REGULAR COUNCIL MEETING

The Regular Council Meeting was held on March 11, 2013 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Dixon, Mr. Lynn, Mr. Perza, Mrs. Williams, Mr. Hare, and Mr. Hutchison. Mr. Anderson and Mr. Bonar were absent.

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

OPEN FORUM

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

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

The invocation was given by Dr. W. Thomas Mercer, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

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

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF FEBRUARY 25, 2013

The Minutes of the Regular Council Meeting of February 25, 2013 were unanimously approved by motion of Mr. Hare, seconded by Mrs. Williams and bore the written approval of Mayor Carey.

PROCLAMATION - EARTH HOUR (MARCH 23, 2013 AT 8:30 P.M.)

The City Clerk read the following Proclamation into the record:

WHEREAS, Earth Hour was initiated six years ago when participants were encouraged to turn out their lights for one hour to show their support for climate change, and more than 2.2 million individuals and 2,000 businesses chose to do so; and

WHEREAS, since that time, the Earth Hour movement has expanded to symbolize the global pursuit of a better, healthier world, and participation has grown to encompass hundreds of millions of people in approximately 152 countries and territories worldwide; and

WHEREAS, Earth Hour encourages individuals, businesses, and governments to become accountable for their ecological footprint by communicating ideas and exchanging resources that provide real solutions to environmental challenges; and

WHEREAS, the City of Dover encourages residents to make a commitment beyond the hour by continuing to recycle, switching to energy efficient light bulbs, and making conscious decisions to change the way we live to better our community; and

WHEREAS, residents' participation in Earth Hour shows a commitment to protect the one thing that unites us all – the planet.

NOW, THEREFORE, I, CARLETON E. CAREY, SR., Mayor of the City of Dover, Delaware, do hereby support the observation of Earth Hour in the City of Dover, Delaware, on March 23, 2013, and encourage residents and businesses to participate by turning out non-essential lights from 8:30 to 9:30 p.m.

PRESENTATION - PLANNING, INSPECTIONS, AND RECREATION ANNUAL REPORT

Members were provided the Planning, Inspections, and Recreation 2012 Annual Report. It was noted that in 2012, there were several changes and adjustments within the Department of Planning and Inspections. With citywide reorganization, Planning and Inspections came back together as one department after being separated since 2006. In July, Economic Development moved out of the Planning and Inspections Department and into the Mayor's Office. Also in July, the City's Recreation Division joined the Planning and Inspections Department.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed a presentation (***Exhibit #1***) which depicted highlights of the report.

Mrs. Williams moved for acceptance of the Planning, Inspections, and Recreation 2012 Annual Report, seconded by Mr. Hare and unanimously carried.

PUBLIC HEARING - PROPOSED RESOLUTION NO. 2013-07 APPROVING ALLEY ABANDONMENT (PAPER) - 235 (CASE), 239 (McCABE-CORT), AND 243 (MARAMI PARTNERS) BAYARD AVENUE

A public hearing was duly advertised for this time and place to consider Proposed Resolution No. 2013-07 approving the abandonment of portions of an alley adjacent to properties on Bayard Avenue, as follows: 1) 235 Bayard Avenue, owned by Ms. Joan Case; 2) 239 Bayard Avenue, owned by Ms. Claudia McCabe-Cort; and 3) 243 Bayard Avenue, owned by Marami Partners.

Mr. Scott Koenig, City Manager, reminded members that the Utility Committee reviewed this matter during their meeting on February 11, 2013 and recommended approval of the abandonment of the subject alley with conveyance of seven feet (7') of said alley to 235, 239, and 243 Bayard Avenue, currently owned by Ms. Joan Case, Ms. Claudia McCabe-Cort and Marami Partners, respectively, with the stipulation that a public utility easement be retained.

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

Mr. Hare moved to approve the abandonment of the portions of the alley adjacent to 235, 239, and 243 Bayard Avenue. The motion was seconded by Mr. Hutchison and by a unanimous roll call vote (Anderson and Bonar absent), Council adopted Resolution No. 2013-07, as follows:

A RESOLUTION VACATING AND ABANDONING PORTIONS OF A CERTAIN ALLEY SITUATED IN THE CITY OF DOVER.

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

Section 1. The Council of the City of Dover hereby vacates and abandons the following portions of an alley:

Adjacent to 235 Bayard Avenue (ED-05-077.06-01-84.00)
Being a portion of that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an unimproved public alley running in a north to south direction, located to the east of Bayard Avenue, said portion of alley beginning at a point identified as the northeast corner of Parcel No. ED-05-077.06-01-84.00; thence running with Parcel No. ED-05-077.06-01-84.00 South 22 degrees 11 minutes East 60.01 feet along the westerly line of the 14' wide alley to the northeast corner of Parcel No. ED-05-077.06-01-85.00; thence running North 68 degrees 53 minutes East 7 feet crossing into said 14' wide alley to a point in the center of the alley, opposite the northeast corner of Parcel No. ED-05-077.06-01-85.00; thence running North 22 degrees 11 minutes West 60.01 feet parallel to the westerly line of the 14' wide alley to a point; thence running South 68 degrees 53 minutes West 7 feet to the westerly side of the 14' wide alley, being the point and place of beginning and containing 0.0096 acres (420 square feet) of land be the same more or less. The above described parcel of land shall be considered a public utility easement, reserving the rights of the City of Dover, their agents or assigns to free access for ingress and egress to these premises and every part thereof at all times for purpose of installing, maintaining and operating its existing public utilities.

Adjacent to 239 Bayard Avenue (ED-05-077.06-01-85.00)
Being a portion of that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an unimproved public alley running in a north to south direction, located to the east of Bayard Avenue, said portion of alley beginning at a point identified as the northeast corner of Parcel No. ED-05-077.06-01-85.00; thence running with Parcel No. ED-05-077.06-01-85.00 South 22 degrees 11 minutes East 60.01 feet along the westerly line of the 14' wide alley to the northeast corner of Parcel No. ED-05-077.06-01-86.00; thence running North 68 degrees 53 minutes East 7 feet crossing into said 14' wide alley to a point in the center of the alley, opposite the northeast corner of Parcel No. ED-05-077.06-01-86.00; thence running North 22 degrees 11 minutes West 60.01 feet parallel to the westerly line of the 14' wide alley to a point; thence running South 68 degrees 53 minutes West 7 feet to the westerly side of the 14' wide alley, being the point and place of beginning and containing 0.0096 acres (420 square feet) of land be the same more or

less. The above described parcel of land shall be considered a public utility easement, reserving the rights of the City of Dover, their agents or assigns to free access for ingress and egress to these premises and every part thereof at all times for purpose of installing, maintaining and operating its existing public utilities.

Adjacent to 243 Bayard Avenue (ED-05-077.06-01-86.00)
Being a portion of that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an unimproved public alley running in a north to south direction, located to the east of Bayard Avenue, said portion of alley beginning at a point identified as the northeast corner of Parcel No. ED-05-077.06-01-86.00; thence running with Parcel No. ED-05-077.06-01-86.00 South 22 degrees 11 minutes East 68 feet along the westerly line of the 14' wide alley to the southeast corner of Parcel No. ED-05-077.06-01-86.00 being the southeast terminus of the 14' wide alley; thence running North 55 degrees 29 minutes 31 seconds East 7.2 feet crossing into said 14' wide alley to a point in the center of the alley, opposite the southeast corner of Parcel No. ED-05-077.06-01-86.00; thence running North 22 degrees 11 minutes West 66.3 feet parallel to the westerly line of the 14' wide alley to a point; thence running South 68 degrees 53 minutes West 7 feet to the westerly side of the 14' wide alley, being the point and place of beginning and containing 0.0108 acres (470.15 square feet) of land be the same more or less. The above described parcel of land shall be considered a public utility easement, reserving the rights of the City of Dover, their agents or assigns to free access for ingress and egress to these premises and every part thereof at all times for purpose of installing, maintaining and operating its existing public utilities.

Section 2. Since no person has been deprived of property by the vacating and abandoning of the aforesaid portions of the alley, no compensation is awarded.

Section 3. The City shall retain a utility easement for the entire length and width of the aforesaid alley and all costs of conveyance shall be borne by the property owners.

Section 4. This resolution shall be effective upon the filing of a revised plot plan of the aforesaid alley.

ADOPTED: MARCH 11, 2013

PUBLIC HEARING/FINAL READING - PROPOSED ORDINANCE #2013-01
A public hearing was duly advertised for this time and place to consider approval of Proposed Ordinance #2013-01, amending Appendix B - Zoning, Article 3 - District Regulations, Section 22 Airport Environs Overlay Zone (AEOZ) of the Dover Code. The proposed amendments would update the Airport Environs Overlay Zone in accordance with the 2010 Air Installation Compatible Use Zone study published by the Dover Air Force Base.

Mr. Lynn moved that the Final Reading of Proposed Ordinance #2013-01 be acknowledged by title only, seconded by Mr. Dixon and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council Meeting of January 28, 2013.)*

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the petition to amend the zoning ordinance text and advised members that the Planning Commission recommended approval of the proposed amendments. She noted that a section regarding exemptions in the Ordinance had previously limited expansion for a non-conforming use within the AEOZ to 3,000 S.F. She advised members that a request to expand the Dover Behavioral Health (DBH) System facility had required a variance, which was reviewed and approved by the Board of Adjustment. She indicated that Bayhealth had attempted to locate the DBH mental health facility on property that would not cause problems within the community. Mrs. Townshend explained that it was staff's belief that utilizing a ratio rather than square footage when capping the size of exemptions would better serve the intended purpose. As a result, the proposed amendment would allow a non-conforming use that is non-residential to expand up to 50% of their floor area.

In response to Mr. Hutchison, Mrs. Townshend indicated that staff worked very closely with the Community Planner at the Dover Air Force Base (DAFB) in developing the proposed amendment.

Council President Leary declared the hearing open.

Mr. Michael Gavula, Director of Business Development, Dover Behavioral Health, 725 Horsepond Road, stated that DBH supported the proposed amendment.

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

By motion of Mrs. Williams, seconded by Mr. Hare, Council approved the Planning Commission's recommendation and by a unanimous roll call vote (Anderson and Bonar absent), Council adopted Ordinance #2013-01 ***(Exhibit #2)*****.**

REZONING REQUEST - PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2013-02

A public hearing was duly advertised for this time and place to consider Proposed Ordinance #2013-02 amending the Zoning Ordinance and Zoning Map of the City of Dover by changing the boundary of the Airport Environs Overlay Zone (AEOZ) in accordance with the 2010 Air Installation Compatible Use Zone (AICUZ) Study published by the Dover Air Force Base.

Mr. Dixon moved that the Final Reading of the proposed rezoning ordinance be acknowledged by title only, seconded by Mr. Lynn and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council Meeting of January 28, 2013.)*

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the petition to amend the Zoning Ordinance and Zoning Map and advised members that the Planning Commission recommended approval of the proposed amendments. She reminded members that the proposed ordinance would incorporate the changes to the Air Installation Compatible Use Zone into the Zoning Map as the Airport Environs Overlay Zone (AEOZ). She noted that the proposed Ordinance would change the Zoning Map in accordance with the action previously taken by members in their adoption of Ordinance #2013-01.

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

By motion of Mr. Hare, seconded by Mr. Lynn, Council approved the Planning Commission's recommendation and, by a unanimous roll call vote (Anderson and Bonar absent), Council adopted Ordinance #2013-02 *(Exhibit #3)*.

UTILITY COMMITTEE REPORT - FEBRUARY 25, 2013
The Utility Committee met on February 25, 2013 with Chairman Bonar presiding.

Annexation Request - Property Located at 1174 South Governors Avenue, Owned by Sipple's Used Cars, Inc.
Members were provided a Petition to Annex and Zone Property located at 1174 South Governors Avenue, consisting of $8,250^{+/-}$ SF, owned by Sipple's Used Cars, Inc.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the property is currently served by City of Dover Electric and, although there is no sanitary sewer or water service to the property, both sanitary sewer and water mains run on South Governors Avenue in front of the property. She indicated that the property owner would be responsible for the costs associated with tapping the sanitary sewer and water mains, extending services to the property, payment of impact fees, and obtaining permits associated with such improvements.

Staff recommended annexation of the property and adoption of Resolution No. 2013-06 setting the annexation referendum.

In response to Mr. Perza, Mrs. Traci McDowell, City Clerk, indicated that the cost of holding such a referendum would be approximately $150. Noting that a proposed Charter Amendment was scheduled for consideration by City Council in the very near future that would change the annexation procedure by eliminating the need for a referendum for single property requests, Mr. Perza questioned if action on this request should be delayed until action was taken on the Charter Amendment, which would allow for administrative approval of the annexation. Responding, Mrs. Townshend stated that the applicant had requested City sewer. She stated that if action were delayed, the City would need to extend water and sewer to the property, with the stipulation that the property would be annexed at a later date. Mrs. McDowell advised members that the Charter Amendment was scheduled to be considered by the Legislative, Finance, and Administrative Committee during their meeting scheduled later in the evening and, should it be approved by City Council, there was no guarantee that it would be approved by the State Legislature.

The Committee recommended approval of staff's recommendation for annexation of the property and adoption of Resolution No. 2013-06 setting the annexation referendum for property located at 1174 South Governors Avenue, owned by Sipple's Used Cars, Inc.

By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mrs. Williams and, by a unanimous roll call vote (Anderson and Bonar absent), Council adopted Resolution #2010-06, as follows:

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

WHEREAS, the Charter of the City of Dover authorizes Council to extend the boundaries of the said City after a special election of the qualified voters and real estate owners of the territory proposed to be annexed, and

WHEREAS, the Mayor and Council of the City of Dover deem it in the best interest of the City of Dover to include an area located at 1174 South Governors Avenue, which is contiguous to the present City limits, into the limits of the City of Dover and within a zoning classification as recommended by the City of Dover Planning Commission.

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

1. That a special election be held for an area located at 1174 South Governors Avenue situated in East Dover Hundred, Kent County, State of Delaware.

2. That the election be held on the 11th day of April, 2013 commencing at the hour of 11:00 a.m. in the City Hall Annex, 15 Loockerman Plaza, Dover, Delaware, for the purpose of submitting the question of annexation of the above area to those persons entitled to vote thereon.

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

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

ADOPTED: MARCH 11, 2013

Dedication of Rights-of-Way and Public Infrastructure - Village of Cannon Mill - Phase I

Staff submitted a request for all public infrastructure improvements related to Phase 1 of the Village of Cannon Mill to be dedicated to the City of Dover for permanent ownership and maintenance. Members were provided a list of the public improvements associated with Phase 1. The total construction value of the public improvements was $1,170,700. Members reviewed a map showing the general location and configuration of the subject rights-of-way.

Mr. Scott Koenig, City Manager, advised members that the original developer filed for bankruptcy, which resulted in work stoppage within the subdivision. The final wearing course and punch list items remained to be completed to meet the City of Dover Standards and Specifications for Public

Works Construction and had been outstanding for many years. The Department was prepared to complete the work required, pending rights-of-way and public infrastructure dedication. He stated that during their meeting scheduled for later in the evening, City Council would be considering a request for a contract in the amount of $275,000 to complete the paving and concrete improvements for this subdivision. He advised members that Representative Darryl Scott and Senator Brian Bushweller had agreed to contribute $165,000 of the $275,000 in community transportation funds. Mr. Koenig explained that, in order to use these funds, the roads must be dedicated prior to the agreements being signed.

Staff recommended acceptance of the dedication of rights-of-way and public infrastructure in the Village of Cannon Mill Subdivision (Phase I), with dedication to include all of the referenced public improvements, as follows:

Sewer Utility Infrastructure (Construction Value = $265,100):

10” SDR-35 PVC Sanitary Sewer Main	-	1,945 l.f.
8” SDR-35 PVC Sanitary Sewer Main	-	2,755 l.f.
6” PVC Sanitary Sewer Laterals	-	3,300 l.f. (134 laterals)
4' Diameter Sanitary Sewer Manholes	-	24 ea. (214 v.f.)

Water Utility Infrastructure (Construction Value = $162,000):

8” Ductile Iron (Class 52 Cement Lined) Water Main	-	6,100 l.f.
6” Ductile Iron (Class 52 Cement Lined) Water Main	-	255 l.f.
1” K Copper Water Service Lines	-	3,600 l.f. (134 services)
8” Gate Valve	-	20 ea.
6” Hydrant Valve	-	9 ea.
Fire Hydrants	-	9 ea.

Storm Water Infrastructure (Construction Value = $169,700):

Catch Basins	-	40 ea.
4’ Diameter Storm Sewer Manholes	-	3 ea.
Outfall Structure	-	4 ea.
15” Type III Reinforced Concrete Pipe	-	1,610 l.f.
18” Type III Reinforced Concrete Pipe	-	905 l.f.
24” Type III Reinforced Concrete Pipe	-	735 l.f.
30” Type III Reinforced Concrete Pipe	-	465 l.f.

Street Infrastructure (0.7348 miles) (Construction Value = $573,900):

Cannon Mill Dr.	Station 0+00 to Station 6+50	650 l.f.
East Sheldrake Cir.	Station 37+75 to Station 20+50	580 l.f.
West Sheldrake Cir.	Station 0+00 to Station 6+00	600 l.f.
Paradee Dr.	Station 0+00 to Station 11+00	1,100 l.f.
Quillen St.	Station 0+00 to Station 7+00	700 l.f.
Lester Court	Station 0+00 to Station 6+00	600 l.f.

Mr. Koenig stated that once these improvements are completed, staff would be working with Artisans' Bank, who had purchased a portion of the remainder of the development, to obtain a new Letter of Credit on this portion. He indicated that when those lots that are in foreclosure are sold to a new developer, the City would require a Letter of Credit for the balance of the subdivision for the Village of Cannon Mill.

Responding to Mrs. Williams regarding egresses involving the new Dover High School, Mr. Koenig stated that the Village of Westover egress is no longer being considered; however, the Village of Cannon Mill remains as originally proposed. Referring to the map provided, Mr. Koenig stated that there was a right-of-way that extends to the new Dover High School property. He noted that, in planning the High School, this was projected to be a road connection; however, that connection was unfunded and the dedication being considered at this time did not include that length of roadway.

Mrs. Williams questioned if the two (2) projects (the dedication and moving the right-of-way down the property of the Village of Cannon Mill) could be dovetailed. Responding, Mr. Koenig did not feel this would be necessary since the additional dedication could be submitted at a later date. With regard to the school issue, he stated that moving the project down Hazlettville Road would be an issue to be worked out with the Delaware Department of Transportation (DelDOT), Agricultural Land Preservation, and Papen Farms. It was his belief that this project would not be addressed in the next two (2) years but would be considered in the next five (5) to ten (10) years.

In response to Mr. Perza, Mr. Koenig indicated that the City received correspondence stating that the original Letter of Credit from 2005 was rescinded. He advised members that Deputy City Solicitor Pepper reviewed the letter and had indicated that the City could challenge it in court since it was not sent certified; however, he stated that this was an unsecured Letter of Credit and the original developer was no longer involved with this subdivision.

The Committee recommended approval of staff's recommendation for the acceptance of the dedication of public infrastructure for The Village of Cannon Mill - Phase I to include all of the referenced public improvements.

During the Council meeting, Mr. Koenig referred to the discussion during the City Council meeting of February 25, 2013 regarding the Letter of Credit for the Village of Cannon Mill and requested that final action on the dedication of rights-of-way and utilities - Village of Cannon Mill - Phase I by City Council be delayed until their Regular Meeting scheduled for Monday, March 25, 2013.

Mrs. Williams moved for approval of staff's request to defer action until the Regular Council Meeting of March 25, 2013, seconded by Mr. Hare and unanimously carried.

Dedication of Rights-of-Way and Public Infrastructure - Village of Westover- Phase VI

Staff submitted a request for all public infrastructure improvements related to Phase VI of the Village of Westover to be dedicated to the City of Dover for permanent ownership and maintenance. Members were provided a list of the public improvements associated with Phase 1. The total construction value of the public improvements was $1,092,501. Members were provided a map showing the general location and configuration of the subject rights-of-way.

Mr. Scott Koenig, City Manager, advised members that the original developer filed for bankruptcy, which resulted in work stoppage within the subdivision. The final wearing course and punch list items remained to be completed to meet the City of Dover Standards and Specifications for Public Works Construction and had been outstanding for many years. The Department was prepared to complete the work required, pending rights-of-way and public infrastructure dedication.

Mr. Koenig indicated that the City had a Letter of Credit issued by Wilmington Trust, in the approximate amount of $265,000. He noted that Wilmington Trust had been acquired by M&T Bank and that staff believed that the Bank would take charge, hire a contractor, and finish the subdivision in order to avoid the City's calling the Letter of Credit. However, he stated that in speaking with a representative of M&T Bank, the City was provided a choice between: 1) going through the extended process of the bank hiring a contractor on their schedule, or 2) calling the Letter of Credit. He stated that staff had drafted the call of the Letter of Credit and, once submitted with the site drafts, the bank would issue a check to the City in the amount of the Letter of Credit (approximately $264,000), which would allow completion of the top coat of paving and the installation of sidewalks.

Mr. Koenig reiterated that during their meeting scheduled for later in the evening, City Council would be considering a request for a unit price paving contract and, although it was primarily associated with the Village of Cannon Mill, it could be extended for the Village of Westover, if approved by City Council.

Mr. Koenig advised members that there had been several complaints from residents regarding the appearance of the property and residents felt that the City should take appropriate action. He stated that some residents had indicated a desire to sell their homes. He noted that a few buildings in the subdivision had been demolished by the City.

Staff recommended acceptance of the dedication of rights-of-way and public infrastructure in the Village of Westover Subdivision -Phase VI, with dedication to include all of the referenced public improvements, as follows:

<u>Sewer Utility Infrastructure (Construction Value = $184,461)</u>:		
8" SDR-35 PVC Sanitary Sewer Main	-	2,150 l.f.
6" PVC Sanitary Sewer Laterals	-	2,206 l.f. (69 laterals)
4' Diameter Sanitary sewer Manholes	-	10 ea.
<u>Water Utility Infrastructure (Construction Value = $167,820)</u>:		
8" Ductile Iron (Class 52 Cement Lined) Water Main	-	2,600 l.f.
8" Gate valves	-	5 ea
1" K Copper Water Services	-	2,182 l.f. (69 services)
Fire Hydrants	-	3 ea.
1" K Copper Water Services	-	2,182 l.f. (69 services)

Storm Water Infrastructure (Construction Value = $323,296):		
Catch Basins Type J	-	9 ea.
Catch Basins Type JJ	-	6 ea.
Del Dot J Box	-	3 ea.
PW-BD-2 Mod 2 / Mod 1	-	3 ea.
Type-B-2	-	3 ea.
15" Type III Reinforced Concrete Pipe	-	596 l.f.
18" Type III Reinforced Concrete Pipe	-	76 l.f.
24" Type III Reinforced Concrete Pipe	-	46 l.f.
27" Type III Reinforced Concrete Pipe	-	380 l.f.
19x30" Eliptical Reinforced Concrete Pipe	-	19 l.f.
15" HDPE Pipe	-	464 l.f.
18" HDPE Pipe	-	813 l.f.
24" HDPE Pipe	-	529 l.f.
30" HDPE Pipe	-	105 l.f.

Street Infrastructure (0.4256 miles) (Construction Value = $416,924):		
Northdown Drive	Station20+00 to Station 40+00	2,000 l.f.
Margate Circle	Station0+18 to Station 2+65	247 l.f.

Mr. Perza relayed concern that banks would not take issuing a Letter of Credit seriously if the City does not call them. Responding, Mr. Koenig indicated that the Letter of Credit for the Village of Cannon Mill was issued by the First National Bank of Wyoming and it included a clause that would allow them to cancel the Letter without approval of the City. He assured members that since then, the format used in the Letter of Credit issued by Wilmington Trust has been used as the standard.

The Committee recommended approval of staff's recommendation for the acceptance of the dedication of public infrastructure for The Village of Westover - Phase VI to include all of the referenced public improvements.

Mr. Koenig advised members that the sight draft for the Village of Westover – Phase VI Letter of Credit was being presented to M&T Bank. The timeline for the issuance of funds was unconfirmed at this time. He requested that final action on the dedication of rights-of-way and utilities - Village of Westover - Phase VI by City Council be delayed until their Regular Meeting scheduled for Monday, March 25, 2013.

Mrs. Williams moved for approval of staff's request to defer action until the Regular Council Meeting of March 25, 2013, seconded by Mr. Hare and unanimously carried.

Update - Calpine

Mr. Bonar relayed his appreciation to staff for their untiring efforts and work associated with the Calpine project.

Mr. Scott Koenig, City Manager, advised members that staff had been holding weekly conference calls, as well as weekly face-to-face meetings, with Calpine. He stated that the Calpine Corporation was prepared to begin work on the temporary road as early as March 1, 2013. They continue to push their Engineering, Procurement, and Construction (EPC) contractor, Kvaerner, Inc., to begin construction on April 1, 2013 to take possession of the site.

Mr. Koenig stated that staff was currently working on the extension of the water line from the Wild Meadows Subdivision to the back of the LS Power property. It was anticipated that the pipe would be delivered on February 26, 2013 to begin the extension in a southerly direction to a point where water had been requested on the Calpine property. Staff was also working on consulting contracts for the water tower and the sanitary sewer pumping station, which would serve the entire Garrison Tract. Concurrently, staff, along with the Becker Morgan Group, was completing the subdivision plans to lay out and eventually construct the balance of the infrastructure associated with the roads and storm sewer for the entire Garrison Oak Technical Park.

Mr. Koenig announced that the Calpine Corporation was expected to apply for a building permit for construction to begin soon after April 1, 2013. Staff was attempting to provide an advance construction authorization (phasing of construction) so that all of the outside agency approvals would be lined up when the building permit was issued for the Calpine project. It was anticipated that Calpine, through Kvaerner, Inc., would mobilize the site and begin earth moving on Lot 7 on April 1, 2013.

Mr. Koenig stated that Calpine continued to work on the alignment of the feeders that would come from the Energy Center and tie back to the City's 230kV tie. In regard to the LS Power complaints of the plume coming off the energy center in the future and dust during construction, he stated that it was anticipated that these issues would be resolved within the next few days. He noted that additional review of Calpine's air permit application had been requested by an adjacent property owner. This will be conducted by the Department of Natural Resources and Environmental Control (DNREC) Environmental Appeals Board. Mr. Koenig felt confident that the project would be well underway very soon.

Responding to Mrs. Williams, Mr. Koenig stated that there was a maximum daily demand (running 24/7) for Block 1 in the amount of 2.3M gallons of water and the water tower would hold 1.5M gallons of water. He indicated that the City would try to constantly feed water into that water tower.

Mr. Bonar advised members that staff was emphatic on ensuring that the fire protection system and water pressure in the City would be adequately protected.

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - FEBRUARY 25, 2013

The Legislative, Finance, and Administration Committee met on February 25, 2013 with Chairman Lynn presiding.

Proposed Charter Amendment - Article II - Mayor and Council, Section 13 - Vacancies; Forfeiture of Office; Filling of Vacancies ***(Deferred by Committee on February 11, 2013 Due to Time Constraints)***

At the request of Councilman Anderson, staff prepared a draft amendment to Article II - Mayor and Council, Section 13 - Vacancies; Forfeiture of Office; Filling of Vacancies of the City of Dover Charter. This amendment would add a provision for elected officials to designate temporary successors in the event that they are absent or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of the office for an extended period of time. In addition, the amendment would change the provisions regarding the filling of vacancies for the Mayor and Council seats to specify that offices vacated within six (6) months of the next election would remain vacant until the next election; however, those offices vacated for more than six (6) months from the next election would be filled through a Special Election.

Members were reminded that Charter Amendments require adoption of a Resolution requesting the General Assembly to approve the amendments. Upon adoption of the Resolution, staff will forward it to local legislators for consideration.

Staff recommended approval of the proposed amendments to the City of Dover Charter and adoption of the subsequent Resolution requesting the General Assembly to amend the City Charter.

Mr. Anderson noted that if an executive position has a temporary vacancy, there is a mechanism to fill that vacancy. He did not believe that legislative positions were less important and advised members that many towns across the nation have worked to find ways to get around some of the political difficulties in filling such positions. He stated that the City Clerk conducted research at his request and that consideration was given to previous comments made by members of City Council related to this topic in the development of the proposed amendment, which was modeled after legislation in other states, particularly Alabama. Mr. Anderson reminded members that the need for such a mechanism had increased substantially since the terms of office were expanded to four (4) years.

Mr. Hutchison noted that each Council District had two (2) representatives and that the At-Large Council Member and the Mayor also serve residents; therefore, each District would still have three (3) elected representatives in the event of the absence of one (1) member. Responding, Mr. Anderson felt that the citizens of Dover would be better served if there was a greater likelihood of having a full Council.

Council President Leary did not recall any problems with obtaining a quorum or other issues as a result of members of Council being unable to attend meetings. It was his feeling that the proposal was an attempt to solve a problem that did not exist.

Mr. Perza explained that the integrity of the process being discussed was important. Noting that members of Council are chosen by City residents, he felt that nominating temporary placeholders would take away some of the integrity. He advised members that if he were in a situation that would impact those who elected him to serve by causing him to step away for an extended period of time he would resign, and he felt that it would be incumbent on the person holding office to consider resignation. Although the reasons for proposing the amendment were to cover military and other legitimate absences, he cautioned members of potential abuse by members of Council who may not want to vote on a particular issue and choose to take a lengthy vacation.

Concurring with Mr. Lynn, Mr. Hare suggested that members consider the proposed amendment if it were felt that such a vacancy would be detrimental to conducting City Council business.

Mr. Bonar expressed his opinion that the intent of the request for a Charter change was well founded; however, in listening to the comments relayed by members, he felt that the rationale for placing trust in the body of City Council as currently structured seemed sound. He concurred with Mr. Hutchison's comments, stating that although members of Council are elected by district, they serve the entire City and would assist any district affected by a member of Council who was absent for any reason.

In response to concerns of possible abuse, Mr. Anderson noted that the proposed amendment was specifically for members who are absent due to physical, mental, or legal reasons. Responding to Mr. Lynn, Mr. Anderson stated that the proposed amendment had not been reviewed by the City Solicitor's Office.

Responding to Mr. Lynn's suggestion to table the matter to allow for review by the City Solicitor, Mr. Perza stated his objections, explaining that he had not heard enough support to justify the legal expense. If there were no consensus to move forward, he felt that there was no need to spend additional resources studying the issue.

The Committee forwarded this matter to City Council for their consideration without a recommendation.

During the Council meeting, Mr. Lynn noted that the amendments included within the last paragraph (Lines 44-50) of the proposed ordinance were revisions submitted by staff and consisted of a change in wording only, not content.

Due to the absence of Mr. Anderson, as a result of military service, Mr. Lynn suggested that this matter be deferred until the next Regular Council Meeting.

Mr. Lynn moved to defer the matter until the next Regular Council Meeting, seconded by Mr. Hare.

Mrs. Williams advised members that she would not be in attendance during the next two (2) Council meetings and requested that action on this matter be deferred until her return. Responding, Mr. Lynn indicated that Mr. Anderson would not be available following the next Council Meeting, explaining that he would be deployed after that time.

The motion to defer the matter until the next Regular Council Meeting failed by a roll call vote of four (4) no (Perza, Williams, Hare, and Hutchison), three (3) yes (Dixon, Lynn, and Leary), and two (2) absent (Anderson and Bonar).

Mr. Lynn stated that, with the assistance of the City Clerk's Office, he had drafted a substitute for the Resolution which did not involve temporary successors; however, it did define excused absences. Although the substitute had been provided to members of Council, he felt that Mr. Anderson should be present for its consideration since he was the initiator for the proposed amendment. He suggested that this matter be tabled to allow staff to investigate whether excused absences could be addressed through an ordinance rather than the City Charter.

Mr. Lynn moved to table the matter in order for staff to review the Substitute Ordinance to determine if it could be accomplished through an ordinance rather than a Charter amendment. The motion was seconded by Mr. Dixon and failed by a roll call vote of four (4) no (Perza, Williams, Hare, and Hutchison), three (3) yes (Dixon, Lynn, and Leary), and two (2) absent (Anderson and Bonar).

Mr. Perza moved to deny adoption of Resolution No 2013-08, which would request a Charter amendment. The motion was seconded by Mr. Hutchison.

After much discussion regarding the confusion of the motion, Mr. Perza agreed to reword his motion in order for Mr. Anderson's proposal to be considered by City Council.

Mr. Perza moved for approval of Resolution No 2013-08, which would request a Charter amendment. The motion was seconded by Mr. Hutchison.

Council President Leary indicated that although he had some grave concerns regarding the proposal, it was his desire, as a professional courtesy, to defer action until Mr. Anderson could be present.

Concurring, Mr. Lynn stated his opinion that taking action at this time, without the presence of Mr. Anderson who was absent due to mandatory military service and was about to be deployed to Afghanistan, was extremely discourteous and unprofessional.

The motion to approve Resolution No 2013-08, which would request a Charter amendment, failed by a roll call vote of five (5) no (Perza, Williams, Hare, Hutchison, and Leary), two (2) yes (Dixon and Lynn), and two absent (Anderson and Bonar).

Proposed Charter Amendment - Article II - Mayor and Council, Section 5 - Council to Be Legislative Body; size; Districts; Terms of Mayor and Councilmen; Qualifications *(Deferred by Committee on February 11, 2013 Due to Time Constraints)*

Mrs. Traci McDowell, City Clerk, advised members that it was recently brought to staff's attention that the current wording of Article II - Mayor and Council, Section 5 - Council to be Legislative Body; Size; Districts; Terms of Mayor and Councilmen; Qualifications, indicated that in order to be eligible to be elected as mayor or as a member of council, the person must, as of the date of the election, be: (4) Eighteen years of age. This amendment would correct that language to be "Eighteen years of age or older." She also noted that additional amendments were proposed to make the language in this section more concise.

Members were reminded that Charter Amendments require adoption of a Resolution requesting the General Assembly to approve the amendments. Upon adoption of the Resolution, staff would forward it to local legislators for submission.

Staff recommended approval of the proposed amendments to the City of Dover Charter and adoption of the subsequent Resolution requesting the General Assembly to amend the City Charter.

The Committee recommended approval of staff's recommendation and adoption of Resolution No. 2013-09 requesting the General Assembly to approve the Charter Amendments.

Mr. Lynn moved for approval of staff's recommendation, seconded by Mr. Dixon and failed by a roll call vote of four (4) no (Perza, Williams, Hare, and Hutchison), three (3) yes (Dixon, Lynn, and Leary), and two (2) absent (Anderson and Bonar).

Proposed Charter Amendment - Article I - Powers of the City, Section 1.05 - Procedure to Extend Boundaries ***(Deferred by Committee on February 11, 2013 Due to Time Constraints)***

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the Planning Office and City Clerk's Office began working on a Charter Amendment regarding annexation several years ago when the City was receiving a lot of interest in annexation. She stated that the Charter currently requires that all petitions for annexation be subject to an election of the owners and residents of the property proposed for annexation. In reviewing many annexation requests, it became apparent that the added step of an election in cases where the only person(s) voting were those who requested annexation was an inefficient use of City staff and financial resources, as well as an added burden to the property owner(s). She stated that a Charter amendment was required to eliminate this unnecessary step.

Mrs. Townshend explained that the proposed Charter amendment developed by staff would eliminate the requirement for an election when the property owner had requested annexation of their property. However, the proposal would require an election in the cases where the entirety of the area proposed for annexation was not the subject of a request from the property owners. As proposed, she assured members that the City would not be able to annex land against the owner's wishes without the opportunity for the owner to vote in an election. She stated that the proposed Charter amendment would simplify the annexation process and reduce unnecessary costs but still allow property owners a vote if their property were the subject of an annexation proposal that was not petitioned by the owners.

Members were reminded that Charter Amendments require adoption of a Resolution requesting the General Assembly to approve the amendments. Upon adoption of the Resolution, staff would forward it to local legislators for submission.

Staff recommended approval of the proposed amendments to the City of Dover Charter and adoption of the subsequent Resolution requesting the General Assembly to amend the City Charter.

The Committee recommended approval of staff's recommendation and adoption of the Resolution requesting the General Assembly to approve the Charter Amendments.

Mr. Lynn moved for approval of staff's recommendation, seconded by Mr. Hare and by a unanimous roll call vote (Anderson and Bonar absent), Council adopted Resolution No. 2013-10, as follows:

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

That the Mayor and Council have determined that the Charter of the City of Dover should be amended to remove the requirement for an annexation referendum election when the annexation is the result of a request from the property owner(s). Therefore, the Mayor and Council of the City of Dover respectfully request the General Assembly of the State of Delaware to amend Article I - Powers of the City, Section 1.05 Procedure to extend boundaries, of its Charter, which amendments, if adopted by the General Assembly, would be as follows:

CITY OF DOVER CHARTER - ARTICLE I - POWERS OF THE CITY

Sec. 1.05. - Procedure to extend boundaries.

The City may, from time to time, extend its boundaries in accordance with Title 22, Chapter 1, Section 101 (22 Del. C. § 101) through the following annexation processes:

(1) In the case where annexation is petitioned by all owners of all property considered for annexation, no election shall be required.

For an annexation petition not requiring an election, such petition shall be processed in accordance with procedures established for amendments to the zoning map, specified in Dover Code, Appendix B - Zoning. All annexation petitions shall be processed concurrently with the rezoning of the property considered for annexation and shall be subject to public hearing before City Council. Public notice shall be completed in accordance with the provisions of the Dover Code relating to amendment of the zoning map.

(2) In the case where annexation is not petitioned by all owners of all property considered for annexation, such annexation shall be subject to an election, as follows:

(a) In order to extend the boundaries of the City of Dover the council shall adopt a resolution proposing the inclusion of all property considered for annexation within the limits of the City of Dover and calling for a special election to be held not less than 30 nor more than 60 days after the adoption of the resolution, in accordance with Title 22, Chapter 1, Section 101, Delaware Code (22 Del. C. § 101).

The resolution shall contain a description of all property considered for annexation, the date of the election, and the place or places of said election. The resolution shall be published in at least two issues of a newspaper of general circulation within the City of Dover at least two weeks prior to the day of said election.

(b) The annexation election shall be held by the city's election officers. Each owner of the property considered for annexation shall be entitled to one vote. Owners of real estate in common shall be entitled to one vote each. Life tenants shall be entitled to one vote each, but the holders of the remainder interest or similar interest subject to the life estate shall not be entitled to vote. Corporations, firms or associations shall be entitled to one vote, the same as private persons.

More than one annexation election may be held on the same day; however, the elections shall be separate.

The Council of the City of Dover shall provide the ballots for and bear the cost of holding annexation elections. The ballots shall briefly indicate the property proposed for annexation and shall provide two boxes on the ballot beside which shall appear the words "FOR inclusion within the City of Dover," and "AGAINST inclusion within the City of Dover." Each voter shall indicate their preference by making a mark within the box beside the words expressing their preference.

For the annexation election, the polls shall open at 11:00 a.m. and remain open until each eligible voter has cast their vote or until 8:00 p.m., whichever occurs first. When the polls are closed the election officers shall publicly count the votes and forthwith certify to the clerk of the council the number of votes cast for and against inclusion within the city limits. At the next regular or special meeting of the council, the mayor and council shall receive the results of the election and make the same a part of the minutes of said meeting.

If a majority of the votes cast in an annexation election favor the inclusion of that property, the council may thereupon adopt a resolution annexing said property and including same within the limits of the City of Dover. Upon the adoption of a resolution of annexation, a copy thereof certified by the clerk of council and a map of the area annexed shall be forthwith filed for record with the Recorder of Deeds of Kent County, and the area so annexed shall for all purposes thenceforth be part of the City of Dover.

If a majority of the votes cast in an annexation election shall be against the inclusion of that property within the limits of the City of Dover, the proposed annexation of said property shall be declared to have failed. Nothing in this Charter shall prohibit the council from resubmitting a proposal for annexation to the eligible voters for said property, or any portion thereof, under the authority of this section and in accordance with the provisions thereof.

ADOPTED: MARCH 11, 2013

Disposal of Excess Property - Justice of the Peace (JP) Court 7 and 16

Mr. Scott Koenig, City Manager, advised members that the City received a request from Cabe Associates, Inc. and Delaware Architects, LLC on behalf of the State of Delaware, Administrative Office of the Court, to potentially expand the existing Justice of the Peace (JP) Court 7 and 16 building located at the intersection of Bank Lane and West Street immediately adjacent to the Dover Police Department. The proposed court expansion is desired in order to meet the area's growing needs for court facilities. At this time, only the JP Court 7 and 16 building footprint is owned by the State of Delaware. In order for the court to expand, the City of Dover must agree to dispose of any surrounding land required to accommodate the proposed expansion.

Mr. Koenig explained that since the engineers and architects were in the early planning stages, exact land requirements were unknown at this time; therefore, he envisioned the request to be a two (2) step process. The first step would be to receive approval from City Council for the City Manager to become a co-applicant, along with the State of Delaware, on a site plan application for the proposed expansion. He stated that the site plan and facilities planning process would identify the exact amount of land that would be needed by the court to expand. Once the exact amount of land was known, the City Manager would fully initiate the Procedures for Sale and Disposal of Real Property and return to the Legislative, Finance, and Administration Committee with a specific recommendation regarding the transfer of any land necessary to accommodate the proposed expansion of the court.

Mr. Koenig assured members that staff would work closely with the project engineer, project architect, representatives from the State of Delaware, and the Dover Police Department to design a project that would meet the needs of the Court while addressing any operational concerns of the Dover Police Department, since they are the adjoining property owner.

Staff recommended that the City Manager be authorized to become a co-applicant, along with the State of Delaware, on a site plan application to expand JP Court 7 and 16 located at the intersection of Bank Lane and West Street. Once the amount of land necessary to accommodate the proposed expansion is known, the City Manager would return to the Committee with a recommendation regarding the disposal of City property necessary to accommodate the proposed expansion.

Responding to Mr. Anderson, Mr. Koenig confirmed that the State of Delaware would be bearing all costs associated with this matter.

Mr. Hutchison questioned if staff had considered the open space adjacent to the Police Station on the southwest corner. Responding, Mr. Koenig stated that there had not been any recent discussions; however, he felt that the JP Court 7 and 16 expansion may reignite that interest. Mr. Hutchison advised members that approximately 50 people work in JP Court 7 and 16 and noted the convenience of the Court's location for police officers due to its close proximity to the Police Station. He urged members to support the request and approve staff's recommendation. Due to his wife's employment at the Court, he advised members that he would not be voting on this issue.

The Committee recommended approval of staff's recommendation authorizing the City Manager to become a co-applicant, along with the State of Delaware, on a site plan application to expand JP Court 7 and 16 located at the intersection of Bank Lane and West Street; once the amount of land necessary to accommodate the proposed expansion is known, the City Manager will return to the Committee with a recommendation regarding the disposal of City property necessary to accommodate the proposed expansion.

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

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

MONTHLY REPORTS - JANUARY 2013

By motion of Mr. Hare, seconded by Mrs. Williams, the following monthly reports were accepted by consent agenda:

Budget
Chief of Police
City Assessor
City Manager
City Planner
Dover Fire Department
Economic Development Office

SETTING OF PROPERTY ASSESSMENT APPEALS

Ms. Cheryl Russell, City Assessor, requested that the dates and times for the 2013 Property Assessment Appeals be established, as follows:

May 20, 2013 – May 24, 2013 9:00 A.M. until 4:00 P.M.
May 28, 2013 – May 31, 2013 9:00 A.M. until 4:00 P.M. (if needed)
One evening – if needed

Ms. Russell noted that an evening time would be scheduled if necessary and that the hearing times would be subject to change.

Mrs. Williams moved for approval of the dates and times for the 2013 Property Assessment Appeals, as requested by staff. The motion was seconded by Mr. Hutchison and unanimously carried.

EVALUATION OF BIDS - CANNON MILL PAVING IMPROVEMENTS PROGRAM
(TABLED BY CITY COUNCIL DURING THEIR REGULAR MEETING OF FEBRUARY 25, 2013)

Mr. Scott Koenig, City Manager, submitted a request to defer action on the evaluation of bids for the Cannon Mill Paving Improvements Program. Due to discussion at the last Regular Council Meeting in regard to the Letter of Credit for the Village of Cannon Mill, staff was seeking further action on the Letter of Credit for the Village of Cannon Mill; therefore, the dedication of rights-of-way and utilities for the Village of Cannon Mill - Phase I was deferred until the Regular Council Meeting of March 25, 2013 (see Agenda Item #7B(b-1). As a result, he noted that action on the paving contract bids for the Village of Cannon Mill should also be delayed until March 25, 2013.

Council President Leary noted that this matter was previously tabled by City Council during their Regular Meeting of February 25, 2013. He reminded members that the dedication of rights-of-way and utilities for Village of Cannon Mill - Phase I had been deferred by City Council earlier in the meeting (see Agenda Item #7-B) and that if Council took no action, the matter would remain on the table.

Mr. Dixon moved to remove the matter from the table. The motion failed due to the lack of a second.

EVALUATION OF BIDS - CHANGE ORDER FOR NRG SANITARY SEWER UPGRADE

Mr. Scott Koenig, City Manager, reminded members that the NRG Sanitary Sewer Upgrade Project was approved by City Council on October 22, 2012 and that the project began in earnest in late January 2013. He advised members that the contractor, Tri-State Grouting, LLC, had submitted a change order request due to significant unforeseen challenges that had been experienced, which needed to be addressed in order to accomplish the project assigned to them by the City of Dover. He explained the issues encountered on this project included in the change order, as well as the costs associated, as follows:

ISSUE	DESCRIPTION	COST
Additional Joints to be Rehabilitated	Original plan called for one joint to be repaired, due to the large volume of flow in pipe, original video could not detect additional issues.	$3,000
Increase in Pump Size	To repair this sanitary sewer main, a bypass pump system was to be installed by the contractor, they were told to bypass a six-inch (6") pipe and a fifteen (15") pipe, actual field conditions merited bypassing two (2) fifteen-inch (15") pipes.	$3,000
Topsoil and Seed Sinkhole	Due to the infiltration, a sink hole has been created on this site. The bid documents did not call out for site restoration if the non-evasive rehabilitation option was chosen (Tri-State Grouting proposed relining).	$1,250
Contractor Lost Time	An additional infiltration point was identified in the pipe after the pipe was bypassed. This was not identified because of the volume of flow in the pipe when the original video survey was conducted. The contractor had their labor and sub-contractors on site to and scheduled to work that week to finalize the liner. Due to the new leak, the work could not be accomplished. The warranty on the liner would be voided had they proceeded.	$26,427

Well Pointing	In an effort to stop the infiltration long enough to install the relining material to a dry surface, the contractor has proposed well pointing the perimeter of the existing sanitary sewer main. This method has been approved by staff on a technical basis.	$14,445
Infiltration Patch	To properly stop the infiltration and reassure that the relining material will not fail, a point repair was proposed for the infiltration location within the pipe.	$3,800
Heavy Cleaning of Sewer Main	Due to the infiltration, a large amount of sediment has built up inside the sewer main, properly cleaning the main will assure a proper installation of the relining material.	$5,400
	TOTAL CHANGE ORDER COST	**$57,622**

Staff recommended approval of change order request, submitted by Tri-State Grouting, LLC, in the amount of $57,622. Mr. Koenig noted that the original approved bid was $105,500 and that the amount budgeted for this project was $175,000; therefore, the additional change order request, in the amount of $57,622, was within the budget.

In response to Mrs. Williams, Mr. Koenig stated that although the issues encountered were not due to the recent storms, some of them were caused by the seasonal weather, such as elevated ground water conditions.

Responding to Mr. Perza, Mr. Koenig stated that if Council did not approve the change order, Tri-State Grouting would not move forward with the rehabilitation of this segment and the pipe would continue to deteriorate. Once that occurred, it could not be relined, but would require replacement, which was a higher cost than the original bid. He concurred that if action were not taken to approve the change order, it would ultimately cost the City more money for repairs/replacement as well as operations, since ground water was entering the sanitary sewer lines at this time.

Mr. Hutchison moved for approval of staff's recommendation to approve the change order request submitted by Tri-State Grouting, LLC, in the amount of $57,622. The motion was seconded by Mrs. Williams and carried by a unanimous roll call vote (Anderson and Bonar absent).

EVALUATION OF BIDS - MOWING CONTRACT

Members were advised that the City of Dover had been evaluating services performed by the City that could be privatized. Due to resignations and retirements within the Grounds Division of the Department of Public Works, as well as the need to avoid high employee and worker's compensation costs, the contracting out of some of the mowing services had been reviewed by the Department. The areas under consideration consisted primarily of those that require a considerable amount of staff time invested, particularly in the mobilization which can require as much, if not more, time as the work itself.

Mr. Scott Koenig, City Manager, indicated that staff contacted Priority Services, LLC, the company which currently holds the State mowing contract. He noted that staff had provided members with an extensive display of the locations of the mowing areas as well as a spreadsheet depicting the cost savings with contracting the services. He stated that staff had suggested that the privatization method be pursued, evaluated, and that staff subsequently make a recommendation as to whether this service should be a privatization measure or if the City should hire staff.

Mr. Koenig stated that Priority Services submitted prices for the locations identified and noted that they would maintain the prices throughout the mowing season rather than just the current fiscal year. He stated that $10,000 was currently available within the Grounds Division's operating budget and savings had also been realized due to staff shortages. In addition, he noted that the line item budget for this work had been submitted to be increased to cover annualized costs, which was offset by staffing reductions.

Staff recommended awarding a mowing contract to Priority Services, LLC in the amount of $32,820 for the 2013 calendar year mowing season.

Responding to Mr. Perza, Mr. Koenig stated that prices had been presented as fixed costs for each location; therefore, should there be a substantial increase in fuel prices, the costs provided by Priority Services would not be affected. He explained that the 2013 calendar year mowing season would begin in early April and extend through October.

Mr. Hare moved for approval of staff's recommendation, seconded by Mr. Hutchison and carried by a unanimous roll call vote (Anderson and Bonar absent).

FINAL READING - PROPOSED ORDINANCE #2013-03

The First Reading of the proposed ordinance was accomplished during the Council Meeting of February 25, 2013.

Staff Substitute #1 for Ordinance #2013-03 - Amending Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed Staff Substitute #1 for Ordinance #2013-03 amending Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Building. She reminded members that the proposed Ordinance was primarily for "housekeeping" and would improve the administration of the Vacant Building Ordinance. In addition, she stated that it would set separate, increased fees for vacant commercial properties greater than or equal to 10,000 S.F. in floor area.

Mr. Hare moved that the Final Reading of the proposed ordinance be acknowledged by title only, seconded by Mr. Hutchison and unanimously carried.

Mr. Lynn moved for adoption of Staff Substitute #1 for Ordinance #2013-03. The motion was seconded by Mr. Hare and by a unanimous roll call vote (Anderson and Bonar absent), Council adopted Ordinance #2013-03 ***(Exhibit #4).***

COUNCIL MEMBERS ANNOUNCEMENTS

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that during the last Council Meeting, Council President Leary announced that she was organizing a 5K run/walk to benefit the Juvenile Diabetes Research Foundation on Saturday, March 9, 2013. At that same meeting, Mr. Hutchison announced that the Dover Little League was getting ready to start the 2013 baseball season and encouraged members of Council to make a donation to the Dover Little League. Mrs. Townshend stated that Council President Leary responded with a challenge to Mr. Hutchison to participate in the 5K run/walk and that he would then make a contribution to the Dover Little League. Mrs. Townshend announced that the 5K event held during this past Saturday was a tremendous success. She indicated that both Council President Leary and Mr. Hutchison participated in the event and that other members of Council participated in other ways, including Lynn, May, and Perza, PA and Mr. Hare, who provided T-shirts and a banner through *Always Advertising*. Mrs. Townshend noted that Clerk's Office staff members Ms. Melanie Kelsall, Ms. Jody Stein, and Mrs. Traci McDowell were instrumental volunteers. Since not everyone remained for the award presentation at the event, she presented the award for 2nd Place finisher in the Male Category for age 60-69 to Council President Leary. As promised, Council President Leary provided his contribution to the Dover Little League to Mr. Hutchison.

Council President Leary announced that the St. Patrick's Day Parade would be held on Saturday, March 16, 2013, at 2:00 p.m. and encouraged all to participate.

By unanimous consent, the meeting adjourned at 8:35 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of March 11, 2013, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
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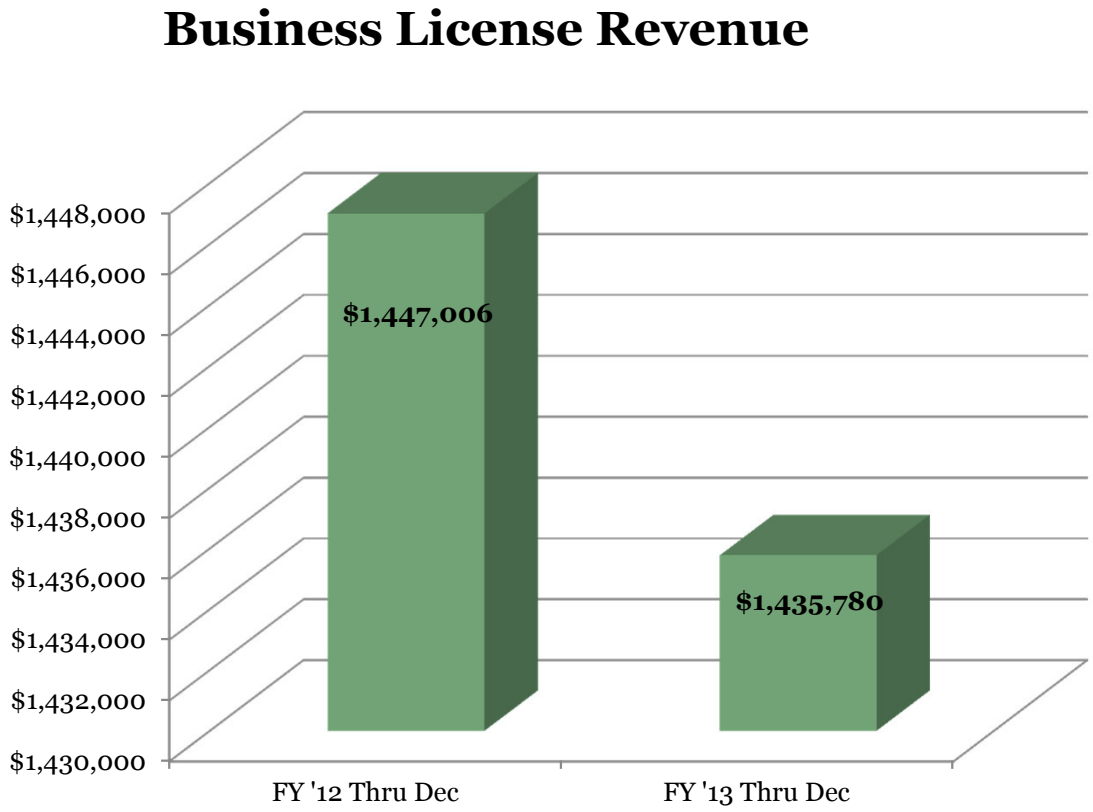
Exhibits Attached to Original Minutes and File Copy
Exhibit #1 - Presentation - Planning, Inspections, and Recreation 2012 Annual Report
Exhibit #2 - Ordinance #2013-01 Amending Appendix B, Article 3, Section 22-Airport Environs Overlay Zone (AEOZ)
Exhibit #3 - Ordinance #2013-02, Amending the Zoning Ordinance and Zoning Map of the City of Dover
Exhibit #4 - Ordinance #2013-03, Amending Chapter 22, Article XII-Vacant Buildings

Planning, Inspections & Recreation 2012 Annual Report

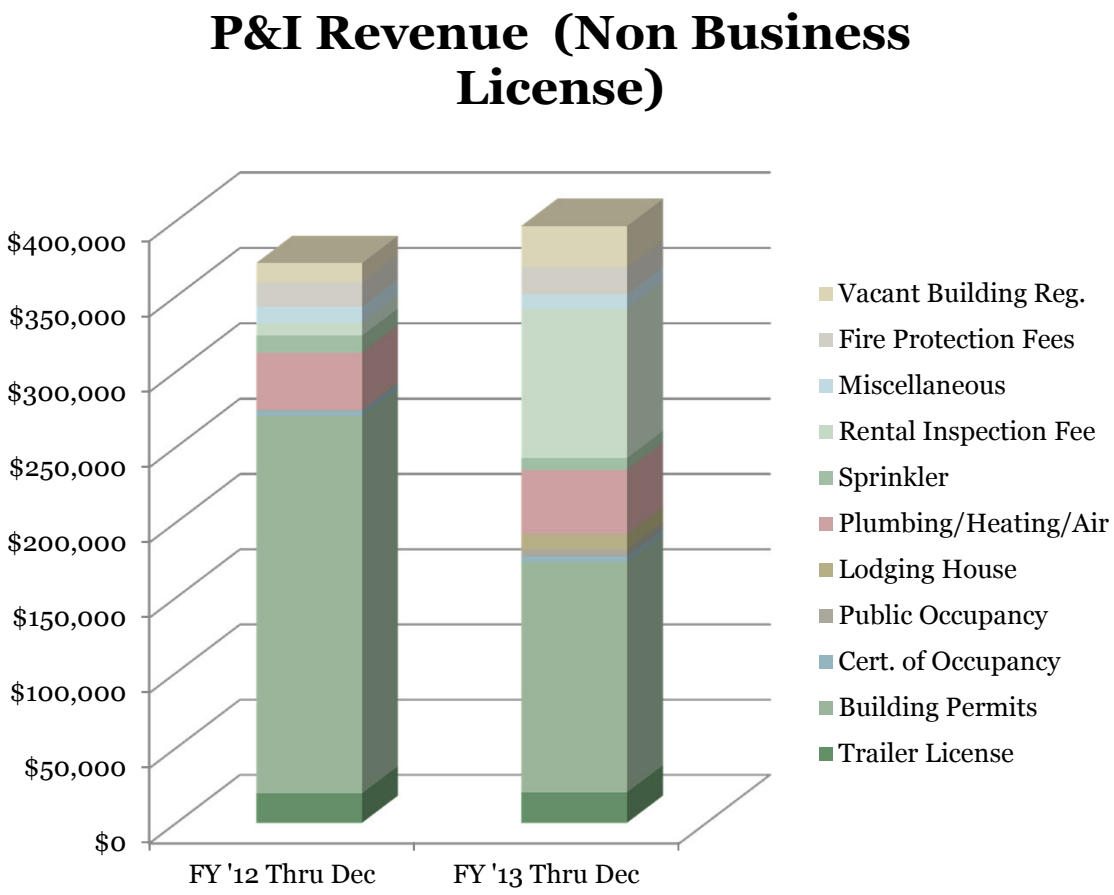
Dover City Council Meeting
March 11, 2013

EXHIBIT #1
Regular Council Meeting of 03/11/2013

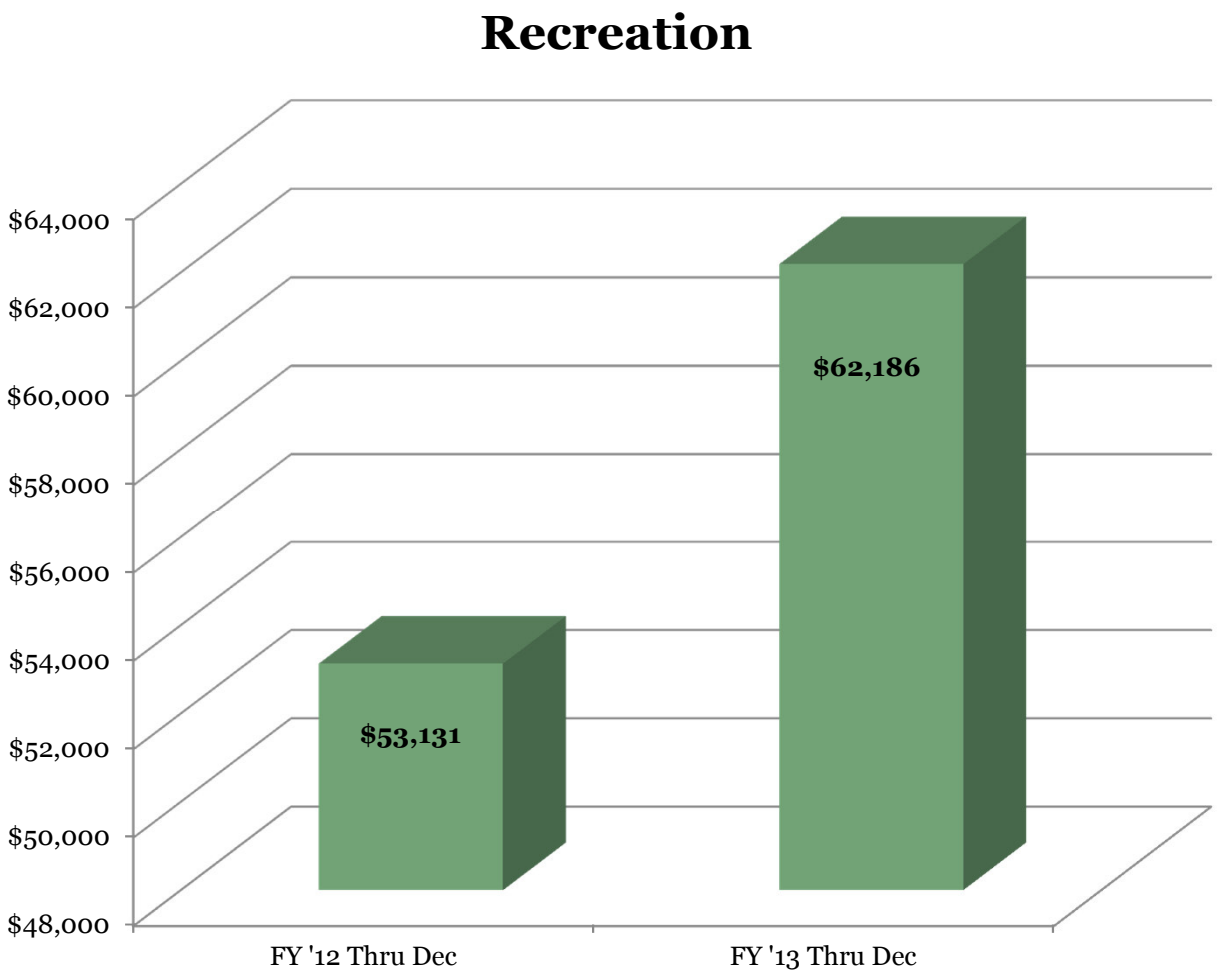
	FY '11	FY '12	FY '13 Budget
Revenue Stream			
Business License	$1,467,382	$1,460,612	$1,455,000
Trailer License	$24,148	$23,580	$23,000
Building Permits	$413,220	$761,991	$400,000
Cert. of Occupancy	$12,505	$6,260	$9,000
Public Occupancy	$10,490	$10,304	$9,000
Lodging House	$11,900	$13,211	$12,000
Plumbing/Heating/Air	$70,860	$79,627	$70,000
Sprinkler	$15,108	$19,846	$25,000
Rental Inspection Fee	$325,407	$340,707	$325,000
Miscellaneous	$28,344	$21,861	$25,000
Fire Protection Fees	$5,015	$31,565	$30,300
Vacant Building Reg.	$32,983	$38,688	$15,000
Total P&I Revenue	$2,417,363	$2,769,564	$2,398,300
Recreation		$112,480	$130,000



- At mid-year, $11,226 less than mid year FY 12
- FY 13 Projection $5,000 less than FY 12

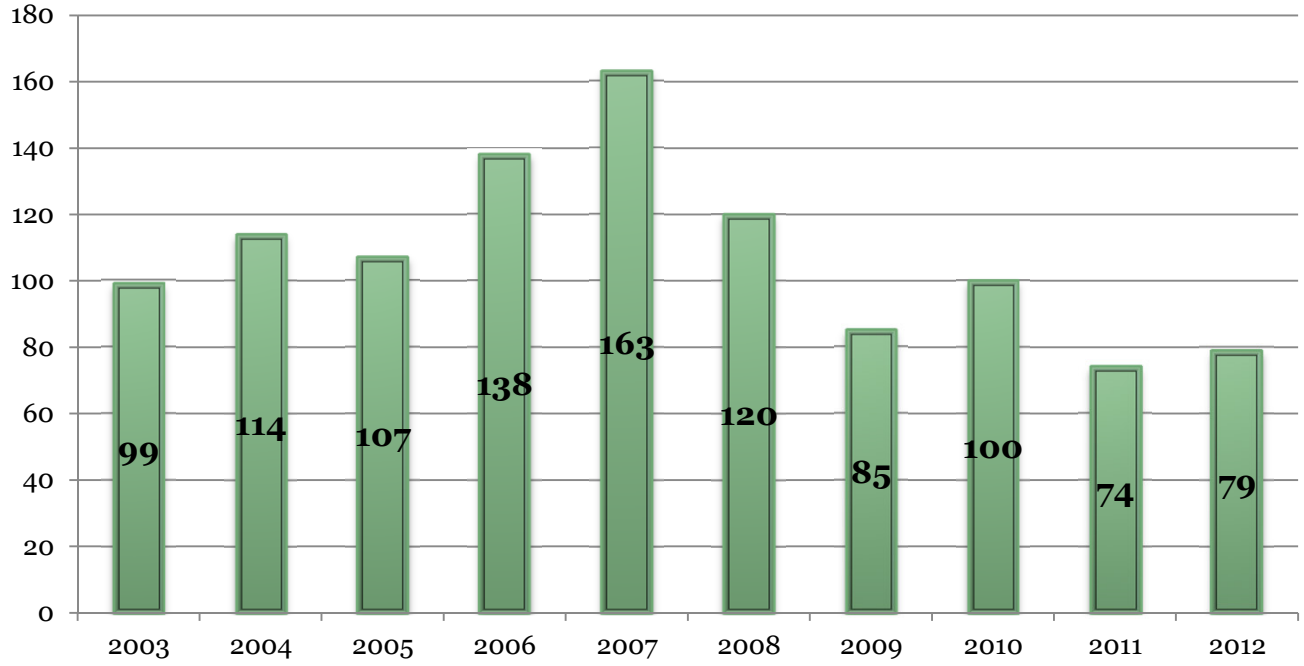


- At mid-year, Building Permits $98,000 less than mid year FY 12
- FY 12 Rental renewals not processed until Jan.



- At mid-year, $9,000 more than mid year FY 12

Planning Application Volume 2003-2012












Capital School District
The New DOVER HIGH SCHOOL
Dover, Delaware | January, 2013
hord | coplan | macht
BECKER MORGAN GROUP
ARCHITECTURE ENGINEERING
ABHA architects


W LEASING
921 734-8344

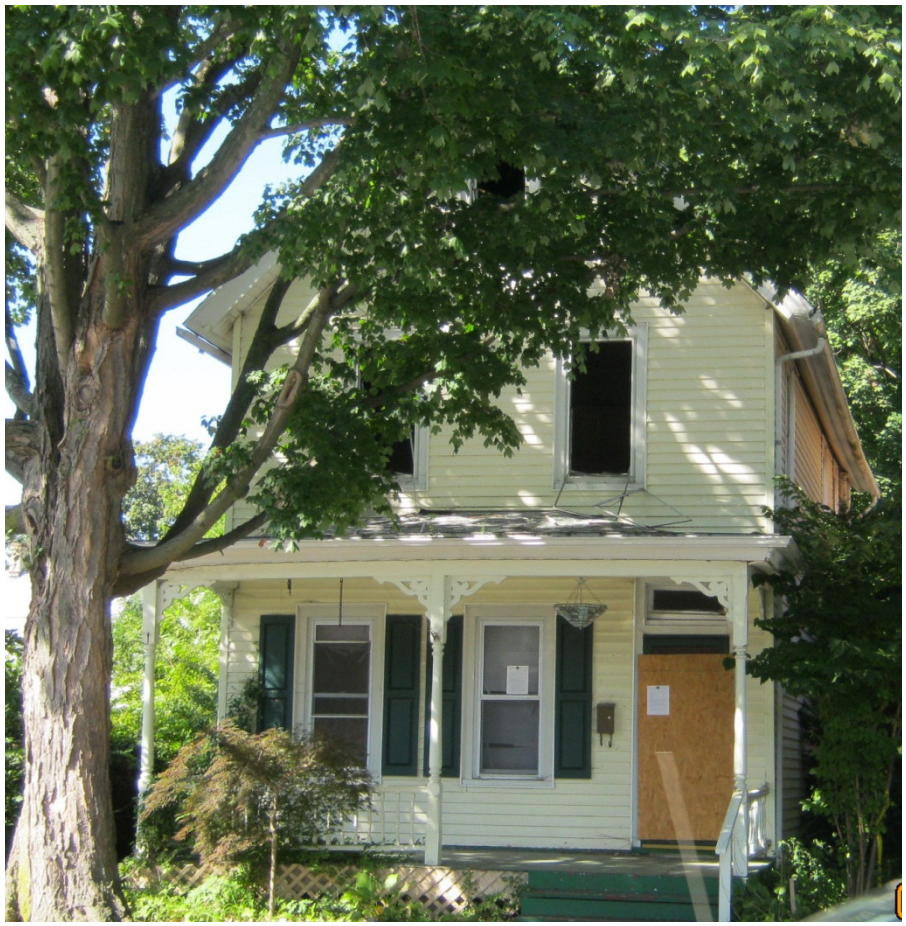

Bayard



DANGER
KEEP BACK
DEEP
EXCAVATION
DANGER
HARD HAT
AREA



Vacant and Dangerous Buildings



Demolished by the City of Dover:
423 Collins Drive
41 S Queen Street
118 N Ann Avenue
14 S Queen Street
171 Orchard Avenue

Demolished or Repaired by Owner
344 West Wind Drive
357, 361, 365, 408 Northdown Drive

During CY 2012
366 Registered Vacant buildings
$28,750 in Revenue

Recreation Highlights

- Under one roof – Staff moved to the Pitts Center in October
- Community Service
  - Challenger Sports Programs
  - Fill the Sleigh Events – DelDOT and City of Dover
  - Pitts Goes Pink!
- Improved Outreach
  - Facebook – “City of Dover Recreation”
  - Monthly Flyers to Schools

Challenger Football







Challenger Basketball





Pitts Goes Pink!

$228 Raised for Delaware Breast Cancer Coalition!

DELAWARE BREAST CANCER COALITION

Board of Trustees

President
Linda Powell
1st Vice President
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Kathrina Chua, MD
Gary Custis
Clara Higgins, DO
Nanci Mayer-Mihalski

December 13, 2012

City of Dover
Parks & Recreation
PO Box 475
Dover, DE 19903-0475

Dear Friends:

On behalf of the Board of Trustees, staff and volunteers of the Delaware Breast Cancer Coalition, and the thousands of people we serve, thank you for partnering with DBCC in the life-saving fight against breast cancer.

Your contribution through the Pitts Center Goes Pink event of $228 enables us to fulfill our mission, to lead the fight against breast cancer in our community, and ***to meet the needs of those we serve!***

Partnerships enable DBCC to enhance and expand the life-saving programs of awareness, education, outreach, and support services that serve to facilitate the early

A peek into our numbers….

- **50,754** patrons & visitors were recorded in the Pitts Center
- **4,000** (approx.) participated in our softball, field hockey, lacrosse and volleyball leagues
- **$112,500** Total FY12 revenues
  - $60,000 Leagues
  - $20,000 General Recreation
  - $18,000 Field/Building Rentals
  - $ 7,300 Trips
  - $ 7,200 Sports



- **35** Children served in Towne Point After School Program
- **124** Children participated in Super Summer Playground and Camp Small Wonder
- **371** People participated in non-league sports
- **235** People attended fishing and bus trips
- **5,357** People attended the Concerts on the Green
- **130** People attended enrichment programs
- **431** People attended fitness programs

Professional Leadership



- Tracey Harvey
  - Regional NAHRO Board Secretary
  - NCALL Board of Commissioners
- Dawn Melson-Williams
  - Outgoing Secretary – Delaware APA Chapter
- Janelle Cornwell
  - Incoming Secretary – Delaware APA Chapter
- Ann Marie Townshend
  - Vice President/President Elect – Delaware APA Chapter

Tim Mullaney Graduates from the Police Academy!



State of Delaware

Delaware Council on Police Training

Hereby awards the

Minimum Standards Basic Certificate

to

Timothy P. Mullaney

For having successfully completed the courses in training and education as required by Title 11, Delaware Code - Chapter 84.

Certified this twenty fourth day of May Two thousand and twelve

Chairman
Council on Police Training

4723
Certificate No.

Cpt P Watson
Director of Training



Looking Ahead – Priorities for 2013

- Garrison Energy Center
- Dover High School – Pedestrian Access
- Plan for Schutte Park Field Expansion
- Capital City Trail
- Continued Updates to *Zoning Ordinance*
- Evaluation of Historic District
- Improved Summer Camp Offerings
- Wellness Focus in Planning and Recreation

CITY OF DOVER
ORDINANCE #2013-01

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Appendix B – Zoning, Article 3 – District Regulations, Section 22 Airport Environs Overlay Zone (AEOZ) be amended to read as follows:

Section 22. Airport environs overlay zone (AEOZ).

22.1 Purpose and intent.

The airport environs overlay zone (AEOZ) is expressly intended to protect the public health, safety, and welfare by identifying areas impacted by high levels of aircraft noise, and the potential for aircraft accidents associated with airport operations, by regulating land use and the construction of buildings within such areas. The AEOZ is further intended to preserve and promote the integrity of the mission of Dover Air Force Base (DAFB) as a matter of local, regional and national importance, by regulating development and land use within the specific areas surrounding DAFB, and to protect DAFB from encroachment of incompatible land uses. The AEOZ shall serve as an overlay zone that applies additional standards and requirements to properties located therein.

(a) The AEOZ is based on information provided by the Dover Air Force Base's Air Installation Compatible Use Zone Study Update. The City shall work with the Dover Air Force Base to update the provisions of this section as needed.
(b) In case of conflicting standards and requirements, the more stringent standards and requirements shall apply. Uses prohibited by the underlying zoning designations of the properties within the AEOZ shall not be permitted by this section.

22.2 Definitions.

(a) Air installations compatible use zones (AICUZ)**:** is a department of defense program to achieve compatibility between air installations and neighboring communities.

(b) Airport environs**:** is the geographic area that is affected by airport air traffic operations and defined on the basis of those areas immediately impacted by aircraft noise of the 65 decibels (dBs) and greater noise exposure areas as delineated by the current and approved DAFB air compatibility use zone study. This area is represented as the airport environs overlay zone (AEOZ).

(c) Day-night average A-weighted sound level (DNL)**:** is a cumulative aircraft noise index which estimates the exposure to aircraft noise and relates the estimated exposure to an expected community response; a 24-hour energy average sound level expressed in decibels (dBs), with a ten-decibel penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m.

(d) DNL contour**:** is an isoline linking together a series of points of equal cumulative noise exposure based on Ldn metric. Such contours are developed based on aircraft flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft, and typical runway usage patterns.

(e) Decibel (dB) **:** is a unit of measure of sound pressure or intensity.

(f) Ldn metric**:** is the average equivalent A-weighted sound level during a 24-hour day, obtained by adding ten decibels to the hourly noise levels measured during the night (10:00 p.m. to 7:00 a.m.).

(g) SLUCM: Standard Land Use Coding Manual, U.S. Department of Transportation.

22.3 Accident potential zones and noise zones. The AEOZ is comprised of two basic regulatory components: accident potential zones and noise zones. This section establishes three accident potential zones and four noise zones. The boundaries of each of these zones are delineated on the City of Dover zoning map and are further described as follows:

(a) Accident potential zones:

(1) Clear zone (CZ) is that area immediately adjoining the end of a runway and which extends outward from the edge of the runway a distance of 3,000 feet and which is 3,000 feet in width (1,500 feet to either side of the centerline of the airport runway);

(2) Accident potential zone I (APZ I) is that area immediately adjoining the outer edge of the CZ and which extends outward from the boundary of the CZ a distance of 5,000 feet, and which is 3,000 feet in width; and

(3) Accident potential zone II (APZ II) is that area immediately adjoining the outer edge of the APZ I and which extends outward from the boundary of the APZ I a distance of 7,000 feet, and which is 3,000 feet in width.

(b) Noise zones:

(1) Noise zone A (DNL A) is that area within and bounded by DNL contour lines of between 65 decibels and 69 decibels of noise pressure.

(2) Noise zone B (DNL B) is that area within and bounded by DNL contour lines of between 70 decibels and 74 decibels of noise pressure.

(3) Noise zone C (DNL C) is that area within and bounded by DNL contour lines of between 75 decibels and 79 decibels of noise pressure.

(4) Noise zone D (DNL D) is that area within and bounded by DNL contour lines of 80 decibels and subject to noise pressure of 80 decibels and greater.

22.4 Exemptions. The following uses and structures are exempt from compliance with the provisions of this section:

(a) Additions to existing one-family dwellings. Additions to existing one-family dwellings may be permitted when all other applicable zoning district bulk requirements are met.

(b) Additions to existing non-residential buildings.

(1) Additions to existing non-residential buildings designed for human occupation shall be limited to a maximum increase of 50% of the floor area.

(2) Additions to existing non-residential buildings designed for storage, warehousing and other uses not designed or intended for human occupancy as a primary use are unlimited in floor area.

(c) Temporary uses. Temporary uses which include but are not limited to public gatherings, celebrations and outdoor entertainment events are permitted, so long as the period of operation does not exceed five days.

(d) Temporary structures. Temporary buildings and structures such as tents, pavilions, bleachers, etc., that are not used for residential purposes, and which meet said applicable requirements as contained within this zoning ordinance appendix are permitted, so long as such uses and associated structures are constructed incidental to a permitted use.

(e) Accessory uses and structures. Accessory uses and structures incidental to a permitted principal structure or use.

22.5 Land use and development standards. Any building or portion thereof constructed or placed within the AEOZ shall comply with the following standards:

(a) Unless specifically exempted under subsection 22.4 above, land uses shall be permitted or prohibited in accordance with subsection 22.6, land use compatibility table.

(b) Proposed structures situated within noise zones A through D shall be constructed with noise attenuation features to achieve the minimum interior noise level reductions specified by building type in subsection 22.6, land use compatibility table.

(c) In APZ I and APZ II, no structure may be erected over 60 feet in height, regardless of zoning district bulk regulations of the individual zoning district.

(d) All building permit applications for construction of new buildings or building additions not exempted under section 22.4, within AEOZ shall be accompanied by a written statement from a licensed architect or engineer, which lists all construction materials to be used and the resultant interior noise level reductions to be achieved. The written analysis provided by the engineer or architect shall demonstrate that the proposed construction will achieve compliance with the minimum required interior noise level reductions specified in subsection 22.6, land use compatibility table.

22.6 Land use compatibility table.

TABLE INSET:

Land Use Compatibility Table		**Accident Potential Zones**			**Noise Zones in DNL dBA**			
SLUCM No.	**Name**	**Clear Zone**	**APZ I**	**APZ II**	**A 65-69**	**B 70-74**	**C 75-79**	**D 80+**
10	**Residential**							
11	Household units							
11.11	Single units; detached	N	N	Y5, 12	Y1,12	Y2	N	N
11.12	Single units; semidetached and attached	N	N	N	Y1	Y2	N	N
11.31	Apartments	N	N	N	Y1	Y2	N	N
12	Group quarters	N	N	N	Y1	Y2	N	N
13	Residential hotels	N	N	N	Y1	Y2	N	N
14	Mobile home parks or courts	N	N	N	N	N	N	N
15	Transient lodgings	N	N	N	Y1	Y2	Y5	N
16	Other residential	N	N	N	Y1	Y2	N	N
20	**Manufacturing**							
21	Food & kindred products; manufacturing	N	N	Y	Y1	Y2	Y3	Y4
22	Textile mill products; manufacturing	N	N	Y	Y1	Y2	Y3	Y4
23	Apparel and other finished products made from fabrics, leather, and similar materials; manufacturing	N	N	N	Y1	Y2	Y3	Y4
24	Lumber and wood products (except furniture); manufacturing	N	Y5,9	Y	Y1	Y2	Y3	Y4
25	Furniture and fixtures; manufacturing	N	Y5,9	Y	Y1	Y2	Y3	Y4
26	Paper & allied products; manufacturing	N	Y5,9	Y	Y1	Y2	Y3	Y4
27	Printing, publishing, and allied industries	N	Y5,9	Y	Y1	Y2	Y3	Y4
28	Chemicals and allied products; manufacturing	N	N	N	Y1	Y2	Y3	Y4
29	Petroleum refining and related industries	N	N	Y	Y1	Y2	Y3	Y4
30	**Manufacturing**							
31	Rubber and misc. plastic products, manufacturing	N	N	N	Y1	Y2	Y3	Y4
32	Stone, clay and glass products manufacturing	N	N	Y	Y1	Y2	Y3	Y4
33	Primary metal industries	N	N	Y	Y1	Y2	Y3	Y4
34	Fabricated metal products;	N	N	Y	Y1	Y2	Y3	Y4

	manufacturing							
35	Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks manufacturing	N	N	N	Y1	Y2	Y3	N
39	Miscellaneous manufacturing	N	Y5,9	Y5,9	Y1	Y2	Y3	Y4
40	**Transportation, Communications and Utilities**							
41	Railroad, rapid rail transit and street railroad transportation	N	N	Y	Y1	Y2	Y3	Y4
42	Motor vehicle transportation	N	Y	Y	Y1	Y2	Y3	Y4
43	Aircraft transportation	N	Y10	Y	Y1	Y2	Y3	Y4
44	Marine craft transportation	N	Y10	Y	Y1	Y2	Y3	Y4
45	Highway & street right-of-way	N	Y	Y	Y1	Y2	Y3	Y4
46	Automobile parking	N	Y10	Y	Y1	Y2	Y3	Y4
47	Communications	N	Y10	Y	Y1	Y2	Y3	N
48	Utilities	N	Y10	Y	Y1	Y2	Y3	Y4
49	Other transportation communications and utilities	N	Y10	Y	Y1	Y2	Y3	N
50	**Trade**							
51	Wholesale trade	N	Y5	Y	Y1	Y2	Y3	Y4
52	Retail trade-building materials, hardware and farm equipment	N	Y5	Y	Y1	Y2	Y3	Y4
53	Retail trade-general merchandise	N	N	Y5	Y1	Y2	Y3	N
54	Retail trade-food	N	N	Y5	Y1	Y2	Y3	N
55	Retail trade-automotive, marine craft, aircraft and accessories	N	Y5	Y5	Y1	Y2	Y3	N
56	Retail trade-apparel and accessories	N	N	Y5	Y1	Y2	Y3	N
57	Retail trade-furniture, home furnishings and equipment	N	N	Y5	Y1	Y2	Y3	N
58	Retail trade-eating and drinking establishments	N	N	N	Y1	Y2	Y3	N
59	Other retail trade	N	N	Y5,9	Y1	Y2	Y3	N
60	**Services**							
61	Finance, insurance and real estate services	N	N	Y5,9	Y1	Y2	Y3	N
62	Personal services	N	N	Y5,9	Y1	Y2	Y3	N
62.4	Cemeteries	N	N	Y11	Y1	Y2	Y3	N
63	Business services	N	Y5,9	Y5,9	Y1	Y2	Y3	N
64	Repair services	N	Y5,9	Y	Y1	Y2	Y3	Y4
65	Professional services	N	N	Y5,9	Y1	Y2	Y3	N
65.1	Hospitals, nursing homes	N	N	N	Y1	Y2	N	N
65.1	Other medical facilities	N	N	N	Y1	Y2	Y3	N
66	Contract construction services	N	Y5,9	Y	Y1	Y2	Y3	N
67	Governmental services	N	N	Y5,9	Y1	Y2	Y3	N
68	Educational services	N	N	N	Y1	Y2	N	N
69	Miscellaneous services	N	N	Y5	Y1	Y2	Y3	N
70	**Cultural, Entertainment and Recreational**							
71	Cultural activities (including churches)	N	N	N	Y1	Y2	N	N
71.2	Nature exhibits	N	N	Y	Y1	N	N	N
72	Public assembly	N	N	N	Y1	N	N	N

72.1	Auditoriums, concert halls	N	N	N	Y1	Y2	N	N
72.11	Outdoor music shell, amphitheaters	N	N	N	N	N	N	N
72.2	Outdoor sports arenas, spectator sports	N	N	N	Y6	Y6	N	N
73	Amusements	N	N	Y9	Y1	Y2	N	N
74	Recreational activities (including golf courses, riding stables, water recreation)	N	N	Y	Y	Y	N	N
75	Resorts and group camps	N	N	N	Y1	Y2	N	N
76	Parks	N	Y9	Y9	Y	Y	N	N
79	Other cultural, entertainment and recreation	N	N	N	Y2	Y3	N	N
80	**Resources Production and Extraction**							
81	Agriculture (except livestock)	Y8	Y	Y	Y7	Y7	Y8	Y8
81.5 to 81.7	Livestock farming and animal breeding	N	Y	Y	Y7	Y7	N	N
82	Agricultural related activities	N	Y	Y	Y7	Y7	N	N
83	Forestry activities and related services	N	Y	Y	Y7	Y7	N	N
84	Fishing activities and related services	N	N	N	N	N	N	N
N	Mining activities and related services	N	N	N	N	N	N	N
89	Other resources production and extraction	N	N	N	N	N	N	N

Y - (Yes) - Land use and related structures are compatible without restriction.
N - (No) - Land use and related structures are not compatible and are prohibited.
Yx - (yes with restrictions) - Land use and related structures generally compatible; see notes 1-12.
NLR - (Noise Level Reduction) - NLR (outdoor to indoor) to be achieved through incorporation of noise attenuation measures into the design and construction of the structures.

NOTES

1. Require NLR of 25dB for DNL A.
2. Require NLR of 30dB for DNL B.
3. Require NLR of 35dB for DNL C.
4. Require NLR of 40dB for DNL D.
5. Require NLR of noise zone and building location and site planning, and design and use of berms and barriers can help mitigate outdoor exposure, particularly from near ground level sources. Measures that reduce outdoor noise should be used whenever practical in preference to measures which only protect interior spaces.
6. Require NLR of noise zone and special sound reinforcement systems are installed.
7. Associated residential uses require NLR of noise zone.
8. Structures are not permitted and personnel should wear hearing protection devices.
9. Facilities shall be low intensity.
10. No Passenger terminals and no major aboveground transmission lines in APZ I.
11. Excludes chapels.
12. Maximum density of 1 dwelling unit per acre.

22.7 Design standards.

(a) All buildings and structures to be constructed or placed within the AEOZ shall be situated on the portion of the lot that affords the least noise impact to the proposed building or structure, wherever and whenever practicable. Buildings and structures shall be designed and oriented to minimize exposure to the noise source and should take maximum advantage of existing physical features to minimize noise impact. Windows, doors and other building openings shall be located the greatest possible distance away from the noise source.

(b) Landscape buffer plantings and related screening material shall be used whenever practicable to deflect noise away from areas intended for human habitation.

22.8 Prohibited uses. In addition to uses prohibited by subsection 22.6, land use compatibility table, the following activities are prohibited within the CZ, APZ I and APZ II zones of the AEOZ, including, but not limited to:

(a) Storage of explosives;
(b) Hazardous or toxic materials/waste;
(c) Aboveground transmission lines;
(d) Uses that release into the air any substance which would impair visibility or otherwise interfere with the operation of aircraft (dust, smoke, etc.);
(e) Uses that produce light emission, direct or indirect, which would interfere with pilot vision;
(f) And uses that attract birds or water fowl, such as, but not limited to, landfills, wastewater treatment facilities, and associated settling ponds, artificial marshes, dredge spoil materials, sand and gravel dredging operations and open fish farming.

ADOPTED: MARCH 11, 2013

CITY OF DOVER
ORDINANCE #2013-02

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE BOUNDARY OF THE AIRPORT ENVIRONS OVERLAY ZONE IN ACCORDANCE WITH THE 2010 AICUZ STUDY PUBLISHED BY THE DOVER AIR FORCE BASE.

WHEREAS, the City of Dover adopted the Airport Environs Overlay Zone (AEOZ) in 2001 to protect the public health, safety, and welfare by identifying areas impacted by high levels of aircraft noise, and the potential for aircraft accidents associated with airport operations, by regulating land use and the construction of buildings within such areas; and to preserve and promote the integrity of the mission of Dover Air Force Base (DAFB) as a matter of local, regional and national importance, by regulating development and land use within the specific areas surrounding DAFB, and to protect DAFB from encroachment of incompatible land uses; and

WHEREAS, the Clear Zone, Accident Potential Zones, and Noise Zones identified as the AEOZ on the Zoning Map and in Appendix B – Zoning, Article 3 - District Regulations, Section 22 AEOZ are based upon information provided by the Dover Air Force Base.

WHEREAS, the Dover Air Force Base completed an Air Installation Compatibility Use Zone study in 2010, which changed the noise contours in the noise zones surrounding the Dover Air Force Base, and provided this updated information to the City of Dover; and

WHEREAS, the City of Dover Planning Office notified all affected property owners and held a public workshop on November 8, 2012, to answer any questions that property owners might have regarding the changes to the AEOZ; and

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

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover is amended by changing the Airport Environs Overlay Zone (AEOZ) in accordance with the map presented to City Council on March 11, 2013 entitled “Airport Environs Overlay Zone (AEOZ) – 2013 Amendments.”

ADOPTED: MARCH 11, 2013

CITY OF DOVER
ORDINANCE #2013-03

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 22 – Buildings and Building Regulations, Article XII – Vacant Buildings be amended to read as follows:

ARTICLE XII. - VACANT BUILDINGS

Sec. 22-400. - Purpose; applicability; definitions.

(a) Purpose. The purpose and intent of this article is to establish a registration and identification program of vacant buildings within the city. Vacant buildings are detrimental to the surrounding buildings and neighborhoods in which they exist. The article is also to ensure the public health, safety and welfare insofar as they are affected by vacant buildings within the city. The health, safety and welfare of the neighborhoods in which vacant buildings are located are of the utmost importance to the city, as is the general community character in which these vacant buildings are located.

(b) Applicability. The provisions of this article shall apply to all matters affecting or relating to vacant buildings. Where, in this article, different sections of this Code may specify different requirements, the most restrictive shall govern.

(c) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribe to them in this subsection, except where the context clearly indicates a different meaning.

(1) Vacant building means a building, structure, or dwelling that has been unoccupied for more than three consecutive months; or a commercial tenant space greater than 10,000 square feet in an otherwise occupied building, that has been left unoccupied for more than three consecutive months.

(2) Actively for sale or lease means the building is being actively marketed through a licensed real estate broker or the owner who is regularly advertising the property in newspapers circulated in and around Dover, it is being offered for sale or lease at a cost of no more than 25 percent over market rate as determined by the city assessor, and the building is in reasonable condition for sale or lease, including but not limited to: no trash has collected inside or outside of the building, the utilities are functional, and it is not being used as storage that is unrelated to the former use.

Sec. 22-401. - Monitoring, inspection and condition standards.

(a) The building inspector shall inspect any premises in the city for the purpose of enforcing and assuring compliance with the provisions of this article. Upon request of the building

inspector, an owner shall provide access to all interior portions of a vacant building in order to permit a complete inspection.

Once a building/structure/unit or residence (hereon after referred to as building) is registered as a vacant building, the vacant building shall be inspected annually for as long as it is considered vacant.

(b) The vacant building shall be secured; the exterior building and premises shall be maintained in accordance with all City of Dover Code requirements.
(c) The vacant building shall be in reasonable condition (all utilities shall be functional, there shall be no trash or debris inside or outside the building and it shall not to be used as storage that is unrelated to the former use).

Sec. 22-402. - Agent—Responsible person required.

(a) Property manager. Any owner of a vacant building, residing outside of the county, shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other real estate for a fee and who resides in the county acting as a property manager. The property manager, including family members and designated individuals, shall have charge, care and control of the vacant building, and shall provide access to the vacant building for inspection upon request by the building inspector, within 30 days.
(b) Corporate or partnership owners. Any corporation or partnership owning a vacant building shall have a designated member, partner, or employee having charge, care and control of the vacant building. The designated member, partner or employee shall reside in or have an office located in the county, or shall be required to have a licensed property manager residing or having an office located in the county, or other designated individual who does not manage any other real estate for a fee, and who resides in the county, acting as a property manager. The property manager, or other designated individuals shall have charge, care and control of the vacant building, and shall provide access to the vacant building for inspection, upon request by the building inspector, within 30 days.

Sec. 22-403. - Registration and registration fee.

(a) Registration of building. There are two ways to register the building as vacant.
    (1) The owner shall register with the city not later than 30 days after any building in the city becomes vacant, as defined.

    The registration of the vacant building shall include the site address, the name of the current owner or owners, current address of the owner and of all applicable owners, tax parcel number, proof of insurance on the building, description of the condition of the building, plans for the building (to eliminate the vacancy), the responsible person or agent and their contact information and any other applicable information. If any

information changes the owner is responsible for informing the city of those changes in a timely manner.

(2) The building inspector or his designee, shall investigate any property that may be subject to registration. Based upon his findings, the building inspector may register the property as a vacant building subject to this chapter.

a. Notice of registration. Within five business days of such registration, the licensing and permitting office shall notify the owners of the registered property by certified mail at their last known address according to the records of the city and Kent County.

b. Registration fee.

(i) The annual registration fee shall be paid at the time of registration. If the building inspector registers the building as vacant the fee shall be due not later than 30 days after the building is registered as vacant. The annual registration fee will then be due on the registration anniversary date every year after that as long as it remains vacant. The starting point for counting a building as being vacant will begin on the date of the enactment of this article **[**June 26, 2006].

(ii) The annual fee is as provided for in Appendix F—Fees and Fines.

Sec. 22-404. - Violation and penalties.

(a) If the registration fee is not paid within 30 days of being due, the owner shall be in violation of this article.

(1) A lien can be assessed against the property. Such fees shall be entered in the municipal lien docket as a lien owing the city, and the same may be turned over to the city solicitor for collection.

(2) The fee will be assessed to the parcel's tax bill.

(3) The fee shall be paid in full prior to the transfer of title.

(4) The fee shall be paid in full prior to the issuance of any building permits for the subject building and for any other building that is owned by the owner within the city.

Sec. 22-405. - Exemptions—Types of buildings eligible for exemption status from the registration fee.

(a) The following are exempt from the registration: The building has fire damage. The owner has 90 days to file for a permit to start construction or demolition or it will be determined a vacant property.

(b) The following properties shall be registered as vacant, but they are exempt from the registration fee:

(1) The building is actively being offered for sale or lease for a maximum period of five years. After such time this article will be in effect. Proof of activity shall fall on the owner to provide. See definition.
(2) The owner has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy.
(3) The property is in probate or where the owner has entered a long term care facility within six months of the building being vacant.
(4) The property is undergoing currently environmental cleanup or assessment.

(c) Failure to register. If the owner of the property fails to register the property with the City of Dover within thirty (30) days of notification to do so by the City of Dover staff, then the property owner/agent may not be entitled to exemption from the fees.

Sec. 22-406. - Appeals.

(a) Any appeal of the building inspector's decision must be made in writing within 30 days of the decision. The appeal would be heard by the property maintenance code board of appeals.
(b) An appeal of the 25 percent over market rate (from the actively for sale or lease definition) can be considered through an appraisal using accepted appraisal standards to determine market rate. The owner has the option of asking the city tax assessor to perform the appraisal or having one performed (using accepted appraisal standards) at their own expense.

BE IT FURTHER ORDAINED:

That Appendix F – Fees and Fines, Chapter 22 – Buildings and Building Regulations, Article XII – Vacant Buildings, be amended to read as follows:

Chapter 22—Buildings and Building Regulations, Article XII—Vacant Buildings			
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.			
Sec. 22-403	Registration and Registration Fees		
	Subsec. (a)(2)b.(iii)	Registration fee	
	Residential buildings and non-residential buildings <10,000 SF	Buildings vacant one year or less;	$250.00
	Residential buildings and non-residential buildings <10,000 SF	Buildings vacant for more than one year but less than two years	$500.00
	Residential buildings and non-residential buildings <10,000 SF	>Buildings vacant for more than two years but less than five years;	$1,000.00
	Residential buildings and non-residential buildings <10,000 SF	Buildings vacant for five years or longer	$2,000.00
	Non-residential buildings ≥ 10,000 SF	Buildings vacant one year or less;	$500.00

	Non-residential buildings ≥ 10,000 SF	Buildings vacant for more than one year but less than two years	$1,000.00
	Non-residential buildings ≥ 10,000 SF	>Buildings vacant for more than two years but less than five years;	$2,000.00
	Non-residential buildings ≥ 10,000 SF	Buildings vacant for five years or longer	$4,000.00

ADOPTED: MARCH 11, 2013

SYNOPSIS

The proposed ordinance is primarily housekeeping and would improve the administration of the Vacant Building Ordinance. In addition, it would set separate, increased fees for vacant commercial properties greater than or equal to 10,000 square feet in floor area.

Actions History

March 11, 2013 - Final Reading by City Council
February 25, 2013 - First Reading by City Council
February 11, 2013 - Reconsidered by the Legislative, Finance, and Administration Committee
January 28, 2013 - Referred to Staff by City Council
January 14, 2013 - Introduced at Legislative, Finance, and Administration Committee Meeting