REGULAR COUNCIL MEETING

The Regular Council Meeting was held on October 22, 2012 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Mr. Lynn, Mr. Perza, Mr. Bonar, Mr. Hare, and Mr. Hutchison. Mrs. Williams was absent.

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

OPEN FORUM

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

Mr. EShed Alston, 406 Arnold Court, Dover, stated that racially derogatory flyers were being distributed throughout the City and that documentation regarding this matter was provided to the City Clerk's Office to distribute to Council. It was his feeling that there was some type of cover up. He reminded members that a citizen, Johnny Clark, had committed suicide, according to the City, but indicated that since this occurred another individual had informed Mr. Alston that he had been treated the same way as Johnny Clark at the same location. He demanded that the City conduct an investigation into this matter, expressing his belief that if these were Caucasian children being killed by black domestic terrorists, action would already have been taken. Mr. Alston indicated that a task force should be established regarding this matter.

Dr. Jahi Issa, 1300 S. Farmview Drive, advised members that the flyer referred to by Mr. Alston began circulating in the City at the end of last year. As a member of the National Association for the Advancement of Colored People (NAACP), he began an investigation into this matter to determine its validity. He stated that he frequently visited Silver Lake Park with his children and had not done so since the suicide. He felt that enough time had lapsed to launch an investigation regarding this important and very serious issue.

Mr. Doug Beatty, resident of Meadowbrook Acres in Magnolia, stated that he was seeking political office in the 34th District and was made aware during a candidates' forum of the previously mentioned flyer, as well as the suicide and reported abduction of a gentleman on September 17, 2012. He explained his bias regarding this matter due to having observed the killing of his neighbor on his doorstep on October 31, 2006 and having seen detectives deliberately overlook evidence. Mr. Beatty indicated that he had spoken to the second victim over the telephone, interviewed 14 people on the street, and spoke to some of the legislators. He stated that one (1) of the sitting state senators had indicated that he looked into the matter and found that there were untruths generated by some individuals who were trying to start a race riot. Mr. Beatty noted that if this conclusion were true, he would like to know who was responsible. He stated that although it was determined that Johnny Clark committed suicide, this was not the belief of his family and he suggested more investigation into this matter. With regard to the alleged abduction occurring on September 17th, he stated his belief that no report was taken. Mr. Beatty indicated that these types of incidents cause ramifications, including the discrediting of the entire State and the processes involved. He reiterated his desire to determine who was behind this incident if it were the result of fraud, and if it was not

fraud, he wanted the perpetrators brought to justice. He noted that all should have a common interest in this regard and urged City Council to take leadership and positive, pro-active steps to resolve this matter.

The invocation was given by Councilman Hutchison, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF OCTOBER 8, 2012

The Minutes of the Regular Council Meeting of October 8, 2012 were unanimously approved by motion of Mr. Bonar, seconded by Mr. Hare and bore the written approval of Mayor Carey.

RESOLUTION NO. 2012-15 - RECOGNITION OF SERVICE - FRANCIS NICHOLS - PLANNING COMMISSION - MAY 28, 2002 THROUGH SEPTEMBER 17, 2012

The City Clerk read Resolution No. 2012-15 into the record.

By motion of Mr. Hare, seconded by Mr. Hutchison, and by a unanimous roll call vote (Williams absent), Council adopted Resolution No. 2012-15, as follows:

WHEREAS, Francis C. Nichols was appointed to the City of Dover Planning Commission on May 28, 2002 and served with diligence and distinction in this capacity as an advocate for sound land use planning in the public interest, ensuring fundamental fairness and careful forethought in the planning and development of the Capital City; and

WHEREAS, prior to his appointment to the Planning Commission, Francis C. Nichols served on the City of Dover Utility Committee from June 28, 1999 through May 28, 2002 and subsequently shared his knowledge and experience in the areas of utility services and stormwater management as a Planning Commissioner; and

WHEREAS, Francis C. Nichols has influenced the pattern and appearance of development in Dover through his contributions to the City's Comprehensive Plans, including the 2003 Comprehensive Plan Update and the 2008 Comprehensive Plan, and his participation in the development of numerous amendments to the City of Dover Zoning Ordinance including the AEOZ, TND, SWPOZ, and ROS zones; and

WHEREAS, Francis C. Nichols completed his service on the City of Dover Planning Commission on September 17, 2012.

NOW, THEREFORE, BE IT RESOLVED that the Mayor, Council, and Planning Commission do hereby express their sincere appreciation to Francis C. Nichols for his faithful and exemplary service to the citizens of the City of Dover as an active member of the City of Dover Planning Commission.

BE IT FURTHER RESOLVED that the Mayor, Council, and Planning Commission wish Francis C. Nichols success in all future endeavors and direct the City Clerk to make this resolution a part of the permanent records of the City of Dover as a lasting symbol of appreciation and gratitude to Francis C. Nichols.

ADOPTED: OCTOBER 22, 2012

On behalf of members of Council, Mayor Carey presented Mr. Francis Nichols with a Dover Cup, along with the Resolution, in recognition of his service as a member of the Planning Commission from May 28, 2002 through September 17, 2012.

Mr. Nichols relayed appreciation for the recognition and for the opportunity provided to him during the past several years.

PROCLAMATION - EXTRA MILE DAY

The City Clerk read the following Proclamation into the record:

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.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - OCTOBER 8, 2012

The Parks, Recreation, and Community Enhancement Committee met on October 8, 2012, with Acting Chairman Bonar presiding.

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.

The Committee recommended 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.

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

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 consent agenda, Mr. Bonar moved for acceptance of the Parks, Recreation, and Community Enhancement Committee Report, seconded by Mr. Hare and carried by a unanimous roll call vote (Williams absent).

UTILITY COMMITTEE REPORT - OCTOBER 8, 2012

The Utility Committee met on October 8, 2012 with Chairman Bonar presiding.

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.

The 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, as recommended by staff.

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

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - OCTOBER 8, 2012

The Legislative, Finance, and Administration Committee met on October 8, 2012 with Chairman Lynn presiding.

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.

The 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.

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

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.

The Committee recommended 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.

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

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.

The 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, as recommended by staff.

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

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.

The 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."

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

The Committee recommended adoption of the ordinance as amended.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Hare and carried by a unanimous roll call vote (Williams absent). *(The First Reading of Proposed Ordinance #2012-22 with LF&A-1 will take place during the latter part of the meeting.)*

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.

The Committee recommended approval for the Police Department to use its allocation from the Fund to Combat Violent Crime Program, as recommended by staff.

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

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

QUARTERLY REVENUE REPORT

Mrs. Donna Mitchell, Controller/Treasurer, reviewed the Revenue Report as of September 2012.

After conducting further research, Mrs. Mitchell indicated that $139,000 of the Police Extra Duty Fees were related to the previous fiscal year; therefore, during the process of the audit, these funds would be transferred to the previous year. She explained that some services were billed later in the fiscal year, which resulted in the payment being received in the current year. She stated that the amount would be adjusted to reflect the true total of $194,782 year to date, which is approximately 39% of the revenue projected for Police Extra Duty Fees in FY 13.

Mrs. Mitchell also advised members that Miscellaneous Receipts included inspection fees that would be transferred and reported as such.

Responding to Mr. Anderson, Mrs. Mitchell confirmed that more Police Extra Duty Fees had been received than in previous years. She reminded members that this amount would be offset by expense since the City bills for Police Extra Duty to pay for overtime and benefits for the officers. She explained that this does not offer a profit for the City.

In response to Mr. Hare, Mrs. Mitchell stated her belief that the City should include an administrative fee for the Police Extra Duty. As requested, she stated that she would develop a recommendation in this regard for further consideration.

Mr. Hare moved for acceptance of the Quarterly Revenue Report as of September 2012, seconded by Mr. Lynn and unanimously carried.

SEMI-ANNUAL INSPECTION BY CITY MANAGER - ROBBINS HOSE COMPANY

In accordance with Section 46-43 of the City Code, the City Manager, Mr. Scott Koenig, met with the Fire Chief to discuss current issues regarding the Robbins Hose Company. It was anticipated that the Fire Company would request the replacement of Engine #7 in the upcoming budgets. He assured members that staff would be requesting documented costs and equipment/vehicle evaluations to

support the request, explaining that such a purchase would have a direct impact on the City's General Fund. He reported that the problems previously mentioned regarding the voice recording system and the server that supports this system have been resolved.

Although the facilities were in excellent condition, Mr. Koenig advised members that, due to a recent roof leak, there was damage to the meeting room floor, which is currently being repaired by a contractor. He also noted that there were currently two (2) vacant Fire Dispatcher positions and recruitment for these positions had been authorized. The Chief indicated that membership in the fire company has remained strong. Mr. Koenig advised members that the Robbins Hose Company continues to provide an outstanding level of service to the City of Dover.

By consent agenda, Mr. Bonar moved for acceptance of the report of the Semi-Annual Robbins Hose Company Inspection, as submitted by the City Manager, seconded by Mr. Hare and carried by a unanimous roll call vote (Williams absent).

EVALUATION OF BIDS - NRG SANITARY SEWER UPGRADE

Members were reminded that the FY-2013 budget included a capital project to remove inflow and infiltration from the City's wastewater distribution system. Mr. Scott Koenig, City Manager, indicated that one (1) location in need of repair was 1280 West North Street, which is the location of NRG Energy, Inc. He stated that a significant sink hole was discovered directly above the sanitary sewer interceptor. As a result, staff performed a 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. He stated that the infiltration is being treated at the Kent County Wastewater Treatment Plant, which costs the City of Dover a significant amount of money.

Mr. Koenig advised members that bids were solicited for the NRG Sanitary Sewer Upgrade, which included engineering specifications prepared by Pennoni Associates, Inc., with two (2) viable bid options: 1) replace the infrastructure; and 2) rehabilitate the infrastructure, specifically relining. He noted that the contractor was not required to bid on both options; only one (1) bid was required.

Staff recommended awarding a construction contract to the low bidder, Tri-State Grouting, LLC, in the amount of $105,500 for the construction of the NRG Sanitary Sewer Upgrade.

Mr. Bonar moved for approval of staff's recommendation to award a construction contract in the amount of $105,500 to Tri-State Grouting, LLC, to rehabilitate the NRG Sanitary Sewer. The motion was seconded by Mr. Anderson and carried by a unanimous roll call vote (Williams absent).

EVALUATION OF BIDS - RADIO SYSTEM NARROW BANDING PROJECT

Mr. Scott Koenig, City Manager, advised members that 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. He explained that prior to that date, the City has to migrate from

25 kHz (wideband) to 12.5 MHz (narrowband) channel bandwidth or a technology that achieves equivalent efficiency. Mr. Koenig advised members that the required migration entails the replacement of a majority of the City's radios used for daily operations. Staff has completed a review of the City's inventory as well as future use of the system. He advised members that based on this review, the City must replace 111 mobile radios and 15 portable radios. The estimated cost to complete this project is as follows:

Replace 111 Mobile XPR 4550 Radio Units:	111 ea. @ $ 706	= $ 78,366
Replace 15 Portable XPR 6550 Radio Units:	15 ea. @ $ 815	= $ 12,225
Remote Receivers & Programming:	Lump Sum @ $3,874	= $ 3,874
Mobile Unit Removal & Installation (State):	111 ea. @ $ 50	= $ 5,550
Mobile Unit Removal & Installation (Contractor):	111 ea. @ $ 180	= $ 19,980

Based upon the pricing components, Mr. Koenig noted that the total project cost was estimated to be between $100,015 and $114,445. The removal and installation of the mobile units may require the purchase of some additional small parts; therefore, staff requested a budget authorization of up to $120,000 to complete this project. He advised members that this project was originally budgeted 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 would be used to cover the costs of this project.

Staff recommended authorization to purchase the referenced radio units and work with the State of Delaware and/or the private vendor on the State contract to complete the radio installation at a cost not to exceed $120,000.

In response to Mr. Perza, Mr. Koenig stated that since the bandwidth was being withdrawn, the service life for the current radios would end and they would be taken out of service and scrapped, since there would be no other use for the radios. He stated that, to his knowledge, this was an unfunded mandate of the federal government.

Mr. Bonar suggested that the City take action to attempt to receive compensation from some avenue for the expenses.

Responding to Mr. Lynn, Mr. Koenig indicated that if the City does not comply with the mandate, there could be a fine of up to $10,000 per day for non-compliance.

Mr. Bonar moved for approval of staff's recommendation for authorization to purchase the referenced radio units and work with the State of Delaware and/or the private vendor on the State contract to complete the radio installation at a cost not to exceed $120,000, seconded by Mr. Hutchison and carried by a unanimous roll call vote (Williams absent).

ATTORNEY SERVICES FOR LABOR NEGOTIATIONS

During an executive session held earlier in the evening, Mr. Scott Koenig, City Manager, advised members that the firm of Baird Mandalas had been representing the City on various labor-related issues. A fee schedule was prepared that included a total of $43,400 for representing the City of

Dover and performing various attorney-related services relating to labor issues including American Federation of State, County, and Municipal Employees (AFSME) petitions and Dover Organization of Employees (DOE) mediation and potential arbitration.

In response to Mr. Anderson, Mr. Koenig indicated that the letter submitted by Baird Mandalas indicates that the total amount equated to approximately $160 per hour, which reflected a "friendly" price for the City of Dover.

Mr. Hare moved to authorize the use of Baird Mandalas to represent the City of Dover for various attorney-related services for labor issues including American Federation of State and Municipal Employees (AFSME) petitions and Dover Organization of Employees (DOE) mediation and potential arbitration at a total cost of $43,400. The motion was seconded by Mr. Bonar and carried by a unanimous roll call vote (Williams absent).

APPOINTMENT OF JUDGES - ROBBINS HOSE COMPANY ELECTION - NOVEMBER 19, 2012

The Robbins Hose Company election is scheduled for November 19, 2012. The following persons were recommended to serve as judges for the election:

1. James Howlett 2. James Hurley, Jr. 3. William Hurley, IV *(alternate)*

By consent agenda, Mr. Bonar moved for approval of the appointment of judges for the Robbins Hose Company election, seconded by Mr. Hare and carried by a unanimous roll call vote (Williams absent).

FIRST READING - PROPOSED ORDINANCE

Council President Leary reminded the public that copies of the proposed ordinance were available at the entrance of the Council Chambers or could be obtained from the City Clerk's Office. Final action by Council on Proposed Ordinance #2012-22 will take place during the Regular Council Meeting of November 13, 2012.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that the proposed ordinance would add unpaid fines for grass cutting to the tax duplicate to be invoiced as part of the annual property tax bill and collected as a part of the City property tax collection process and holds the violator responsible for collection costs and attorney's fees.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the Ordinance Amendment as read by the City Clerk, by title only, as follows:

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

COUNCIL MEMBERS ANNOUNCEMENTS

Council President Leary relayed birthday wishes to Councilwoman Williams and Mayor Carey.

Council President Leary noted the recent upgrade of the City's electric revenue bond ratings to AA- by the Fitch Group and congratulated staff on this development.

At the request of Mr. Bonar, Mr. Scott Koenig, City Manager, announced that leaf collection began on October 15, 2012.

Mr. Bonar reminded members that Halloween was quickly approaching and that trick-or-treating would be held between the hours of 6:00 p.m. and 8:00 p.m. on October 31, 2012. He asked that all take safety precautions.

Mr. Anderson invited everyone to have lunch at the Lone Star restaurant on Sunday, October 28, 2012, and to mention Open Door Ministries, which is a organization which helps local people in need to obtain necessary money, supplies, etc., to reach the next stage of their lives.

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

Meeting Adjourned at 7:57 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of October 22, 2012, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
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