in support of the current proposal to rename Division Street. I feel that the notion is well-intentioned, but misplaced. It creates an unnecessary burden to residents, businesses and property owners. Further, it infringes on the intent of the designated historic district that is a prominent feature of our town, which attracts visitors and is a source of pride to residents.*

*The City's Code of Ordinances - Appendix B, Article 3, Section 21.1 states that "the purpose of the historic district regulation is to preserve and enhance that unique character and value of the old portion of Dover as an area of special charm and interest." Section 21.4 directs that "the city council shall not take any action to amend, supplement, or repeal the historic district...without a report by the historic district commission ... "*

*This proposal is certainly an action which alters the historic district. I ask that the commission be consulted as their role is to advise the council on such matters. My neighbor had to seek approval to ensure that his replacement windows were true to the time period and character of his historic home. Surely the Council should have similar hoops to jump through to rename the entire street on which my neighbor's house sits.*

*Further, portions of Division Street are actually part of Kings Highway. Kings Highway is surely of historical significance - the Governor's Mansion is on the National Register of Historic Places. As a suggestion, the council could consider dedicating the yet to be constructed Dover connector road in honor of Dr. King or constructing a monument on the Green. Either option would honor his accomplishments as well as or better than the current proposal.*

Former City Councilman Mr. Reuben Salters (Fourth District), 109 Bertrand Drive, stated his appreciation for being afforded the opportunity to speak. He noted that this was a wrenching task and that there were pros and cons, but reminded those present that nothing that is good comes easy. He felt that it would take the thoughts of Council and staff to come up with a perfect solution. Mr. Salters stated that costs had been mentioned; however, he felt that costs were not everything. He indicated that one of the legislators had alluded to the fact that costs could be shared and that there were funds available to help defray them. He acknowledged that there would be inconvenience, but questioned how Dr. Martin Luther King, Jr. felt when he was arrested many times, beaten, and finally murdered. He noted that Dr. King was God's child, as we are, and that we have an obligation to not stand still but to make the changes necessary. Mr. Salters felt that a street naming, a library naming, or a park naming would be good beginning. He expressed his opinion that this should be accomplished by a few people, not everyone, since everyone had individual ideas about how it should be done. He felt that the necessary time should be taken and he supported the

idea of "chilling down a bit" and doing this in a righteous manner that would be beneficial to all of us and bring pride to our Council, our citizens, our State, and our nation.

There being no objections, Council President Leary declared a brief recess.

**Meeting recessed at 10:19 p.m. and reconvened at 10:31 p.m.**

In response to Mr. Anderson, City Solicitor Rodriguez indicated that members could take action regarding the renaming of Division Street as Martin Luther King, Jr. Boulevard by voting on the matter this evening or by choosing to follow the Dover Code. He confirmed that the matter could also be referred back to the Legislative, Finance, and Administration Committee for further review.

Mr. Bonar moved to refer the matter back to the Legislative, Finance, and Administration Committee with the stipulation that the Committee provide a recommendation to City Council within 120 days and that the procedure be followed as set forth in the Dover Code. The motion was seconded by Mrs. Williams.

Mr. Anderson felt that members should return to the original proposal to rename Division Street from Route 13 to Salisbury Road as Martin Luther King, Jr. Boulevard. Referring to the public testimony provided this evening, he noted that there was very little controversy on this aspect and that those who would be affected by this change actually support the recommendation. He suggested that members allow the Legislative, Finance, and Administration Committee to determine if Council should follow the procedure or amend it to Segments B and C. If the matter were referred back to the Committee, he stated that the Committee should conduct the necessary study and submit a proposal for Council's consideration.

Mr. Anderson moved to amend the motion by striking "and that the procedure be followed as set forth in the Dover Code." The motion failed for a lack of a second.

Mr. Lynn explained his opinion that it would be necessary for City Council to rescind their previous action to not follow Section 98-45 of the Dover Code. In addition, he reminded members that if Council chose to follow the prescribed procedure, Subsection 6 requires a public hearing before City Council. Mr. Lynn felt that Council had "tainted the well" since a public hearing had already taken place. He also questioned the point of following the procedure at this time, feeling that it would be a waste of resources, economy, etc.

Responding to Mr. Lynn, City Solicitor Rodriguez indicated that, based on the information he had been provided, he did not believe that a decision was made by the Legislative, Finance, and Administration Committee not to follow the Code. After reading the minutes of the Committee meeting, he felt that the option the Code was still open and he believed that this was the intent of the motion tonight.

Mrs. Williams explained that her previous motion to rescind was due to the City Solicitor's concurrence with Mr. Lynn that this was the proper procedure. She stated that since the street renaming process was not followed, property owners were not notified. Those in attendance this evening were notified as a result of a flyer that was circulated and an article that ran in the *Delaware State News*. [Council President Leary noted that the City also advertised the public hearing.] Mrs. Williams reminded members that ordinances are not created to be ignored and that the Council should follow the procedure as set forth in Section 98-45 of the Dover Code.

Mr. Hutchison suggested that the information and knowledge provided to members during the public hearing be utilized and that the Committee work with the community and submit a recommendation, following the City's procedure for street name changes, that would allow City Council to take action that would satisfy everyone.

Mr. Lynn reminded members that the Legislative, Finance, and Administration Committee was implicit in their mandate that Section 98-45 of the Dover Code not be followed, otherwise a public hearing could not have been set before City Council. If Section 98-45 of the Dover Code were followed, there is a six (6) step process, and the public hearing before City Council is the last step in the process; therefore, by setting a public hearing for October 8, 2012, it was implied that Section 98-45 of the Dover Code would not be followed.

Council President Leary suggested that if the procedure were being followed, the request would be reviewed by the Utility Committee rather than the Legislative, Finance, and Administration Committee. Since the motion referred the matter back to the Legislative, Finance, and Administration Committee, which was not following the procedure, he suggested that "and that the procedure be followed as set forth in the Dover Code" be removed from the motion.

Mr. Bonar indicated no objections to the corrected motion, as did the seconder, Mr. Hutchison.

Responding to Mr. Hare, City Solicitor Rodriguez stated that his interpretation of the action taken would not prohibit members from following the procedure as outlined in Section 98-45 of the Dover Code. It was his feeling that the reason for the public hearing tonight was the result of Council's acting on advice he initially provided that Council had authority to change a street name without following procedure; however, he did not feel that action regarding his advice had been taken by members of Council or the Committee. As a result, he felt that members of Council had the option to follow Section 98-45 of the Dover Code at this time.

Referring to the email received from the City Solicitor, Mr. Hare felt that the public hearing tonight would be similar to hearing summations at a trial before evidence was presented. As a result, he stated that the issue regarding the public hearing being held should have no relevance and suggested that members not use that as an excuse in regard to making a decision as to the action that should be taken next.

In response to concerns of Mrs. Williams, City Solicitor Rodriguez indicated that members of Council could take action at this time to follow the procedure as outlined in Section 98-45 of the Dover Code. It was his feeling that the public hearing held earlier provided the public an opportunity

to indicate their desires. He reiterated his opinion that there had never been a decision made, either by Council or the Committee, not to follow the Dover Code. Noting that the procedure required the support of a majority of the adjacent property owners affected by a street name change, he concurred that the public testimony provided earlier indicated that the concerns of the adjacent property owners were that they were not provided the opportunity for their input prior to the matter being presented to City Council for consideration. By referring the matter back to the Committee, City Solicitor Rodriguez stated that it could be recommended that the Dover Code be followed regarding the matter.

At the suggestion of Council President Leary, the motion maker, Mr. Bonar, agreed to amend the motion to require that public notification be provided to all affected parties, as did the seconder, Mr. Hutchison.

Mr. Hutchison stated his desire for the Committee to consider options beyond the street name change proposed for Division Street, including some of the other alternatives provided during the public hearing.

**On a call for the question by Mr. Bonar, the motion to refer the matter back to the Legislative, Finance, and Administration Committee with the stipulation that the Committee provide a recommendation to City Council within 120 days and that public notification be provided to all affected parties, was carried by a roll call vote of five (5) yes, and three (3) no (Lynn, Perza, and Williams).**

**UTILITY COMMITTEE REPORT - SEPTEMBER 24, 2012**

The Utility Committee met on September 24, 2012 with Chairman Bonar presiding.

**Annexation Request - 110 and 136 Rustic Lane, owned by Taililou, LLC**

Members were provided with the Petition to Annex and Zone Property, as amended, for properties located at 110 and 136 Rustic Lane, owned by Taililou, LLC. 110 Rustic Lane (ED00-057.02-02-38.00-000) consists of $1.118^{+/-}$ acres and is currently zoned BG - General Business (Kent County). 136 Rustic Lane (ED00-057.02-02-40.00-000) consists of $0.56986^{+/-}$ acres and is currently zoned RMH - Residential Manufactured Home District (Kent County). The proposed zoning classification for both parcels is C-2A - Limited Central Commercial (City of Dover).

Mr. Scott Koenig, City Manager, stated that the properties proposed for annexation have a Comprehensive Plan Designation of Category 1 - High Priority Annexation Areas, and he reviewed information regarding utility availability, as follows:

Water:

- 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.

- 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:

- 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 Sonic, which is now a maintenance responsibility of the City of Dover.

- 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.

- 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:

  - 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.

  - 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.

  - 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.

- Due to the information above regarding the wastewater utility, future uses of the subject properties would therefore be limited.

Electric:

- The subject properties are both located in the City of Dover Electric service territory and have power available across the street. Any new service must meet the requirements of the Electric Service Handbook.

Mr. Koenig clarified that water, sanitary sewer, and electric service are available at a relatively high cost but that this cost would be borne by the applicant.

Responding to Mr. Blakeman, Mr. Koenig confirmed that the properties were currently being served by the City of Dover electric utility.

The Committee recommended adoption of Resolution No. 2012-12, setting the annexation referendum for properties located at 110 and 136 Rustic Lane consisting of $1.118^{+/-}$ acres (110) and $0.56986^{+/-}$ acres (136), owned by Taililou, LLC.

**By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Hutchison and by a unanimous roll call vote, Council adopted Resolution No. 2012-12, as follows:**

A RESOLUTION PROPOSING THE INCLUSION OF AN AREA WITHIN THE LIMITS OF THE CITY OF DOVER AND CALLING FOR A SPECIAL ELECTION TO BE HELD IN THE SAID AREA.

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 areas located at 110 and 136 Rustic Lane, which are contiguous to the present City limits, into the limits of the City of Dover and within a zoning classification as recommended by the City of Dover Planning Commission.

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

1. That a special election be held for areas located at 110 and 136 Rustic Lane situated in East Dover Hundred, Kent County, State of Delaware.

2. That the election be held on the 15th day of November, 2012 commencing at the hour of 11:00 a.m. in the City Hall Annex, 15 Loockerman Plaza, Dover, Delaware, for the purpose of submitting the question of annexation of the above areas to those persons entitled to vote thereon.

3. That the election be held and conducted pursuant to the provisions of the Charter of the City of Dover as amended.

4. That this resolution be published in accordance with the City of Dover Charter.

ADOPTED: OCTOBER 8, 2012

**Review of Utility Related Capital Investment Plan (CIP) (July)** ***(Electric and Water/Wastewater)***
Members reviewed a Project Tracking Report, as of July 31, 2012, for the Utility (Electric and Water/Wastewater) Related Capital Investment Plan.

Responding to Mrs. Williams, Mrs. Donna Mitchell, Controller/Treasurer, noted that the negative balance reflected for funding of the new library in FY11 was due to the timing of receipts for the project. She explained that $1.2M was included in the budget with the expectation that the building would be sold and that the building was not being depreciated or appreciated at this time.

In response to Mrs. Williams, Mrs. Mitchell explained that $1,606,700 of remaining Community Transportation grant funds were transferred to the City's Street Program, which was an appropriate use for these funds and would facilitate accounting.

In response to Mr. Blakeman, Mrs. Mitchell explained that the Unapplied CT Projects line was included in the report as a placeholder in anticipation of the receipt of State grant funds.

Responding to Mrs. Williams, Mr. Koenig advised members that the West Dover Pump Station project was on hold due to staffing limitations and was scheduled for design later in the year.

In response to Mr. Perza, Mr. Koenig noted that an easement for the Tar Ditch Interceptor Upgrade had been requested and this project was scheduled for the Fall of 2012.

Referring to Page 5 of the report, Mrs. Mitchell informed members that the Revised Fiscal Year Budget Column reflected carry forward amounts and that staff was working to make sure that funds would be available. She anticipated that a budget amendment would be brought forward in October 2012 which would provide a more visible picture of CIP funding.

**UPDATES**
Members were provided with the following updates:

**Garrison Oak Technical Park Project**
Mr. Scott Koenig, City Manager, reminded members that during the City Council meeting held on August 13, 2012, Council authorized revisions to the engineering services agreements to finish design of the sewer system and other items related to land planning. He noted that during the meeting scheduled for later in the evening, Council would consider authorizing engineering design agreements for wastewater facilities and an elevated water storage tank.

Mr. Koenig stated that air permitting was moving forward and that negotiations were ongoing between White Oak Solar Energy and Calpine. He noted that a filing was submitted in Superior Court on behalf of White Oak Solar Energy against the City of Dover Planning Commission regarding the potential for dust to affect the long-term performance of the solar array. Based on conversations between Mr. Koenig and Mr. Nathan Hanson, LS Power Development, LLC on September 24, 2012, it was expected that this issue would be resolved between White Oak Solar Energy and Calpine.

Responding to Mr. Blakeman, Mr. Koenig stated his belief that negotiations were continuing with PJM regarding access to the grid and that he expected a final document would be issued in the Fall of 2012. He noted that the building permit must be issued in January 2013 in order to meet the auction deadline; therefore, this dispute must be resolved.

**Sun Park**

Mr. Scott Koenig, City Manager, reviewed the Dover Sun Park - Budget vs. Actual Report which provided information on costs and revenues for July and August 2012. Responding to Mrs. Williams, Mr. Koenig noted that the City planned to budget approximately $300,000 extra each year until the cost of fossil fuel increases to the point where solar energy savings would be realized.

Responding to Mr. Snaman, Mrs. Mitchell clarified that $300,000 per year would be allocated for solar energy in addition to the $1.7M currently budgeted.

Mr. Koenig noted that the cost of solar panels has decreased rapidly and construction costs have also reduced; therefore, the City was currently paying a premium over fossil fuel and more green energy credits must be purchased to meet requirements.

Mrs. Williams requested that members be provided additional information in the subsequent meeting packet including a breakdown of the sources and projections through 2030. Concurring, Mr. Blakeman requested that the graph entitled "City of Dover Electric Fund - Monthly Activity - Sun Park - FY13" be expanded in the future to incorporate specific additional parameters.

In response to Mr. Hare, Mr. Koenig explained that the City of Dover purchases all solar power produced by the facility, which typically does not exceed 10 megawatts.

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

**LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - SEPTEMBER 24, 2012**

The Legislative, Finance, and Administration Committee met on September 24, 2012 with Chairman Lynn presiding.

**Financing Proposal - Garrison Oak Park Street and Storm Sewer Infrastructure**

Members were reminded that on February 27, 2012, City Council approved up to $6M of in-kind contributions for the Garrison Farm infrastructure and the related Calpine project. These projects were built into the FY13 Capital Improvement Plan. Staff is working on these projects and will need to have the financing in place when the projects begin. The agenda for the City Council meeting scheduled for later in the evening includes consideration of the approval of related engineering services.

The City has approved two (2) major projects for the Garrison Tract that are meeting or will meet future power supply needs for mandated renewable energy requirements and new generation in the City of Dover (and on the Peninsula). In light of these two (2) projects, it was staff's recommendation to finance the street and storm sewer infrastructure with $2M from the Future Capacity Reserve.

Staff suggested that $4M for water/sewer projects be financed with revenue bonds to be paid by the revenues of the Water/Wastewater Fund. In order to minimize cost and required time, staff recommended using a negotiated bid rather than a competitive bid for the revenue bonds.

Mrs. Donna Mitchell, Controller/Treasurer, advised members that she was not yet ready to move forward with the financing; however, she was requesting approval for the proposed method of financing. She stated that, since the future power supply needs for mandated renewable energy requirements will be met with the use of solar energy and there is a likelihood of having a Purchase Power Agreement (PPA) with the Calpine facility for future power supply needs, the Future Capacity Reserve could be utilized rather than issuing $2M dollars of general obligation debt; however, she felt that the water/sewer portion of the project should be financed with revenue bonds. A competitive sale would still be an option; however, Mrs. Mitchell stated she would like authorization to complete a negotiated sale to save time and fees if this were the best approach and the market was favorable.

Responding to Mr. Shevock, Mrs. Mitchell stated that she was unsure of the revenue interest rate which would be paid; however, she estimated that rates would be in the 3% - 4% range. She stated that the bonds would be sold as tax exempt.

Mr. Anderson inquired if the $2M taken from the Future Capacity Reserve would have to be repaid within three (3) years. Mrs. Mitchell indicated that this would not be required if the funds were used for the growth and future of the utility since the Future Capacity Reserve was in the Electric Utility budget. She further clarified that existing capital would be used to make the improvements in lieu of a bond, which would have to be repaid with interest.

Staff recommended that the Garrison Farm improvements be financed using $2M from the Future Capacity Reserve and $4M from negotiated revenue bond financing, with the assistance of the City's financial advisory firm, Public Financial Management, with the amount borrowed to include the cost of borrowing.

The Committee recommended approval of staff's recommendation. Mr. Anderson stated that he was undecided on this issue, as he felt further study was needed.

Council President Leary noted that he must recuse himself and requested Mrs. Williams to preside.

Mr. Bonar moved for approval of the Committee's recommendation authorizing the Garrison Farm improvements to be financed using $2M from the Future Capacity Reserve and $4M from negotiated revenue bond financing, with the assistance of the City's financial advisory firm, Public Financial Management, with the amount borrowed to include the cost of borrowing. The motion was seconded by Mr. Anderson.

Responding to Mr. Hare, Mrs. Mitchell confirmed that in order to complete the infrastructure for the Calpine Project, approval of the recommendation, which outlines the method of financing, would be required. Confirming that the monies would not be spent until the City received the final contract and approval for Calpine to move forward with the project, she noted that there may be expenses for engineering designs, etc. Although the bonds would not be issued, she indicated that there may be some expenses up front for those projects before the financing is finalized.

In response to Mr. Hare regarding the pending law suit between Calpine and the Dover Planning Commission, Mr. Koenig explained that although monies would not be spent on the actual infrastructure, the City was spending money on design at this time. He assured members that the designs would most likely be required regardless of the Calpine project.

As mentioned by Mr. Anderson, Mrs. Mitchell indicated that the Future Capacity funds are for the infrastructure (streets and storm sewer) and the Water/Sewer Fund Bonds are for the design of the water tower, the sewer lines, and the water distribution system.

**The motion to approve the Committee's recommendation authorizing the Garrison Farm improvements to be financed using $2M from the Future Capacity Reserve and $4M from negotiated revenue bond financing, with the assistance of the City's financial advisory firm, Public Financial Management, with the amount borrowed to include the cost of borrowing was carried by a roll call vote of six (6) yes, one (1) no (Lynn), and one (1) absent (Leary).**

Council President Leary returned to the Chambers and resumed presiding as Chair.

**Update on Changes to the Economic Development Office**

Mayor Carey advised members that changes had been made since the reassignment of the Economic Development Office (EDO) to the Mayor's Office on July 1, 2012. He provided members with and reviewed a Company Visitation Schedule and Summary of EDO Staff Responsibilities.

Responding to Mr. Hutchison regarding the need for the Downtown Dover Partnership (DDP) and the Mayor's Office to meet with Chief Executive Officers of large companies to conduct open dialogue regarding the City, Mayor Carey advised members that the DDP planned to have its own Executive Director in place by November 1, 2012, which would allow a greater focus on such activities. He noted that the DDP had advertised this position.

Noting that he serves as a member of the DDP Board of Directors, Mr. Bonar stated that it has been made abundantly clear to the DDP that the $180,000 provided for FY 2012/2013 would not be forthcoming in the future; therefore, the DDP must ensure that they have the financial wherewithal to handle the increased administrative costs that would occur over the next year. He cautioned members that it was important that the City not lose sight of the importance of economic development to the City's future.

The Committee recommended acceptance of the report.

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

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

**MONTHLY REPORTS - AUGUST 2012**

**By motion of Mr. Bonar, 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

**APPOINTMENT RECOMMENDED BY MAYOR CAREY - PLANNING COMMISSION - DR. BOBBY JONES (TO FILL UNEXPIRED TERM OF FRANCIS NICHOLS - TERM TO EXPIRE JUNE 2014)**

Mayor Carey recommended the appointment of Dr. Bobby Jones to serve on the Planning Commission for a term to expire June 2014 (to fill the unexpired term of Francis Nichols).

**By consent agenda, Mr. Bonar moved for approval of the appointment of Dr. Bobby Jones, as recommended by Mayor Carey. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote.**

**APPOINTMENT RECOMMENDED BY COUNCIL PRESIDENT LEARY - KENT ECONOMIC PARTNERSHIP - MAYOR CARLETON E. CAREY, SR. (TO FILL UNEXPIRED TERM OF JAMES L. HUTCHISON, SR. - TERM TO EXPIRE MAY 13, 2013)**

Council President Leary recommended the appointment of Mayor Carleton E. Carey, Sr. to serve on the Kent Economic Partnership for a term to expire May 13, 2013 (to fill the unexpired term of James L. Hutchison, Sr.).

**By consent agenda, Mr. Bonar moved for approval of the appointment of Mayor Carleton E. Carey, Sr., as recommended by Council President Leary. The motion was seconded by Mr. Hutchison and carried by a unanimous roll call vote.**

**SETTING OF DATES FOR SPECIAL ELECTION**

Mrs. Traci McDowell, City Clerk, advised members that in accordance with Section 13 of the City Charter, a Special Election must be held to fill the vacancy created by the death of Councilwoman Sophia R. Russell since the vacancy is in excess of six (6) months in duration. It was noted that this position is for a Fourth (4th) District Council seat with a term that expires on May 11, 2015.

Staff recommended the following dates for consideration regarding the Special Election:

**Date of Election - Tuesday, November 27, 2012**
The earliest the election can be held is November 6, 2012 and the latest it can be held is December 5, 2012.

**Filing Petitions - October 9, 2012 through October 31, 2012 at 4:30 p.m.**
This time frame allows three (3) weeks for filing of petitions and almost four (4) weeks for campaigning and absentee voting.

**Voter Registration Close - November 9, 2012**
Voter registration (for the Special Election) shall close on November 9, 2012 and reopen on January 1, 2013. The State will continue to accept voter registration applications during this time.

**Oath of Office - Regular City Council Meeting of December 10, 2012**
December 6, 2012 is the soonest that the Oath of Office can be administered.

Mr. Bonar moved for approval of the dates for the Special Election as submitted by staff, seconded by Mr. Perza.

Mr. Lynn requested that the City Clerk's Office assure that the dates were well advertised.

Mr. Anderson noted the quickness in having to consider such action and indicated that it was not the intention to be insensitive to the death of Councilwoman Russell. He relayed sadness and regret for Council having to move so quickly.

Concurring, Council President Leary noted that there are State laws that address municipal elections that dictate the timeframe for filling the position.

**The motion to approve the dates for the Special Election as submitted by staff was unanimously carried.**

**COUNCIL MEMBERS ANNOUNCEMENTS**

Mr. Hare advised members that he recently attended the Marcus L. Ware Foundation Dinner honoring Ms. Diane Glenn and Officer David Spicer of the Police Department, and discovered that these individuals truly go above and beyond in carrying out their duties and responsibilities.

Referring to the illness and recent passing of Councilwoman Russell, Mr. Lynn stated that he appreciated the efforts of certain City employees and the love and compassion shown to Councilwoman Russell during the time she suffered with her illness. He indicated that he had never observed anyone go above and beyond to the extraordinary level that Ms. Kay Dietz-Sass and Mrs. Traci McDowell did during this time. It was his feeling that these efforts made the last moments of Councilwoman Russell's life somewhat bearable and that these actions were demonstrative of the City of Dover staff. Mr. Lynn stated that this was the reason why it was such a pleasure to work with staff and relayed appreciation for their efforts.

Council President Leary announced that Councilwoman Russell's visitation services would be held at Pippin Funeral Home in Camden, on Friday, October 12th, from 5:00 p.m. to 9:00 p.m. Funeral services were scheduled for 11:00 a.m. on Saturday, October 13th, at Calvary Baptist Church on Route 8 and Victory Chapel Road. Burial will commence immediately following at Barretts Chapel Cemetery in Frederica and friends may return to Calvary Baptist Church after burial for a repast.

**By unanimous consent, the meeting was adjourned at 11:02 P.M.**

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of October 8, 2012, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
S:\AGENDAS-MINUTES-PACKETS\Council-Minutes\2012\10-08-2012 COUNCIL.wpd

Exhibits

Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 209 North New Street
Exhibit #2 - Article Written by Derek Alderman Regarding Street Name Changes to Honor Dr. Martin Luther King, Jr., dated January 2008
Exhibit #3 - Correspondence Received - Renaming of Division Street Within the City Limits as Martin Luther King, Jr. Boulevard

# Violation of Dangerous Building Ordinance 209 North New Street

Planning & Inspections Department

Dover, Delaware

October 8, 2012

# 209 North New Street
# Case History

- History of code violations since 2000 (17 cases)
  - Interior and exterior violations
  - Tall grass and weeds
  - Failure to schedule re-inspection
- Rental permit suspended August 24, 2011
- Condemned as unfit for human habitation January 2012
- Boarded by City staff
- City contractor has cut grass and removed overgrowth
- Property owner has been unresponsive

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

- (5) *Unfit for habitation*
- (9) *General welfare*
- *(10) Code violations*
- *(12) Unoccupied buildings*


DANGER
09/28/2012 10:34


10/05/2012 15:54

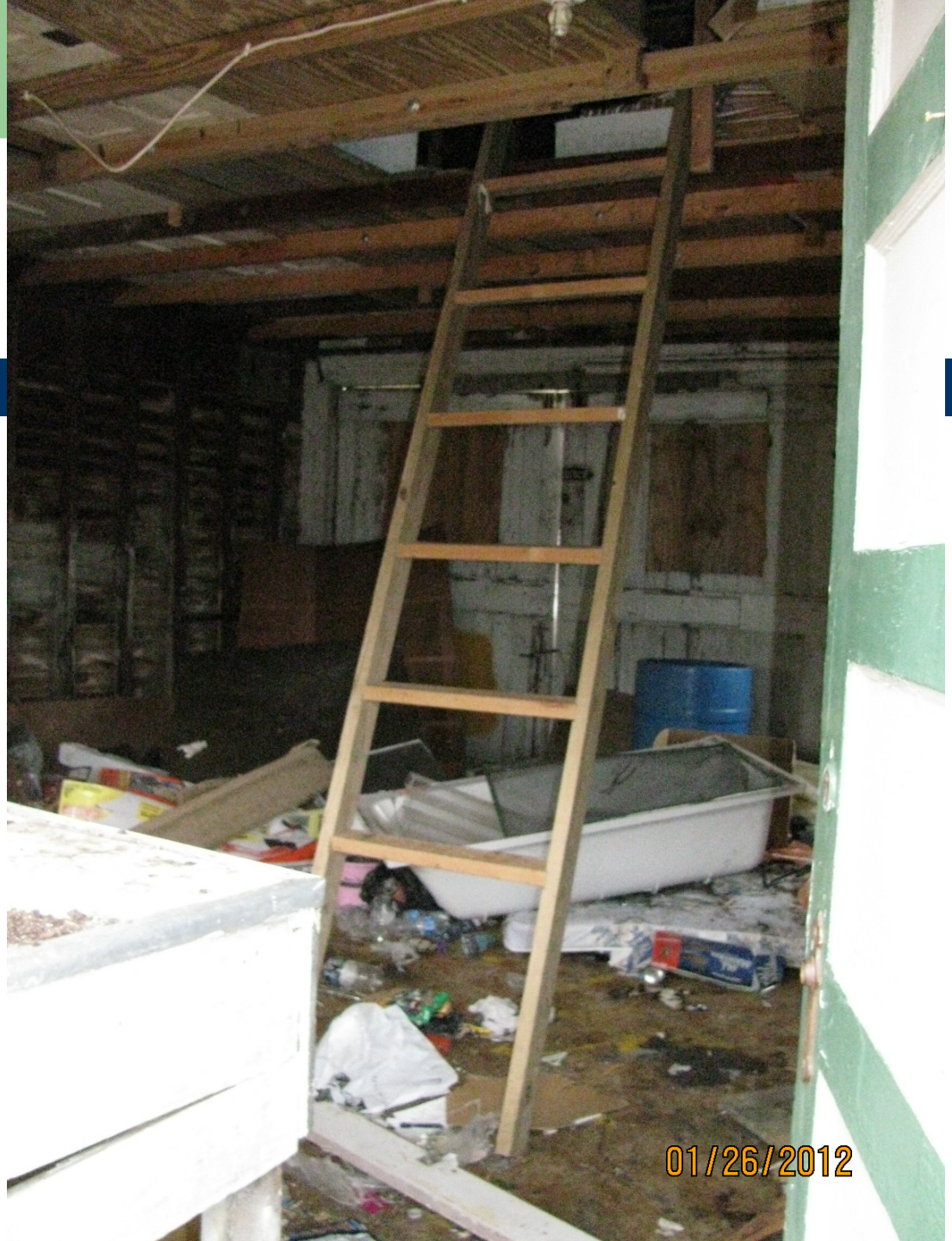

10/05/2012 15:55


10/05/2012 15:55


10/05/2012 15:56


10/05/2012 15:56

01/26/2012


01/26/2012

# Recommended Council Action

- Declare this building and accessory structure dangerous.
- Order the property repaired or demolished.
- Order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner **by November 8, 2012**.
- 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.

EXHIBIT #2
Regular Council Meeting of 10/08/2012

# A Road




## The challenges of naming streets for Martin Luther King, Jr.




At first glance, commemorative street-naming may appear to be a minor concern given the wide range of issues that planners and public managers must face every day. Yet it is 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.

The naming of streets for slain civil rights leader Martin Luther King, Jr. is the most widespread and controversial example of this trend. By 2003, at least 730 streets in 39 states and the District of Columbia had been named, or renamed, for King. Naming these streets has often involved public debate and controversy, and it has exposed local racial and political tensions. Discussions have led to shouting matches at government meetings, boycotts of businesses, protest marches, petition drives, court appeals, the vandalizing of roads, and activists chaining themselves to street signs.

Much of the contentiousness arises when African Americans propose to rename a thoroughfare that cuts across business disrricts and racial groups. Local governments are often reluctant to approve the renaming, citing the cost of an address change and opposition from potenrially affected businesses and residences. Although King's name can be found on some thoroughfares, this public conflict has kept most of the renamed streets confined to majority black neighborhoods. For many African Americans, honoring King along America's roadways has ironically become a reminder of continued inequality rather than the dream of integration and social justice.

### Point of intervention

In evaluating street naming proposals, planners are asked to consider government's responsibility to private property owners while also considering and protecting minority rights in a majority rule system.

How a community handles the seemingly unprohlematic issue of naming a street after an importanr civil rights figure may very well indicare how that community treats its African American residents in general and how race relations will be perceived in the future.

In finding an appropriate way to honor King on America's streets, communities bave pursued several strategies thar we identify and analyze here.

### Rename a section of the street

One of the most common strategies used to honor King has been to place his name on a street or a segment of a street located primarily within the African American community. This approach has the advantage of limiting opposition from white citizens. Whites seldom resist

# Bumpy

By Derek H. Alderman, Steve Spina, and Preston Mitchell




street naming efforts as long as they do not violate traditional racial boundaries in the city (meaning they do not reach beyond the "black" areas of town).

Elected officials also find it relatively easy to rename an African American street because support for such proposals is strongest in the black community. Indeed, some African American activists see street renaming as a way to educate themselves and others about their own heritage and to develop a sense of empowerment and cultural worth.

When campaigning to have a street renamed in Elizabeth City, North Carolina, the director of the city's neighborhood community development corporation connected King's legacy with ongoing attempts to revitalize African American business and residential areas. In her words, "Being small and having traffic lights and stop signs doesn't make it less worthy to be named Martin Luther King Drive. . . . Martin Luther King didn't work along the freeway. He worked in communities."

Limiting the commemoration of Martin Luther King to black neighborhoods may be a comfortable proposition for whites and even some African Americans. However, in our opinion, the strategy runs the risk of reinforcing patterns of inequality and maintaining the widespread public perception that King was a black leader whose teachings and achievements are irrelevant to the wider society. The resulting impression is that African Americans are racial outsiders and that major portions of the larger community are reserved for whites and white historical figures.

In addition, this strategy often leads to the renaming of segments of streets rather than entire roads, which may contribute to confusion in traffic navigation as well as political discontent and debate.

Black leaders are increasingly demanding that local governments revisit the street-renaming issue and that King's name be moved to more prominent streets or extended for the entire length of streets, often into white neighborhoods.

Greenville, North Carolina, changed West Fifth Street to Martin Luther King, Jr. Drive in 1998. Originally African American leaders wanted all of Fifth Street renamed—not just part of it—but residents and business owners on the eastern end strongly opposed the proposal. King Drive marks an area that is predominantly black, whereas East Fifth is mostly white. African American leaders have expressed deep frustration over the marginalization of the civil rights leader but have been unsuccessful in renaming the rest of Fifth Street. In the words of one elected black official, "A whole man deserves a whole street."

The controversy reached such a pitch that white municipal leaders voted last February to rename the city's bypass for King and revert the existing King Drive back to West Fifth Street, a decision that prompted protests by African American leaders and others.

## Rename a major thoroughfare

African Americans often interpret the renaming of a major road as an indication of the city's commitment to recognizing King's legacy. By asking many 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 public.

Opponents often say an address change is an insurmountable financial inconvenience, but anecdotal evidence suggests otherwise. In 2004, one year after the Eugene, Oregon, city council renamed Centennial Boulevard for King, business representatives on the street reported that the economic impact of the address change was negligible. A similar situation occurred in New Bern, North Carolina, where city officials gave business owners a year to make adjustments before officially renaming Clarendon Boulevard.

King's namesake in New Bern is a numbered U.S. highway and the location of over 200 businesses, including a shopping mall, a Wal-Mart, and car dealerships.

Further, renaming a racially diverse thoroughfare may have social and political benefits that can outweigh financial considerations. In connecting black and white communities, a community shows it understands the integration that King fought to achieve. Such a step may send a powerful message about the sensitivity of city leaders to the needs of black citizens, and that in turn may lead to discussion of seemingly more important issues.

Still, it can be difficult and time consuming to build cross-racial support for such a proposal. In many cases, city officials have taken months or even years to phase in a new street name. Bowing to businesses interests, city officials in St. Petersburg, Florida, allowed a road to carry two official names temporarily—Martin Luther King, Jr. Street and Ninth Street. The two names coexisted for 15 years until the local chapters of the NAACP and Southern Christian Leadership Conference forced the city to drop Ninth Street signs in 2002.

Some cities are considering dual named streets as a permanent solution. This past summer, local officials in Covington, Kentucky ended an almost 20-year debate by honoring King with a major road, but only after adding the civil rights leader's name to 12th Street so that property owners would not incur the cost of losing their numerical address.

Chapel Hill, North Carolina, dealt with a different issue: the loss of local tradition. In 2005, a coalition of African American and white leaders succeeded in having Airport Road, a thoroughfare, renamed for Martin Luther King, Jr. Intense public opposition came from residential and commercial interests on the street, who said that the road's long-standing name was a key part of their heritage. The solution: special signage that indicates King is the official street name while also designating the road as "Historic Airport Road."

Finally, there is the larger agenda: white concern about the perceived stigma of living and working on King Street. There is a false notion that all King streets are blighted and depressed. In fact, many have annual sales comparable to the national average for all U.S. streets, and several King streets are undergoing revitalization, including those in Miami, Savannah, Milwaukee, Seattle, and Portland.

Overall, a primary issue for planners is determining whether a given strategy should be pursued because it is what the black community wants or because it is simply a convenient way to avoid negative feedback from the white establishment.

### Dedicate a street

Some communities have dedicated or designated a street for King, rather than renaming it.

In Grand Rapids, Michigan, a black radio show host successfully pushed to have the city accept his idea of a street dedication. His proposal gained widespread support among his young, inner city black listeners, who thought that poverty and violence were more important issues within their community. The dedicated street is a major north-south artery, ironically named Division Avenue.

In contrast, members the Black Leadership Roundtable in High Point, North Carolina, have come back on a number of occasions over the past decade to request that a street be renamed instead of simply being dedicated. To date, their efforts have been unsuccessful.

It should be noted that when a street is dedicated, King's name is less likely to appear in city maps, business advertisements, and phone books. The power of commemorative street naming lies in its ability to incorporate history into the fabric of everyday life. It is much easier to avoid or ignore a sign that honors an historic figure than it is to ignore an address change, particularly along a major thoroughfare.

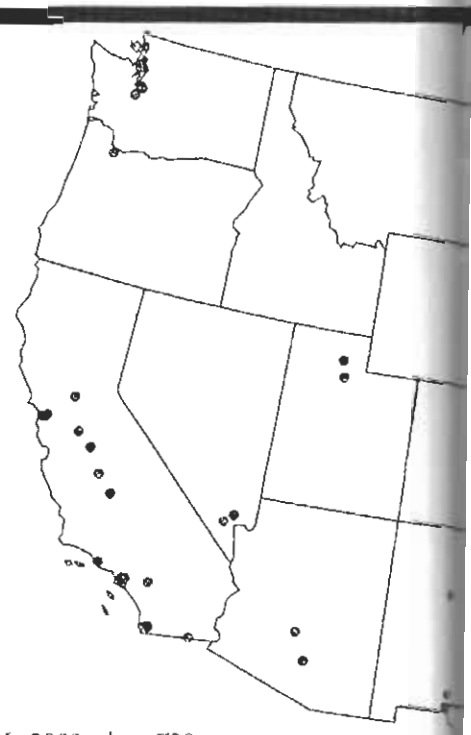
Further, dedication may not eliminate controversy. In 2003, the African American-led Quincy (Illinois) Community Coalition agreed to have Eighth Street designated in honor of King rather than legally renamed. But when only a few signs were installed along Eighth Street, black leaders requested that the road be renamed. This step led to intense public debate and the decision to keep King's commemoration honorary. Yet, even with the cost of an address change not an issue, some white citizens on South Eighth opposed having honorary King signs placed in their neighborhoods and argued for locating them solely in the more African American, northern portion of the street. A comprise was eventually struck and honorary signs were placed at selected locations.

### Name a new road

In some communities, citizens and local officials have suggested that naming a newly built or otherwise unnamed road is better than changing the name of an existing street. Honoring King on a new road has the advantage of ensuring that few, if any, residents or businesses would be impacted by an address change. Because some new roads are built in areas of planned or expected growth, the civil rights leader's name may very well have a prominent and positive place in the community's future.

This approach was successful in Wilmington, North Carolina, where city leaders attached King's name to a newly built parkway. Completed in 2005, the parkway is expected to spark new business and widespread revitalization.

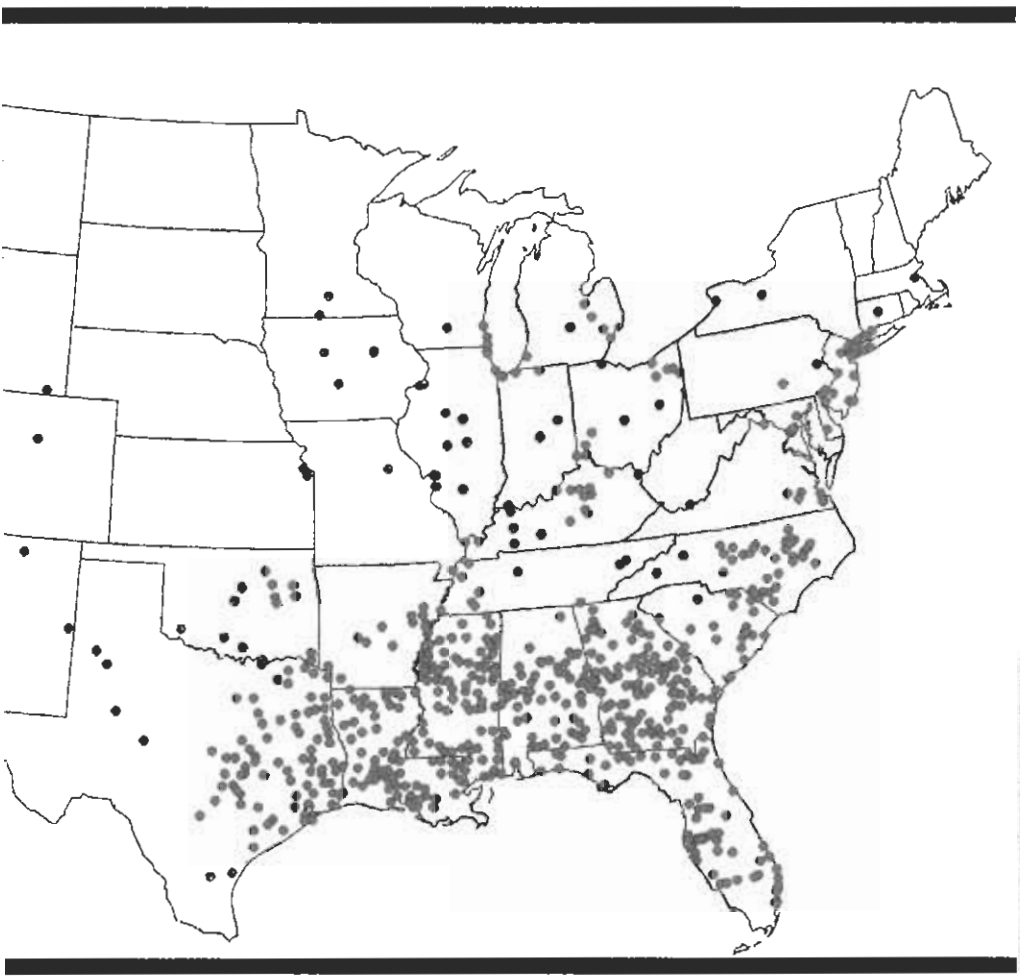
Naming new roads has its disadvantages, though. New road construction is quite costly, and even after a new road is approved, several years may elapse before it is completed. Such a



*In 2003, about 730 streets across the U.S. had been named for Martin Luther King, Jr.*

## Resources

**In print.** Derek H. Alderman, "Naming Streets after Martin Luther King, Jr.: No Easy Road," in *Landscape and Race in the United States,* 2006. "Branded: The Economic Geographies of MLK Streets," by Matthew Mitchelson, Derek H. Alderman, and Jeff Popke in *Social Science Quarterly,* 2007. Jonathan Tilove, *Along Martin Luther King: Travels Along Black America's Main Street,* 2003.



Derek Alderman, Clare McKinney, and Matthew Blackburn

schedule could be interpreted as a purposeful delay. As King himself noted in his Letter from Birmingham Jail, "wait" usually means "never" in the African American community.

Further, the street in question may be so removed from the city—as with a bypass—that it has a greater impact on those traveling in and out of the city than those who live and work in local neighborhoods.

## Enact a renaming ordinance

Many local governments are dealing with requests to rename streets by enacting ordinances that specify rules or requirements. Some ordinances require a large percentage of property owners abutting a street to approve a name change before it will be considered.

Government officials typically favor an ordinance approach because it shows sensitivity to those who would have to change their addresses and hence shoulder much (but not all) the cost of street renaming. Also, because many of these ordinances require a majority or even a supermajority (60 to 75 percent) of property owners to agree, there is a built-in guarantee that an address change will have public support, at least of those most closely involved.

Some African Americans leaders have voiced support for this strategy, believing that it is a way to mobilize support for a King street and that it reduces the chances of reinstating the old street name. There are exceptions, though. After a controversial renaming in one Florida community, a candidate for city council who opposed the name change won a seat and eventually succeeded in getting the road's original name restored.

Other black activists claim, perhaps legitimately, that some municipal officials have developed and enforced these ordinances strategically to thwart requests to honor King outside the confines of the black community. It should be noted that because of the intense racial politics that often drive Martin Luther King street renamings, the chance of African Americans getting approval from a supermajority or even a majority of white property owners is slim. It is much more likely that black leaders could get support from property owners in their own neighborhoods.

However, the upshot would be that the renamed roads would be limited to African American neighborhoods—undercutting King's notion of integration and equality.

For planners and public managers, another option would be an ordinance that gives African Americans a say in whether thoroughfares are identified with King even if they do not own property or live on the street. Such a perspective recognizes that a wide range of people use and identify with roads as public spaces, many of whom are ignored or disenfranchised within existing street renaming ordinances. At the heart of the ordinance issue is the question of boundaries and who has a stake in the decision-making politics of street renaming.

The point became clear in Zephyrhills, Florida, the community that reversed course on street naming. In 2003, an African American community leader suggested changing Sixth Avenue to Martin Luther King, Jr. Drive. That individual lived just outside the city limits, in a predominately black neighborhood established during the days of segregation in the early 1960s.

Some white residents pointed out that the person in question had no standing with the city. Their position was bolstered by a 1987 ordinance that required a petition from residents living on a street to recommend a name change or authorize the city council to make the change. On the other hand, proponents of the street renaming maintained that they, too, had a say in the debate over a public thoroughfare, particularly one that members of the black community had used for more than 40 years.

After renaming Sixth Avenue for King in October 2003, Zephyrhills decided to stick by the 1987 law. Under intense public pressure, it rescinded the renaming in 2004.

Fast forward two years. In 2006, the city adopted a comprehensive ordinance on street name changes. The ordinance severely limits the potential of changing street names and spells out who has standing: property owners on the street, 75 percent of whom must approve of a name change before it is presented to the city council.

In our opinion, the street naming process is particularly contentious when it challenges long-established racial and economic boundaries within cities—the very same boundaries that King had hoped to destroy. While these named streets speak about the past, they perhaps say just as much about America in the present and the still unfinished nature of the civil rights movement.

Derek Alderman is an associate professor in the Department of Geography at East Carolina University. He has researched Martin Luther King streets for over a decade. Steve Spina is the city manager of Zephyrhills, Florida. Preston Mitchell is the town manager of Nashville, North Carolina.

RECEIVED
SEP 14 2012
OFFICE OF THE CITY CLERK

**Tosca29@comcast.net**

**From:** <Tosca29@comcast.net>
**To:** <tosca29@comcast.net>
**Sent:** Thursday, September 13, 2012 12:11 PM
**Subject:** Division Street

Dear City Council,
I cannot believe what I have been reading about people wanting to re-name Division Street for Martin Luther King...
This is the Capitol City of the First State, for gosh sakes...and Division Street is a land mark like no other...it divides the city, north and south...I cannot believe any thinking person is eager to change a positive land mark that we have had since the 1800's...
I realize there are many people who just don't care and will do anything to just change things...that is ridiculous when it is applied to so great a subject as Division Street...It is meaningful and important to us...
My solution would be, yes, Martin Luther King was a revered man and far better to put his name on a street like Queen or New Street where people would be under an obligation to respect and honor his name and live up to his aspirations...Make it count for something.
Please, please reconsider this...it is NOT a good idea at all and I am not alone in thinking it should be not involve Division Street.

Most Sincerely,

VP

Violet Phelps
email: tosca29@comcast.net

## McDowell, Traci

**From:** Jody Sweeney <Jody.Sweeney@CO.KENT.DE.US>
**Sent:** Tuesday, September 25, 2012 11:55 AM
**To:** tmcdowell-bcw@; Hare, Bill; Leary, Thomas J.; Russell, Sophia; ccrey@dover.de.us; tmcdowell-bcw; Perza, Adam; Anderson, David; Bonar, David L; Lynn, Sean M.; jhutch9595 @yahoo.com; Hutchison, James L.
**Cc:** Allan Angel; Brad Eaby; Brooks Banta; Michael PetitDeMange; brian.bushweller@state.de.us; Darryl.Scott@state.de.us
**Subject:** Renaming of Division Street

Just a suggestion.
There is much angst over the renaming of Division Street to MLK Blvd. The costs for those affected from residential to commercial and some public entities is going to be tremendous. The secondary costs with those who fail to receive mail at new addresses, causing late fees or loss of service, has not even been considered. And the tertiary costs to those companies having to modify mailing addresses for the many addresses along Division street should be considered, as well.

In light of this, and hopefully before your public meeting, I offer a suggestion for you to consider:
DelDOT has completed the planning stages of the new road that will loop from Salisbury Road to Rt 13, through farm fields, residential areas, close to Eden Hill Medical center, and will be traveled by 10's of thousands of cars a day. That road is currently referred to as the West Dover Bypass, but I do not think it has been formally named. i suggest naming that stretch of road Martin Luther King Blvd or Highway. This new road, with bike paths and walking lanes connecting Schutte Park and the Kesselring/Breaknock Park complexes, through farmland, connecting Dover with the County, could be an excellent alternative.

This would ease the tension of renaming a road that has been in existence since you could see farmland from the corner of Loockerman and State Streets.

I hope you will consider this suggestion.

Jody

Jody Sweeney
Commissioner, 5th Levy Court
(302) 943-7328
email: jody.sweeney@co.kent.de.us

**Stein, Jody**

**Subject:** FW: Renaming of Division Street

-----Original Message-----
From: McDowell, Traci
Sent: Wednesday, September 26, 2012 8:23 AM
To: Williams, Beverly C.; Carey Sr., Carleton
Cc: City Clerks Office; Koenig, Scott; Townshend, Ann Marie
Subject: FW: Renaming of Division Street

-----Original Message-----
From: Jody Sweeney [mailto:Jody.Sweeney@CO.KENT.DE.US]
Sent: Tuesday, September 25, 2012 11:55 AM
To: tmcdowell-bcw@; Hare, Bill; Leary, Thomas J.; Russell, Sophia; ccrey@dover.de.us; tmcdowell-bcw; Perza, Adam; Anderson, David; Bonar, David L; Lynn, Sean M.; jhutch9595@yahoo.com; Hutchison, James L.
Cc: Allan Angel; Brad Eaby; Brooks Banta; Michael PetitDeMange; brian.bushweller@state.de.us; Darryl.Scott@state.de.us
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I hope you will consider this suggestion.

Jody

Jody Sweeney
Commissioner, 5th Levy Court
(302) 943-7328
email: jody.sweeney@co.kent.de.us

Ellen J. Hamilton
2 Medinah Court
Dover, DE 19904
September 29, 2012

RECEIVED
OCT 2 2012
OFFICE OF THE CITY CLERK

Mr. Thomas Leary
Representative –At Large
P.O. Box 475
Dover, DE 19903-0475

Dear Mr. Leary:

I want to express my strong vote against changing the name of Division Street to Martin Luther King Street. Years ago, my mother taught me that Division Street serves as the divider for house numbers that start at Division and increase south and north. Likewise State Street serves the same purpose for streets east and west. This makes it very easy to find one's way around in Dover and to visualize where an address might be.

There is no question that Martin Luther King was a great man who did wonderful things for our country. In fact, some of his more obscure writing is an even more powerful model for human interaction than the more familiar quotes.

However, if one looks at the street names in Dover, precedent has not been set to honor any of the famous American contributors except in the case of Loockerman who was one of the first leaders of Dover. I think it would be far too confusing to change all the names in our city to honor famous Americans. It seems like we would need to include Washington, Carver, Jefferson, Banneger, Regan, Columbus, Alvarez, Chavez, Veloria, and many more to be fair. This would get very confusing and very costly. I believe it would completely change the character of our city.

We have so many other important issues in Dover that in my opinion changing street names is something that does not need to be done. Our forefathers created a workable, lasting plan for the streets in our city. Let's not fix what isn't broken. There is plenty to be worked on in Dover that really needs fixing without wasting time and resources on this.

Sincerely, a lifetime Kent County resident,

Ellen J. Hamilton

Ellen Jarrell Hamilton

cc: Carton Carey, Sr., Beverly Williams

## Stein, Jody

**From:** vvns14@aol.com
**Sent:** Tuesday, October 02, 2012 1:28 PM
**To:** City Clerks Office
**Subject:** RE: Propsed Street Name Change for Division Street

October 2, 2012

TO: City of Dover Council Members

From: Richard and Victoria Stoops
1590 Forrest Avenue
Dover, DE 19904

We are against renaming Forrest Avenue to Martin Luther King, Jr. Boulevard. The first proposed change was to rename Division Street from DuPont Hwy. 13 to Saulsbury Road. This was about 1.5 mile section. This change would affect a smaller group of businesses and residents. Even this will be a large change for all emergency software, GPS devices, Del-Dot, Post Office, Police and Fire Departments. The best way to name a street after Martin Luther King, Jr. would be a "new street" in Dover. What about the new bypass off the intersection of Saulsbury Road and Hazlettville Road? That would make more sense to name that new road Martin Luther King, Jr. Boulevard. The cost to the city would be less for all the changes that would be needed! It would be better for all persons involved. Why didn't the council take more time in this decision? What do the citizens of Dover think about this change? The name Division Street has a purpose to help in directions from North side of town and South side of town, that is why the city named it in the first place. Please reconsider your motion to change Division Street. But at least if you are going to change Division Street vote for the original proposal for the shorter section. (1.5 miles)

We have been living in our house for 44 years and this would be the 5th change of an address for us! Our first address was R.D. 2, changed to R.D. 6, changed to Forrest Avenue, 19901, and changed to Forrest Avenue, 19904! This is getting old, having to change an address again! We just renewed our Federal Delaware License last year, plus all the other changes that need to be done, insurance policies, telephone, gas, banking, retirement income, taxes, credit cards, etc.! Help!

Please confirm that you received this email and that all Council Members received a copy. Thank you for your consideration!

## McDowell, Traci

**From:** McDowell, Traci
**Sent:** Tuesday, October 02, 2012 1:59 PM
**To:** City Clerks Office
**Subject:** FW: Propsed Street Name Change for Division Street

***This e-mail has been blind copied to the Mayor and City Council Members.***

Traci A. McDowell, CMC
City Clerk
City of Dover
e-mail: tmcdowell@dover.de.us
Ph: 736-7009
Fax: 736-5068

**From:** vvns14@aol.com [mailto:vvns14@aol.com]
**Sent:** Tuesday, October 02, 2012 1:28 PM
**To:** City Clerks Office
**Subject:** RE: Propsed Street Name Change for Division Street

October 2, 2012

TO: City of Dover Council Members

From: Richard and Victoria Stoops
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Dover, DE 19904

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Please confirm that you received this email and that all Council Members received a copy. Thank you for your consideration!

## Kelsall, Melanie

**From:** McDowell, Traci
**Sent:** Thursday, October 04, 2012 7:47 AM
**To:** City Clerks Office
**Cc:** Koenig, Scott; Townshend, Ann Marie; Mitchell, Donna
**Subject:** FW: Division Street name change

*This e-mail has been blind copied to the Mayor and City Council Members.*

**From:** jbe483@aol.com [mailto:jbe483@aol.com]
**Sent:** Wednesday, October 03, 2012 4:53 PM
**To:** tmcdowell-bcw
**Subject:** Division Street name change

My name is Jack Bert, and I reside in the 3rd district on 240 N. American Ave in Dover. I'm writing this to urge you to vote against the proposed Division Street name change to MLK Boulevard. In these economic times, individuals and cities alike are finding it difficult to manage in this economy.The added expense to the city, local business's, and those living on Division Street for this unnecessary proposal is nothing short of outrageous. Does the city have so much unspent revenue that it is no longer necessary to have any cost benefit to the citizens?
I have lived in my neighborhood for over 17 years, and I have seen an increase in crime such as break ins, vandalism and shootings. This revenue would be much better spent in policing of neighborhoods in the city where it would indeed make a difference for it's citizens.
I urge you to vote against this proposal.

**Kelsall, Melanie**

**From:** Geegaw45@aol.com
**Sent:** Friday, October 05, 2012 10:07 AM
**To:** City Clerks Office
**Subject:** Road name changes

The City of Dover
Division of Planning
P. O. Box 475
Dover, DE. 19903

Attention: Planning Board

To Whom It May Concern:

I respectfully request that the following letter be read into the minutes of the meeting being held on Monday, October 8, 2012.

I am a resident of 1588 North Little Creek Road. I am very much opposed to the changing of our street name. We have lived at this address since 1985. There have been so many changes all around us including an exit ramp from the Route one by-pass, annexing of many surrounding properties, rezoning for businesses in what used to be private residences, loss of farmland to developments and an annexed property that connects to ours and has not been cut at all this year, in spite of my calling since May 11, 2012.

While I believe it is a noble and honorable decision to name a street after Dr. Martin Luther King, Jr., I believe that renaming the well established streets that have been proposed will bring undo hardship to the residents, business owners, postal service and many others, not to mention mapquest and the many other Internet maps.

It is my understanding that Mr. Sweeney from the Kent County Levy Court has made the suggestion that a new road, scheduled to open in 2015, be named after Dr. Martin Luther King, Jr. I believe this is an excellent idea as it will be less costly, less time consuming and a lesser burden on the local residents and business owners.

I would like to go on record as a resident of North Little Creek Road, part of the proposed road name change, as being vehemently opposed.

Thank you for your consideration.

Sincerely,

Jayne M. Dick
October 5, 2012

## Kelsall, Melanie

**From:** Gloria <gscott5337@aol.com>
**Sent:** Friday, October 05, 2012 3:34 PM
**To:** City Clerks Office
**Subject:** MLK Blvd.

I am writing to add my comments for the present proposal that Division St. be changed to MLK Blvd. I do feel that Dover will benefit from having the name of the street name changed to recognize such a great person as Dr. Martin Luther King, Jr. Perhaps this would be a prideful move for the city of Dover and in turn, give pride to the citizens of Dover and Delaware, as a gesture of good will and faith in promoting the area in a positive way.

God Bless. Ernest & Gloria Scott

## Kelsall, Melanie

**From:** Lynne Maurer <tily64@yahoo.com>
**Sent:** Monday, October 08, 2012 9:12 AM
**To:** City Clerks Office
**Subject:** renaming of Dover streets

My husband and I live on N.Little Creek Rd. and strongly protest the renaming of our street, primarily, because of the changes we will have to make.

Timothy and Lynne Maurer
1572 N. Little Creek Rd
Dover,De 19901

Sent from my iPad

## Kelsall, Melanie

**From:** Kelsall, Melanie
**Sent:** Monday, October 08, 2012 10:26 AM
**To:** Leary, Thomas J.
**Cc:** City Clerks Office
**Subject:** Phone Message Regarding Proposed Street Name Change

Dear Mr. Leary,

Good morning! Mr. Jack Bert of 240 Wyoming Avenue called this morning asking that we relay a message to you urging you to vote against the proposed street name change at tonight's City Council meeting. Mr. Bert's phone number is 302-736-1946.

Thank you,

*Melanie F. Kelsall*
Administrative Assistant
City Clerk's Office - City of Dover
P.O. Box 475
Dover, DE 19903
(302) 736-4462

***This message was sent to members of City Council.***

**Kelsall, Melanie**

**From:** doc1pep2@comcast.net
**Sent:** Monday, October 08, 2012 2:03 PM
**To:** City Clerks Office
**Subject:** Proposed Division St name change

Good Afternoon,

I would like to voice my opinion concerning the name change. I am completely against it. I believe it would be a huge inconvenience for everyone from having to change your address on EVERYTHING from drivers licenses to bank accounts and checks, utilities and much more. There are alot of elderly people on Division St and beyond and this would be huge transition for them ( and everyone else ). Also, many people have lived here all their lives so why would it be fair to change it now? I would like to suggest to give the name to a **proposed road** that has not been done yet. There are new roads completed all the time.

Thank you,
Tami Leager

## Kelsall, Melanie

**From:** Thompson Carol (DOC) <carol.thompson@state.de.us>
**Sent:** Monday, October 08, 2012 2:40 PM
**To:** City Clerks Office
**Subject:** Proposed Division St. Name Change



I would like to express my concern about the huge negative ramifications that this change would impose on those households and business's located on Division Street. Not only would it cause undo stress and time but possible financial hardship during this economically challenged time in the City of Dover. Allowing for the growth potential within the City of Dover, I feel that there would soon be a new road (street, avenue, blvd) that would better serve this name.

Thank you,
Carol L. Thompson

**Kelsall, Melanie**

**From:** McDowell, Traci
**Sent:** Monday, October 08, 2012 3:04 PM
**To:** City Clerks Office
**Cc:** Townshend, Ann Marie; Koenig, Scott
**Subject:** FW: renaming the street

*This e-mail has been blind copied to the Mayor and City Council Members.*

**From:** Karen Young [mailto:karenyoung1944@comcast.net]
**Sent:** Monday, October 08, 2012 1:55 PM
**To:** tmcdowell-bcw
**Subject:** renaming the street

Hi Bev,

Karen Young here. Just wanted to express to you our opposition to renaming Division St. The stretch that we live on is actually called Kings Hwy ( which winds around from the Governor's home to Dunkin Donuts ). We have lived here for 40 years. Very few people actually realize that this stretch is called Kings Hwy. Believe me we gave up ordering home delivery of pizza's long ago.

We are in full support of naming a new street or the bypass in honor of Dr. King! It seems that the expenses and difficulties of renaming this old street are monumental when a new street would not have these issues.

If you have any questions or concerns, please contact me. ( cell - 302-222-6111 )

Thanks for listening.

Best,
Karen

**Kelsall, Melanie**

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**From:** Tyler Hogan <tylerhogan@gmail.com>
**Sent:** Monday, October 08, 2012 3:54 PM
**To:** City Clerks Office
**Subject:** Re: Martin Luther King Jr. Blvd name change

Dear Councilmembers,

I am writing to you as one of your constituants, asking you to oppose changing the name of portions of Route 8 to Martin Luther King Jr. Blvd. While Martin Luther King Jr. was an excellent and admirable man, worthy of having roads named after him, it seems unwise to put so many residents and businesses through the hassle and considerable expense of changing their addresses (including updating marketing, letterhead, and all kinds of paperwork) during an economic downturn. I understand that some have suggested not implementing the change for a year or so to give business time to use up their letterhead, but I think that idea (while somewhat helpful) still misses the point.

I think there are other good ways to honor Dr. King, such as naming a new road after him, or perhaps changing the name of a government building (like the new library perhaps). I'm sure that if you asked, you would get a plethora of good ideas on how to honor the good Doctor without causing hardship and frustration to the people and businesses of Dover.

*Sincerely,*

*Tyler Hogan*
Mayfair II, Dover

## Kelsall, Melanie

**From:** Whitham Terry M (DSHS) <Terry.Whitham@state.de.us>
**Sent:** Monday, October 08, 2012 3:56 PM
**To:** City Clerks Office
**Subject:** Comments Public Hearing- Renaming Division Street
**Attachments:** City Council Comments.docx; Dover map.pdf

Please see attachments

*Terry M. Whitham*
E911 Administrator
P.O. Box 818
303 Transportation Circle
Dover, De. 19903-0818
Office- (302) 744-2682
Fax- (302) 739-4874
Past President- APCO Mid-Eastern Chapter

**Important Notice to E-mail recipient**: This e-mail may contain/attach confidential information related to individuals & intended solely for the addressee. Please do not read, copy or disseminate this communication (other than to return it to the sender) unless you are the intended addressee. If you have received this message in error, please return the e-mail to the sender or call the sender, & delete the message from your e-mailbox. If you are the intended recipient, federal and/or state law, or contractual agreements with the Employer might require you to take steps to ensure the confidentiality of the information, whether retained electronically or reduced to hardcopy. If you have questions about your confidentiality obligations you should speak to your organization's Privacy Official or legal counsel.

E Division St




E Division St

## Kelsall, Melanie

**From:** Kevin Nemith <kevin@cncinsurance.com>
**Sent:** Monday, October 08, 2012 4:54 PM
**To:** City Clerks Office
**Cc:** kevin@cncinsurance.com
**Subject:** Renaming of Division Street

I cannot attend the public hearing tonight due to previously scheduled business appointments, but I wanted to express my thoughts on the renaming of Division Street. Fundamentally, we have no problem with the naming of the street, however the short time to prepare for the expense is problematic for us. My firm will have substantial cost to change our business address which we have had for a decade. This includes but is not limited to , envelopes, stationary, mailing labels, marketing materials, licensing certificates, insurance company notifications, and internet, blog and websites etc... For example all 30 plus states that we are licensed with will require a lot of time and expense to get updated with the new addresses and re-filed. This comes at a time when every dollar counts for small business. May we ask that the cost, in tough economic times be considered when voting on this change.
Thank you .

G. Kevin Nemith
President
CNC Insurance Associates Inc.
20 East Division Street
Dover DE 19901
302-678-3860
302-678-3870

## Stein, Jody

**From:** Townshend, Ann Marie
**Sent:** Tuesday, September 25, 2012 5:08 PM
**To:** City Clerks Office
**Subject:** Fwd: Request for DAC Comments on Proposal for Renaming Route 8

FYI....

Ann Marie Townshend

Sent from my iPhone

Begin forwarded message:

**From:** Sabrina Fite <Sabrina.Fite@CO.KENT.DE.US>
**Date:** September 25, 2012, 4:57:09 PM EDT
**To:** Ann Marie Townshend <ATownshend@dover.de.us>
**Cc:** Dawn Melson-Williams <dmelson@dover.de.us>
**Subject: Re: Request for DAC Comments on Proposal for Renaming Route 8**

Anne Marie,

The following are concerns after discussions with Kent County Public Safety Officers:

-Kent County currently has a moratorium on road name changes and if in the interest of public safety, any changes shall be adopted by ordinance.

-Out of an estimated 381 land parcels that will be affected by the proposed change, 64 are in County jurisdiction. What are the legal ramifications to impose this address change on those applicable parcels? If the City is bypassing normal procedures, how will this affect the County's ability to enforce something that is subject to its own procedure for renaming streets?

-Although our naming standards restrict duplicates or similar names to within the County, we recognize Martin Luther King Boulevard as a prominent name in Wilmington and are opposed to having another similar one in the State.

I plan to attend tomorrow's meeting to hear the concerns of other agencies.

-Sabrina

Sabrina Fite
GIS Specialist, 911 Addressing

Kent County Dept. of Planning Services
Division of Geographic Information Systems
555 Bay Road, Dover DE 19901

p: 302-744-2420
f: 302-736-2128
www.co.kent.de.us>>> "Melson-Williams, Dawn" <DMelson@dover.de.us> 9/19/2012 11:55 AM >>>

To Development Advisory Committee (DAC) Members:

The Dover City Council is considering a Proposal for Renaming of Division Street (Route 8) as Martin Luther King Jr. Boulevard. This would encompass the entire Route 8 corridor (of various named segments) which crosses west to east through the City. The City of Dover Planning Office is contacting the DAC agencies in an effort to gather technical information on the operational logistics and implementation actions regarding the proposed street renaming. Please submit comments in writing to the Planning Office (by 9/26/2012) and participate in the DAC Meeting scheduled for Wednesday, September 26, 2012 at 10:00am in the City Hall Conference Room.

Please see the attached Memo and Exhibit Map which provide information on the Proposal.

Email sent on behalf of: Ann Marie Townshend, AICP Planning Director

Dawn Melson-Williams, AICP
Principal Planner
City of Dover, DE - Department of Planning
(302) 736-7196 phone
(302) 736-4217 fax
dmelson@dover.de.us

To the Honorable Council Members

From: Jane D. Wingfield
1012 Raven Circle
Wyoming, DE 19934
(302) 698-1378
oct. 8, 2012

To Whom It May Concern:

According to the Merriam-Webster's dictionary the meaning of division is "the process of dividing or separating."

As a new 4 year resident in this wonderful state, I've always wondered about the reason for a Division Street. Did it divide the rich from the poor or the black people from the white? Why?

Never-the-less, I feel it would be an honor for the capital city of Delaware to honor Dr King by naming Division St., Forrest Ave. +

part of Route 2, the Martin Luther King Boulevard from Highway 13 to as far as it can go. One street; one name.

I know it will cost the merchants + taxpayers, but think about the ~~cost~~ Dr. King paid in promoting his dream of equality, freedom + justice for all people regardless of the color of their skin. It cost him his life.

I will gladly pay to help bring it all about. Here is the 1st dollar to get it started.

Sincerely,

Jane D. Wingfield (age 84)

JANE D. WINGFIELD

# *PROCLAMATION*

***WHEREAS**, the City of Dover is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively "go the extra mile" in personal effort, volunteerism, and service; and*

***WHEREAS,** the City of Dover encourages its citizens to maximize their personal contributions by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and*

***WHEREAS,** the City of Dover chooses to shine a light on and celebrate individuals and organizations who "go the extra mile" in order to make a difference and lift up fellow members of their community; and*

***WHEREAS,** the City of Dover recognizes the mission of the Extra Mile America Foundation to create 200 Extra Mile cities in America and is proud to support "Extra Mile Day" on November 1, 2012.*

*NOW THEREFORE, I, CARLETON E. CAREY, SR., Mayor of the City of Dover, Delaware do hereby proclaim November 1, 2012 to be*

## *Extra Mile Day*

*in the City of Dover and urge each individual in the community to take time on this day to not only "go the extra mile" in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, and world a better place.*

Carleton E. Carey Sr.

CARLETON E. CAREY, SR.
MAYOR

# PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee Meeting was held on October 8, 2012, at 5:00 p.m. with Acting Chairman Bonar presiding. Members present were Mr. Anderson (arrived at 5:04 p.m.), Mrs. Horsey, and Mr. Lewis. Council President Leary (arrived at 5:06 p.m.) and Mayor Carey (arrived at 5:09 p.m.) were also present.

Noting the passing of Councilwoman Sophia R. Russell on October 6, 2012, Mr. Bonar expressed his sadness and requested a moment of silence in commemoration of Mrs. Russell.

**AGENDA ADDITIONS/DELETIONS**

**By unanimous consent, the agenda was accepted as presented.**

**Review of Active Recreation Area Plan - Leander Lakes Apartments**

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that as part of the Site Plan review process for Leander Lakes Apartments, the applicant prepared a Conceptual Recreation Plan illustrating how the development would provide recreation amenities in accordance with the design specifications described in Article 5, Section 10 of the *Zoning Ordinance*. Mrs. Townshend reviewed the Active Recreation Plan and stated that the proposal must be reviewed by the Parks, Recreation, and Community Enhancement Committee for a recommendation prior to consideration of the Site Plan by the Planning Commission.

Mrs. Townshend advised members that the road labeled on the plans as Rinnier Row, which separates Leander Lakes from the new Dover High School site, would be relabeled Dover High Drive. She explained that the applicant was required to provide 66,000 s.f. of Active Recreation Area and the submitted plan included 84,241 s.f. The recreational facilities would be located throughout the site and include a clubhouse and swimming pool, playground equipment, a dog park, and three (3) walking paths around stormwater ponds. Mrs. Townshend reminded members that the Committee was charged with determining if the amenities were accessible and age-oriented to the development. She noted that staff provided a number of additional recommendations to the developer, as detailed on the Data Sheet for Recreation Plan Review.

Responding to Mrs. Horsey, Mr. Jeff Anderson, Landscape Architect, Rodney Robinson Landscape Architects, Inc., stated that the dog park would have a series of rules and regulations, including specifications regarding the collection of droppings. He noted that a waste receptacle would be provided and trash would be collected on a regular basis (weekly or bi-weekly).

Mr. Keith Cooker, Landmark Engineering, stated that he was unsure whether a lifeguard would be available on the site, although he assumed this would be the case since the developer had another similar facility in Salisbury, MD which had a lifeguard and stated that he could determine this from the owner if required. He indicated that the pool would be fenced and access would be limited to residents of the complex.

Mr. Jeff Anderson confirmed that there would be a fence around the decking of the pool with access gates which would be locked unless a guard or someone in charge was present.

Responding to Councilman Anderson, Mr. Cooker confirmed that there were no objections to staff's recommendations; however, he suggested that bike racks may not be necessary in the playground area since it was unlikely that children would store their bikes there. The developer concurred that bike racks should be provided in the pool area.

In response to Councilman Anderson, Mrs. Townshend confirmed that staff agreed to remove the requirement for bike racks in the playground area and could make note of this when the plan was presented to the Planning Commission.

**Mrs. Horsey moved to recommend approval of the Active Recreation Area Plan for Leander Lakes Apartments as presented, with the inclusion of staff's comments and recommendations, with the exception of the requirement for bike racks in the playground area. The motion was seconded by Mr. Lewis and unanimously carried.**

## UPDATES

The following updates were provided to members:

### Planning and Funding for New Library

Ms. Margery Cyr, Library Director, advised members that $1,705,078 had been raised through the Capital Campaign for the new library in donations and pledges as of October 8, 2012. Memorial brick pavers were still being sold and naming opportunities were also available. The Grand Opening of the library was celebrated on September 20, 2012 with many attendees and the Library was in its 18th day of operation. She informed members that a punch list of items to be finished was still being addressed, including interior directional signage, and the Reading Garden was well on its way to completion. Staff was also waiting on some carpeting, shelving, and a small amount of furniture. Staff was heavily involved in training to learn how to use all of the systems in the building.

Responding to Mr. Anderson, Ms. Cyr stated that the name of the facility was the Dover Public Library.

Mr. Anderson congratulated Ms. Cyr on a beautiful building and a wonderful job in bringing it to fruition.

Mr. Bonar stated that Ms. Cyr had done a marvelous job with the dedication ceremony and the library itself and expressed his thanks to her. He noted that his only concern regarding the library was the future cost of running the facility.

In response to Mr. Bonar, Ms. Cyr stated that the fundraising goal for the project had been exceeded and that additional contributions received would be "good for the City."

**CDBG Program**

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the Status of FY-12 Program Funds Spent - Fiscal Year 7/1/12 - 6/30/13. She noted that the Funds Expended Column reflected $0; however, agreements had been executed with applicants on October 5, 2012, and it was expected that the expenditure of funds would begin soon.

Noting that the City had moved to a three (3) year process for block grants and that two (2) of the projects were one-time undertakings (Serenity Place and Elizabeth W. Murphey School); Mr. Anderson questioned if additional applications would be taken for remaining portions of these funds for next year. Responding, Mrs. Townshend explained that the program was structured to approve each applicant (rather than each project) for a three (3) year period; therefore, the current applicants could apply for funding for additional projects after completion of the initial projects. She noted that staff allowed for the possibility of an exception to be made (with the review of the Committee) if an unexpected circumstance arose where a non-profit or other qualified agency was in need of funds.

In response to Mr. Anderson, Mrs. Townshend stated that, theoretically, funds could be opened up if any of the applicants did not have an additional project that qualified or if a project were completed at a lower dollar amount. She did not believe that a grant cycle would occur in which all funds were not allocated. Mrs. Townshend stated that if this occurred, staff would issue a proposal indicating that pre-screened applicants could submit applications. She noted that the City of Dover could also put forward projects and that funding of police extra duty hours or other needs had been handled in this way in the past.

Mr. Anderson stated his pleasure in the progress of the Neighborhood Stabilization Program (NSP) as reflected in the Status of FY-12 CDBG Projects.

**By unanimous consent, the meeting adjourned at 5:15 p.m.**

David L. Bonar
Acting Chairman

DLB/DD/js/mk/tm
S:\AGENDAS-MINUTES-PACKETS\Committee-Minutes\2012\10-08-2012 PR&CE.wpd

# UTILITY COMMITTEE

The Utility Committee Meeting was held on October 8, 2012 at 5:30 p.m. with Chairman Bonar presiding. Members present were Mr. Perza (arrived at 5:34 p.m.), Mr. Blakeman, and Mr. Snaman. Mrs. Williams was absent. Members of Council present were Council President Leary, Mr. Anderson, Mr. Lynn (arrived at 5:35 p.m.), and Mr. Hutchison (arrived at 5:38 p.m.). Mayor Carey (arrived at 5:35) was also present.

**AGENDA ADDITIONS/DELETIONS**

Mr. Blakeman requested the addition of the TEA/NAES (The Energy Authority and North American Energy Services) Report to the agenda. Mr. Bonar stated that this matter would be included as Agenda Item #3.

**By unanimous consent, the agenda was accepted as amended.**

**Unit 1 Turbine Steam Seal Repair - McKee Run Generating Station**

Mr. Scott Koenig, City Manager, advised members that the McKee Run Unit 1 steam turbine developed a steam leak on the governor end of the machine. This leak has progressively gotten worse to the point that it is affecting the operation of the #1 bearing on this unit. When operating, this bearing is now running at elevated temperatures when the unit is at full load. This is an undesirable condition which could lead to damage to the bearing (if it is not already damaged), and possibly result in a forced outage. This Unit is not likely to operate until the Spring of 2013; however, repairs need to be made as soon as possible to avoid further damage to the unit.

To address the problem, NAES will replace the governor end outer gland seals and inspect the #1 bearing for damage. This will require:

- Removing the outer gland housing and seals.
- Sending seals to the OEM for refurbishment.
- Reinstalling the seals and gland housing and aligning the housing to the turbine shell.
- Removing the governor table to access the #1 bearing.
- Removing the bearing and inspecting/repairing as necessary, reassembling the bearing. If work on the bearing is required, an alignment check will have to be performed.
- Reassembly of the governor table.
- Operationally testing the unit.

The cost to perform this work is $65,000, assuming no damage is found to the #1 bearing. The work can easily be accomplished in the fall outage timeframe. However, this work was not included in the original 2013 Operation and Maintenance (O&M) budget nor in the 2013 Capital Investment Plan (CIP) budget.

Staff recommended approval of the Unit 1 Turbine Steam Seal Repair as a new Capital Investment Plan (CIP) project and the expenditure of funds for the project in FY 2013.

Responding to Mr. Blakeman, Mr. Koenig stated that he was unsure when the steam leak was first noticed but estimated that this occurred approximately one (1) to two (2) months ago. Mrs. Donna Mitchell, Controller/Treasurer, stated her belief that it had been detected over three (3) months ago and had gotten worse since that time.

In response to Mr. Blakeman regarding the cost of a second alignment for the bearing (if required), Mr. Koenig stated that this would be included in the cost of the repair of the bearing; however, authorization was being requested only for the initial inspection of the bearing at this time. The cost of repairing the bearing (if damaged) and the timeframe required had not been discussed; however, he noted that NAES was planning to be online for calls coming in during the Spring of 2013.

Mrs. Mitchell explained that if it were discovered that the bearing had significant damage, a revised estimate would be provided to the City. She stated that if the cost was substantial, it was probable that this matter would be brought back to the Utility Committee.

Responding to Mr. Blakeman, Mr. Koenig stated that no estimate had been received regarding the cost or availability of a new bearing, nor information regarding the type of damage that could result if the bearing failed while the unit was operating.

In response to Mr. Bonar, Mr. Koenig projected that failure to repair the steam seal could result in a forced outage involving Unit 1.

**Mr. Blakeman moved to recommend approval of the Unit 1 Turbine Steam Seal Repair as a new Capital Investment Plan (CIP) project and expenditure of funds for the project in FY 2013, as recommended by staff, seconded by Mr. Snaman and unanimously carried.**

## UPDATES

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

Mrs. Ann Marie Townshend, Director of Planning and Community Development, conveyed her thanks to Wesley College for continuing to work with staff on the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit. She advised members that Mr. Nicholas DiPasquale, former Secretary of the Department of Natural Resources and Environmental Control (DNREC) and current Director of the Chesapeake Bay Program for the Environmental Protection Agency (EPA), would be speaking at the new Dover Public Library on October 16, 2012 regarding what could be learned about the City's watersheds from the Chesapeake Bay experience.

### Garrison Oak Technical Park Project

Mr. Scott Koenig, City Manager, stated that the Garrison Oak Technical Park project was progressing. Staff met with the Delaware Department of Transportation (DelDOT) on October 8, 2012 to discuss the entrance permits. He noted that applications from Calpine were progressing through City and State-level review processes and Calpine was currently working on air permitting. Staff was working with Calpine on site plan approval as well as approvals of the overall Garrison Technology Park. He informed members that at recent Council meetings, approvals were

granted for engineering service agreements for the design of a 1.5M gallon water tower and a pump station to serve the Garrison Farm and outlying areas of the City. The most recent discussions with Calpine indicated their hope to achieve a building permit in approximately January or February.

Mr. Koenig stated that he was originally told that improvements to the PJM grid would be required in the Wilmington and southern Pennsylvania areas; however, he had learned during the previous week that, because of changes in the grid, it appeared that those improvements would not be required for Unit 1 at this time. He noted that this was not the case for Unit 2. He indicated that improvements made would involve obtaining a 230 KV line from the Calpine plant to the City's Cartanza Substation.

Responding to Mr. Snaman regarding the status of a filing for pipeline by Chesapeake Utilities, Mr. Koenig stated his understanding that a related hearing had been scheduled approximately one and one-half weeks prior at the Delaware Public Service Commission.

Mr. Bonar indicated that this workshop meeting (to discuss the southern Delaware expansion being requested by Chesapeake Utilities and the expansion in the size of transmission to 16 inches for central Delaware) had been postponed.

In response to Mr. Snaman, Mr. Bonar stated that the Federal Energy Regulatory Commission (FERC) would have to be notified of the increase in the size of Chesapeake's transmission; however, the only hearing process would be through the Delaware Public Service Commission.

**TEA/NAES (The Energy Authority and North American Energy Services) Report**

Mr. Blakeman noted that members had not received the TEA/NAES monthly report since the October 12, 2011 report that was reviewed during the meeting held on January 12, 2012.

Mrs. Mitchell explained her understanding that Mr. Bonar had requested staff to discontinue sending the report.

Mr. Bonar clarified that his request was that the report not be formally presented but be submitted electronically. Mrs. Mitchell apologized for her misunderstanding.

Mr. Bonar stated that reports had been reviewed previously on an agenda in a public fashion; however, since they could be submitted electronically there was no need to review them on a monthly basis unless a member of the Committee or Council had a specific question.

In response to Mr. Blakeman, Mrs. Mitchell offered to send the year-end report for Fiscal Year 2012, which would include the month of June and year-to-date, and to again provide the report monthly.

**By unanimous consent, the meeting adjourned at 5:44 P.M.**

David L. Bonar
Chairman

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# LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on October 8, 2012, at 6:00 p.m. with Chairman Lynn presiding. Members present were Mr. Anderson, Mr. Hare, Mr. Rushe, and Mr. Shevock. Members of Council present were Council President Leary, Mr. Perza, Mr. Bonar, and Mr. Hutchison. Mayor Carey was also present.

**AGENDA ADDITIONS/DELETIONS**

**Mr. Shevock moved for approval of the agenda, seconded by Mr. Rushe and unanimously carried.**

**Authorization to Purchase Downtown Security Cameras**

Members were advised that Mayor Carey had proposed the purchase and installation of 16 additional outdoor security cameras in the downtown area to expand the existing camera network. The proposed locations and details were as follows:

> Expansion #1: $51,675 - Five (5) Cameras - Installation Quote from Advantech for New Street & Reed Street, S. Governors Avenue & Reed Street, Loockerman Street & S. Bradford Street, S. Bradford Street & Reed Street.
>
> Expansion #2: $24,905 - Four (4) Cameras - Installation Quote from Advantech for S. Governors Avenue & North Street and S. New Street & North Street.
>
> Expansion #3: $21,480 - Three (3) Cameras - Installation Quote from Advantech for Reed Street & S. Kirkwood Street, Loockerman Street & Slaughter Street, North Street & Slaughter Street/Jerusalem Way.
>
> Expansion #4: $29,720 - Four (4) Cameras - Installation Quote from Advantech for Division Street & Governors Avenue, Division Street & New Street, Division Street & Queen Street
>
> Fiber Installation is estimated to cost $7,620 by City of Dover and Goldhorn Electrical.
>
> Total Equipment Cost of Proposed Project is $135,400. *(No incremental operating cost, other than the maintenance will be incurred.)*
>
> Fiscal Note: The limited warranty for products and installation would be effective for one (1) year from the date of the Advantech invoice for the installation. The service plan for this equipment would commence one (1) year after systems are installed for $9,300 per year. The City would be responsible for any liability incurred on City premises.

Members were advised that there were two (2) options available to fund this project, as follows:

> Option A - Staff requested that the City pay for the cameras using $102,400 of General Fund street program carry forward balance and $33,000 that was approved

in the Mayor's budget. This recommendation was made based on the forward movement of the General Fund.

Option B - The Mayor recommended that $135,400 of Community Transportation Funds, which are restricted to non-public safety public works projects, be "swapped out" with General Fund monies and allocated for the project. He suggested that the total project be funded using $135,400 of the General Fund Street Program carry forward balance and that the Mayor's budgeted money be used later for additional cameras and maintenance not included in this quote. It was noted that the Community Transportation Funds would be used for the Street Program.

Mayor Carey explained that he had been working with State legislators and staff since late March or early April to obtain the funding needed to accomplish this project. He noted that a representative from Advantech Incorporated, was present to provide additional information and answer questions.

Mr. Ryan Kelly, Advantech Incorporated, reviewed a presentation entitled, "City of Dover Wireless Camera Expansion Project," that included details regarding the proposed project.

Responding to Mr. Lynn, Mr. Kelly stated that camera footage for the City's 14 existing cameras was currently being stored for approximately four (4) months.

In response to Mr. Anderson, Mr. Kelly stated that all expansions were wireless and footage would be relayed to a wireless access point at the Fire Department and then be transmitted to the Police Department via fiber.

Responding to Mr. Shevock, Mr. Kelly stated that, based on storage limitations, the maximum number of cameras that could be installed in the system would be 50, and the addition of cameras as proposed would bring the City's total to 30. He explained that although more cameras could be added, this would reduce the storage capacity. Mr. Kelly explained that the storage capacity for up to 50 cameras would be approximately 30 days and estimated that continuous use of 30 cameras would allow for 45 days of storage. If the total number of cameras were to exceed 50, settings could be adjusted to record on motion only, etc., to achieve the timeframe needed.

Mayor Carey explained a fifth expansion of the system had been requested by State legislators in conjunction with the North Street project and was included in State grant funding for that project. This expansion would be incorporated in the City system.

In response to Mr. Lynn, Mr. Kelly informed members that in the event of an incident, the video would be saved to a thumb drive or CD and stored as a clip. Information would be written to a hard drive on a "first in, first out" basis; therefore, non-pertinent information would not be available after 30 days.

Responding to Mr. Lynn, Chief Hosfelt indicated that the Police Department had not experienced a situation where there was a need for information to be stored for longer than 30 days.

In response to Mr. Bonar, Mr. Kelly stated that the expected life span of the cameras was approximately seven (7) to ten (10) years and the resolution of the footage was "as good as it is going to get."

Mr. Bonar reminded members and residents that should grant funds for this project run out, the City would be obligated for maintenance costs and this would be an ongoing expense; however, it would eliminate the need to place a police officer on a particular corner.

Responding to Mr. Perza, Mr. Kelly advised members that the response time for attending to equipment problems was typically within 24 hours of reporting the problem. He noted that this was part of the maintenance agreement that the City has with the existing system and this is provided under a one (1) year warranty for new equipment. If the City were to switch security providers in the future, the City would own the cameras and pay for parts and labor, and the maintenance contract with Advantech Incorporated would simply expire. He assured members that the equipment proposed for purchase was at the beginning of its technological age.

Responding to Mr. Anderson regarding the intentions of legislators in dedicating funds, Mr. Scott Koenig, City Manager, explained that the State legislators were interested in the project but could not fund the camera purchase with Community Transportation Funds; therefore, they requested that the City "swap" funding. He advised members that a number of street projects came in slightly under budget, and in some cases legislators contributed more money than was originally anticipated for these projects. For this reason, the City had General Fund street money that could be reallocated to the camera project and legislators had agreed to "backfill" that funding with new Community Transportation agreements. Mrs. Donna Mitchell, Controller/Treasurer, and Mr. Koenig made the recommendation to hold the total camera project at $135,400 because, as the Mayor indicated, the original draft budget had no camera purchases in it because the City was facing a deficit. Mr. Koenig noted that there were still deficits going forward in the General Fund and, since this was a General Fund expense, it was staff's recommendation to take the $33,000 that Council allocated toward cameras and add $102,000 of unrestricted street financing to make the purchase. The State legislators would then backfill the $102,000 (and probably backfill more than the $102,000, as they have done in the past for streets within their legislative districts). Mr. Koenig stated it was staff's position that the security cameras were nice things to have in the budget and would be cheaper than a police officer; however, expenditure of these funds was not anticipated when the budget was being built. The concern going forward was that the $9,300 maintenance contract expense would become a baseline cost in the Police Department budget for as long as the cameras are used.

Responding to Mr. Anderson, Mr. Koenig stated that the General Fund budget for the Police Department was between $10M and $11M. He acknowledged that this was not a great deal of money in the overall budget; however, he felt that expenses add up.

In response to Mr. Perza regarding the potential to relocate the cameras in the future if necessary, Mr. Kelly stated there is capability to move them as long they are in range of the wireless radio, provided that power and a line of sight were available at the new location, and moving the cameras would not be difficult.

Responding to Mr. Shevock regarding the possibility of adding new cameras in the future, Mr. Kelly stated that most IP-based systems come with firmware updates; therefore, new technology could be implemented into the system without hindering the system or having to incur cost for another upgrade.

**Mr. Hare moved to recommend that staff be authorized to sign a contract with Advantech Incorporated for the purchase and installation of 16 additional security cameras at an estimated cost of $135,400 using $102,400 of General Fund street program carry forward balance and $33,000 that was approved in the Mayor's budget, seconded by Mr. Shevock and unanimously carried.**

**Revision to Fee Policy - Library Meeting Room Fees**

Mr. Scott Koenig, City Manager, advised members that the new Dover Public Library was dedicated on September 20, 2012. The new building includes a significant increase in the number of meeting spaces compared to the old building. The Dover Public Library has for many years charged a fee of $15.00 for the use of the meeting rooms and use of the meeting rooms has been limited to non-profit and governmental agencies. With the opening of the new library, the size and number of the meeting rooms has increased. In addition, the quality of the meeting rooms has been substantially improved; therefore, staff requested consideration of increasing the room rental fees. The Dover Public Library Advisory Commission reviewed the fee proposal on September 18, 2012 and endorsed the proposal put forth by staff.

The recommended fees were as follows:

| | |
|---|---|
| 1st Floor – Large Meeting Room: | $100.00 per use |
| 1st Floor – ½ of the Large Meeting Room: | $50.00 per use |
| 2nd Floor Conference Room: | $15.00 per use |

Use of the rooms would remain limited to non-profit and governmental agencies.

Responding to Mr. Anderson, Ms. Margery Cyr, Library Director, stated that the proposed fees would include the use of all equipment in the room but would not include set-up of the room; therefore, those agencies using the room would be responsible for setting up and taking down the tables and chairs. The large meeting room can be divided into two (2) smaller rooms, each of which has a screen, projector, and wireless access.

In response to Mr. Shevock, Ms. Cyr informed members that the second floor conference room seats 10 people. Since the conference room is limited to 10 people, staff anticipated that the room would mostly be used for meetings of relatively short duration. The large meeting room as a whole seats 150 people; when the partition is pulled closed, one (1) side of the room seats 50 and the other seats 75. It was felt that meetings held in this room might be of longer duration and involve many more people; therefore, the usage and wear and tear on the large room would be greater than the conference room.

In response to Mr. Perza, Ms. Cyr stated that use of the rooms would be limited to any organization that provides proof that they are an official non-profit entity.

Responding to Mr. Bonar regarding potential use of the facility by the Downtown Dover Partnership (DDP), Ms. Cyr stated that typically the Dover Public Library does not charge library or City partners for the use of meeting rooms.

**Mr. Hare moved to recommend approval of staff's recommendation to endorse and adopt the fees for the meeting rooms in the new Dover Public Library as recommended by staff, seconded by Mr. Shevock and unanimously carried.**

**Proposal to Develop Pocket Park at 301 South Governors Avenue *(Southeast Corner of South Governors Avenue and North Street)***

Mr. Scott Koenig, City Manager, advised members that several years ago the City demolished the dangerous building formerly located at 301 South Governors Avenue. The demolition charges were placed as a lien against the property in accordance with the Dover Code of Ordinances. Recently, the property was sold at a sheriff sale due to City tax delinquency, and the City was the successful bidder and acquired the property.

Mr. Koenig reminded members that the Downtown Dover Partnership (DDP) received $3M from the State of Delaware for North Street improvements between South State Street and South Governors Avenue, including the development of a plaza on the former Collegian site, various streetscape improvements, the repaving of North Street, and the consolidation of several parking lots between The Green and North Street. This project was currently underway and was expected to be completed under the $3M budget due to a favorable bidding climate. The DDP proposed developing a pocket park on the property located at 301 South Governors Avenue with some of the funds remaining from the State of Delaware funding. The development of a park in this location is consistent with the Downtown Plan that was the result of the 2010 Transit Center Neighborhood Charette.

Mr. Koenig stated that staff supported the development of a passive pocket park in this location as it would enhance the downtown environment and, due to the size and location of the lot, future commercial or residential development of the subject property would present a number of challenges. The City had been incurring costs associated with cutting the grass and cleaning up the property as it routinely becomes overgrown and accumulates litter. Mr. Koenig noted that if the staff recommendation were accepted, the City would need to write off the demolition and other associated costs for the property which total approximately $35,996.08. The outstanding receivable would be written off to the uncollectible reserve, which currently had a balance of $150,000. The proposed construction cost of the new park was estimated at $68,196.45 and would be covered by the overall project budget of $3M for the downtown streetscape project. Once completed, the City would be responsible for the ownership and maintenance of the park in perpetuity and estimated annual maintenance costs were $2,000 - $3,000 per year. Mr. Koenig reviewed a rendering of what the proposed park would look like.

Staff recommended that the park be established on the subject property once the City holds title to the property.

Responding to Mr. Hare, Mr. Koenig stated that the amount the City paid for the property was included in the $35,996.08 previously cited. He was unsure if there were other bidders and advised members that Mr. William Pepper, Deputy City Solicitor, handles all such sales for the City.

Mr. Rushe stated that, based on his own experience with sheriff's sales, it was likely that the City obtained the property for the amount that was owed to the City on the property.

Mr. Anderson inquired if, in view of the new parking lot being constructed on North Street, this park would be vital for safe access from North Street through Loockerman Street for college students and those who patronize the Schwartz Center. Responding, Mr. Koenig stated his opinion that this was a great opportunity to take advantage of State funding and a piece of property that would be a potential liability for the City in the future if it were not developed as a park because the City would have to maintain it in some fashion. As a pocket park, he felt it would be well used, the rendering was inviting, and the City would be very happy with the project once completed.

**Mr. Anderson moved to recommend that a pocket park be established on the property located at 301 South Governors Avenue (on the southeast corner of South Governors Avenue and North Street) once the City holds the title to the property, as recommended by staff. The motion was seconded by Mr. Rushe and unanimously carried.**

**Proposed Ordinance #2012-22 Amending Chapter 114 - Vegetation, Article II - Weeds (Collection of Grass Cutting Fees)**

Mr. Perza advised members that Proposed Ordinance #2012-22 was a modification of an existing ordinance which allows the City to collect grass-cutting fees by tacking them on as a lien on the municipal lien docket at Kent County. The process typically requires the City to record the lien in the hope that the City would be repaid at some point in the future. He noted that the process has a cap, explaining that once a lien is recorded it is only good for three (3) years, regardless of whether or not it is paid. The proposed ordinance would permit the City to collect fees assessed by the City for cutting the grass for property owners who are cited for tall grass by adding grass-cutting fees to the annual tax bill. Mr. Perza stated that the assumption being made was that as property owners receive their bills, they would pay the cost of cutting the grass along with their taxes; therefore, it would not be necessary for the City to wait five (5), six (6), or seven (7) years to be reimbursed for these expenses. Mr. Perza expressed his feeling that the ordinance would benefit all residents and that collecting reimbursement within a reasonable amount of time would help defray the costs of grass-cutting. He emphasized that this was not deemed to be an additional tax as this would involve funds that are already owed by property owners after the City performs services.

Responding to Mr. Lynn, Mr. Perza confirmed that the purpose of the ordinance was to provide the City a better opportunity to collect these debts within a reasonable period of time.

In response to Mr. Anderson, Mr. Perza stated that tax bills paid by escrow would not be affected because banks would receive property tax bills, pay the taxes, and bill the property owner for any shortfalls. For example, if a $500 tax bill were owed and a $50 grass-cutting fee were added to it, but there was only $500 in escrow, the bank would pay the $500 and a supplemental invoice would be sent to the property owner by the bank for the additional amount owed.

Mrs. Townshend informed members that there are significant out-of-pocket expenses for cutting property owners' grass amounting to approximately $12,000 to $15,000 per year. She stated that if the City does not recover the costs, they are being paid by the taxpayers as a whole.

Responding to Mr. Hare regarding the possibility of "coat-tailing" other fines levied on the City to this ordinance, Mr. Perza stated that he did not feel that other fees could be tacked on to Section 114 of the Municipal Code, which was specifically designed to allow the City to recoup grass-cutting fees. He felt that the City would have to amend other portions of the Code, to permit collection of additional fees generated from violations of other ordinances, in this manner.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that the ordinance was drafted to allow the City to recover out-of-pocket costs (including attorney's fees) and fines for grass violations. She concurred with Mr. Perza that fees in other sections of the Code would have to be addressed by additional amendment(s); however, she stated that such amendment(s) could be developed.

Mr. Perza stated that it would require manpower to perform the research to find every section of the City Code to which such an amendment would apply.

Mr. Hare suggested that an additional ordinance be brought forward to speed up other processes and Mrs. Townshend agreed.

Mr. Rushe expressed his opinion that the ordinance was "a great idea;" however, he questioned the provision in Line #29 that "In the event that the owner, occupant, tenant or other agent caring for or in charge of the premises" and suggested that this be changed to the "owner of record." He stated his feeling that this would eliminate the possibility of a notice being sent to a tenant without a landlord's knowledge.

Mr. Perza concurred with amending the ordinance to address the owner of record.

Mr. Bonar stated that he also thought the proposed ordinance was "a great idea" and congratulated Councilman Perza for his efforts. He suggested that rather than changing the Code piece by piece, perhaps one (1) comprehensive change could be made that would take care of all sections of Code, saving staff and Council a considerable amount of time.

Mr. Perza stated that, alternatively, this ordinance could be passed as a test case to see if any problems arise before amending the entire Code.

**Mr. Hare moved to recommend amending Line #29 of Proposed Ordinance #2012-22 by replacing the words "owner, occupant, tenant or other agent caring for or in charge of the premises" with "owner of record". The motion was seconded by Mr. Rushe and unanimously carried.**

**Mr. Hare moved to recommend adoption of the ordinance as amended *(Attachment #1)*. The motion was seconded by Mr. Rushe and unanimously carried.**

**Fund to Combat Violent Crimes - New Grant Program Initiative**

Members were advised that the Fund to Combat Violent Crime Program was a new grant program managed by the Department of Safety and Homeland Security for use by local law enforcement agencies in connection with initiatives to combat violent felonies pursuant to Section 4201(c) of Title 11 of the Delaware Code. Police Chief James Hosfelt advised members that the Police Department was requesting approval to use its grant allocation from this program. He explained that about half of the funds ($22,500) would be used to purchase replacement sniper rifles and an insert for an existing cargo van in the police fleet. The vehicle insert would enable the department to transport a group of prisoners safely at one time. The remaining portion of the funds ($24,285.34) would be used to target violent crime throughout the city with extra duty overtime patrols and provide education to citizens on measures they can take to avoid or cope with violent crime related activities.

Chief Hosfelt informed members that this was the first year of this new, ongoing, State-funded grant resulting from an assessment that was placed on all criminal traffic arrests in the State of Delaware and that each law enforcement agency throughout the State would receive a share. He indicated that a significant portion of the City's allocation would be spent for overtime hours to employ police officers in off-duty hours. This would allow them to fight violent crime in areas where the need arose and to provide the impression that the City has more police officers than it does.

Mr. Lynn indicated that he attended a Greater Dover Committee meeting the previous week where Chief Hosfelt received many kudos for his efforts to combat crime in downtown Dover. He expressed his appreciation for the Chief's continued efforts downtown and to obtain grant funding.

**Mr. Hare moved to recommend approval for the Police Department to use its allocation from the Fund to Combat Violent Crime Program, as recommended by staff, seconded by Mr. Anderson and unanimously carried.**

By unanimous consent, the meeting adjourned at 6:48 P.M.

Sean M. Lynn
Chairman

SML/DD/js/mk/tm

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*Attachment*
*Attachment #1 - Proposed Ordinance #2012-22 with LF&A #1*

**FIRST READING**

**CITY OF DOVER PROPOSED ORDINANCE #2012-22 WITH LF&A #1**
(LF&A Amendment Indicated in Bold, Black, Underlined Italics (additions) and Strikeout (deletions))

**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 by deleting the text indicated in red, bold, strikeout and inserting the text indicated in bold, blue, italics 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 ~~**health inspector**~~ ***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 ~~**certified mail**~~ ***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 ~~**by certified mail**~~ ***evidenced by certificate of mailing***, then the city, at the direction of the ~~**health inspector**~~ ***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, occupant, tenant or other agent caring for or in charge of the premises**~~ ***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***

Draft

***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 by deleting the text indicated in red, bold, strikeout and inserting the text indicated in bold, blue, italics 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.

ADOPTED: *



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SYNOPSIS

The proposed ordinance amendment adds 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.

(SPONSORS: PERZA, BONAR, LYNN)

Actions History

10/22/2012 - Scheduled for First Reading at Council
10/08/2012 - Introduced at Legislative, Finance, and Administration Committee

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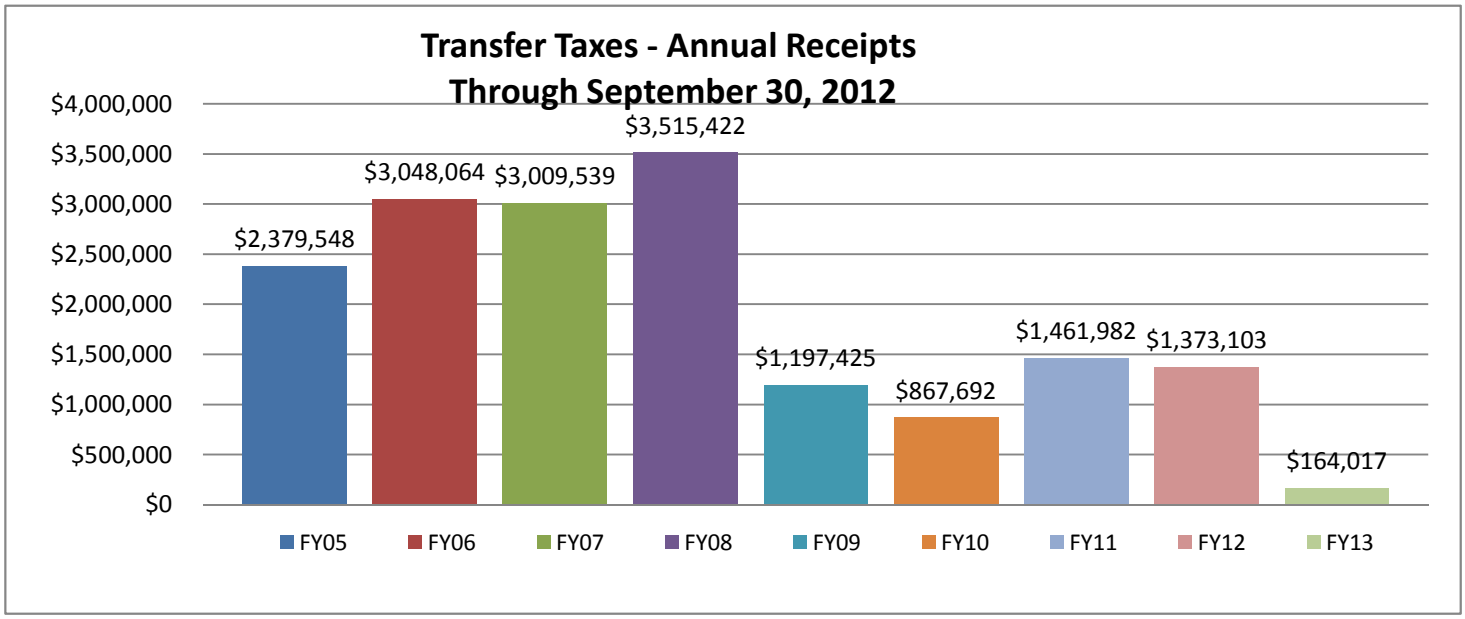
Prepared for: Regular Council Meeting
October 22, 2012

**CITY OF DOVER**
**FISCAL YEAR JULY 1, 2012 TO JUNE 30, 2013**
**REVENUE FORECAST**
**As of September 30, 2012**

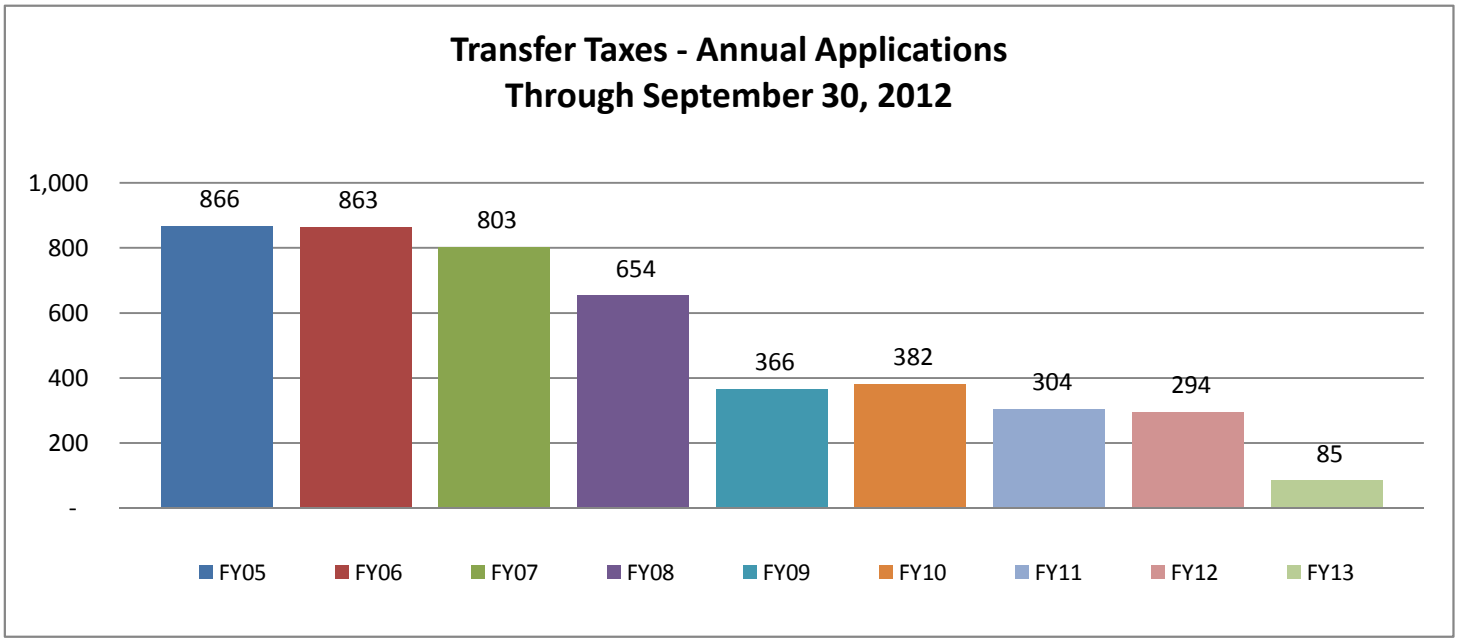
| | GENERAL FUND | FY13 BUDGET | SEPT YTD REVENUES | 25.0% % BUDGET RECEIVED | COMMENTS | Unaudited FY12 RECEIPTS | FY11 RECEIPTS |
|---|---|---|---|---|---|---|---|
| 1 | Property Taxes | $ 10,767,600 | $ 10,685,569 | 99.2% | | $ 10,765,741 | $ 10,647,362 |
| 2 | Payment In Lieu of Taxes | 281,400 | 14,400 | 5.1% | Rec'd State $297K - 10/12 | 284,457 | 257,547 |
| 3 | Transfer from Electric Fund | 8,000,000 | 4,000,000 | 50.0% | | 7,876,288 | 8,856,000 |
| 4 | Intrafund Service Receipts Electric | 3,224,500 | 759,028 | 23.5% | | 3,100,980 | 3,150,761 |
| 5 | Transfer Tax | 1,370,000 | 164,017 | 12.0% | | 1,373,208 | 1,462,154 |
| 6 | Business Licenses | 1,455,000 | 1,410,966 | 97.0% | | 1,460,612 | 1,467,382 |
| 7 | Intrafund Service Receipts Water/Wastewater | 1,104,600 | 243,107 | 22.0% | | 893,293 | 892,538 |
| 8 | Sanitation Fees | 2,690,200 | 657,596 | 24.4% | | 1,903,623 | 2,173,433 |
| 9 | Permits & Other Licenses | 1,053,300 | 180,673 | 17.2% | | 1,452,030 | 949,982 |
| 10 | Transfer from Municipal Street Aid Fund | 527,400 | - | 0.0% | 1st Qtr. Rec'd 10/5 | 527,042 | 527,226 |
| 11 | Fines & Police Revenue | 668,000 | 106,446 | 15.9% | | 684,012 | 698,522 |
| 12 | Court of Chancery Fees | 753,800 | 142,060 | 18.8% | | 863,220 | 766,340 |
| 13 | Transfer from Water/Wastewater Fund | 500,000 | 500,000 | 100.0% | | 424,508 | - |
| 14 | Transfer from Civil Traffic Penalties Fund | 750,000 | - | 0.0% | Waiting on DEL DOT | 518,637 | 967,020 |
| 15 | Library Revenues & County Reciprocal Pymt. | 472,100 | 7,855 | 1.7% | | 475,822 | 444,455 |
| 16 | Police Extra Duty Fees | 494,400 | 334,316 | 67.6% | Being researched | 539,761 | 334,023 |
| 17 | Franchise Fees | 550,000 | - | 0.0% | | 568,240 | 549,353 |
| 18 | Grants | 708,500 | 103,329 | 14.6% | | 698,485 | 963,152 |
| 19 | Recreation Revenue | 130,000 | 21,131 | 16.3% | | 112,480 | 144,114 |
| 20 | Other Miscellaneous Receipts | 128,500 | 47,775 | 37.2% | Inspection fees - correction | 173,110 | 312,836 |
| 21 | Interest Income | 75,000 | 29,337 | 39.1% | | 66,994 | 49,779 |
| | TOTALS | $ 35,704,300 | $ 19,407,605 | 54.4% | | $ 34,762,543 | $ 35,613,979 |
| | **Final Budget** | | | | | **$ 35,016,778** | **$ 35,641,080** |

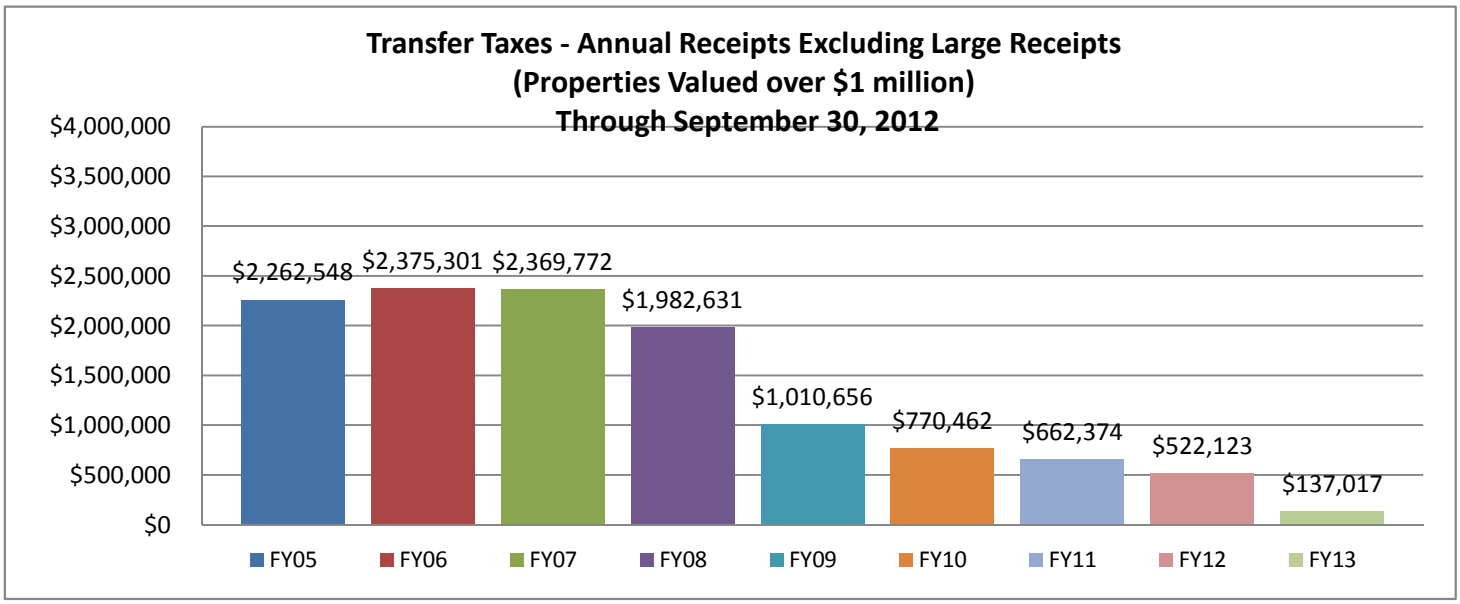
| | WATER/WASTEWATER FUND | FY13 BUDGET | SEPT YTD REVENUES | 25.0% % BUDGET RECEIVED | COMMENTS | Unaudited FY12 REVENUES | FY11 REVENUES |
|---|---|---|---|---|---|---|---|
| 1 | Water Fees | $ 4,730,700 | $ 1,426,300 | 30.1% | | $ 4,707,918 | $ 4,945,385 |
| 2 | Wastewater Fees | 3,834,600 | 1,012,326 | 26.4% | | 3,722,985 | 3,694,020 |
| 3 | Wastewater Adjustment Fees - County Trtmt | 3,090,800 | 837,410 | 27.1% | | 3,050,127 | 3,058,656 |
| 4 | Groundwater Inflow Adjustment | 1,257,600 | 375,871 | 29.9% | | 1,290,968 | 1,171,376 |
| 5 | Wastewater Impact Fees | 317,000 | 92,200 | 29.1% | | 277,400 | 354,825 |
| 6 | Water Impact Fees | 350,000 | 99,820 | 28.5% | | 310,800 | 393,750 |
| 7 | Water Tank Space Leasing | 313,500 | 8,554 | 2.7% | | 313,101 | 300,137 |
| 8 | Interest Income | 25,800 | 3,710 | 14.4% | | 31,985 | 9,808 |
| 9 | Other Miscellaneous Revenues | 77,000 | 16,212 | 21.1% | | 104,634 | 83,056 |
| | TOTALS | $ 13,997,000 | $ 3,872,403 | 27.7% | | $ 13,809,918 | $ 14,011,013 |
| | **Final Budget** | | | | | **$ 13,819,800** | **$ 13,707,200** |

| | ELECTRIC REVENUE FUND | FY13 BUDGET | SEPT YTD REVENUES | 25.0% % BUDGET RECEIVED | COMMENTS | Unaudited FY12 REVENUES | FY11 REVENUES |
|---|---|---|---|---|---|---|---|
| 1 | Sales to Customers | $ 85,071,400 | $ 26,402,393 | 31.0% | | $ 96,483,054 | $ 99,859,602 |
| 2 | Purchased Power Adjustment | - | - | 0.0% | | (6,083,282) | (2,290,989) |
| 3 | Utility Tax | 1,595,200 | 421,933 | 26.5% | | 1,548,209 | 1,944,543 |
| 4 | Transfer from Rate Stabilization Reserve | 5,400,000 | - | 0.0% | | 1,000,000 | - |
| 5 | Miscellaneous Revenue | 1,204,700 | 399,101 | 33.1% | | 1,463,117 | 1,381,300 |
| 6 | Interest Income | 107,800 | 38,715 | 35.9% | | 141,529 | 12,662 |
| 7 | Intrafund Service Fees - Water/Wastewater | 130,800 | 30,287 | 23.2% | | 140,570 | 171,646 |
| | TOTALS | $ 93,509,900 | $ 27,292,429 | 29.2% | | $ 94,693,197 | $ 101,078,764 |
| | **Final Budget** | | | | | **$ 93,958,400** | **$ 99,934,036** |




| | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|---|---|---|---|---|---|---|---|---|---|
| Avg. Receipt $ | $2,616 | $2,768 | $2,970 | $3,074 | $2,777 | $2,033 | $2,238 | $1,838 | $1,631 |



City of Dover

# Memorandum

**Office of the City Manager**
**PO Box 475**
**Dover, DE 19903**
**Phone: (302) 736-7005**
**Fax: (302) 736-7002**
**E-mail: skoenig@dover.de.us**

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**To:** Mayor and City Council

**From:** Scott D. Koenig, P.E.
City Manager

**Date:** October 12, 2012

**Subject:** Semi Annual Inspection – Robbins Hose Company

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In accordance with Section 46-43 of the City Code, I performed the required semi-annual inspection of the Dover Fire Department on Friday, October 12, 2012 with Chief Jack Fortney. Chief Fortney and I met at Station #1 and discussed a variety of current issues. As I mentioned previously, Chief Fortney has completed a review of their fleet and he expects to request the replacement of Engine #7 in the upcoming budgets. Staff will be requesting documented costs and equipment/vehicle evaluations to support the request. Truck purchases of this nature have a direct impact on the City's General Fund. Chief Fortney also indicated that all of the problems with the voice recording system and the server that supports this system have been resolved. The facilities are in excellent condition; however, a recent roof leak has resulted in damage to the meeting room floor. This damage is currently being repaired by a contractor.

As of this date, there are two (2) vacant Fire Dispatcher positions. Recruitments for these positions have been authorized. The Chief indicated that membership has remained strong. The Robbins Hose Company continues to provide and outstanding level of service to the City of Dover. Please feel free to contact me if you have any questions or concerns.

cc: Fire Chief Jack Fortney

SDK/yml

# ACTION FORM

| | |
|---|---|
| **PROCEEDING**: Council | **AGENDA ITEM NO.:** |
| **DEPARTMENT OF ORIGIN**: Public Works - Wastewater | **DATE SUBMITTED**: 10/12/12 |
| **PREPARED BY**: Sharon Duca, P.E., Interim Public Works Director / City Engineer | |
| **SUBJECT**: Evaluation of Bids - NRG Sanitary Sewer Upgrade | |
| **REFERENCE**: N/A | |
| **RELATED PROJECT**: Inflow / Infiltration Removal | |
| **APPROVALS**: City Manager and Controller | |
| **EXHIBITS**: Attachment A | |
| **EXPENDITURE REQUIRED**: $105,500 | **AMOUNT BUDGETED**: $175,000 |
| **FUNDING SOURCE (Dept./Page in CIP & Budget)**: Wastewater Management, Inflow / Infiltration Removal, CIP Account Number 417-6900-569.40-31, Project #II1305. This is one component of the tasks proposed within this project. | |
| **TIMETABLE:** Notice to Proceed to be issued within 30 days of Council approval. Substantial completion to be achieved within 60 calendar days. | |
| **RECOMMENDED ACTION**: Staff recommends approval of low bid, submitted by Tri-State Grouting, LLC, in the amount of $105,500. | |

## BACKGROUND AND ANALYSIS

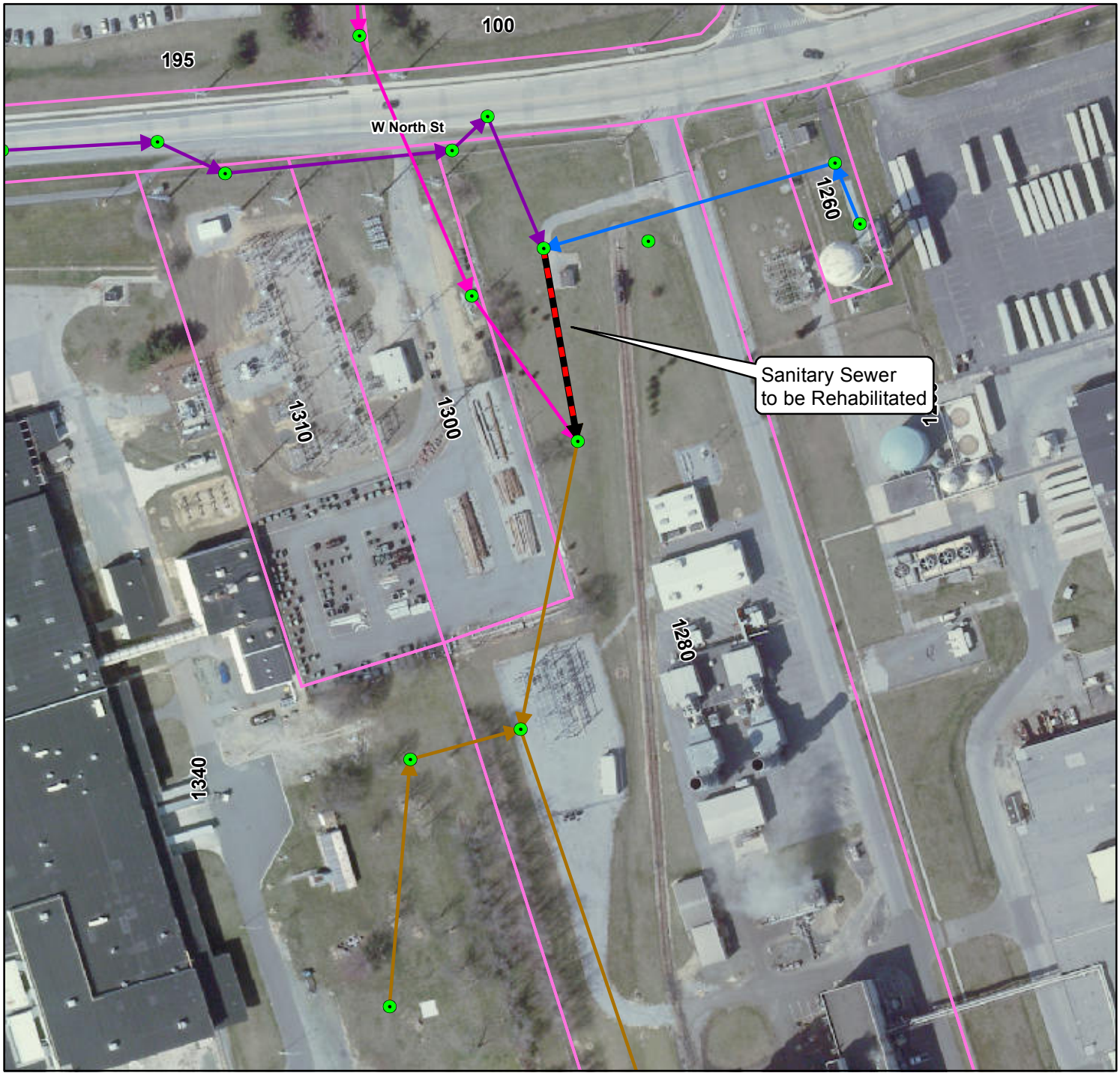
The FY-2013 budget for the Department of Public Works, Wastewater Management Division, included a capital project to remove inflow and infiltration from our wastewater distribution system. One location that is in need of repair is at 1280 West North Street, which is the location of NRG Energy, Inc. Staff identified a significant sink hole directly above the sanitary sewer interceptor. Staff performed video investigation of the interceptor to evaluate the condition of the sewer. The video indicated that multiple cracks are allowing groundwater and sediment to enter the interceptor, thus causing the sink hole above the sewer main. This infiltration is being treated at the Kent County Wastewater Treatment Plant, which costs the City of Dover significant amounts of money. 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 #13-0006WW. Bids were opened on October 4, 2012. This bid included engineering specifications prepared by Pennoni Associates, Inc. with two viable bid options: one to replace the infrastructure and a second to rehabilitate the infrastructure, specifically relining. It is important to note that the contractor was not required to bid on both options, only one (1) bid is required. The following two (2) contractors submitted bids for the proposed project.

| Contractor | Location | Amount of Bid Option A | Amount of Bid Option B |
|---|---|---|---|
| Teal Construction, INc. | Dover, DE | $225,300 | $213,400 |
| **Tri-State Grouting, LLC** | **Bear, DE** | **n/a** | **$105,500** |

City staff reviewed the Tri-State Grouting, LLC 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 NRG Sanitary Sewer Upgrade project, their financial statement and found all information to be adequate. In conclusion staff recommends awarding a construction contract to Tri-State Grouting, LLC, in the amount of $105,500.00 for the construction of the NRG Sanitary Sewer Upgrade.

# ATTACHMENT A

## 1280 West North Street
## NRG Sanitary Sewer Upgrade




0 50 100 Feet

Date Printed: October 12, 2012
File: m:\gis_data\projects\tech_mxds
\attachment_a_1280_w_north_st
Department: Public Works GIS
City of Dover, Delaware

N

**Legend**

- Pipe to Be Rehabilitated
- Pump Station
- Manholes
- Force Main
- Dover Parcels

**Sewer Line**

10" 12" 15" 16" 18" 20" 21" 24" 27" 30" 35" 36" 4" 6" 8"

# ACTION FORM

| |
|---|
| **PROCEEDING**: City Council |
| **DEPARTMENT OF ORIGIN**: City Manager **DATE SUBMITTED**: 10/12/2012 |
| **PREPARED BY**: Scott D. Koenig, P.E., City Manager |
| **SUBJECT**: Radio System Narrowbanding Project |
| **REFERENCE**: |
| **RELATED PROJECT**: N/A |
| **REVIEWED BY**: City Manager and Controller |
| **EXHIBITS**: N/A |
| **EXPENDITURE REQUIRED**: **$120,000.00** **AMOUNT BUDGETED**: $150,000 from FY-2012<br>**FUNDING SOURCE (Dept./Page in CIP & Budget)**: $120,000 from multiple divisions |
| **TIMETABLE**: Complete purchase and installation of all units by December 31, 2012. |
| **RECOMMENDED ACTION**: Authorize staff to purchase the below referenced radio units and work with the State of Delaware and/or the private vendor on the state contract to complete the radio installation. The total project budget will not exceed $120,000.00. |

## BACKGROUND AND ANALYSIS

The Federal Communications Committee (FCC) has issued a mandate that requires those wireless radio systems operating on frequencies below 512 MHz (on UHF and VHF channels) to reduce their broadcast bandwidth from 25 kHz to 12.5 kHz by January 1, 2013. By this date, the City has to migrate from 25 kHz (wideband) to 12.5 MHz (narrowband) channel bandwidth or a technology that achieves equivalent efficiency. The required migration entails the replacement of a majority of our radios used for daily operations. Staff has completed a review of our inventory as well as future use of this system. Based on this review, the City must replace one hundred and eleven (111) mobile radios and fifteen (15) portable radios. The estimated cost to complete this project is as follows:

| | | | | | |
|---|---|---|---|---|---|
| Replace 111 Mobile XPR 4550 Radio Units: | 111 ea. | @ | $ 706.00 | = | $ 78,366.00 |
| Replace 15 Portable XPR 6550 Radio Units: | 15 ea. | @ | $ 815.00 | = | $ 12,225.00 |
| Remote Receivers & Programming: | Lump Sum | @ | $ 3,874.00 | = | $ 3,874.00 |
| Mobile Unit Removal & Installation (State): | 111 ea. | @ | $ 50.00 | = | $ 5,550.00 |
| Mobile Unit Removal & Installation (Contractor): | 111 ea. | @ | $ 180.00 | = | $ 19,980.00 |

Based upon the above referenced pricing components, the total project cost is estimated to be between $100,015 - $114,445. The removal and installation of the mobile units may also require the purchase of some additional small parts; therefore staff is requesting a budget authorization of up to $120,000 to complete this project. Originally, this project was budgeted for in Fiscal Year 2012 in the amount of $150,000; however, the project was delayed due to concerns regarding the actual inventory of radios as well as the initial cost proposal submitted by the vendor. Funds from the carry forward balance will be used to cover the costs of this project.

**FIRST READING**

**CITY OF DOVER PROPOSED ORDINANCE #2012-22 WITH LF&A #1**
(LF&A Amendment Indicated in Bold, Black, Underlined Italics (additions) and Strikeout (deletions))

**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 by deleting the text indicated in red, bold, strikeout and inserting the text indicated in bold, blue, italics 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 ~~**health inspector**~~ ***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 ~~**certified mail**~~ ***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 ~~**by certified mail**~~ ***evidenced by certificate of mailing***, then the city, at the direction of the ~~**health inspector**~~ ***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, occupant, tenant or other agent caring for or in charge of the premises**~~ ***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***

Draft

***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 by deleting the text indicated in red, bold, strikeout and inserting the text indicated in bold, blue, italics 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.

ADOPTED: *



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SYNOPSIS

The proposed ordinance amendment adds 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.

(SPONSORS: PERZA, BONAR, LYNN)

Actions History

10/22/2012 - Scheduled for First Reading at Council
10/08/2012 - Introduced at Legislative, Finance, and Administration Committee

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