REGULAR COUNCIL MEETING

The Regular Council Meeting was held on November 28, 2011 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Mrs. Russell, Dr. McGlumphy, Mr. Lynn, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison.

Council staff members present were Police Chief Hosfelt, Ms. Russell, Mrs. Mitchell, Mrs. Townshend, Fire Chief Fortney, Mr. Koenig, Deputy City Solicitor Pepper, 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. Lynn noted that there were several individuals in attendance who were interested in Agenda Item #7, Review and Recommendation - Filling Critical Positions - Police Officers (3). He moved to suspend the rules to allow individuals to speak regarding this item, seconded by Mr. Anderson.

At the request of Council President Leary, Deputy City Solicitor Pepper indicated that, since Council was not in session, the motion was out of order. He stated that if Council wished, the rules could be suspended to allow public comment during their discussion of Agenda Item #7, but not during the Open Forum Segment.

Mr. Lynn withdrew his motion, indicating that he would make such a motion when Agenda Item #7 was being considered by members.

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

The invocation was given by Chaplain Dixon, 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, seconded by Mr. Lynn and carried by a unanimous roll call vote.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF NOVEMBER 14, 2011

The Minutes of the Regular Council Meeting of November 14, 2011 were unanimously approved by motion of Mr. Bonar, seconded by Mr. Lynn and bore the written approval of Mayor Carey.

CERTIFICATE OF CONGRATULATIONS - DOVER AIR FORCE BASE

The City Clerk read the following Certificate into the record:

CERTIFICATE OF CONGRATULATIONS

Presented to

Colonel Mark Camerer - 436th Wing Commander

in honor of the dedicated men and women at the Dover Air Force Base for recently achieving the following awards

The Air Mobility Command-Level Commander-in-Chief's Installation Excellence Award
and
The Air Force Level Innkeeper Award for their Guest Quarters

The City of Dover extends its congratulations!

Presented on November 28, 2011

Mayor Carey stated that Col. Camerer was unable to attend the meeting; however, James C. Mercer, Vice Commander of Dover Air Force Base, was attending on Col. Camerer's behalf. Mayor Carey presented Col. Mercer with the certificate and relayed appreciation for the work that is performed at the Dover Air Force Base on a daily basis.

On behalf of Col. Camerer and all the men and women of the Dover Air Force Base, Col. Mercer relayed appreciation for the recognition provided by the City of Dover, noting that Dover was "a place they call home."

CERTIFICATE OF CONGRATULATIONS - GEORGE C. WRIGHT, JR.

The City Clerk read the following Certificate into the record:

CERTIFICATE OF CONGRATULATIONS

WHEREAS, George C. Wright, Jr., has dedicated a significant portion of his life to public service, having served as a member of the Smyrna Town Council for 12 years; and

WHEREAS, Mr. Wright was the first African American to hold the office of Mayor within the State of Delaware, following his election as Mayor of the Town of Smyrna in 1981, and served with distinction in that office for 14 years; and

WHEREAS, Mr. Wright began his association with the Delaware League of Local Governments in 1970, serving as President of that organization from 1988-90 and as Executive Director from 1991

to the present, and tirelessly dedicating himself to furthering the interests of Mayors, Councils, and Clerks throughout the State, to the benefit of all Delawareans; and

WHEREAS, in November 2011, Mr. Wright was elected to serve on the Board of Directors of the National League of Cities, being only the second delegate from the State of Delaware to achieve this distinction, and through this appointment firmly secured his role in Delaware history;

NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DOVER, DELAWARE, are privileged to present this

Certificate of Congratulations to

The Honorable George C. Wright, Jr.

on this 28th of November, 2011

In recognition of his achievement of this high honor

Mayor Carey advised members that he had the pleasure and honor of attending a recent National League of Cities (NLC) Conference and the highlight of the conference was Mayor Wright's election to the NLC Board of Directors. He noted that there have only been two (2) directors nominated to the Board from the State of Delaware in the League's history: the late Mayor Crawford Carroll (City of Dover) and Mayor Wright. He stated his pleasure in recognizing Mayor Wright, noting that this designation deserves a great deal of honor.

Mayor Wright stated his appreciation for the recognition. On behalf of the other 56 towns/cities throughout Delaware, he relayed thanks to the City of Dover for its support of the Delaware League of Local Governments. He noted that it was the late Mayor Carroll and a few others who had the vision to start the League in 1963 and that Mayor Carroll served as its first President and was the first in Delaware to serve on the NLC Board of Directors. Mayor Wright stated that former Councilman Fred VanSant served as Executive Director of the League of Local Governments. He indicated that League has had only four (4) Executive Directors since its inception.

Mayor Wright stated that he realized that the City of Dover and other cities and towns are going through difficult times and advised members to remain personable to each other, love their City, take actions that are in the best interest of Dover, and put God before everything else.

UTILITY COMMITTEE REPORT - NOVEMBER 14, 2011

The Utility Committee met on November 14, 2011 with Chairman Bonar presiding.

Request for Street Name Change - Slaughter Street (Between Loockerman and North Streets)

In accordance with Chapter 98, Article II, Section 98-45 Street Name Change Procedure, of the Dover Code, members considered a petition, submitted by Reverend Clifton Holmes on behalf of New Jerusalem Baptist Church, to change the street name of a segment of Slaughter Street to Jerusalem Way. The petition requests that the one (1) block segment of Slaughter Street, which runs

in a north-south direction between West North Street and West Loockerman Street, just east of the railroad corridor, be changed to Jerusalem Way.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, noted that the only property located on the segment of Slaughter Street which is proposed for the name change is the New Jerusalem Baptist Church. The Planning Commission recommended approval of the requested street name change from Slaughter Street to Jerusalem Way (for the segment of Slaughter Street running between West North Street and West Loockerman Street).

Reverend Clifton Holmes, representative of New Jerusalem Baptist Church, urged members to support the street name change and explained that the purpose is to eliminate two (2) Slaughter Streets within the City and also due to concerns regarding the church's address, noting the negative connotations of the word "slaughter."

The committee recommended approval of the requested street name change from Slaughter Street to Jerusalem Way (for the segment of Slaughter Street running between West North Street and West Loockerman Street), as recommended by the Planning Commission.

Mrs. Townshend briefed members of Council regarding the requested street name change and indicated that, if action is taken to approve the Committee's recommendation, a public hearing would be required. Staff recommended that a public hearing be set for December 12, 2011 at 7:30 p.m.

Mr. Bonar moved to set a public hearing before City Council for December 12, 2011 at 7:30 p.m. to consider the requested street name change from Slaughter Street to Jerusalem Way (for the segment of Slaughter Street running between West North Street and West Loockerman Street). The motion was seconded by Mr. Anderson and unanimously carried.

TEA/NAES Monthly Report *(August)*

The TEA/NAES Monthly Report for August 2011 was provided to members to enable them to monitor electric sales and revenues received, which will provide a better understanding of any fluctuations that occur and allow the opportunity to make improvements if deemed necessary.

Noting that Mr. Blakeman had numerous questions related to the report, Mr. Bonar suggested that a meeting be scheduled with Mr. Ron Lunt, Director of Public Utilities, to allow for a more thorough review of the Report.

Referring to a presentation that was provided at a power management meeting held at the McKee Run Plant on November 10, 2011, Mr. Bonar noted that extensive maintenance and repairs to the electric generators will be necessary. Concurring, Mr. Scott Koenig, Interim City Manager, indicated that The Energy Authority (TEA), power plant operators, the Finance Department, and other department heads realize the need to maintain the capital plan as a high priority. He further explained that, as a part of the City's risk management and in order to maintain insurance levels on the power plant, the City must keep the plant up to a reasonable standard. He stated that a

progressive approach with the Capital Improvement Plan (CIP) is necessary if the City is to remain in the power business. Therefore, as the City develops next year's CIP, Mr. Koenig stated that members will see certain projects placed in the forefront when funding priorities are assigned.

Mr. Hare requested that staff summarize the reports and provide basic (bottom line) details, including profits realized from the power plant and capacity charges over the past five (5) years. For clarification, Mr. Koenig stated that staff would provide members monthly totals in the future and a history for the past five (5) years.

In response to Mr. Hare, Mr. Bonar stated that the cost of service/operation survey and study will provide specifics and assist in the determination of whether or not it is beneficial for the City to maintain the power plant.

Update - Green Energy Funding and Programming

Mr. Scott Koenig, Interim City Manager, reviewed the Fund Summary for Green Energy Funding and Programming. He noted that there is currently an $84,057.85 deficit in the Green Energy Fund, explaining that the City has approved more projects than the amount of funding received. He stated that funds are received on a "rolling" basis as projects are approved, and that project owners understand that they may not receive reimbursement for up to 18 months. Mr. Koenig noted that, although fewer requests are being received than previously, they are received on a regular basis.

In response to Mr. Blakeman, Mr. Bonar suggested that Mr. Ron Lunt, Director of Public Utilities, provide members an explanation of the details regarding the report at a future meeting. He also encouraged staff to send a letter to the Delaware Energy Office encouraging them to issue funds due in order for the City to pay its obligations to its citizenry.

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

Members were reminded of the City's permit through the National Pollution Discharge Elimination System (NPDES) for its Municipal Separate Storm Sewer System (MS4). This permit was issued by the Department of Natural Resources and Environmental Control (DNREC) in 2003 for a five (5) year period. The permit was administratively extended by DNREC until all requirements of the permit are met and a new permit is in place. Under the permit, the City is required to take action to improve the quality of stormwater runoff within the City.

Since the initiation of the permit, the City has struggled with compliance. In June 2010, the City received a Notice of Violation (NOV) relating to a number of permit requirements that had not been met. This NOV was closed out in November 2010, when the terms of that NOV were met; however, DNREC subsequently performed an audit of the City's MS4 permit in early 2011, and in June 2011, DNREC reported the results of that audit and issued another NOV. This NOV related to outstanding permit requirements that were not addressed in the NOV issued in June 2010. The NOV issued in June 2011 includes a number of required corrective actions that must be complete by December 31, 2011.

Staff reported that, with the leadership of Mr. Michael Albert (former Planner II), and assistance from the Watershed Assessment Section at DNREC and the Wesley College Environmental Science Program, the City is making great strides in moving toward compliance with the permit requirements. This fall, the Wesley College Environmental Science Program provided an intern to help with the outstanding tasks associated with the NOV, including development of a Stormwater Management Plan for 2012-2015. The Environmental Science students are also working to develop a number of public outreach materials that will be implemented under the Stormwater Management Plan that will begin in January 2012.

Mr. Scott Koenig, Interim City Manager, reviewed the tasks that have been completed in recent months, as follows:

1) Marking of storm drains in the downtown area and throughout the State Complex;

2) Development of a brochure for the general public about non-point source pollution;

3) Completion of a survey regarding attitudes about water quality;

4) Development of a poster regarding proper automotive care that was distributed to all automotive businesses in the City of Dover;

5) Insertion of an auto maintenance fact sheet into utility bills; and

6) Continued progress on storm sewer system mapping.

In addition, Mr. Koenig noted that training has been provided to all City road staff and their supervisors on best management practices to protect water quality and that the City's new website also includes information on the Stormwater Program, as required by the permit.

Mr. Koenig explained that this is not a "static" permit and that there will be a constant need for additional tasks and operational improvements in order for the City to maintain the permit.

Noting that the new legislative session will begin in a few months, Mr. Bonar suggested that the City put the legislative delegation on notice that the City will be requesting bond bill monies for significant funding for stormwater and water infrastructure. Concurring, Mr. Koenig noted that the City would benefit from completion of one (1) or two (2) major stormwater projects and expressed the need for the City to work with their delegation to reserve funds, since these are multi-million dollar projects.

Mr. Bonar moved for acceptance of the Utility Committee Report, seconded by Mr. Hare and unanimously carried.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - NOVEMBER 14, 2011

The Legislative, Finance, and Administration Committee met on November 14, 2011 with Chairman McGlumphy presiding.

Discussion - Senior Citizen Property Tax Abatement - Military Pension Exclusion

Ms. Cheryl Russell, City Assessor, stated that she was contacted by Mr. Michael Smith, a City resident, who requested that military pension be added as an exclusion to income as it relates to Senior Citizen Property Tax Abatement. Ms. Russell reminded members that an Ad Hoc Committee was formed in October 2007 to discuss amendments to this program. The changes made consisted of adding Federal Civil Service Retirement and increasing the income levels yearly based on Cost of Living Adjustments (COLA). A cap on the Federal Civil Service Retirement was added at a later date. The addition of the Federal Civil Service was based on the fact that this retirement plan was similar to Social Security. The retirees who benefit from this program did not pay into Social Security and do not receive this benefit from that employment. The three (3) exclusions from the income limits were all based on Social Security and "like" programs.

Ms. Russell advised members that the idea of adding military pension as an exclusion to income was briefly discussed during the Ad Hoc Committee meetings and that no action was taken. Military pension was not considered similar to Social Security or "Social Security-like" programs that were excluded from the income limits. Also mentioned was the fact that military personnel receive Social Security benefits.

Ms. Russell noted that, to date, the City has a mailing list of approximately 40 senior citizens who are receiving Federal Civil Service retirement benefits. These individuals receive applications each year to be returned to the Assessor's Office. Of these 40 senior citizens, 28 receive the tax exemption. This exclusion was added to the program because of its similarity to Social Security. Ms. Russell stated that Mr. Smith explained that the Federal Civil Service system changed 24 years ago. She stated her understanding that the "old" Civil Service Retirement System (CSRS) did not involve contributions to Social Security. The "new" retirement plan is the Federal Employee Retirement System (FERS), which does include contributions to Social Security.

Ms. Russell indicated that Mr. Smith had a valid point regarding the existence of another Federal Civil Service Retirement Plan, which would not fall into the intent of the income exclusion and is not identified in the City's ordinance. Staff requested that this item be placed on a future Legislative, Finance, and Administration Committee meeting agenda for consideration of an amendment which would define that the Federal Civil Service Retirement exclusion should apply only to the Civil Service Retirement System (CSRS). She assured members that staff has verified that the senior citizens who are currently receiving this benefit are Federal Civil Service retirees who retired under the CSRS system.

Staff recommended not adding military pension to the exclusion of income and that the language of the ordinance be amended to define CSRS as the type of Federal Service retirement that qualifies for income exclusions.

Responding to Dr. Jones, Ms. Russell stated that the only current inclusions in the low income, senior citizen exemption are Social Security, railroad pension, and Civil Service pension because these are "Social Security-type" programs.

Mr. Anderson questioned if military disability pensions have been considered, since recipients do not receive Social Security from this income. Responding, Ms. Russell stated that military disability pension is not included as an exclusion, nor did the Ad Hoc Committee consider it as a possible exclusion. She noted that there is a disability exemption offered by the City and that there is no income limit; however, the individual must be 100% disabled and approved by the Social Security Administration. Mr. Anderson noted that an individual who is 100% disabled and receiving military disability may not apply for such under Social Security. It was his feeling that these individuals should also qualify for disability exemption.

In response to Mr. Anderson's request for a revenue impact assessment that would be associated with a military pension exclusion, Ms. Russell stated that it would be difficult to provide an estimate, explaining that in order to make this determination, it would be necessary for staff to know how many property owners are retired, 60 years of age, and who receive military pensions, as well as the amount of income from spouses. Ms. Russell stated that an average of approximately $165 per year is deducted from the taxes paid by the 415 senior citizens who are currently participating in this program, which results in a total approximate tax abatement of $20,373,600 in assessed value in the City. *(Clerk's Office: This program provides a $50,000 tax abatement in assessed value per qualifying property.)*

Responding to Mr. Shevock, Ms. Russell stated that the current income limits to qualify for the abatement are $17,396 for a single person and $24,355 for a couple.

Mr. Bonar felt that staff should make the process simpler and limits should be instituted for all residents, regardless of where their income is obtained.

Mr. Michael Smith, 208 Saxondale Lane, inquired about the form provided to him by the City Assessor's Office for applying for the Senior Citizen Property Tax Abatement. He stated that the form indicated exclusions for income, which included Federal Civil Service Retirement. However, he advised members that there are two (2) types of retirement for Federal Government employees, one being the FERS and the other being the CSRS. He stated that the CSRS expired 24 years ago (1986) and that the new retirement system (FERS), which contributes to Social Security, began in 1986. This is the same system as the military pension; therefore, he requested that both the military pension and FERS be included as exclusions, since the CSRS no longer exists.

Mr. Bonar recommended that another ad-hoc committee be created to review this matter for a recommendation to Council for a complete revision of property tax exemptions within 90 days. He suggested the possibility of eliminating exclusions and establishing an income limit, regardless of its provider.

Concurring, Dr. McGlumphy suggested that the program be simplified and requested that financial data since 2007 also be reported regarding the effects the abatement may have had on the City.

Mr. Anderson stated that he felt the issue was not excessively complicated and concurred with staff's recommendation; however, he suggested, if the matter is examined more closely, that staff obtain available census data regarding income sources in the area so that the estimated cost of revisions to the policy could be determined.

The committee recommended that this matter be referred back to staff for their review and recommendation within 90 days.

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

Proposed Ordinance #2011-28 - Chapter 2 - Administration, Article IV - Officers and Employees, Division 7 - General Employee Pension Plan, Subdivision I - In General, Section 2-331 - Form of Benefits (Civil Union) ***(Staff Sponsored)***

Mrs. Kim Hawkins, Human Resources Director, advised members that Governor Jack Markell signed the Civil Union and Equality Act of 2011 on May 11, 2011. This landmark legislation made Delaware one of only a handful of states to allow same-sex civil unions and to fully recognize same-sex relationships. Couples who enter into a civil union will enjoy the same rights, protections and obligations that exist for married spouses. The Act will become effective on January 1, 2012 at 10:00 a.m.

As a result, staff submitted Proposed Ordinance #2011-28, which would amend Chapter 2 - Administration, Article IV - Officers and Employees, Division 7 - General Employee Pension Plan, Subdivision I - In General, Section 2-331 - Form of Benefits (Civil Union) of the Dover Code to recognize the same rights, benefits, protections and responsibilities as married persons under Delaware law to partners in legal civil unions, as eligible survivors of pension plan participants.

Noting that the law was signed on May 11, 2011, Mr. Bonar expressed frustration at the length of time it has taken to bring this ordinance forward.

The Committee recommended adoption of Proposed Ordinance #2011-28.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Lynn and carried by a unanimous roll call vote. *(The First Reading of Proposed Ordinance #2011-28 will take place during the latter part of the meeting.)*

Proposed Ordinance #2011-29 - Appendix B - Zoning, Article 3 - District Regulations, Section 2 - General Residence Zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses (New Subsection (d) and Article 6 - Off-Street Parking, Driveways and Loading Facilities, Section 3 - Required Off-Street Parking Spaces, Subsection 3.1 - Schedule of Requirements ***(Sponsors: Bonar, Russell, and Lynn)***

Mrs. Ann Marie Townshend, Director of Planning and Community Enhancement, reviewed Proposed Ordinance #2011-29, amending Appendix B - Zoning, Article 3 - District Regulations, Section 2 - General Residence Zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses (New Subsection (d) and Article 6 - Off-Street Parking, Driveways and Loading Facilities, Section 3 -

Required Off-Street Parking Spaces, Subsection 3.1 - Schedule of Requirements of the Dover Code. She advised members that the Proposed Ordinance was developed as a result of a homeowner on North State Street wanting to open a "tea house" as an accessory use at her residence. While this may be a compatible use in the downtown historic area, she stated that the Zoning Ordinance does not permit such uses; therefore, staff drafted the Proposed Ordinance which would make treatment of these uses similar to their treatment in the RGO (General Residence and Office) District.

Mrs. Townshend explained that the Proposed Ordinance would amend General Residence Zones (RG-1 and RG-2) to allow antique shops, art galleries, gift and card shops, book stores, specialty hobby stores, and restaurants with no alcoholic beverages as accessory uses to the principal residential use for properties located within the City's Historic District Zone and/or any Historic District or property listed on the National Register of Historic Places. These uses would be subject to Conditional Use approval by the Planning Commission. She stated that it would also amend the Off-Street Parking requirements of Article 6 to indicate that off-street parking requirements specified within the District Regulations would prevail when different from those specified in Article 6.

Staff recommended that Proposed Ordinance #2011-29 be forwarded to City Council with a favorable recommendation.

In response to Mr. Anderson, Mrs. Townshend stated that when requests relate to residential neighborhoods, specifically outside of the downtown, historic core, they are more "single function" in nature. She assured members that Conditional Use approval requires a public process and provides for the Planning Commission to consider requests on a case-by-case basis.

The Committee recommended adoption of Proposed Ordinance #2011-29.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Lynn and carried by a unanimous roll call vote. *(The First Reading of Proposed Ordinance #2011-29 will take place during the latter part of the meeting.)*

Proposed Ordinance #2011-30 - FY12 Budget Revisions

Mrs. Donna Mitchell, Controller/Treasurer, reviewed Proposed Ordinance #2011-30 - FY12 Budget Revisions. She advised members that revisions were noted in red font and would incorporate the following changes into the FY12 Budget:

- Changes for operating grants and individual grant funds, i.e. General Fund – Recycling Grant.

- Capital project balances for those projects with multi-year construction periods, along with the balance of the funding sources that carry over into the current year.

- All reserve accounts updated to reflect Beginning Budget Balances for FY12 now that all activities are posted and reconciliations have been completed for FY11. The Beginning Balances are lower than projected due to lower investment returns. (The Operating Funds will be submitted at a later date once the audit has been completed.)

- Incorporates the Police Grant Funds that were missed in the original budget ordinance.

    - The budget ordinance represents the fund summary; the individual revenue and expenditure line items will be entered into the City's financial accounting system for each grant.

- Adjusts the bank qualified loan financing and budget for projects being financed.

- Some administrative clean up – i.e., the $350,000 budgeted for the Street Program in the General Fund budget is transferred to the Community Transportation Fund. When this was removed from the final General Fund budget the revenue was not removed from the Community Transportation Fund.

In response to Mr. Anderson, Mrs. Mitchell stated that the Audit Presentation is typically held in January. She noted that the City's audit is typically completed in December each year; however, this year, staff requested an extension until January 31, 2012. As a result, she indicated that the Audit Presentation would not be conducted until February 2012.

As a reminder, Dr. McGlumphy stressed the importance of all departments to manage within their budgets.

Mrs. Mitchell noted that, during the recent Financial Retreat (on November 9, 2011), there was discussion regarding the City Manager's ability to transfer funds between departments and she advised members that the policy states that *"The City Manager is hereby authorized, without further approval of the City Council, to make inter-departmental transfers of up to 5% of the amount hereinafter appropriated to any department with the exception of any transfers prohibited by City Procedure F-306."* [Budget Administration - Guidelines for Operating Departments]."

The Committee recommended approval of staff's recommendation for adoption of Proposed Ordinance #2011-30.

By consent agenda, Mr. Bonar moved for approval of the committee's recommendation, seconded by Mr. Lynn and carried by a unanimous roll call vote. *(The First Reading of Proposed Ordinance #2011-30 will take place during the latter part of the meeting.)*

Proposed Resolution No. 2011-12 - Requesting the General Assembly to Amend Article IV - Financial Affairs, Section 47 - General Assessment; Levy on Utility Property of the City of Dover Charter and Proposed Ordinance #2011-31 Amending Chapter 102 - Taxation, Article I - In General, Section 102-1 - Valuation and Assessment of the Dover Code *(Staff Sponsored)*

Ms. Cheryl Russell, City Assessor, reviewed Proposed Resolution No. 2011-12 - Requesting the General Assembly to Amend Article IV - Financial Affairs, Section 47 - General Assessment; Levy on Utility Property of the City of Dover Charter. In addition, members were provided Proposed Ordinance #2011-31 - Amending Chapter 102 - Taxation, Article I - In General, Section 102-1 -

Valuation and Assessment of the Dover Code. She advised members that Section 47 of the Charter refers to the Assessor as being elected. Mrs. Russell explained that the proposed amendment to the first paragraph of Section 47 more accurately describes the Assessor as being appointed. She explained that the purpose of the amendments to the second paragraph of Section 47 were to remove the language that dictates that the reassessments shall be conducted every three (3) years. She explained that this would allow for a general statement that City Council may direct that a reassessment be conducted at the pleasure of Council. It would also allow City Council the opportunity to make amendments to Chapter 102, Section 102-1 of the Dover Code without future Charter amendments. Because revaluations are generally conducted by mass appraisal companies, rather than appraisers, she explained that this amendment would update the language and also allow for the assessor or assessors to conduct the reassessments, if they are sufficiently staffed to do so.

Ms. Russell stated that the purpose of the amendments to the Dover Code were to change the length of time between revaluations from three (3) years to five (5) years and to add the statement "unless otherwise directed." This would mandate that the Assessor should budget for a revaluation every five (5) years. It also would enable the Council to direct the Assessor to conduct or plan that the City conduct a revaluation of the properties within the City of Dover at their discretion. She noted that this language does not mandate that a revaluation be allowed only every five (5) years but requires that the City budget for it every five (5) years unless otherwise directed. This amendment would update the language in the ordinance as well as allow for the assessor or assessors, at full staff, to conduct reassessments.

Referring to Lines 8, 9, and 13 of Proposed Ordinance #2011-31, Mr. Hare suggested that the word "shall" be replaced with "may."

Mr. Anderson relayed his support for the proposed amendments submitted by staff; however, he stated concerns with the Mr. Hare's suggestion that would eliminate the requirement for a reassessment every five (5) years. He explained that a delay in a revaluation for more than five (5) years could create gross inequities among property owners. Although he felt that a revaluation would not be necessary every three (3) years, he agreed with the mandate that a revaluation be conducted every five (5) years.

With reference to the "mass appraisal company," Mr. Bonar requested that a notation be included to require the company to be licensed to conduct business in the City of Dover and State of Delaware and to employ appraisers who are recognized by the Delaware Division of Professional Regulations under their appraiser requirements.

Responding, Ms. Russell advised members that new regulations will be considered in January 2012 that will require the assessor to have a certification or license. The specifics regarding this requirement were not known at the time; however, she stated that appraiser courses will be required and this mandate will take effect for the entire State of Delaware. Ms. Russell noted that some counties have relayed their opposition to the new regulations.

Mr. Hare reiterated his request for the word "shall" to be replaced with "may," explaining that there may be difficult economic times for the City when the approximately $880,000 required for a revaluation would not be available for a "revenue neutral" appraisal. It was his opinion that City Council should have the option to delay the revaluation and that replacing the word "shall" with "may" would allow this option.

Ms. Russell reminded members that a comprehensive revaluation was conducted in 2010, which cost approximately $880,000. She indicated that, in speaking with the company that conducted the last revaluation and reviewing International Association of Assessing Officers (IAAO) regulations, it was determined that the City would be required to review properties every four (4) to six (6) years, and this could be conducted by staff. Such a review of every property within the cycle would eliminate the need for a comprehensive revaluation.

The Committee recommended approval of staff's recommendation for adoption of Resolution No. 2011-12, with an amendment to Line 21 to include a notation to require the company to be licensed to conduct business in the City of Dover and State of Delaware and to employ appraisers who are recognized by the Delaware Division of Professional Regulations under their appraiser requirements, and adoption of Ordinance #2011-31, with an amendment to Lines 8, 9, and 13 to replace the word "shall" with "may" and Line 15 to include a notation to require the company to be licensed to conduct business in the City of Dover and State of Delaware and to employ appraisers who are recognized by the Delaware Division of Professional Regulations under their appraiser requirements.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Lynn and carried by a unanimous roll call vote. *(The First Reading of Proposed Ordinance #2011-31 will take place during the latter part of the meeting.)*

Evaluation of Proposals - Financing of Library and Street Program

Mrs. Donna Mitchell, Controller/Treasurer, stated that in accordance with the June 6, 2011 Budget Presentation, the Finance Department solicited proposals from six (6) local banks to finance the following projects:

Dover Library	-	$2,700,000
Street Repaving Projects	-	1,750,000
Sprinkler System - City Hall	-	220,000
Issuance Cost & Legal Fees	-	30,000
Total	-	$4,700,000

Mrs. Mitchell advised members that the sprinkler system for City Hall was originally budgeted in the Capital Investment Plan for completion over two (2) years in FY14 and FY15. Staff has moved this project forward so that the sprinkler system can be installed in City Hall in conjunction with the new Library project so as to have the proper fire protection required by Code. She stated that the two (2) year Street Program has been reduced to keep the amount of proposed financing in line with the original plan.

Mrs. Mitchell explained that during the construction phase of the Library project, interest only is to be paid on the draws made during construction. Once the project is completed, the City has the option of continuing the variable rate loan or converting the loan to a term loan. The initial term will be seven (7) years, which is preferred by staff, with a twenty-year amortization payment. At the end of the seven (7) years, the loan will be refinanced for the remaining term or a term that would enable to City to keep the debt service payments budget neutral. The current General Fund debt service will be fully paid in FY17.

Mrs. Mitchell reviewed the Analysis of Proposals for Bank Qualified Loan. Staff recommended acceptance of the PNC Bank proposal and preparation of an Authorizing Resolution for Council approval.

Responding to concerns of Mr. Hare regarding the sprinkler system for City Hall, Mr. Scott Koenig, Interim City Manager, explained that with the placement of the new Library building, the fire lane that was previously located on the east side of City Hall has been removed. As a result, City Hall is now in a different fire code status which requires the building to have a sprinkler system. Although a fire lane could have been installed between City Hall and the new Library, it would have required the removal of the transformer and several trees. Mr. Koenig estimated that the cost to install such a fire lane during construction would have been $75,000 to $100,000 and explained the advantage of a sprinkler system, which would provide immediate fire protection for the building, versus a fire lane.

In response to Mr. Shevock, Mr. Koenig confirmed that insurance savings will be realized by the City with the installation of a sprinkler system in City Hall.

Responding to Mr. Hare, Mr. Koenig stated that currently $2.7M is expected to cover all remaining costs for the new Library. He explained that the project is approximately 40% complete and at the last project meeting, change orders were running at 2.5% and that amount of money, plus some contingency, is already included in the project cost; therefore, no additional monies are expected to be needed for the Library, with the exception of the funds included in this request.

Mr. Hutchison questioned the status of the sale of the old Library building. Responding, Mr. Koenig stated that the State authorized an appraisal for the purchase of the building which has not yet been received. He indicated that he hoped to have an idea of the purchase price by the end of the calendar year and the State could then include these funds in their budget request for next fiscal year. The transfer should occur after July 1, 2012. Mrs. Mitchell stated that the monies received for the sale of the old Library would go toward paying the loan.

The Committee recommended acceptance of the PNC Bank proposal and preparation of an Authorizing Resolution for Council approval, as recommended by staff. The motion was seconded by Mr. Shevock and unanimously carried. *(Clerk's Office Note: This Resolution is being prepared by PNC Bank in consultation with the Controller/Treasurer and will be presented for Council's approval at a subsequent meeting.)*

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

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

2011 ANNUAL REPORT FOR THE DOWNTOWN DOVER PARTNERSHIP

Members were provided with the 2011 Annual Report for the Downtown Dover Partnership. Mr. Greg Moore, President of the Downtown Dover Partnership, and Mr. Bill Neaton, Economic Development Director, reviewed highlights of the report and provided charts depicting some of the projects completed and proposed.

Mr. Bonar moved for acceptance of the 2011 Annual Report for the Downtown Dover Partnership, seconded by Mr. Anderson and unanimously carried.

LETTER OF SUPPORT FOR THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

At the request of Mr. Bonar during the Regular Council Meeting of November 14, 2011, members were provided a draft letter of support for the Low Income Home Energy Assistance Program (LIHEAP), to be sent to Delaware's Congressional Representatives.

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

REVIEW AND RECOMMENDATION - FILLING CRITICAL POSITIONS - POLICE OFFICERS (3)

During their meeting of February 23, 2009, members recommended approval of a Hiring Freeze for Fiscal Year 2008-2009, but to allow the hiring of critical positions through the review and approval of the Legislative, Finance, and Administration Committee and City Council. It was suggested that there be a "standing" agenda item to consider the filling of critical positions and, if there were no positions to consider, the item could be removed.

During their Regular Meeting of August 22, 2011, City Council approved the Committee's recommendation to remove the Filling of Critical Positions as a standing agenda item and to affirm and adopt the current and proposed hiring process for filling vacant or new positions.

Council President Leary noted the receipt of additional correspondence related to this item and, without objection, requested that the City Clerk make this a part of the record ***(Exhibit #1)***. Members were also provided a Memorandum from Anthony DePrima, former City Manager, dated November 28, 2010 regarding "Police Staffing from FY 2000 - FY 2010." ***(Exhibit #2).***

Police Chief James Hosfelt reviewed the Permission to Recruit and Hiring Justification Outline and explained that, during the fall of 2010, the Police Department began reviewing the need for additional police officers, mainly resulting from concerns involving gang violence. At a Joint

Meeting of the Safety Advisory and Transportation and Legislative, Finance, and Administration Committees held on February 17, 2011, members moved to recommend that the Police Chief be authorized to hire two (2) additional officers for the upcoming Police Academy class, which would bring the total police force to 93 officers. City Council approved this recommendation during their meeting held on February 28, 2011. In July 2011, the Police Department budgeted for 93 positions, which provided four (4) additional officers. While these four (4) recruits were attending the police academy, two (2) officers applied for retirement and another submitted a resignation, resulting in three (3) vacancies. As a result, Chief Hosfelt requested that recruitment for positions be considered by the Legislative, Finance, and Administration Committee during their first meeting in October; however, the matter was pulled from the agenda. Chief Hosfelt stated that, since that time, he met with the Chairman of the Committee (Dr. McGlumphy) regarding concerns of maintaining compliance with the City's Community Oriented Policing Services (COPS) grant. He advised members that should the number of City police officers be reduced to 90, an explanation must be prepared and submitted for consideration in order to maintain compliance with the COPS Grant.

After meeting with the Mayor and Dr. McGlumphy, Chief Hosfelt stated that he was requested to wait until after the Council Financial Retreat (November 9, 2011) before presenting the request to fill critical positions. Following the Retreat, the Mayor requested that the request be added to the Council agenda.

Chief Hosfelt reviewed the Wage and Benefit Information for Employee Hiring and Transfer. He advised members of his desire to hire certified police officers from another jurisdiction to save the costs involved in training officers. He noted that he was aware of only two (2) certified officers who were currently available for hire; therefore, he stated it would not be possible to fill the third position at this time.

Mr. Hutchison noted that, during the Financial Retreat, Council discussed a projected $3.4M budget shortfall for the City. He stated that the City's workforce has been reduced by approximately 21 employees. Considering the City's current economic situation, he suggested the possibility of providing the City Manager the opportunity to review the total operation of the City for a report back prior to filling these positions.

Mr. Anderson stated that part of the urgency in filling these positions at this time is related to the availability of Certified Officers and that not hiring at this time would result in higher future expenses (training and time loss), as well as the cost of continued increased crime. Responding, Chief Hosfelt explained that hiring an officer is approximately a one (1) year process and that the City Police Department is competing with other agencies (Delaware State Police, Wilmington Police Department, New Castle County Police Department, etc.) to hire Certified Officers, since it costs less to hire these individuals and there is less waiting time before they can serve fully as police officers.

Chief Hosfelt also explained his concern regarding the consideration of the elimination of healthcare benefits that could affect retirees. With this matter under discussion with possible implementation in July 2012, he noted that there are 19 employees who would be affected and are eligible to retire and maintain the benefit. He stated that the elimination of healthcare benefits for retirees could

result in these individuals retiring at or before the end of June 2012 if healthcare is eliminated for retirees. Such a situation would be devastating to the safety of the City and its citizens.

Mrs. Williams noted that the action to approve the increase in authorized strength to 93 was taken prior to Council's knowledge of the City's economic situation. In was her recollection that 2007 was the only year during which the police force was operating at full authorized strength, yet the Police Department has been able to continue to provide exemplary service. She indicated that hiring the officers may require the City to raise taxes and that members of Council would not support such action. Should it be necessary for the City to consider both raising taxes and laying off employees to address the City's economic situation, Mrs. Williams relayed concern regarding hiring three (3) additional officers before it is known whether or not it will be necessary to lay off not only these three (3) employees, but other employees as well. Concurring with the suggestion of Mr. Hutchison, she felt that a solution might be developed that would prevent the reversal of any action taken at this time and without the need to raise taxes.

In response to Mr. Lynn, Chief Hosfelt stated that, this year, robberies have increased 13% in the City. During the five (5) year period between 2006 and 2010, there were seven (7) homicides, and in 2011 there were five (5) homicides. Property crime has increased 13%. Referring to additional information regarding crime in the City of Dover provided to members by Councilman Lynn via email ***(Exhibit #3)***, Chief Hosfelt stated that the bar chart included reflected the number of assaults on police officers, explaining that there were 49 assaults on police officers in 2010 and 43 through the end of September 2011. It was his opinion that any decrease in the number of officers or delay in approving the request to hire would put both officers and citizens at increased risk.

Recognizing that there was a problem in the community, Mrs. Russell felt that the City Manager should be provided the opportunity to develop a solution.

Responding to Mrs. Williams, Chief Hosfelt stated that residents are more at risk for crimes than in previous years and reviewed the crime incidents that occurred during the last month. He noted that, as previously indicated, there has been a growing gang problem in the City and that when this issue was first brought to Council, these individuals were attacking each other; however, they are now committing crimes against others.

Referring to the statistics provided in the Annual Report issued by the Dover Police Department, Dr. McGlumphy noted that the number of crimes has actually decreased. Chief Hosfelt explained that the reason that the number of arrests by the Drug, Vice, and Organized Crime (DVOC) Unit is the same for the past three (3) years is that those officers made it a point not to fall behind from the previous year, although there is less manpower available. He indicated that the reason the Quality of Life statistics have decreased is because this Unit has not been manned.

Dr. McGlumphy reviewed some of the monetary problems that the City must address and measures that have been taken in the past, such as the deferment of Capital Projects. He noted that these issues are the result of the downturn in the economy. He reminded members that last year's draft budget proposed a reduction of 12 police officers; however, he stated that there were no actual cuts in this respect. He reviewed the various rate increases that are being considered by Council and noted that

if it is necessary to increase taxes in order to address the budget deficit, with no salary increases, etc., this would necessitate a 33-35% increase in property taxes. He encouraged members to allow the City Manager to work on this issue before taking any action.

In response to Mr. Hutchison, Mr. Koenig felt that if he, along with the Treasurer/Controller and Chief of Police, were provided the opportunity to meet and review this matter, some type of recommendation could be presented to members at their second meeting in January 2012. Mr. Hutchison requested that the Police Chief and men and women of the Police Department support the City Manager by working with him to develop a recommendation.

Mr. Bonar stated that, although he did not like the idea of raising taxes and had no desire to do so, he was concerned about police officers having the proper backup necessary to maintain their safety as well as that of others and having proper equipment. It was his feeling that it was ingenuous of the City to expect police officers to go to work without the manpower to perform their jobs sufficiently and for the City to claim that such cannot be paid for. As a resident of the Third District, he stated that gunshots are often heard in his neighborhood (3 blocks away from the City Fire Department) and that gunshots are fired 100 yards or less from the Fire Department on a regular basis. He questioned how much more the City can ask its police officers to sacrifice for the citizens. Mr. Bonar indicated his willingness to raise property taxes to fully fund the police force.

Mr. Hare relayed his support for the Police Department; however, he felt that members of Council did not have all information necessary to make a final decision regarding this matter.

Mr. Anderson reminded members that budgeting is not about shared sacrifice or equality in departments, noting that not fully staffing some departments in the City will result in people dying. He stated that the citizens and economic development in the City are suffering, which is causing the City's financial problems. He noted that New York City was on the verge of bankruptcy and recovered by restoring confidence in security and supporting their police. The result was that investment and tax revenue returned. New York now has a murder rate that is one-third of the previous rate and is now one of the safest cities in America. Mr. Anderson explained that the leaders of New York City understood that, although sacrifices were necessary, what cannot be sacrificed is the basic safety of its citizens. In speaking with residents, he stated that he is asked to make sure they are provided police, safety, sanitation, electricity, water, etc. He noted that budgeting is about priorities and values. He advised members of a recent incident involving his son as well as a double murder that occurred a few blocks from his home. Mr. Anderson felt that a comprehensive approach is necessary; however, it must be done with a fully manned police department. Not only has crime increased, he stated that what is most disturbing is the type of crime. He stated that not filling the requested police officer positions would save him, as a resident, $1, which is not worth his family's safety, economic development, jobs for the City, etc. He requested that members of Council not delay taking action to approve the request.

Mrs. Williams moved to refer the request back to the City Manager, Treasurer/Controller, other staff members, and/or members of Council, in an attempt to obtain data on the exact costs so that the officers, if hired, can be maintained on the police force, for a report back by the end of the year. The motion was seconded by Mr. Hutchison.

Mr. Lynn moved to suspend the rules to allow for public testimony, seconded by Mr. Anderson. The motion failed by a roll call vote of five (5) yes and four (4) no (Dr. McGlumphy, Mrs. Williams, Mr. Hutchison, and Council President Leary).

Mr. Anderson moved to suspend the rules to allow Det. David Spicer, President of the Fraternal Order of Police (FOP) Lodge #15, the opportunity to address members. The motion was seconded by Mr. Lynn and carried by a roll call vote of seven (7) yes and two (2) no (Dr. McGlumphy and Mrs. Williams).

Det. David Spicer, President of the FOP Lodge #15, 400 S. Queen Street, distributed a series of photographs of weapons, including a Tech 9 and an Uzi (which he stated were capable of holding up to 30 rounds of ammunition) and a sawed off shotgun, explaining that this is what the men and women of the Police Department face everyday. He stated that Dover is not a small town anymore and that the City's police officers are all that separate peace from chaos. Although Det. Spicer understood the desire of those who wished to be fiscally responsible, he advised members that there were 115 shots fired complaints, 87 gun complaints, and four (4) violent homicides this year. Several months ago, a local business had two (2) individuals fighting in the parking lot, with a crowd of about 30 individuals watching. Video surveillance indicated that there were two (2) different types of weapons present: a semi-automatic hand gun and an AK47 assault rifle. Minimizing a situation like this requires many police officers for a show of force which can diffuse the situation. Det. Spicer stated that if members of Council allow the Police Department to remain understaffed, this will set the Police Department up for failure by sending officers into dangerous situations without proper manpower.

Referring to a recent statement made by Mrs. Williams regarding the need for Council to stop spending taxpayers' money, Det. Spicer suggested that citizens' safety was of greater importance than the money. He also referred to a statement made by Dr. McGlumphy indicating that 22-23 other positions need to be filled in the City and that other department heads feel their employees are just as important. Det. Spicer stated that, as an example, Dr. McGlumphy indicated that if trash were not picked up, then trash collector positions would become important. Det. Spicer agreed that trash piled up would become a nuisance; however, if an officer does not respond to a complaint with sufficient manpower or in a timely manner, people die.

With reference to the motion, Mr. Anderson stated his objection to referring the matter back to staff. He noted that the positions were included in the budget and urged members to take action at this time.

Mr. Lynn also urged members to take action on the request at this time, explaining that, as Chief Hosfelt and Det. Spicer indicated, six (6) weeks could make all the difference if you are a victim of crime.

The motion to refer the matter to the City Manager, Controller/Treasurer, and staff to gather data on the costs to fill the police officer positions for a preliminary report back to members during the first meeting in January 2012 carried by a roll call vote of six (6) yes and three (3) no (Mr. Anderson, Mr. Lynn, and Mr. Bonar).

Mr. Anderson relayed appreciation to Council President Leary for bringing this matter to the floor and allowing the discussion to be held in a fair and equitable manner.

ELECTION OF OFFICERS - ROBBINS HOSE COMPANY - YEAR 2012 FIRE LINE OFFICERS

The Fire Line Officers of the Robbins Hose Company are elected annually on the third Monday of November. Members were provided the results from the November 21, 2011 Robbins Hose Company Election for consideration as follows:

Fire Chief	-	Jack I. Fortney *(uncontested)*
Deputy Fire Chief	-	Patrick A. West *(uncontested)*
First Assistant Fire Chief	-	David C. Carey *(uncontested)*
Second Assistant Fire Chief	-	Michael J. O'Connor, Jr. *(uncontested)*
Fourth Assistant Fire Chief	-	Carl Troubetaris, Sr. *(uncontested)*
First Line Captain	-	Matthew E. Carey *(uncontested)*
Second Line Captain	-	Mark Hall *(uncontested)*

It was noted that the election result for the position of Third Assistant Fire Chief was a tie (Joseph Simmons and Glenn Whitt) and a special election will need to be scheduled.

By consent agenda, Mr. Bonar moved for acceptance of the Fire Line Officers for Robbins Hose Company No. 1 for the Year 2012, as submitted, seconded by Mr. Lynn and carried by a unanimous roll call vote.

SETTING OF SPECIAL ROBBINS HOSE COMPANY ELECTION - DECEMBER 6, 2011

During the Robbins Hose Company Election held on November 21, 2011, the position of Third Assistant Fire Chief resulted in a tie (Joseph Simmons and Glenn Whitt); therefore, a Special Election is necessary. It was recommended that the Special Election be scheduled for December 6, 2011.

By consent agenda, Mr. Bonar moved to schedule the Special Robbins Hose Company Election for December 6, 2011, seconded by Mr. Lynn and carried by a unanimous roll call vote.

APPOINTMENT OF JUDGES - ROBBINS HOSE COMPANY SPECIAL ELECTION - DECEMBER 6, 2011

A Special Election for the Robbins Hose Company is scheduled for December 6, 2011. The following persons have been recommended to serve as judges for the election:

1. James Hurley 2. Kline Kemp 3. James Howlett (alternate)

By consent agenda, Mr. Bonar moved for approval of the appointment of judges for the Robbins Hose Company Special Election, seconded by Mr. Lynn and carried by a unanimous roll call vote.

FIRST READING - PROPOSED ORDINANCES

Council President Leary reminded the public that copies of the proposed ordinances were available at the entrance of the Council Chambers or could be obtained from the City Clerk's Office. Final action by Council on the proposed ordinances will take place during the Council Meeting of December 12, 2011.

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

> ORDINANCE #2011-28 - CHAPTER 2 - ADMINISTRATION, ARTICLE IV - OFFICERS AND EMPLOYEES, DIVISION 7 - GENERAL EMPLOYEE PENSION PLAN, SUBDIVISION I - IN GENERAL, SECTION 2-331 - FORM OF BENEFITS (CIVIL UNIONS) *(STAFF SPONSORED)*

> ORDINANCE #2011-30 - FY12 BUDGET REVISIONS *(STAFF SPONSORED)*

> ORDINANCE #2011-31 - CHAPTER 102 - TAXATION, ARTICLE I - IN GENERAL, SECTION 102-1 - VALUATION AND ASSESSMENT OF THE DOVER CODE *(STAFF SPONSORED)*

FIRST READING - PROPOSED ORDINANCE #2011-29

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. Since the ordinance is an amendment to the Zoning Code, a public hearing is required. Staff recommended referral of the amendments to the Planning Commission on December 19, 2011; and that a public hearing take place during the Council Meeting of January 9, 2012, at 7:30 p.m., at which time final action by Council will take place.

Mr. Hare moved to refer the amendments to the Planning Commission and set a public hearing before City Council for January 9, 2012 at 7:30 p.m., as recommended by staff. The motion was seconded by Dr. McGlumphy and unanimously carried.

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

> ORDINANCE #2011-29 - APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 2 - GENERAL RESIDENCE ZONES (RG-1 AND RG-2), SUBSECTION 2.4 - CONDITIONAL USES AND ARTICLE 6 - OFF-STREET PARKING, DRIVEWAYS AND LOADING FACILITIES, SECTION 3 - REQUIRED OFF-STREET PARKING SPACES, SUBSECTION 3.1 - SCHEDULE OF REQUIREMENTS

COUNCIL MEMBERS ANNOUNCEMENTS

Council President Leary relayed condolences for the loss of Mrs. Phyllis Levitt. He also wished Mr. Bonar a happy birthday.

Mr. Lynn also extended his condolences to the family and friends of Mrs. Levitt and felt that her loss affected the entire community.

Mayor Carey recognized the participation of Mrs. Levitt throughout the community and that the Arts program in the City is what it is today due to her efforts. He extended deepest sympathy to Mr. Irving Levitt and the family. He announced that the Capital Holiday Celebration would be held on November 30, 2011, beginning at 5:30 p.m., and that on December 3, 2011, the Annual Home for the Holidays Parade would be held.

Dr. McGlumphy stated that he had the opportunity to work with Mrs. Levitt and that she would be sorely missed throughout the community.

Mr. Anderson echoed the sentiments relayed regarding the loss of Mrs. Levitt. He stated that a dinner would be held on December 10, 2011, to benefit Open Door Ministries that would help the disabled homeless. He encouraged everyone's participation.

There being no objections, Chaplain Dixon relayed appreciation for the manner in which Council conducted business during their deliberation of the request to fill the three (3) police officer positions.

By unanimous consent, the meeting adjourned at 9:07 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of November 28, 2011, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
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Exhibits Attached to Original Minutes and File Copy
Exhibit #1 - Correspondence - Filling Critical Positions - Police Officers (3)
Exhibit #2 - Memorandum dated November 28, 2010 - "Police Staffing from FY 2000 - FY 2010
Exhibit #3 - Information Regarding Crime in the City of Dover Provided to Members by Councilman Lynn via Email

EXHIBIT #1
Regular Council Meeting of 11/28/2011

DARRYL M. SCOTT
STATE REPRESENTATIVE
Thirty - First District

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

COMMITTEES
Telecommunication Internet & Technology, Chair
Education, Vice Chair
Health & Human Development
Gaming & Pari-mutuels

November 28, 2011

Traci McDowell
City Hall
15 Loockerman Plaza,
Dover, DE 19903

Ms. McDowell:

Although I am unable to attend tonight's meeting, I wanted to send this letter expressing my support of the filling of the three open Dover Police Department positions.

Our shared constituency, the citizens of Dover, want safe neighborhoods and roadways. I believe that this requires a fully staffed police department, and I also believe from my numerous conversations and meetings with constituents that they understand and are willing to support continued investment in public services of this nature.

It is for these reasons I am writing to ask you to support filling the three Dover Police Department positions. The citizens of Dover understand that in times of revenue crunches the City may have to prioritize its spending obligations, but this is one such obligation that they, along with myself, feel is too valuable to be compromised.

Sincerely,

Darryl M. Scott
State Representative
31st District

102 Cobblestone Lane, Dover, DE 19904
Home: 302-735-1781 House Office: 302-744-4351 Fax: 302-739-2313
darryl.scott@state.de.us

McDowell, Traci

From: Dave <ddcswim@aol.com>
Sent: Monday, November 28, 2011 2:56 PM
To: McGlumphy, William; tmcdowell-bcw; Leary, Thomas J.; jhutch9595@yahoo.com; Bonar, David L; Lynn, Sean M.; Anderson, David; Russell, Sophia
Subject: Fiscal Responsibility

Dear City Council Members:

I am writing to ask you to help prioritize **fiscal responsibility** for our City over filling the police positions at this time. This will take courage because police protection is important to the public. However, when the City is so much in debt we cannot afford the luxury of having a full complement of staff. We must cut expenses because City residents cannot afford, and will strongly object, to raising our taxes during these difficult economic times.

If the City Police needs help in a crisis there are other means of law enforcement with the State Police, the Capital Police, Camden, Wyoming, Cheswold, Smyrna Police, etc. There are also professionally trained DNREC Enforcement Officers, Probation and Parole, ATF, etc.

In addition, we could re-assign detectives to help out in other areas. If they have the time to visit massage parlors then we could prioritize their duties to pursue more serious crime.

In the past, City Council chambers has been full of law enforcement officers when there was an issue they support. That is their right, but it can also be somewhat intimidating for City residents to speak out against them. I am writing this email because I am unable to attend the meeting tonight. I do hope however there will be more City residents who will help convince our City Council to support **fiscal responsibility**.

Thank you.

Dave Casto
City of Dover Resident

Memorandum

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

To: **Joint LFA\SAT Committee Members**

From: **Anthony J. DePrima, ICMA-CM, AICP**
City Manager

Date: **November 28, 2010**

Subject: **Police Staffing from FY2000-FY2010**

Terry Tieman and I, with assistance from Chief Hosfelt, have put together the attached tables to give the members a picture over time of DPD's staffing. This information only includes uniformed police officers and reflects the approved staffing levels by City Council via the budgets. The actual decisions as to what levels internal units are staffed at are the sole discretion of the Chief, perhaps with the exception of specific units funded with the approval of City Council. For example: Quality of Life Team, School Resource Officers, and Sex Offender Units. But even within these units the Chief has the discretion to staff units based on actual number of officers available to him.

It is important to note that these numbers reflect the approved staffing. At any given time the actual staffing can fluctuate due to turnover. For example, at this period in time the approved staffing is 91 officers. However, one officer just recently resigned and two recent hires are scheduled to enter the next police academy so the actual manpower is 88.

Changes in Police Staffing FY 2000 – FY 2011

FY2000-FY2002	Police Department staffed at 81 uniformed officers
FY 2003	• Special Enforcement Sergeant converted to Special Enforcement Commander (Lieutenant), takes on added duties of City Emergency Management Coordinator. • Reduced one Community Policing Officer • Added one Patrol Officer. • Reduced one Dare Officer • Added Domestic Violence Organized Crime Supervisor (Sergeant) • Budgeted Staff still 81
FY2004	• Dropped one Accreditation Officer • Added Selective Enforcement Unit Supervisor (Sergeant) • Added four patrol officers (one to each platoon) • Budgeted Staff increase to 85
FY2005	• Budgeted Staff 85 – no changes
FY 2006	• Added one Special Enforcement Unit Supervisor (Sergeant) to oversee Quality of Life Team and Community Policing Unit. • Added two Quality of Life Officers • Added twp School Resource Officers • Budgeted Staff increased to 90
FY2007	• Added one Quality of Life Officer • Budgeted Staff increased to 91
FY2008	• Added two Sex Offender Officers • Budgeted Staff increased to 93
FY2009	• Added one Detective • Reduced one Patrol Officer • Budgeted Staff still at 93
FY2010	• Hiring Freeze (started in mid FY2009) Chief leaves three positions open • Reduced three officers from Patrol units • Budgeted Staff reduced to 90
FY2011	• Police Obtain Grant to add one officer • Reduced Community Policing by two officers • Added three officer to Patrol unit • Budgeted Staff increased to 91

Police Organization Chart Summary
From FY 2000 thru 2011

	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Chief	1	1	1	1	1	1	1	1	1	1	1	1
Deputy Chief	1	1	1	1	1	1	1	1	1	1	1	1
Internal Affairs LT	1	1	1	1	1	1	1	1	1	1	1	1
Administrative Div. Commander (Captain)	1	1	1	1	1	1	1	1	1	1	1	1
Planning and Training (Accreditation - 2004)	2	2	2	2	2	2	1	1	1	1	1	1
Accreditation	1	1	1	1			1	1	1	1	1	1
Operations Commander (Captain)	1	1	1	1	1	1	1	1	1	1	1	1
CI Investigations Supervisor (Srgt)	1	1	1	1	1	1	1	1	1	1	1	1
CI Commander	1	1	1	1	1	1	1	1	1	1	1	1
Detectives	7	7	7	7	7	7	7	7	7	8	8	8
DVOC Supervisor				1	1	1	1	1	1	1	1	1
Drug, Vice, Organized Crime	4	4	4	4	4	4	4	4	4	4	4	4
TAC (safe streets, probation)	2	2	2	2	2	2	2	2	2	2	2	2
Youth (DARE, School Resource)	3	3	3	2	2	2	4	4	4	4	4	4
Special Enforcement Sargeant	1	1										
Special Enforcement Commander				1	1	1	1	1	1	1	1	1
Selective Enforcement Unit Supervisor					1	1	1	1	1	1	1	1
Special Enforcement Supervisor CPU QOL							1	1	1	1	1	1
Community Policing	5	5	5	4	4	4	4	4	4	4	4	2
Motorcycle	5	5	5	5	5	5	5	5	5	5	5	5
Quality of Life Task Force							2	3	3	3	3	3
Sex Offender Section									2	2	2	2
Patrol Unit Commander (LT)	1	1	1	1	1	1	1	1	1	1	1	1
Platoon A	11	11	11	11	12	12	12	12	12	11	11	11
Platoon B	11	11	11	11	12	12	12	12	12	12	11	12
Platoon C	11	11	11	11	12	12	12	12	12	12	11	12
Platoon D	10	10	10	11	12	12	12	12	12	12	11	12
Total	**81**	**81**	**80**	**81**	**85**	**85**	**90**	**91**	**93**	**93**	**90**	**91**
Budget Authorization	81	81	81	81	85	85	90	91	93	93	90	91
Differece Org Chart vs Budget	0	0	-1	0	0	0	0	0	0	0	0	0

Stein, Jody

From: Stein, Jody
Sent: Monday, November 28, 2011 3:07 PM
To: City Clerks Office
Subject: FW: Document for Tonight's Meeting
Attachments: Recent Crimes - Dover.docx

This information is being forwarded to you at the request of Councilman Lynn. Printed copies will be distributed to members of Council tonight prior to the City Council Meeting.

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

This email was sent to members of City Council.

From: Sean Lynn [mailto:slynn@thedelawarelawyers.com]
Sent: Monday, November 28, 2011 1:37 PM
To: City Clerks Office
Cc: Anderson, David
Subject: RE: Document for Tonight's Meeting

Traci,

Attached please find a document Councilman Anderson and I intend to discuss tonight at the City Council Meeting.

Pursuant to Robert's Rules, I am providing this document to you so that you may circulate it among Council in advance of the meeting.

Thanks for your cooperation and courtesy.

Please contact me with any questions or concerns engendered by the above.

Regards,
Sean

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1. The Dover Police Criminal Investigations Unit has made three arrests in the murder of a Dover man that occurred on October 8, 2011 in the Sunoco Parking Lot. Video Surveillance revealed that 4 suspects were parked in a vehicle on the s/side of the business. The shooter, who was later identified, goes behind the business, appears on the north side of the business and shoots the victim. Two other defendants were also arrested after it was determined they were in the vehicle and aided in the commission of the crime. The investigation revealed that three defendants conspired to commit the murder. The three defendants were already in prison on unrelated charges.

2. On Sunday October 9, 2011 at approximately 1:00 a.m. the Dover Police Department responded to a robbery complaint that had occurred in the area of Greenway Square. The investigation revealed that the victim was approached by three masked subjects who were displaying handguns. The subjects ordered the victim to the ground at which time they removed items from the victim's vehicle as well as his wallet and USC. The suspects then fled from the area to an unknown location and have not been apprehended.

3. On Thursday October 13, 2011 at approximately 1600 hours, the 14 year old victim was approached by two teenaged black males driving a silver 4 door Chevy as he was walking on Bicentennial Blvd near Patriot Dr. The suspects exited their vehicle and one produced a knife while the other produced a hammer. They pushed victim to the ground and removed money from his pocket. Both then got back in the vehicle and fled toward Walker Rd.

4. The Dover Police Drug, Vice and Organized Crime Unit has arrested a man for weapons charges. The investigation began after Dover Downs Security Cameras captured a large fight in the parking lot on video. The video, which was taken on September 18, 2011, depicted a large group of black males subjects gathered in the lot at approximately 0326 AM. Two subjects begin fighting at which time a suspect, later identified, removes a rifle from a vehicle and conceals same under a jacket. Subsequent investigation by detectives confirmed defendant 's identity and the weapon was determined to be an AK47 Type assault rifle. On October 19, 2011 defendant was arrested in the area of his residence and was found to possess 7.1 grams of Marijuana. The weapon was not recovered

5. The Dover Police Criminal Investigations Unit is currently investigating a homicide that occurred on Sunday, October 23, 2011. The victim, white male age 47, of the 100 block of Kentwood Drive was located in the field directly behind his residence at approximately 1100 hours this date. The victim, who was pronounced dead at the scene, was stabbed multiple times and his throat was also cut. Investigation by the Detectives led to the identification and arrest of defendant. Both defendant and victim were romantically involved with a female who is a neighbor of the victim. This relationship resulted in an argument early Sunday morning which led to a physical altercation in the field directly behind their homes. During the altercation, the defendant stabbed the victim numerous times causing his death.

6. On Saturday 10-29-11 2:20AM four victims who reside in the Unit block of N. Governors Avenue reported that five to eight male suspects forced their way into the residence and assaulted them. During the scuffle one of the suspects sprayed and irritant in the room which caused minor burns to all four of the victims. The suspects then fled on foot northbound, all suspects were described as wearing dark colored clothing. One victim was treated by paramedics at the scene for swelling and bleeding to his nose, the second assault victim refused treatment for his nose injury.

7. On October 31, 2012 at approximately 2145 hours a 43 year old female victim was shot in the foot as she was standing on Reed St. west of S. New St.. She is unaware of who may have shot her but said that a white SUV drove past her when she heard approximately 4-5 gunshots. Victim was treated and released from BayHealth.

8. On November 2, 2011, Defendant , 17, of Dover, was arrested in connection with 4 residential burglaries in the northwest section of Dover. The burglaries occurred in the unit block of Gristmill Dr. on September 19, unit block of Heritage Dr. on September 29, unit block of Ironwood Circle on September 29, and the 800 block of Woodcrest Dr. on October 27. Defendant was released to a parent pending arraignment in Family Court. Another warrant was obtained for a second suspect, also 17, of Dover, for his part in the burglaries.

9. On November 4, 2011 at approximately 0120 hours two black males entered victim's residence through an unsecured front door. Both suspects were wearing hooded sweatshirts over their heads. The two suspects confronted the two roommate victims, aged 37 and 26, and assaulted them. They removed an undetermined amount of cash and an XBox and DVD Player which were both later recovered outside. One victim sustained a laceration to his head and the other suffered a broken jaw and contusions. The suspects fled on foot in an unknown direction.

10. On Sunday 11/20/2011 at 0117 hours Dover Police Patrol Units responded to a large crowd at The LEX Restaurant and Bar located at Loockerman and State Streets. Numerous fights broke out and as patrol officers were attempting to clear the crowd an onlooker pointed out a man with a gun. Officers were able to locate the subject, later identified, and take him into custody. Officers located a loaded .38 caliber revolver concealed in his waistband, a 4" knife and 55 grams of marijuana in his pockets. As this arrest was taking place, Dover Police Patrol Officers were dispatched to a reported shooting at S. Queen and Reed Streets. Numerous callers reported multiple shots fired. The victim could not be located. However, patrol officers located a subject hiding in a back yard in the unit block of S. Queen Street. That subject, later identified, was in possession of a 9mm UZI assault weapon which had 25 rounds of 9mm ammunition in the magazine. The victim of the shooting, a 21 year old male, responded to Kent General Hospital later on Sunday and was treated and released for a minor gunshot wound to the left foot. It was also learned that UZI was stolen from New Castle County.

	simple	aggravated	Total
2006	24	5	29
2007	26	7	33
2008	36	4	40
2009	31	2	33
2010	46	3	49
2011	41	2	43

