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

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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***

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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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