REGULAR COUNCIL MEETING

A G E N D A

REVISED

The agenda has been revised by adding Item #1-B and a new Item #7.

November 14, 2011 - 7:30 P.M. - Council Chambers - City Hall - City of Dover

OPEN FORUM - 15 MINUTES PRIOR TO OFFICIAL MEETING (7:15 P.M.)

The "Open Forum" segment is provided to extend the opportunity to the general public to share their questions, thoughts, comments, concerns, and complaints. Discussion of any item appearing on the agenda is prohibited and citizen comments are limited to three (3) minutes. Council is prohibited from taking action since they are not in official session; however, they may schedule such items as regular agenda items and act upon them in the future.

INVOCATION BY CHAPLAIN WALLACE DIXON

PLEDGE OF ALLEGIANCE LED BY COUNCILMAN ANDERSON

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**

Those items on the Council Agenda which are considered routine and non-controversial shall be marked with an asterisk (*) and will be acted upon by a single roll call vote of the Council. There will be no separate discussion of these items unless a member of Council so requests, in which event the matter shall be removed from the Consent Agenda and considered a separate item.

* **1. Adoption of Minutes**

- **A. Regular Council Meeting of October 24, 2011**
- **B. Special Council Meeting of November 3, 2011**

2. Certificate of Recognition - Challenger Football

3. Certificate of Congratulations - Dover Air Force Base - Winner of the AMC-Level Commander-in-Chief's Installation Excellence Award

4. Proclamations

- **A. Geographic Information Systems (GIS) Day and Geographic Awareness Week**
- **B. National Diabetes Awareness Month**
- **C. Pancreatic Cancer Awareness Month**

* **5. Monthly Reports - September 2011**

- **A. Chief of Police Report**
- **B. City Assessor's Report**
- **C. City Manager's Report**
- **D. City Planner's Report**
- **E. Dover Fire Department Report**

* **6. <u>Appointments Recommended by Council President Leary - Dover Human Relations Commission</u>**

A. Kim Warfield ***(To Fill Expired Term of Katrina Brumble - Term to Expire 2/2013)***

B. Faye White ***(To Fill Expired Term of Catherine M. Gregory - Term to Expire 2/2013)***

C. Aaron Yatskevich ***(To Fill Unexpired Term of Nauleen A. Perry - Term to Expire 2/2012)***

7. Appointment of City Manager - Scott D. Koenig

8. <u>Final Reading - Proposed Ordinance #2011-15</u>

The First Reading of the following proposed ordinance was accomplished during the Council Meeting of September 26, 2011. Copies of the proposed ordinance are available at the entrance of the Council Chambers.

A. Ordinance #2011-15 Amending Appendix A - Subdivisions, Article VII - Special Provisions

9. Council and Committee Meetings - Holiday Schedule

10. Council Members Announcements

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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on October 24, 2011 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Dr. McGlumphy, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison. Mrs. Russell and Mr. Lynn were absent.

Council staff members present were Maj. Bernat, Ms. Russell, Mrs. Mitchell, Mrs. Townshend, First Assistant Chief Carey, Mr. Koenig, 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 Chaplain Dixon, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

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

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF SEPTEMBER 29, 2011

The Minutes of the Special Council Meeting of September 29, 2011 were unanimously approved by motion of Mr. Bonar, seconded by Mr. Hare and bore the written approval of Mayor Carey.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF OCTOBER 10, 2011

The Minutes of the Regular Council Meeting of October 10, 2011 were unanimously approved by motion of Mr. Bonar, seconded by Mr. Hare and bore the written approval of Mayor Carey.

EMERGENCY PUBLIC HEARING - VIOLATION OF DANGEROUS BUILDING ORDINANCE - 29 N. KIRKWOOD STREET (CATHERINE STEVENSON BOWEN, LTR (LIFETIME RIGHTS) AND OTHERS)

In accordance with Article XI - Dangerous Buildings, Sec. 22-388 - Emergency cases, of the Dover Code, in cases where it reasonably appears that there is an immediate danger to the life or safety of any person, unless a dangerous building is immediately repaired, vacated and closed, or demolished, the building inspector shall report such facts to the council, which may cause the immediate repair, vacation, or demolition of such dangerous building.

Mrs. Ann Marie Townshend, Director of Planning and Community Enhancement, provided a chronological history and presentation ***(Exhibit #1)*** on the conditions of the property located at 29 North Kirkwood Street, owned by Catherine Stevenson Bowen, LTR (Lifetime Rights) and others. She advised members that the two (2) story, single-family, wood-framed dwelling has been the subject of various code violations since 2000, including cases of exterior and interior violations, tall grass and weeds, overgrowth, and vehicles on the grass. The house was registered by staff as a vacant building in June 2009 and was administratively condemned in February 2010. No vacant building fees have been paid by the property owner. The structure was the subject of an arson on September 21, 2011. Since this structure has been vacant, and as a result of the fire damage, she stated that the property cannot be fully secured; therefore, staff recommended that this be considered an emergency case and that the City proceed with demolition if such action has not been taken by the owner or equity owner within ten (10) days of Council action. Pictures of the property were provided to members depicting the property prior to and after the fire.

Mrs. Townshend indicated that there are numerous outstanding payments due to the City that are related to this property such as delinquent taxes, code enforcement fines, grass cutting charges, vacant building registration, and water charges.

Staff recommended that City Council: 1) declare this building dangerous on the property dangerous, and remove all overgrowth and junk and debris from the property; 2) order the property immediately repaired or demolished by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the repair or demolition of the structures if not completed by the owner by November 2, 2011; and 4) order the City Manager with the assistance of the City Solicitor to cause the cost of repairs or demolition to be charged against the land on which the building exists as a municipal lien, or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mrs. Townshend advised members that notice was sent to the property owner and lien holders by certified mail and that the return receipt cards were received signed on all three (3) mailings.

Responding to Mr. Bonar, Mrs. Townshend stated that there has been no response from the property owner regarding this issue.

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

Mrs. Williams moved to declare the property located at 29 N. Kirkwood Street a dangerous building and subject to demolition, as recommended by staff. The motion was seconded by Mr. Bonar and carried by a unanimous roll call vote (Mrs. Russell and Mr. Lynn absent).

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - OCTOBER 10, 2011

The Parks, Recreation, and Community Enhancement Committee met on October 10, 2011, with Mr. Hare presiding in the absence of Mrs. Russell.

Presentation - Foster Care Treatment Services Provided by Pressley Ridge

Ms. Cha-Tanya Lankford, Pressley Ridge Program Director, provided a presentation, "An Introduction to Pressley Ridge," and stated that her intent was to give members a brief overview of the background, purpose, and function of the organization, which provides treatment foster care (TFC) services. She explained that Pressley Ridge has two (2) foundational beliefs: 1) children matter, and 2) we can make a difference, and noted that every service provided by the organization is based on these beliefs. She provided historical information regarding the founding of the organization and explained that it has evolved throughout the years to meet the needs of children and families served.

Mrs. Lankford explained that Pressley Ridge originally provided residential and educational services; however, programs today include residential treatment services, treatment foster care services, community-based services, education services, international programs and services, and the Pressley Ridge Institute, which is the organization's research arm. Pressley Ridge's principal purpose is to place children with trained foster care families in homes that provide stability and structure, with permanency and reunification as the primary goal for each child. She noted that many children that are referred to Pressley Ridge have had 12-14 placements before they come to the organization.

Mrs. Lankford reviewed information regarding intermediate and long-term goals established and achieved by children served by the organization and their families. She stated that Pressley Ridge provides services in the Dover community, has foster homes in City neighborhoods, and has clients who are presently attending local schools.

In response to Mr. Lewis, Ms. Lankford stated that Pressley Ridge does not have a local residential facility but places children in family settings that meet their needs. She explained that the caseload for staff members is between eight (8) and ten (10) children and that each child is treated by a treatment coordinator, supervisor, licensed social worker, therapist, psychiatrist, and trained foster parents. All foster parents receive 40 hours of initial training and 30 additional hours of training each year for dealing with children with behavioral problems.

Responding to Mr. Lewis, Ms Lankford stated that Pressley Ridge is constantly recruiting foster care homes and has homes set aside and waiting for children.

In response to Mrs. Horsey, Ms. Lankford noted that there are six (6) other foster care organizations in the State and that Pressley Ridge accepts referrals from these organizations.

Ms. Lankford encouraged members to consult Pressley Ridge's newly updated website for further information and to contact her if they have any additional questions.

Neighborhood Stabilization Program (NSP) Partnership with Habitat for Humanity

Mrs. Tracy Harvey, Community Development Manager, advised members that the Community Development Office was requesting to establish a Neighborhood Stabilization Program (NSP) Partnership with Central Delaware Habitat for Humanity (CDHFH). She explained that this request was due to the Dover Housing Authority (DHA) Board of Commissioners' decision to decrease their participation in the NSP program as part of DHA's plan to restore financial viability to their

organization. Mrs. Harvey felt that CDHFH would be an asset to the city's NSP program due to their successful record in providing homeownership to the low-income population. She stated that CDHFH provides affordable homes with monthly mortgage payments that are lower than the rents typically charged for two (2) or three (3) bedroom apartments.

Mrs. Havey indicated that, as part of the NSP, the DHA purchased four (4) properties and sold two (2). Of the remaining properties, one (1) is occupied under a lease-purchase arrangement, and the other, located on Hancock Avenue, has been renovated and is for sale. Once these properties are sold, DHA's partnership with the City under the NSP will be dissolved.

Mrs. Harvey noted that CDHFH has an excellent track record in providing homeownership in Dover, with 14 houses built within City limits, all of which are occupied. The organization recently purchased and renovated the property at 101 Jefferson Court and sold it to a low-income family that was previously living in a shelter. She noted that approximately $205,000 remains in the NSP line of credit, which would be used for CDHFH to purchase and renovate a property to sell to a qualifying family. Mrs. Harvey explained that the organization's qualifying criteria and selection process for families is very structured, and they have provided permanent homeownership solutions to over 100 adults and children throughout Kent County since they have been in existence. She explained that CDHFH holds the mortgages for all houses that they renovate or construct.

In response to Mr. Lewis, Mrs. Ann Marie Townshend, Director of Planning and Community Development, indicated that the City has partnered with CDHFH on a number of previous projects, including the renovation of 101 Jefferson Court under the Community Development Block Grant (CDBG) Program. Mr. Neaton, Economic Development Director, indicated that CDHFH worked with the City on the ABC = 123 Program, which involved performing minor renovations and clean-up in the Downtown Dover area. Mrs. Harvey indicated that CDHFH has an NSP relationship in Sussex County that has been very successful.

Responding to Mr. Hare, Mrs. Harvey explained that the $205,000 that remains in the City's NSP fund consists of the City's allocation from the NSP as well as proceeds from homes already sold. The initial grant received from NSP was in the amount of $1.5M, and all but $205,000 has been expended. She stated that when the three (3) remaining homes are sold, the proceeds will go into the line of credit and will be used to purchase additional homes.

Mrs. Townshend explained that when the City went forward with the NSP, it was determined that the City did not want to own/manage properties or hold mortgages in connection with the program. For this reason, the City partnered with other agencies to perform this function, and the City received grant funds and distributed them to these agencies, who purchase, maintain, repair, and sell properties. She indicated that, as houses sell, the City receives program income from these sales, which is returned to the fund. All funds generated by the sale of these properties will be dedicated to the NSP until 2013. After 2013, remaining funds will be allocated to Community Development Block Grant (CDBG) projects. Mrs. Townshend explained that the NSP was established as foreclosure rates began to rise in an effort to prevent foreclosures from becoming a blight on the community and to turn them into affordable homeownership opportunities.

In response to Mr. Hare, Mrs. Harvey confirmed that all housing projects undertaken as a result of the partnership with CDHFH would be within the City of Dover.

The committee recommended that Council approve the Neighborhood Stabilization Program (NSP) partnership between the City and the Central Delaware Habitat for Humanity.

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

Proposed Ordinance #2011-25 - Amendment to Appendix B - Zoning, Article 3 - District Regulations, Section 17 - Shopping Center Development [(SC-1, SC-2 and SC-3)], Subsection 17.3 - Permitted Uses (Relating to Neighborhood Shopping Center Zone)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed Proposed Ordinance #2011-25, which would amend the SC-1 (Neighborhood Shopping Center) zone to permit retail and service establishments and specify that gas pumps would be permitted in this zone as an accessory use subject to conditional use approval. The proposed ordinance would prohibit wholesaling; warehousing; storage; and motor vehicle service, sales, and/or fueling stations in this zoning classification. Mrs. Townshend stated that, in order to determine the impact of this change, staff reviewed the properties within the City that are currently zoned SC-1, which include the former Playtex Plant at the northwest corner of Route 8 and Route 13, the Hamlet Shopping Center at the corner of Walker and Saulsbury Roads, the Dover Downs Shopping Center (location of Best Buy), and Route 8 Plaza (location of Talbots). She indicated that this type of use was not deemed to be out of character for these properties.

In response to Mr. Hare, Mrs. Townshend explained that the need for the proposed ordinance became apparent when an initial land use plan was being considered for the property at the location of the former Playtex Plant at the corner of Route 8 and Route 13, noting that the plan involved consideration of gas pumps as an accessory use at that location. Because this was not a permitted use under the current zoning, staff concluded that it was more appropriate to amend the zoning text to add this as an accessory use than to approach it through the rezoning process, since it was determined that this type of use was not incongruous with the areas surrounding all City properties with this zoning designation.

Mrs. Townshend explained that, before development, a site plan would be reviewed by the Planning Commission and a conditional use application for the gas pumps would be required. Conditions could be attached to such an application, including buffering or other protections. She noted that notifications would be sent to property owners within 200 feet and physical posting on the property would also be required.

Mrs. Horsey stated that she agreed with the inclusion of the terms "accessory use" and "conditional use," which she stated added two (2) protections in the ordinance. She felt that the amendment appeared to be a correction to the Code and it was logical to implement the change by ordinance rather than rezoning the individual properties affected to "get around" the existing ordinance.

Responding to Mr. Hare, Mrs. Townshend stated that the Playtex property was formerly zoned Industrial Park Manufacturing; however, its current designation is Neighborhood Shopping Center. She noted that the property was rezoned in 2009 as result of the City's comprehensive rezoning. She recalled that the current designation was the result of a specific request from a realtor who was working with Playtex to market the property at the time.

Mr. Lewis expressed concerns regarding the "carbon footprint" left by designating such an accessory use and the potential need to clean up the property if the type of use were to change in the future.

In response to Mr. Hare concerning notification of the residents of Bayard Avenue, Mrs. Townshend reiterated that all property owners within 200 feet of the property would be notified and notice of the proposed change would also be posted on the property.

Staff recommended that members recommend adoption of Proposed Ordinance #2011-25.

The Committee recommended adoption of Proposed Ordinance #2011-25 amending Appendix B - Zoning, Article 3 - District Regulations, Section 17 - Shopping Center Development [(SC-1, SC-2, and SC-3)], Subsection 17.3 - Permitted Uses (Relating to Neighborhood Shopping Center Zone), as recommended by staff.

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Hare and carried by a unanimous roll call vote (Mrs. Russell and Mr. Lynn absent). *(The First Reading of Proposed Ordinance #2011-25 will take place during the latter part of the meeting.)*

Proposed Ordinance #2011-26 - Amendment to Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 1 - Supplementary Regulations Applying to Residence Zones and Section 7 - Supplementary Regulations Applying to All Non-Residential Zones (Relating to Corner Lots)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed Proposed Ordinance #2011-26. She advised members that, based on the definition of a "front yard" in the Zoning Ordinance, corner lots have two (2) front yards, one (1) along each street frontage. The Zoning Ordinance limits the height of a fence in a front yard to four (4) feet. This means that property owners of corner lots are restricted in their ability to install a privacy fence to fence in what many residents would consider a back yard.

Mrs. Townshend stated that the proposed ordinance would clarify that corner lots have two (2) front yards; permit such lots in residential zones to have a fence of up to 6½ feet in height in the front yard that is along the side of the principal structure; permit such lots in non-residential zones to have a fence of up to eight (8) feet in height in the front yard that is along the side of the principal structure; and designate which yard on corner lots shall function as the side and rear yards. Additionally, the proposed ordinance would clarify that residential lots with dual frontages would be permitted to have fences of up to 6½ feet in height situated in the yard to the rear of the principal structure and non-residential lots with dual frontages would be permitted to have fences of up to eight (8) feet in height situated in the yard to the rear of the principal structure.

Mrs. Townshend reviewed a series of diagrams depicting the provisions of the proposed ordinance as they would apply to the designation of front yards and rear yards and fence height restrictions for dual frontage residential and non-residential lots. She noted that the intent of the proposed Code amendment was to correct language in the zoning ordinance that frequently leaves the City at odds with residents who apply for permits for privacy fencing.

In response to Mr. Hare, Mrs. Townshend stated that, currently, property addresses are determined by the street on which the principal structure fronts; however, there is a "legacy" of side yards being used for that purpose and residents are resistant to changing these addresses.

Staff recommended that members recommend adoption of Proposed Ordinance #2011-26.

The Committee recommended approval of Ordinance #2011-26 - amending Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 1 - Supplementary Regulations Applying to Residence Zones and Section 7 - Supplementary Regulations Applying to All Non-Residential Zones (Relating to Corner Lots).

By consent agenda, Mr. Bonar moved for approval of the Committee's recommendation, seconded by Mr. Hare and carried by a unanimous roll call vote (Mrs. Russell and Mr. Lynn absent). *(The First Reading of Proposed Ordinance #2011-26 will take place during the latter part of the meeting.)*

Benchmarks Established for the Economic Development Office

Mr. Bill Neaton, Economic Development Director, reviewed a semi-annual update regarding the progress of the Economic Development Office (EDO) toward meeting its established benchmarks. He advised members that the EDO has two primary objectives: 1) to support the efforts of the Downtown Dover Partnership (DDP) (Mr. Neaton serves as the Executive Director of the DDP) and promote downtown business growth; and 2) to promote City-wide economic development. Mr. Neaton reviewed the FY 2010-2011 Strategic Accomplishments of the EDO, as follows:

Downtown Dover Partnership and Downtown Dover Business Growth

In regard to the DDP and Downtown Business Growth, Mr. Neaton noted that the DDP participated in 19 events in Downtown Dover during FY 2010-2011. A new chairperson of the Organization Committee was elected and fundraising letters were distributed. The goal of completing a merchant satisfaction survey in the downtown area was accomplished with nearly 100% participation and an above average rating was achieved.

In reviewing the goals relating to downtown business growth, Mr. Neaton noted that the DDP recently established a $50,000 loan fund to assist downtown businesses in purchasing inventory, remodeling, etc. He indicated that a committee of bankers has been established to review applications for this program and make recommendations to the DDP. Mr. Neaton anticipated that the awarding of these loans would assist area businesses to stay in operation and prosper. He indicated that the goal of working with potential property owners to fill vacant commercial buildings

on Loockerman Street was an ongoing process, as many of these properties are not in conformance with Code. Mr. Neaton stated that the EDO is working with owners to improve properties as part of the aforementioned loan program.

In regard to Fiscal Year 2010-2011 strategic accomplishments related to the DDP, Mr. Neaton explained that one of the initiatives of the DDP was to develop a recruitment strategy to attract new businesses to the downtown area. He noted that a Recruitment Subcommittee, chaired by Mr. Anthony DePrima, former City Manager, has been established for this purpose and Mr. DePrima has developed a group of realtors and developers to collaborate on this effort and has put a work plan in place. In regard to the property at 22-24 W. Loockerman Street ("the C. Moore building"), Mr. Neaton stated that the DDP is currently in the process of accepting bids for the renovation of this property and conducting meetings with bidders and Becker Morgan Group to develop cost-saving strategies for retrofitting the building. A Request for Proposals (RFP) has been issued for legal, architecture and engineering (A&E), and landscaping aspects of the project and the DDP approved Becker Morgan Group as the landscape and A&E firm and Street & Ellis as the law firm. Mr. Neaton noted that preliminary plans for the project would be submitted to the City on October 14, 2011.

City-Wide Economic Development

Mr. Neaton noted that the City's unemployment rate has remained at or below the State's unemployment rate and has decreased over the past year. He stated that the EDO continues to follow up with 12 small businesses and ten (10) out-of-town companies that were contacted to encourage locating in the City.

In regard to Fiscal Year 2010-2011 Strategic Accomplishments Related to City-Wide Economic Development, Mr. Neaton advised members that completion of a site development master plan for the Garrison Tract and development of an overall marketing plan for the site were major tasks performed by the EDO and that Calpine Corporation has a current lease on Lot #7 at the site. He explained that the original tenant, Macquarie Energy, sold their interest to Calpine, and Calpine is currently awaiting an impact study from Pennsylvania, Jersey, Maryland Interconnection (PJM) before proceeding. He noted that the State of Delaware set aside $3M for infrastructure improvements at the Garrison Tract, and these improvements are also pending receipt of the impact study. Mr. Neaton stated that he spoke with Secretary Alan Levin, Delaware Economic Development Office, who indicated that there was no requirement for matching funds to be committed for this project, although Mr. Neaton indicated that Calpine has committed to matching funds to assist with infrastructure improvements. Mr. Neaton stated that he met with Secretary Collin O'Mara, Department of Natural Resources and Environmental Control, and Secretary Levin regarding the promotion of the Garrison Tract to renewable energy manufacturers outside the State.

Mr. Neaton stated that, approximately one (1) week ago, Delaware State University was awarded a $500,000 grant to enhance economic development strategies in central Delaware and that Dr. Michael Casson, Assistant Professor of Economics, plans to work in partnership with the City's EDO to use these funds to promote development in Dover. Mr. Neaton planned to attend a follow-up meeting with Dr. Casson and Dr. Harry Williams, President, Delaware State University, to determine how to proceed. Mr. Neaton noted that he works with the presidents of all higher educational institutions in the City on a regular basis.

In response to Mr. Lewis, Mr. Neaton stated that two (2) businesses closed in the Downtown Dover area last year. He stated that a new tenant would soon occupy the former Hunter House restaurant and that a restaurant specializing in salads will be opened at the location of the former downtown shoe store.

Responding to Mr. Lewis, Mr. Neaton stated that the projection of less than 10% unemployment in 2011-12 was based on the struggling national economy and a desire to set a realistic goal for the City.

At the request of Mr. Hare, Mr. Neaton stated that a list of all vacant commercial buildings in the City could be developed. He noted that information is currently maintained for all vacant buildings over 20,000 S.F. and vacant buildings in the Rt. 13 corridor. He also agreed to develop a list of businesses that have been contacted to encourage locating in Dover, including the types of businesses and their responses.

The Committee recommended acceptance of the Economic Development Office (EDO) report.

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

UPDATES

Planning and Funding for the New Library

Mr. Zachary Carter, Director of Parks and Recreation, advised members that a "Topping Off of the Steel" Ceremony has been scheduled for October 20, 2011 at 5:00 p.m. Library donors will be invited to sign a steel beam located inside the building. He stated that M & T Bank will sponsor this event and provide refreshments.

Mr. Carter noted that, on October 19, 2011 at 5:00 p.m., the Fordham Brewing Company will hold a Fall Festival in conjunction with the release of a new product and a portion of the funds received will be donated to the Dover Library Foundation. Tickets for this event are currently on sale at the Dover Library, the Fordham Brewing Company, and the Dover Newsstand at a cost of $10 for adults and $5 for children.

Mr. Carter stated that a grant has been prepared for submission to ING Direct, who provided funding for the new library during the previous year and subsequently encouraged the City to reapply. Artisans' Bank also suggested that a grant request be submitted for the project. Mr. Carter stated that a new committee, the "Next Generation Committee" has been formed as part of the library's Capital Campaign Committee. The Next Generation Committee has set a goal of raising $100,000 for the privilege of naming the storytime room in the new library facility.

Mr. Carter noted that an official ribbon cutting will be held for the new Job Center at the existing Dover Public Library on October 14, 2011 at 12:00 noon. Governor Jack Markell and Senator Chris Coons were planning to attend and a tour of the new library construction site will be offered to a limited number of attendees.

Mr. Carter stated that construction of the new library was proceeding; the concrete for the first, second, and third floors had been poured; and more than 90% of the structural steel was in place. Within the next two (2) weeks, brickwork will begin and, within the next month, drilling will begin for geothermal wells.

CDBG Program

Mrs. Tracey Harvey, Community Development Manager, stated that the funding approval agreement for the release of FY 2011 Community Development Block Grant (CDBG) funds was approved by the Mayor on July 21, 2011. All sub-recipient contracts were signed by mid-August and all projects were underway.

In response to Mr. Hare, Mrs. Harvey explained that the City serves as a "pass-through" for the majority of program funds, but the Street Repair Project and Housing Rehabilitation Programs were City projects.

The Committee recommended acceptance of the report.

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

Housing and Recovery Act of 2008 funds (Neighborhood Stabilization Fund)

This information was provided during the discussion of Agenda Item #2, Neighborhood Stabilization Program (NSP) Partnership with Habitat for Humanity.

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

UTILITY COMMITTEE REPORT - OCTOBER 10, 2011

The Utility Committee met on October 10, 2011 with Chairman Bonar presiding.

Proposed Ordinance #2011-27 - Amendment to Appendix B - Zoning, Article 5 - Supplementary Regulations, (New) Section 21 - Public Utility Infrastructure (Regarding Exemption of Public Utilities Infrastructure from Zoning Bulk Standards)

Mrs. Dawn Melson-Williams, Principal Planner, reviewed Proposed Ordinance #2011-27. She explained that public utility infrastructure, such as sewer pump stations, water towers, wells, and electric transformers, is vital to support the residences and businesses throughout the City of Dover. Mrs. Melson-Williams advised members that, currently, the Zoning Ordinance does not consistently address public utilities infrastructure as a permitted use throughout the different zoning districts in the City. She stated that it is briefly referenced in regard to the production of electricity in the Industrial Park Manufacturing Zone - Technology Center (IPM2) and that there are some references to public utility right-of-ways and structures in one of the residential zoning district sections.

Additionally, Mrs. Melson-Williams stated that staff has found that there are potential conflicts with the various bulk standards within the Zoning Ordinance, such as requirements for setbacks from property lines, heights for structures being constructed, and the process for reviewing projects affected by these standards. She explained that the bulk standards specified in the Zoning Ordinance are typically based on the uses and building structures in the various zoning districts. For example, while a specific residential zone may have a maximum building height of 35 feet for structures, it is unrealistic to apply this height standard to a water tower that might be necessary to support the surrounding residential area. Additionally, while a fence within a front yard (an area of a property closest to a street) may be limited to four (4) feet in height, such a fence surrounding an electric substation may need to be taller to properly protect the equipment.

Mrs. Melson-Williams explained that, in order to address these numerous issues throughout the code, staff has proposed an addition to Article V, the supplementary regulations of the code, in the form of a new Section 21. She stated that the proposed ordinance sets forth that public utility infrastructure would be permitted in all zones throughout the city and includes provisions for addressing the bulk standards of note, specifically, setback (the distance of the structure from a property line); the maximum height for fencing erected for a public utility infrastructure item; and the type of review process necessary for site development plan approval. Mrs. Melson-Williams explained that, depending on the type of project, a site development plan could involve just an administrative site plan by planning staff and affected agencies or may require consideration by the Planning Commission.

Mrs. Melson-Williams also noted that the proposed ordinance also includes exceptions.

Staff recommended that members recommend adoption of Proposed Ordinance #2011-27.

Responding to Mr. Blakeman, Mrs. Sharon Duca, Water/Wastewater Manager, confirmed that she and Mr. Ron Lunt, Public Utilities Director, reviewed Proposed Ordinance #2011-27 on behalf of the Electric Department.

In response to Mr. Bonar, Mrs. Duca stated that she was satisfied with the proposed ordinance.

The Committee recommended approval of Proposed Ordinance #2011-27, amending Appendix B - Zoning, Article 5 - Supplementary Regulations, by inserting a new Section 21 - Public Utility Infrastructure (Regarding Exemption of Public Utilities Infrastructure from Zoning Bulk Standards), as recommended by staff.

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

Review of Utility Related Capital Investment Plan (CIP) ***(Electric and Water/Wastewater)***

Members were provided a Project Tracking Report, as of August 31, 2011, for the Utility Related (Electric and Water/Wastewater) Capital Investment Plan (CIP).

Referring to the Capital Improvement Projects on Page 4 of the report, Mr. Scott Koenig, Interim City Manager, informed members that, if adopted by City Council, Proposed Ordinance #2011-27 may have an impact on the 1.0 MG Elevated Water Storage Tank. He stated that staff was currently looking for a site for the tower and then would come forward with proper zoning and land use applications for the siting of the tower and eventual construction.

In regard to the US 13 East Sanitary Sewer Interceptor Project, Mr. Koenig explained that this very large interceptor project covers the US 13 corridor and provides sanitary sewage to the entire northern end of Dover, from Dover Downs north. He stated that this project was operational and staff was working to complete the administrative paperwork, which is typically not completed until months after a project is finished. He reminded members that a request for the disposal of excess property, directly related to this project, was scheduled for consideration by the Legislative, Finance, and Administration Committee later in the evening.

Referring to the Bayard Avenue Project, Mr. Koenig reported that, earlier in the day, crews were beginning to hot mix the trench section of the north side of Loockerman Street and clean up that area in preparation for winter. He stated that, next year, it was likely that the street program would redo the curbs and Americans with Disabilities (ADA) ramps and then repave the area; however, at this time, the roads must be closed up for the winter. In regard to the south side of Bayard Avenue, Mr. Koenig informed members that crews have been continuing the construction in the tower area on United Way, and it was hoped that this would be completed in the next month or two (2).

Mr. Koenig explained that the Route 13 Water Main Project has been a very detailed project in which the middle of the southbound lanes of US 13 were dug up in order to replace the "water backbone" of US 13 and the business community in that area. He explained that this was a major project which would have a long-term effect on the water pressure and supply in that part of the City. He informed members that, after completion of the project, the State of Delaware will repave all of US 13 in that area. It was his hope that the City will then have a very solid pavement section and upgraded water system.

In response to Mr. Bonar's question, (in reference to a constituent concern) regarding whether the Route 13 Water Main Project would address problems with runoff in the East Lake Gardens area, Mr. Koenig stated that he met with one (1) constituent in East Lake Gardens and discussed the possibility of installing sump basins that do not have exit pipes but would allow water to drain below the top layer of soil. He explained that there was not a great deal of pipe in the area to connect to, and a major storm sewer upgrade in that area would probably cost between $1M and $3M. He stated that the lack of curbs or gutters in East Lake Gardens would make it difficult to install a storm drain system and direct water to catch basins. Mr. Koenig informed members that the City has had success in other parts of East Lake Gardens with the installation of a bottomless manhole or bottomless catch basin, which allows the water to seep in over a 24 to 48 hour time period and prevents damage to the road. He felt that this was a relatively effective and low-cost project.

Responding to Mr. Bonar, Mr. Koenig stated his belief that they had spoken to the same constituent, and that this individual was in favor of the proposed solution.

Mr. Koenig stated that the Inflow/Infiltration (I&I) Removal Project was moving forward. He reminded members that the City would not realize immediate savings but would save money over the long term from this project, which would benefit all residents by refurbishing and extending the life of the pipes. He stated that controlling the cost of the I&I is a systemic issue for Dover and will need to be addressed over the next 5-15 years.

In regard to the pump station projects, Mr. Koenig informed members that these efforts are moving forward and that bids have been awarded for several of these projects.

Referring to the Tar Ditch Interceptor Project, Mr. Koenig stated that staff has met with residents regarding this project, and these residents have expressed concerns with the proposed location of the pipe. He explained that there would be an impact on the residents because the pipe must be replaced in the existing location due to insufficient latitude to move north or south. This will require maintenance and repairs on a pipe that has been in the ground for approximately 50-60 years, during which time trees have grown around the area and properties have grown toward the pipe. Although staff plans to continue to work with these residents, Mr. Koenig explained that they may voice their concerns to members of the Committee and Council.

In response to Mr. Hare regarding Bayard Avenue, Mr. Koenig explained that blacktopping began in this area earlier in the day and stated his belief that the crews boxed out a portion of Bayard Avenue to Division Street and a portion of Greenhill Road. It was his hope that by week's end the crews would have a majority of the hot mixing finished in the trench area.

Mr. Koenig stated that the projects discussed thus far are backlogged projects and that current year projects, including the Wellhead Redevelopment Programs and the design of various water quality improvements and sewer system improvements, are underway. He explained that the City has a large backlog of projects associated with project financing; however, spending on those projects has accelerated and the projects have begun to move through the system very quickly. Mr. Koenig stated that, as staff moves forward with the redevelopment of the sanitary infrastructure, constituents will see the results of the funds used for capital improvements. Additionally, some reduction in I&I will be noticed as a result of the I&I projects, and water quality will begin to improve as a result of the water quality projects. It was his opinion that staff has done a good job in trying to catch up on the backlogged projects.

In reference to Page 5, Mr. Koenig stated that the Electric Department has been working diligently to bring contracts before Council related to equipment replacement. He explained that there are typically long lead times for these items; therefore, the items that being installed may not necessarily be items that were recently approved. He expressed the importance of continuing to make investments in these projects because they are critical to the reliability of the system.

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - OCTOBER 10, 2011

The Legislative, Finance, and Administration Committee met on October 10, 2011 with Chairman McGlumphy presiding.

Review of Cell Phone Use *(Deferred by Committee on 9/29/2011 Due to Time Constraints)*

Members were provided the City's Procedure #F320 - City or Employee Owned Cellular Phone Assignment and Usage. Mrs. Donna Mitchell, Controller/Treasurer, reminded members that during the process of reviewing cost-saving ideas, the Committee had requested the opportunity to review this procedure for possible savings.

In response to Dr. McGlumphy, Mr. Scott Koenig, Interim City Manager, indicated that approximately 90% of the City's vehicles have "in vehicle" radio transmission; however, he explained that some conversations are not appropriate for transmission over the radio system. In addition, he noted that the use of cell phones provides convenience in some circumstances, such as when contractors need to contact inspectors directly.

Noting that there were different forms of communication available, Dr. McGlumphy questioned if there was duplication of services and if it would be possible to eliminate radios in some instances. Mr. Koenig stated that, although services appear to be duplicated, the "in vehicle" radio systems are important in emergency situations. He noted that, during the recent earthquake, cell phone service was lost; however, the radios worked. It was his opinion that radios play a vital role in providing services. Mr. Koenig reminded members that the purpose of utilizing cell phones was to improve the efficiency of the workforce, which has been accomplished; however, they do not take the place of the service provided by the "in vehicle" radios.

Responding to Mr. Hare, Mr. Koenig indicated that, in reviewing the list of cell phones utilized in the Planning Department, some of the usage reflected was for air card services for in-car computer systems (listed as either air card or broadband). He noted that three (3) inspectors have cell phones. Mr. Koenig explained that all of the equipment is used to promote operational efficiency.

At the request of Mr. Bonar, Mr. Koenig assured members that staff will confirm that the City is utilizing the State's contract for cell phone services provided by Verizon. Mr. Bonar suggested that staff consider negotiating with Verizon for improved rates.

Mr. Hare requested that department heads be required to resubmit justifications for the need for employees' use of cell phones for the Committee's review.

Dr. McGlumphy suggested that staff review the usage and plans for cell phones to determine any possible savings.

Review of Take-Home Vehicle Use *(Deferred by Committee on 9/29/2011 Due to Time Constraints)*

Members were provided the City's Procedure #F-362 - Municipal Vehicle Use. Mrs. Donna Mitchell, Controller/Treasurer, reminded members that, during the review of cost-saving ideas, the Committee had requested the opportunity to review this procedure for possible savings.

Mr. Hare suggested that department heads be required to resubmit justification for take-home vehicles for the Committee's review. Referring to "non-emergency" use of vehicles for supervisors, he suggested that supervisors utilize their own vehicles and, if called in, they could then use a City vehicle to go to a particular job site.

Dr. McGlumphy suggested that staff review the usage of take-home vehicles to determine any possible savings.

Mr. Scott Koenig, Interim City Manager, reminded members that the original intent of the procedure was to provide operational efficiency and prevent "excuses" for non-responses.

Disposal of Excess Property - US 13 Sewer Main Extension - Schwartz Pumping Station

Mr. Scott Koenig, Interim City Manager, advised members that, as a part of the planned design and construction of the Route 13 Sanitary Sewer Interceptor Project, the City of Dover entered into a public utility easement agreement with the C.F. Schwartz Motor Co., Inc. Currently, the City owns a small parcel of land at 1536 North DuPont Highway (Tax Parcel #ED05-57.00-01-07.00). He noted that this is the location of the former Schwartz Sanitary Sewer Pumping Station. The construction of the Route 13 Interceptor Project has allowed the City to abandon and remove the old pumping station. As a result of the abandonment, the City does not need to retain ownership of this small parcel of land. The land is surrounded on three (3) sides by land owned by the C.F. Schwartz Motor Co., Inc., and the fourth side abuts the right-of-way of U.S. 13. The signed easement agreement anticipated the abandonment of the pump station as well as the transfer of this parcel back to the C.F. Schwartz Motor Co., Inc.

Based upon the above facts, Mr. Koenig stated that the City Manager's Office determined that this parcel of land is excess in nature and the disposal of such land would be beneficial to the City.

Staff recommended that the City Manager be authorized to sell the property located at 1536 North DuPont Highway to the C.F. Schwartz Motor Co., Inc., for $1.00 under Exception C of the Land Disposal Policy.

The Committee recommended that the City Manager be authorized to sell the property located at 1536 North DuPont Highway to the C.F. Schwartz Motor Co., Inc., for $1.00 under Exception C of the Land Disposal Policy.

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

Mr. Bonar questioned the value of the property. Responding, Mr. Koenig stated that the property is approximately 25' x 25', the size of a parking space. He estimated the man hour costs involved in disposing of the property at approximately $500. Mr. Bonar suggested the possibility of handling such disposals administratively, with the concurrence of the Council President, for properties with little to no value.

Review, Consolidation and/or Elimination of City Committees, Commissions, and Boards - Historic District Commission

With increasing staff vacancies, and in consideration of current hiring limitations, Council President Leary requested members of Council and City Staff to explore possible inefficiencies within City of Dover committees, commissions, and boards. Some boards appear to serve like purposes and others have become obsolete; therefore, the Committee will consider whether any groups can be consolidated or eliminated. Several recommendations have been received and will be considered by the Committee in the following weeks and months.

Members were provided details regarding the Historic District Commission (HDC) for their review and consideration.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained the history and role of the Historic District and the HDC. She noted that members received a more detailed history and summary of the HDC's role, including application volume, code references, current membership, and a map of the Historic District Zone. She advised members that, if there was a desire to eliminate the HDC, several amendments to the City of Dover Code of Ordinances would be required. Staff recommended that, if this were the decision of City Council, an amendment be made to the Dover Code, Chapter 82 - Planning Commission, to ensure that the Planning Commission would include members with the background necessary to ensure that the City's valuable historic resources are protected.

Dr. McGlumphy requested that staff provide members with a list of all committees, commissions, boards, etc., the number of members in each, their compensation, cost factors, etc. He also suggested that staff review each of these groups for possible improvements to efficiency.

Mr. Anderson questioned why Forrest and Loockerman Streets, beyond Governors Avenue, are included in the Historic District. Responding, Mrs. Townshend stated that, in 1997, this area was added, since the Victorian Dover Historic District is on the National Register of Historical Places. She explained that there are three (3) National Register Districts in the City that are beyond what the City has defined as the Historic District Zone.

Elaborating, Mrs. Dawn Melson-Williams, Principal Planner, explained that the City of Dover Historic District is designated by the local governmental body. The Zoning Ordinance outlines the criteria for establishing this boundary, taking into consideration such items as architecture, association of key events or individuals in history, etc. She indicated that the National Register of Historic Places is a Federal designation and that the nomination process for this classification is very different. Mrs. Melson-Williams noted that the City of Dover has several National Register listed Historic Districts and that these boundaries do not match the City's local Historic District, although some places may overlap. The City's HDC has jurisdiction only over the local Historic District area. Mrs. Melson-Williams stated that National Register Districts typically focus on a specific period of time (e.g., the Victorian Dover Historic District encompasses buildings constructed from the mid-1800s to the early 1900s). She indicated that, in the case of Loockerman Street, the railroad played a key role in the local economy during that time frame, as it was the means by which people came to the City to conduct business, and residents in the area made use of the railroad connection

for both personal travel and to transport agricultural products. Mrs. Melson-Williams explained that each National Register Historic District has a "theme," for example, The Green is focused on Colonial development, government buildings, and historic residential properties.

In response to Mr. Anderson, Mrs. Melson-Williams stated that the process for changing the boundaries of the Historic District is specified in the Dover Code and is similar to the procedure for submission of a rezoning request. The process involves review by the HDC, Planning Commission, and City Council.

Responding to Mr. Bonar, Mrs. Melson-Williams indicated that if it was Council's desire to have the City's Historic District match the National Register Districts, an expansion of the City's Historic District would be necessary. She also noted that there are individual properties throughout the City that are listed on the National Register, such as the farm house at Eden Hill. These properties could become a local district, which would allow the City to have jurisdiction and authority to review them.

Public Comment Period

Mr. Charles Salkin, 15 Maple Lane, stated that he serves as a member of the City's HDC. In addition to participating in the development process, he stated that the purpose of the Dover HDC is to preserve and protect the character of the community and to consider historical and architectural integrity, architectural heritage, economic development, tourism, and the quality of life for Dover residents.

Having served as a member for four (4) years, Mr. Salkin stated that there have been times when the architectural heritage of the community was under siege. He noted that some proposals that were submitted by developers would have destroyed the architectural integrity of buildings, and historic buildings have been demolished by neglect. As a result, he felt that Dover is losing its historic fabric. Mr. Salkin stated that the Commission has been very creative in attempting to promote historic preservation, while at the same time accommodating and willing to develop compromises. He stated that since there are owners and developers of properties in Dover who have no concern for the historic and architectural values of buildings, the City government should have such responsibility, and that the Dover HDC serves in this capacity by conducting a first review.

Mr. Salkin stated that there are several challenges in this regard and suggested the need for an expansion of the Dover HDC, noting that there are properties that provide historical value and an architectural heritage in the community that go beyond the Colonial and Victorian periods. He explained that as housing and commercial properties become older, their historical value becomes increasingly threatened; therefore, the Dover Historic District Commission will become more important to the City.

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

QUARTERLY REVENUE REPORT

Mrs. Donna Mitchell, Controller/Treasurer, reviewed the Revenue Report as of September 30, 2011. Referring to the transfer tax, she noted that there were some large value transfers, which resulted in a higher percentage for the first quarter year. She advised members that the number of transfers during this time period was at a historic low compared to previous years.

Dr. McGlumphy moved for acceptance of the Quarterly Revenue Report as of September 30, 2011, seconded by Mr. Bonar and unanimously carried.

Semi-Annual Inspection by City Manager - Robbins Hose Company

In accordance with Section 46-43 of the City Code, Mr. Scott Koenig, Interim City Manager, met with the Fire Chief to discuss fire company issues. He discovered that the equipment and facilities are being maintained in excellent condition and that the Robbins Hose Company continues to provide an outstanding level of service to the City of Dover.

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

APPOINTMENT OF JUDGES - ROBBINS HOSE COMPANY ELECTION - NOVEMBER 21, 2011

The Robbins Hose Company election is scheduled for November 21, 2011. The following persons have been recommended to serve as judges for the election:

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

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

FIRST READING - PROPOSED ORDINANCES

Council President Leary reminded the public that copies of the proposed ordinances were available at the entrance of Council Chambers or could be obtained from the City Clerk's Office. Since the ordinances are amendments to the Zoning Code, a public hearing is required. Staff recommended referral of the amendments to the Planning Commission on November 21, 2011; and that a public hearing take place during the Council Meeting of December 12, 2011, at 7:30 p.m., at which time, final action by Council will take place.

Mr. Bonar moved to refer the amendments and set a public hearing before City Council for December 12, 2011 at 7:30 p.m., as recommended by staff. The motion was seconded by Mr. Hutchison and unanimously carried.

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

> ORDINANCE #2011-25 - AMENDMENT TO APPENDIX B - ZONING, ARTICLE 3 - DISTRICT REGULATIONS, SECTION 17 - SHOPPING CENTER DEVELOPMENT [(SC-1, SC-2 AND SC-3)], SUBSECTION 17.3 - PERMITTED USES (RELATING TO NEIGHBORHOOD SHOPPING CENTER ZONE) *(Parks, Recreation, and Community Enhancement Committee)*

> ORDINANCE #2011-26 - AMENDMENT TO APPENDIX B - ZONING, ARTICLE 5 - SUPPLEMENTARY REGULATIONS, SECTION 1 - SUPPLEMENTARY REGULATIONS APPLYING TO RESIDENCE ZONES AND SECTION 7 - SUPPLEMENTARY REGULATIONS APPLYING TO ALL NON-RESIDENTIAL ZONES (RELATING TO CORNER LOTS) *(Parks, Recreation, and Community Enhancement Committee)*

> ORDINANCE #2011-27 - AMENDMENT TO APPENDIX B - ZONING, ARTICLE 5 - SUPPLEMENTARY REGULATIONS, (NEW) SECTION 21 - PUBLIC UTILITY INFRASTRUCTURE (REGARDING EXEMPTION OF PUBLIC UTILITIES INFRASTRUCTURE FROM ZONING BULK STANDARDS *(Utility Committee)*

COUNCIL MEMBERS ANNOUNCEMENTS

Council President Leary wished Mayor Carey and Dr. McGlumphy a happy birthday.

Mayor Carey reminded everyone that Halloween Trick-or-Treat will be held on Monday, October 31, 2011 from 6:00 p.m. to 8:00 p.m.

Mr. Bonar noted that daylight savings will end in a few weeks (clocks to be set one (1) hour back on November 6, 2011) and suggested that everyone take the opportunity to check the batteries in their smoke alarms, noting that the Fire Department would provide batteries.

Mr. Anderson stated that if there was anyone wishing to dispose of a computer that is still in working condition, he was aware of an afterschool program that could make use of it.

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

Meeting Adjourned at 7:44 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of October 24, 2011, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
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Exhibit Attached to Original Minutes and File Copy
Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 29 N. Kirkwood Street

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on November 3, 2011 at 5:30 p.m. with Council President Leary presiding. Members present were Mr. Anderson (arrived at 5:40 p.m. and departed at 6:45 p.m), Dr. McGlumphy, Mr. Lynn (arrived at 5:48 p.m.), Mr. Bonar (departed at 6:47 p.m. and returned at 7:26 p.m.), Mrs. Williams, Mr. Hare, and Mr. Hutchison. Mrs. Russell was absent.

Council staff members present were Mr. Koenig, City Solicitor Rodriguez (departed at 5:49 p.m.), and Mrs. McDowell. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

The agenda was approved by unanimous consent.

Mr. Bonar moved to recess into executive session to discuss legal and personnel matters, seconded by Mr. Hutchison and unanimously carried.

Meeting recessed at 5:31 p.m. and reconvened at 8:02 p.m.

EVALUATION OF CANDIDATE INTERVIEWS

During the executive session, members evaluated the candidates interviewed for the City Manager's position.

Mr. Bonar moved to select Scott D. Koenig as City Manager for the City of Dover, seconded by Mrs. Williams and unanimously carried (Mr. Anderson and Mrs. Russell absent).

By unanimous consent, the meeting adjourned at 8:08 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Special Meeting of November 3, 2011, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM
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Certificate of Recognition

presented to

Steve Pickering

for fostering the idea of holding "Challenger Day" in the City of Dover.

The mission of the Challenger Football Game was to bring the football experience to those special needs individuals who would normally not be given such an opportunity. The Challenger Football game was non-competitive, no-contact and no score was kept. The games, however, were modeled after a regular game with warm-ups, a coin toss, and singing of the National Anthem.

The students of Dover High School, including the football team, the cheerleaders, and the band, participated in making this a special day for the students.

In cooperation with Capital School District and other generous sponsors, we recognize you for bringing this wonderful opportunity to the special needs population in the City of Dover.

Presented on November 14, 2011

Carleton E. Carey, Sr.

Carleton E. Carey, Sr.
Mayor

CERTIFICATE OF CONGRATULATIONS

Presented to

Team Dover at the Dover Air Force Base

in honor of

winning the Air Mobility Command-Level Commander-in-Chief's Installation Excellence Award

The City of Dover extends its congratulations!

Presented on November 14, 2011

Carleton E. Carey Sr.

CARLETON E. CAREY, SR.
Mayor

PROCLAMATION

***WHEREAS**, this year's theme; "The Adventure in Your Community," promotes the idea that the geographic perspective is an important way to understand every community—no matter what size, or how long or briefly one has been a part of it; and*

***WHEREAS**, technology plays a vital role in the continued growth of the City of Dover and the use, management, and exchange of geographic information is necessary for effective decision making by local, state, and federal governmental agencies; and*

***WHEREAS**, Geographic Information Systems (GIS) provide data that allows for the identification of patterns and relationships of real-world conditions that ultimately lead to better decisions and improved delivery of services for the citizens of Dover, as well as our surrounding communities; and*

***WHEREAS**, geographic information has many useful applications and is a valuable resource used in the analysis of infrastructure, emergency services, homeland security, economic development, and long-range planning; and*

***WHEREAS**, the City of Dover's GIS Department has been nationally recognized for their outstanding efforts in the advancement of GIS and the foresight to create programs that can be used to better manage services in the city, as well as tracking services for the thousands of NASCAR race fans visiting our City.*

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim November 16, 2011 as GIS Day, and November 13 – 19, 2011 as

GEOGRAPHY AWARENESS WEEK

in the City of Dover and urge all residents to explore the community through geographic eyes by using geographic skills such as photography, storytelling, and mapping.

Carleton E. Carey Sr.

Carleton E. Carey, Sr.
Mayor

PROCLAMATION

WHEREAS, *diabetes is a serious disease which has no cure and is a major cause of heart disease and stroke; it is the seventh leading cause of death in the Unites States; and*

WHEREAS, *nearly twenty-six million American children and adults have diabetes, with someone diagnosed with type 1 diabetes every 35 seconds; and*

WHEREAS, *type 1 diabetes is an autoimmune disease that strikes children and adults suddenly and lasts a lifetime, requiring them to take multiple injections of insulin daily or continually infuse insulin through a pump; and*

WHEREAS, *diabetes is the leading cause of kidney failure, non-traumatic lower limb amputations and new cases of blindness among adults in the Unites States; and*

WHEREAS, *an increase in community awareness of risk factors and symptoms related to diabetes can improve the likelihood that people with diabetes will get the attention they need before developing the disease with its devastating complications, and with more than 1.5 billion dollars allocated to research since 1970, the Juvenile Diabetes Research Foundation is the worldwide leader in funding research to cure type 1 diabetes today and in the future.*

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim the month of November 2011 as

National Diabetes Awareness Month

in the City of Dover to help raise awareness of this serious, expensive and rapidly increasing disease.

Carleton E. Carey Sr.

Carleton E. Carey, Sr.
Mayor

PROCLAMATION

***WHEREAS**, pancreatic cancer is the fourth leading cause of cancer death in the United States; and*

***WHEREAS**, in 2011 an estimated 44,000 people will be diagnosed with pancreatic cancer in the United States and approximately 37,500 people will die from the disease, with at least 120 pancreatic cancer related deaths occurring in Delaware; and*

***WHEREAS**, there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years; and*

***WHEREAS,** the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in the City of Dover and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and*

***WHEREAS**, the good health and well-being of the residents of the City of Dover are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.*

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim November 2011 as

Pancreatic Cancer Awareness Month

in the City of Dover and encourage all citizens to help increase public awareness and support for the individuals and families who are affected by cancer.

Carleton E. Carey Sr.

Carleton E. Carey, Sr.
Mayor

Dover Police Department

Monthly Report
To
Mayor & City Council

"To Protect and Serve"

September 2011

DEPARTMENT OF POLICE

James E. Hosfelt, Jr.
Chief of Police
F.B.I.N.A.

400 South Queen Street
Dover, Delaware 19904
302/736-7111
Fax 302/672-1842

October 13, 2011

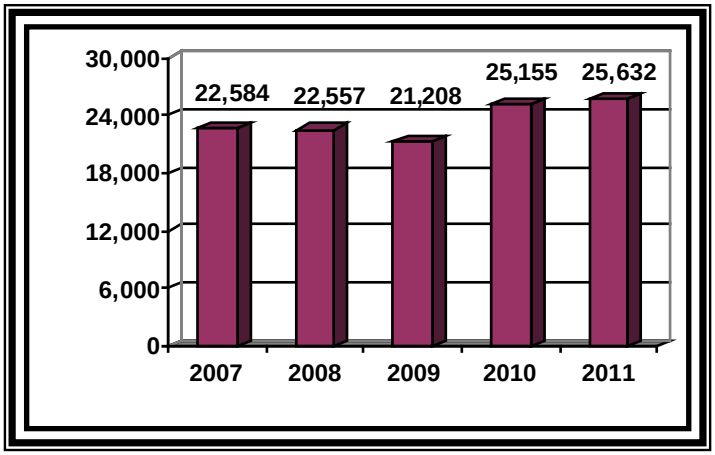
Honorable Carleton E. Carey, Sr., Mayor
Members of Dover City Council
City Hall
Dover, DE 19901

Mayor Carey and Council Members:

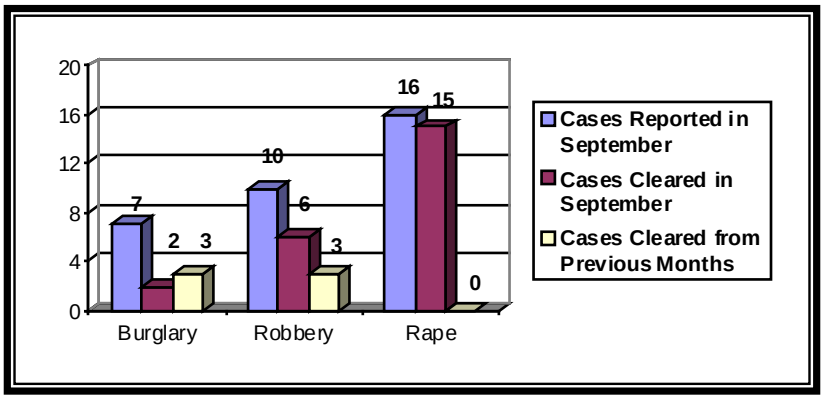
The following is the report on Police Department activities for the month of September 2011:

COMPLAINTS

Total complaints received through September 30th, numbered 25,632. This is a increase of 480 complaints over the same time period for last year.



CRIMINAL INVESTIGATIONS

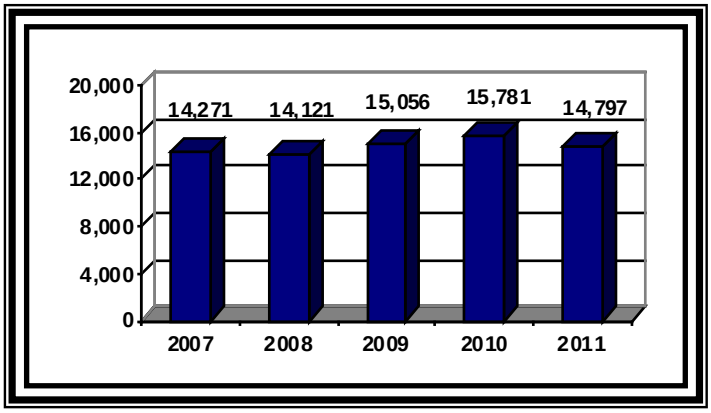


QUALITY OF LIFE TASK SECTION

ENFORCEMENT ACTION	ARRESTS
ABANDONED VEHICLES	0
ALCOHOL VIOLATIONS/DUI'S	4
ASSIST OTHER	0
WARRANTS ON FILE	0
BIKE ON SIDEWALK	0
CITY PARK VIOLATIONS	0
CRIMINAL ARRESTS	15
DRUG RELATED ARRESTS	0
LOUD MUSIC	0
MISCELLANEOUS VIOLATIONS	6
PARKING VIOLATIONS	9
PEDDLER	0
MEETINGS	38
PROSTITUTION	0
COLLECTION OF DELINQUENT DCO'S	0
WANTED CHECKS/CPC'S	30
TRAFFIC ARRESTS	81
WARNINGS	7
FUGITIVE	5
TOTAL ARRESTS	195

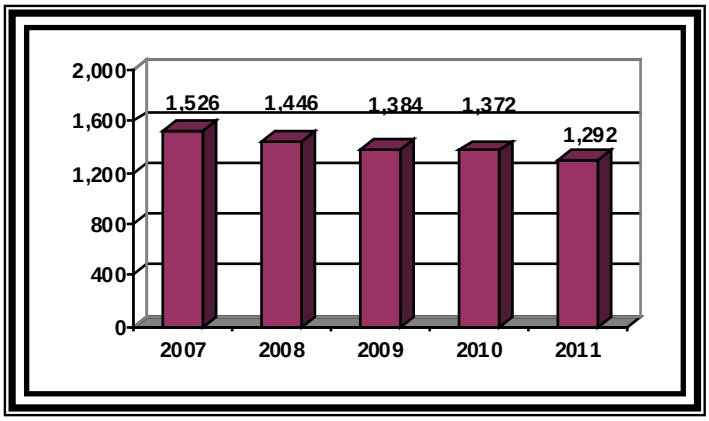
TRAFFIC ARRESTS

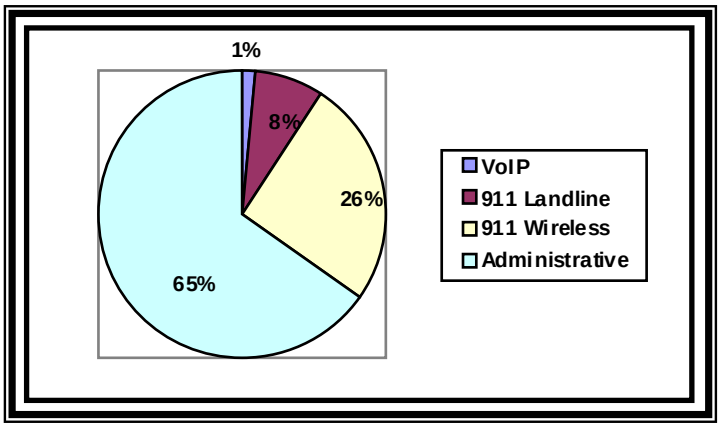
The department issued 14,797 traffic citations through this reporting period. This is a decrease of 984 citations over the number issued during the same period last year.



TRAFFIC CRASHES

Through September 30th, Dover Police investigated 1,292 traffic crashes. This is a decrease of 80 accidents investigated during the same period last year.



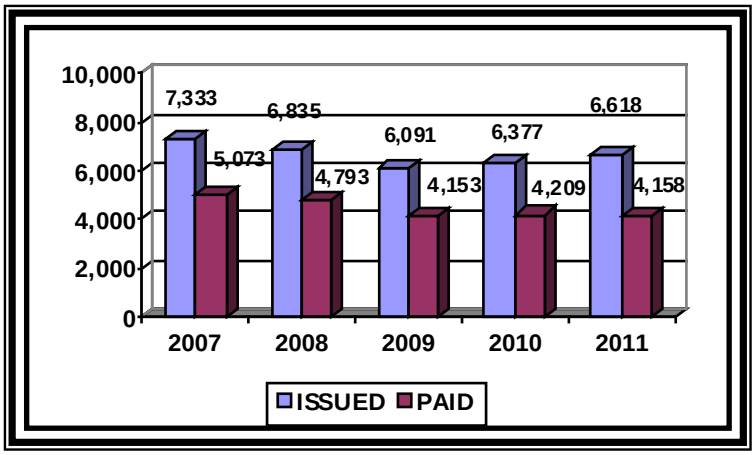


911 CENTER

During the month of September, our 911 Center handled a total of 10,170 calls averaging 339 calds per day. Dispatchers handled 2,618 calls on the 911 wireless lines, an average of 88 calls per day,780 calls on the 911 landlines, an average of 26 calls per day, and 141 calls on the Voice Over Internet Protocol lines an average of 5 calls per day.

CITY ORDINANCE SUMMONS

Through September 30th, we issued 6,618 city ordinance summons, an increase of 241 summons over September of last year. *Note: of those summonses issued in September, 23 were issued for handicapped parking violations, 12 for fire lane parking violations, 57 for false alarms (38 for 3-5 alarms, 16 for 6-9 alarms, 2 for 10-15 alarms, and 1 for 16 or more alarms) and 12 for noise violations (3 for vehicle violations and 9 for residence violations).



Listed below are the major crimes and activities that occurred during the month of September:

- On Sunday September 4, 2011, a 40 year old victim was driving his vehicle in the area of Reese Street in Simon Circle when a black male suspect yelled at him to slow down. Victim then stopped and began talking with the suspect who spat in his face. Victim exited his vehicle and an altercation ensued in which the victim was stabbed numerous times causing injuries to his hand as well as collapsed lung. Victim was taken to Bay Health Medical Center where he is listed in stable condition. The suspect was identified and arrested.

- On Monday September 5, 2011, a black male subject, of Dover, was arrested by Dover Officers for incident that took place in the early morning hours. The subject blocked in the vehicle in which his ex-girlfriend was a passenger in the area of the River Chase Drive. He then opened the passenger door and demanded her cell phone. He later attempted to remove the vehicle and was charged with Robbery 1st, Carjacking 2nd, Criminal Mischief, and Rape 4th for actions committed during the struggle.

- On September 9, 2011, Dover Officers responded to a report of a subject who had been shot in the roadway on South Queen Street just south of Division Street. Investigation revealed that three black males approached the 18 year old victim in retaliation from an altercation which had occurred earlier and that one of the suspects produced a handgun and shot the victim multiple times in his legs. All three suspects then fled on foot and upon arrival, the responding officers located one subject of Dover, in the area. He was positively identified as one of the suspects and was charged with Assault 1st and Conspiracy 2nd.

- Dover Detectives are investigating a burglary which occurred at a business located on South Governors Avenue. The burglary occurred between September 9, 2011 and September 19, 2011 at 0600 hours. The subject or subjects forced entry into a window on the south side of the business to gain entry and once inside removed various tools and then fled. Video surveillance was obtained by the detective and the suspected was arrested.

- Dover Detectives are investigating the robbery of a business located on South DuPont Highway, adjacent to Capitol Green. The robbery occurred on September 15, 2011, when three unknown black male subjects entered the business. All of the subjects were wearing something over their faces. Subject #1 was brandishing a sawed off shotgun. That subject held the clerk at gun point while Subject #2 and #3 removed an undisclosed amount of money. The subjects then fled on foot. The store employee was not physically injured during the incident.

- On September 15, 2011, Dover Detectives arrested a 31 year old subject for numerous counts of Rape and Sexual Abuse of a Child, after investigation revealed that he forced a relative to engage in multiple unlawful sexual acts over a period of approximately a year and a half.

- On September 15, 2011, an unknown black male suspect approached the victim as she was entering her vehicle in the local business parking lot and grabbed her purse. The 42 year old female victim held on and was dragged by the subject who then got into what is believed to be a silver Saturn and drove away with the victim still hanging on. She was dragged several more feet before she fell to the ground causing a contusion to her head as well as injury to her ankle. The subject was arrested days later.

- On September 17, 2011 Dover Officers responded to a reported domestic incident. The victim reported that the subject, age 22, was engaged in a verbal dispute while the victim, her friend and subject were driving on Scarborough Road in Dover. During the argument, the subject then removed their two week old baby from the baby's car seat and threatened and motioned to throw the baby out the open car window. The victim's friend, who was driving, pulled over. The victim was able to retrieve the baby from the subject and pass the baby to her friend. At that point the subject then slapped the victim in her head. The victim later reported the incident to police. The subject was later arrested without incident

- On September 19, 2011 Dover Detectives began investigating a complaint of rape and unlawful sexual contact involving a subject, age 60. Investigation revealed that the suspect forced the victim, a family member, to engage in sexual intercourse in the summer of 2010. Since that time the subject has made in excess of 20 sexual advances to his relative, all involving unlawful sexual contact, fondling and groping of the victim. The subject was arrested without incident.

- On September 21, 2011, Dover Police responded to a shooting in the area of South New Street. The 31 year old male victim was outside arguing with another subject at which time the subject removed a firearm from his waistband and shot the victim. The victim was struck in the upper right torso. The victim was treated at Kent General Hospital and is listed in stable condition.

- Dover Detectives are currently investigating a burglary to a residence on Gristmill Drive. The burglary occurred sometime on September 19, 2011. An unknown suspect forced entry through a window and removed money, jewelry and electronics before fleeing.

- Dover Detectives have made an arrest in an assault that occurred on September 7, 2011 at a local shopping center. The victim was assaulted by a group of teenagers outside of a restaurant establishment after the teens were observed trying to steal his music equipment. Another victim attempted to intervene in the assault and was also assaulted by the group. The first victim sustained a large laceration above his eye and a possible broken nose. The second victim had one of his teeth knocked out during the altercation. The victim stated that there were up to 10 black males. One 15 year old subject was identified and arrested.

- On September 22, 2011, Dover Officers responded to a reported suspicious subject at a convenience store on Forrest Avenue. Upon arrival the suspicious subject entered the bathroom inside the business in an attempt to elude officers. The officers located the subject age 24. A struggle ensued at which time the subject struck an officer in the face. The subject was taken into custody after a struggle and 2.1 grams of Heroin was located on his person.

- On Saturday September 24, 2011, Patrol Officers heard gunshots while investigating an unrelated complaint on Willis Road. The officers then responded to reports of numerous shots fired at a residence during a drive-by on Bradley Road. Several rounds penetrated the interior of the residence, one of which struck a 57 year old male resident in the back. The injury to the victim was superficial in nature and he was treated and released from Bay Health Medical Center. Two other adults and two children were also present at the time of the shooting. This incident is possibly related to a dispute which took place approximately 40 minutes prior involving a motor vehicle collision in front of the residence.

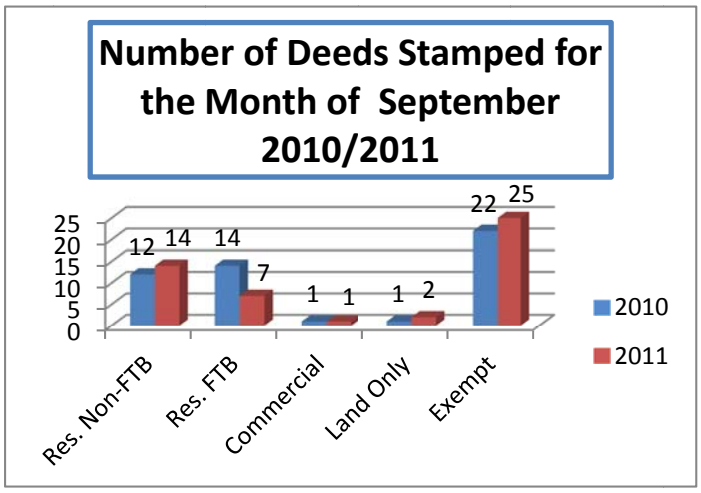
Respectfully Submitted,

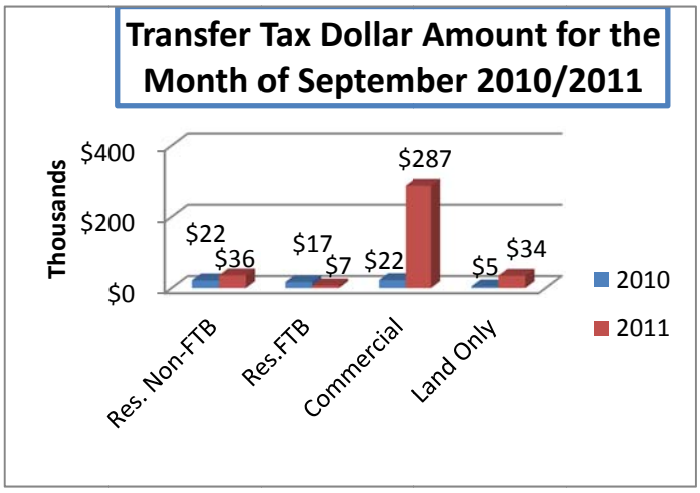
James E. Hosfelt, Jr.
Chief of Police

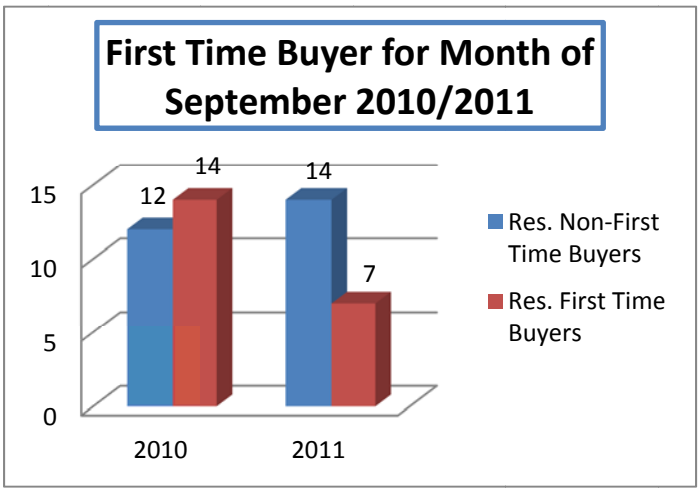
Monthly Report
September 2011

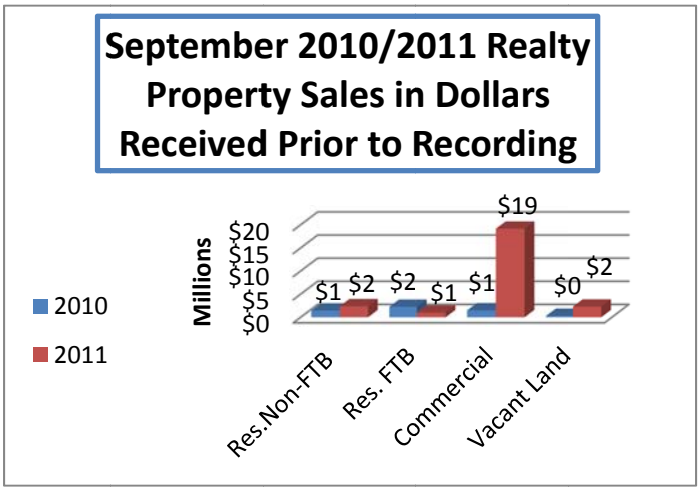


Office of City Assessor









Major Updates

	July - 11	Aug - 11	Sept - 11
Assessment Change	$1,793,600	$3,490,600	$1,311,900

Residential Sales Ratio Report

Sales in Study	Total Assessed Value	Total Sale Price	Ratio	PRD
14	$2,486,300	$2,316,439	1.07	1.02

Ratio – Assessed Value divided by Sale Price.
PRD – Mean – A PRD above 1.03 tends to indicate assessment regressivity – high valued properties are under appraised relative to low valued properties. A PRD below .98 tends to indicate assessment progressivity – high valued properties are relatively over appraised.

Points of Interest

Scanning & Filing

- All new deeds are being scanned and attached to the CAMA software for easy retrieval.

- All appeal documents and correspondence are being scanned and attached to the CAMA software for easy retrieval.

City of Dover Sales Ratio Report for September 2011

PARID	Address	Total Assessed Value	Sales DT	Sales Price
ED05-067.05-02-28.00	232 MEADOW DR	$ 239,000	20-Sep-11	$235,000
ED05-068.17-02-31.00	323 N BRADFORD ST	$ 186,000	13-Sep-11	$124,500
ED05-068.20-01-13.00	103 LEXINGTON PL	$ 210,200	16-Sep-11	$218,689
ED05-077.16-01-01.00	699 ROBERTA AVE	$ 162,900	15-Sep-11	$160,000
ED05-068.17-01-64.00	43 WASHINGTON ST	$ 214,000	9-Sep-11	$204,000
ED05-076.06-03-19.00	258 GREEN BLADE DR	$ 118,900	7-Sep-11	$98,250
ED05-067.18-03-48.00	19 LIBERTY DR	$ 186,500	6-Sep-11	$128,000
ED05-067.17-01-57.00	40 CARNOUSTIE RD	$ 206,900	21-Sep-11	$195,000
ED05-076.09-02-32.00	263 TRAFALGAR DR	$ 158,300	22-Sep-11	$141,000
ED05-068.17-01-47.00	20 RODNEY RD	$ 211,900	23-Sep-11	$225,000
ED05-085.08-03-46.00	384 FIDDLERS GRN	$ 175,900	8-Sep-11	$160,000
ED05-076.10-03-38.00	1409 WOODMILL DR	$ 143,300	29-Sep-11	$127,000
ED05-067.12-03-18.00	937 SILVER LAKE BLVD	$ 203,700	28-Sep-11	$230,000
ED05-076.06-02-04.00	5 IVY HALL	$ 68,800	28-Sep-11	$70,000

CITY MANAGER'S MONTHLY REPORT



SEPTEMBER 2011

Monthly Highlights

Customer Services

- In the month of September we processed 1461 payments as of September 30, 2011.

Parks, Recreation, & Library

Library

- 691 attended 24children's programs
- 29 attended 6 teen programs.
- Job Center noted 99 participants this month.

Parks & Recreation

- The September Concerts on The Green series hosted a crowd of 327 for the Milford Community Band. Again, as the series has concluded for 2011, we offer a special thank you to Wilmington Savings Fund Society (WSFS) for their continued financial support of this program.

- Eden Hill Express Care sponsored the upcoming Challenger Football event with a donation of $200.00. Please offer a word of thanks when you see Sean Mace, President of Eden Hill Express Care.

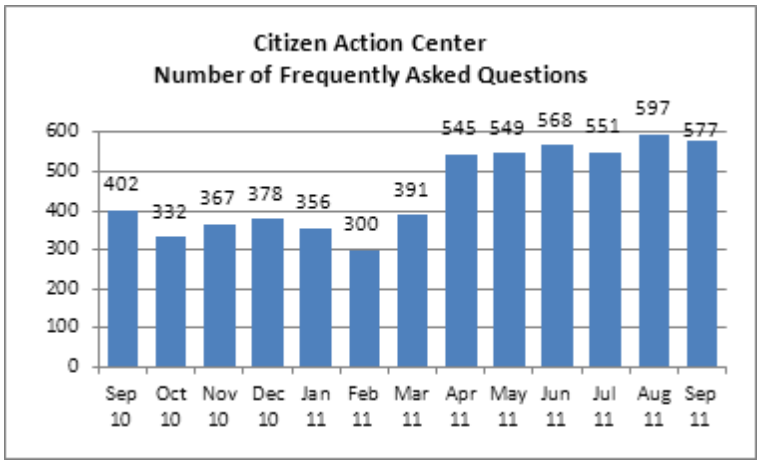
Public Affairs

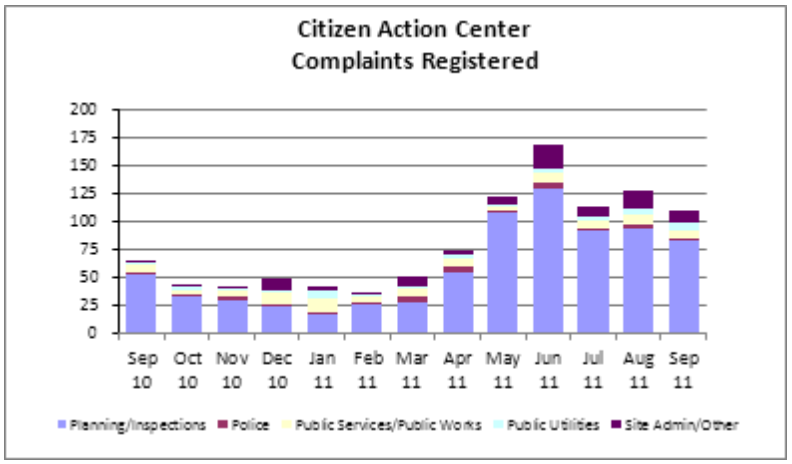
- Attended MGT 312 for FEMA Senior Officials Workshop for All Hazard Preparedness.
- Continued Public Outreach and media releases for road closures, trash/recycling changes, sewer relining, etc.
- Paperwork for Hurricane Irene; several meetings with FEMA Representatives.
- Preparations for Mayor's Prayer Breakfast.
- Miyagi Visitors in Dover.

Public Services

- Completed purchase of the Bulk Truck in Sanitation for $120,000.

PUBLIC AFFAIRS



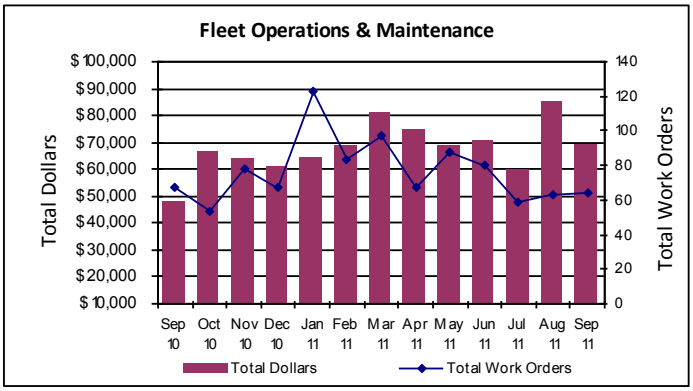


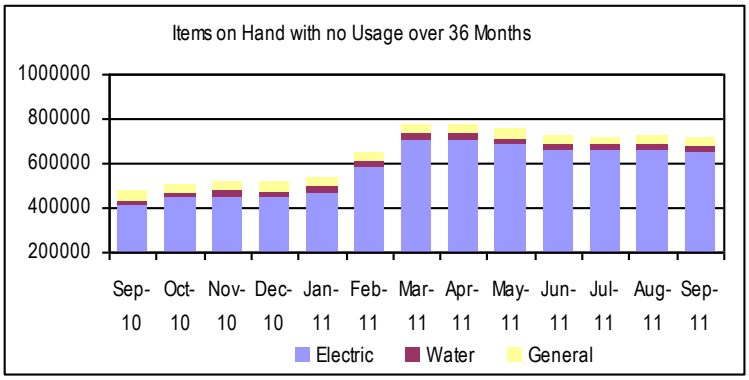
AVERAGE TIME TO CLOSE COMPLAINTS RECEIVED - AUGUST 2011

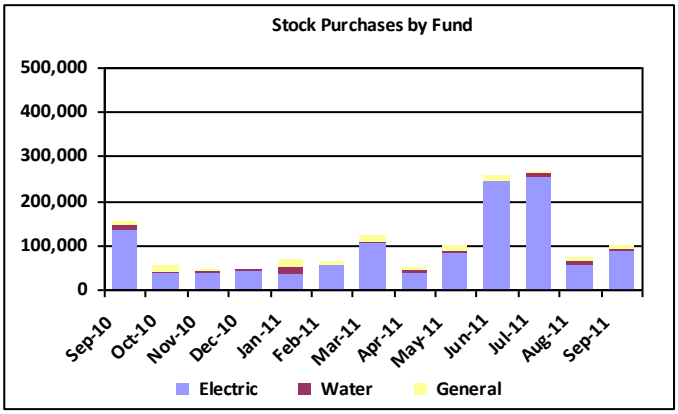
Department	Total # Complaints	# Of Days
Planning/Code Enforcement (property code violations)	82	2.6 days
Police (community policing)	3	1.1 days
Public Services - Grounds - Sanitation - Streets	 3 2 2	1.8 days
Public Utilities	6	2.4 days
Site Admin/Other Departments	11	1.7 days

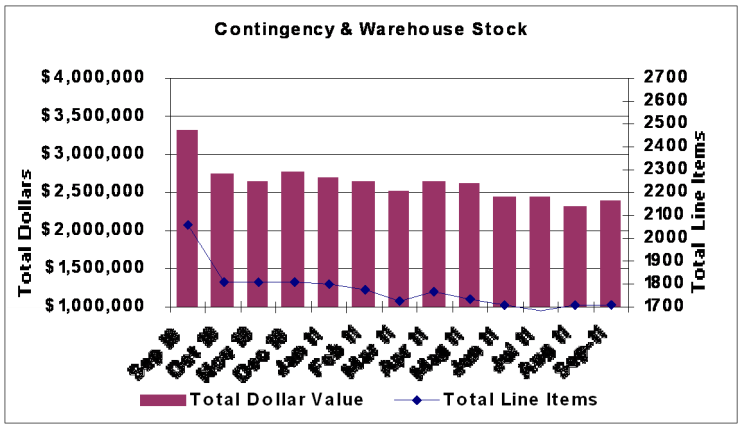
OTHER ACTIVITIES	AUG 10	SEPT 10	OCT 10	NOV 10	DEC 10	JAN 11	FEB 11	MAR 11	APR 11	MAY 11	JUNE 11	JULY 11	AUG 11	SEPT 11	YTD
Facebook - New Posts	26	54	41	52	59	57	38	42	37	34	29	17	29	22	521
Facebook - Page Views	1,004	1,145	1,152	1,671	1,768	1,882	1,903	2,114	2,206	2,217	2,276	2,196	2,776	2,796	27,822
Facebook - Replies to questions	37	21	23	21	27	21	16	19	11	12	16	13	26	14	294
Press Releases	9	16	5	2	3	4	3	5	**4**	6	16	11	19	11	720
Ceremonial Documents	16	26	19	17	16	15	12	17	20	19	18	17	11	24	272

CENTRAL SERVICES









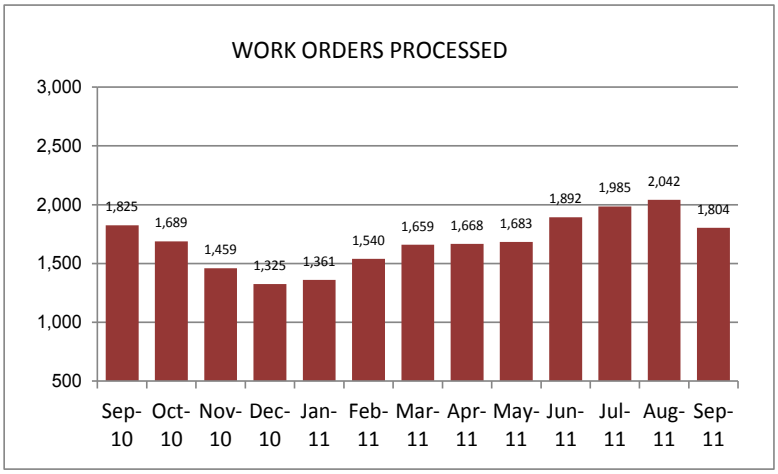
Electric: $ 86,336.69
Water: $ 4,463.50
General: $ 9,903.13

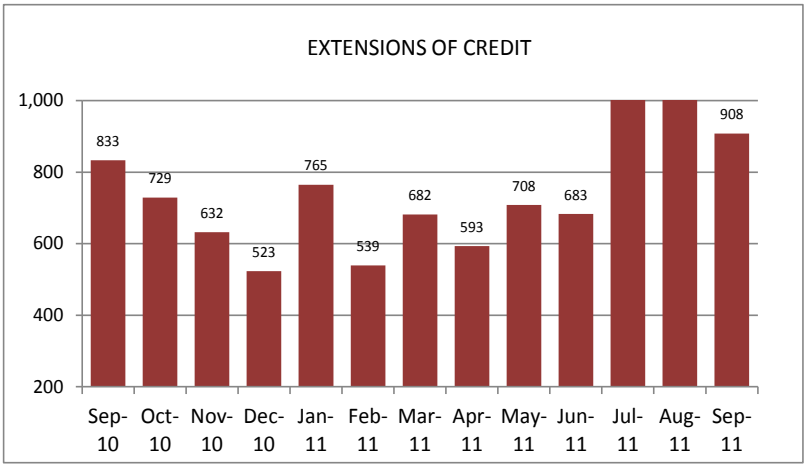
Total Dollar Value: $2,407866.72
Total Line Items: 1,707

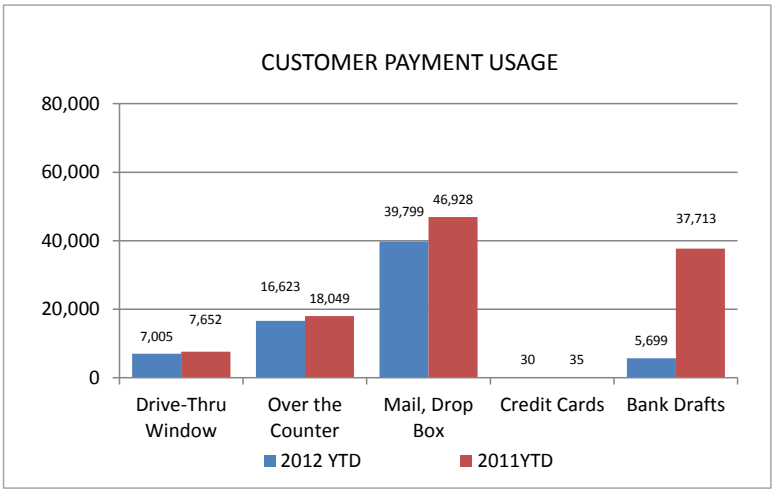
Major Program Updates

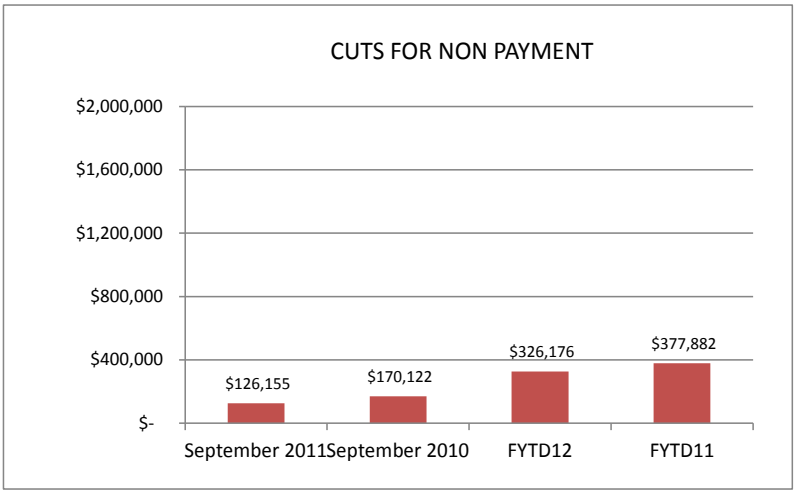
MEASURE	SEPTEMBER 2011	SEPTEMBER 2010	DIFFERENCE
Issue Effectiveness (>90%) *How often the warehouse has what customers need when it's needed. [issues / (issues + back orders)] * 100*	99.22%	99.23%	-0.01%
Turn Over Rate (4-5 per yr.) *Indicates that the material stocked is the material being used.*	1 every 6.8 years	1 every 44.27 years	-37.47 years
Bids for non-inventory items converted to purchase orders within timeframe *(Quantity and Percentage)*	0 of 0 Bids (FY12 Total) 0% none awarded yet	11 of 12 Bids (FY11 Total) 91.67%	N/A
Sealed bids prepared, received & distributed within 7 working days of receipt *(Quantity and Percentage)*	9 of 10 Bids 90% FYTD	36 of 38 Bids (FY11 Total) 94.7%	-4.7%
Scheduled Preventative Maintenance appointments being kept. *(Quantity and Percentage)*	28 of 30 appointments kept 93.33%	9 of 26 appointments kept 73.07%	20.26%
Mail receiving lowest discounted rate *(Quantity and Percentage)*	59,204 pieces (FY12TD) 96.22%	399,185 pieces (FY11 Total) 95.96%	0.26%
Routine work orders completed within 5 days *(Quantity and Percentage)*	48 work orders completed 96.0%	20 work orders completed 86.96%	9.04%
Emergency work orders completed within 2 days *(Quantity and Percentage)*	12 work orders completed 100%	1 work order completed 100%	0%

CUSTOMER SERVICES



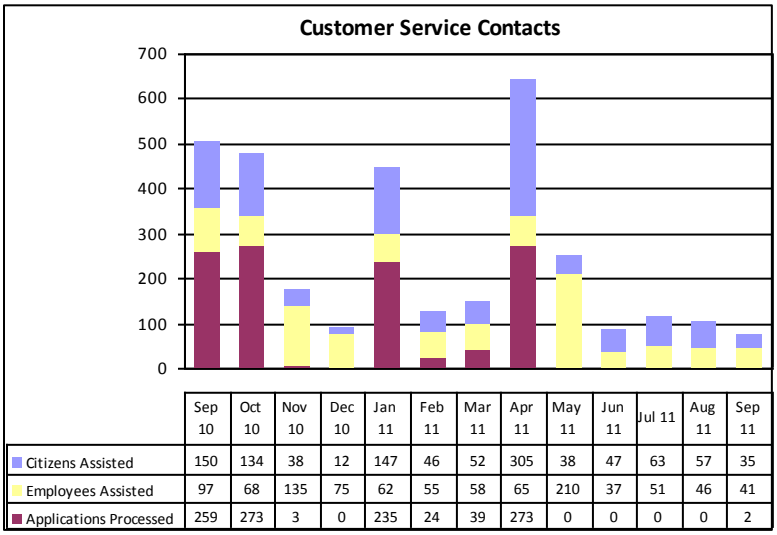






Major Program Updates	Sep 2011	Sep 2010	Difference	FY 2012 Year-to-Date	FY 2011 Year-to-Date
Number of Customers Served	22,857	24,763	(1,906)	77,991	81,274
Final Bills	718	731	(13)	2,237	2,352
Estimated Bills	178	144	34	487	453
Penalties Posted	$ 21,205	$ 22,699	$ (1,494)	$ 45,228	$ 57,982
Extensions of Credit - Amount Extended	$ 320,294	$ 247,732	$ 72,562	$ 852,563	$ 647,785
Balance Transfers	$ 8	$ 197	$ (189)	$ 3,960	$ 4,864
Utility Collections	$ 42,278	$ 32,864	$ 9,414	$ 108,749	$ 86,151
Special Assessments	$ 110	$ 2,550	$ (2,440)	$ 110	$ 4,261
Miscellaneous Billings	$ 246,803	$ 100,115	$ 146,688	$ 467,299	$ 359,467
CNP through Disconnect Collars	$ 8	10	(2)	24	27
Court Cases	-	-	-	-	-
Tamperings	5	2	3	12	13
Taxes Levied (includes carry forward)	$ 1,373,910	$ 1,549,695	$ (175,785)	$ 1,373,910	$ 11,358,642
Billing Adjustments	$ 3,126	$ 15,560	$ (12,435)	$ 3,126	$ 354,439
Total Taxes Collected	$ 233,953	$ 463,309	$ (229,356)	$ 233,953	$ 9,687,568
Taxes Outstanding	$ 1,143,083	$ 1,070,825	$ 72,258	$ 1,143,083	$ 1,070,825
Payments in Lieu	$ -	$ 1,500	$ (1,500)	$ -	$ 4,500
Billing Accuracy (on schedule billings)	99.0%	99.0%	-	99.0%	99.0%
Bills Published on Schedule	99.9%	99.9%	-	99.9%	99.9%
Meters Read on Schedule	99.9%	99.9%	-	99.9%	99.9%
Customer Satisfaction Rating	99.7%	99.7%	-	99.7%	99.7%
Delinquent Accounts Collected	99.7%	99.7%	-	99.7%	99.7%

HUMAN RESOURCES



	Sep 10	Oct 10	Nov 10	Dec 10	Jan 11	Feb 11	Mar 11	Apr 11	May 11	Jun 11	Jul 11	Aug 11	Sep 11
Citizens Assisted	150	134	38	12	147	46	52	305	38	47	63	57	35
Employees Assisted	97	68	135	75	62	55	58	65	210	37	51	46	41
Applications Processed	259	273	3	0	235	24	39	273	0	0	0	0	2

Category	Sept 10	Oct 10	Nov 10	Dec 10	Jan 11	Feb 11	Mar 11	Apr 11	May 11	June 11	July 11	Aug 11	Sept 11	Total
Caucasian*	315	319	312*	311	313	314	315	316	316	313	310	306	302	N/A
Minorities*	62	62	61*	61	61	61	61	63	63	63	63	63	63	N/A
Hired	1	4	1	-	2	1	1	5	1	-	-	-	1	17
Terminated/Resigned/ Retired	1	-	3	1	-	-	-	2	1	2	3	4	5	22
Promoted	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Jobs Posted	4	1	-	-	3	-	1	3	-	-	-	1	-	13
Workers Comp. Injuries	3	5	2	5	7	2	2	5	5	5	4	7	4	56
Workers Comp. Hours	-	24	65	42	360	445	336	438	50	46	63	135	263	2,037
Insurance Claims	8	3	4	8	3	3	6	8	2	5	3	10	1	64

Full-time Employees: 351 **Part-time Employees: 14 (4 Pitts Center, 1 Recreation, 9 Library)**
Numbers do not reflect, temporary, seasonal, relief fire dispatchers, committee or council members. *Total Full Time, Caucasian and Minority Employees were adjusted due to audit of employee information.

Resigned: Administrative Assistant (City Clerk), Planner II, MEO I and MEO II (Sanitation)
Terminated: 1st Class Lineman
Hired: Administrative Assistant (Police)

Recruitment Information

Position	Total	Female	Male	Black	White	Hispanic	Asian/Pacific Islander	American Indian/Alaskan Native	Unknown	In Dover	Out Dover
Communications Operator *(applications accepted until 9/8/11)*	2	-	2	-	2	-	-	-	-	1	1

HUMAN RESOURCES
continued

Unfilled/Open Positions by Department

Unfilled/Open Positions By Department	Sept 10	Oct 10	Nov 10	Dec 10	Jan 11	Feb 11	Mar 11	Apr 11	May 11	Jun 11	July 11	Aug 11	Sept 11
Public Utilities	3	3	4	4	4	4	3	3	2	2	2	3	4
Public Services	2	2	1	2	1	1	1	1	2	3	1	1	3
Police	2	2	3	3	2	2	2	-	-	-	4	4	4
All Other Departments	6	3	4	4	4	3	3	4.5	4.5	7.5	5	6.5	8.5
Totals	**13**	**10**	**12**	**13**	**11**	**10**	**9**	**8.5**	**8.5**	**12.5**	**12**	**14.5**	**19.5**

City Manager & Heavy Equipment Operator on terminal leave, included in totals.

Public Utilities: Motor Equipment Operator II/Water, Heavy Equipment Operator, Substation Technician, Journeyman – 1st Class Lineman.

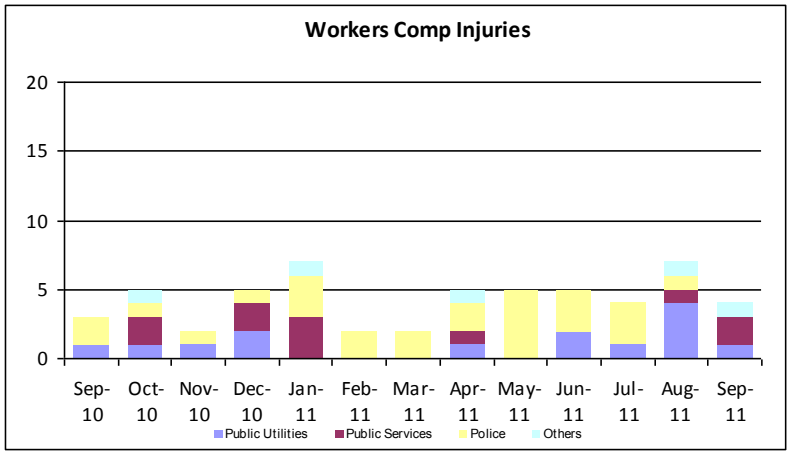
Public Services: Field Supervisor 1 - Streets, MEO I & MEO II - Sanitation

Police: (2) Police Officers and (2) Communication Operator

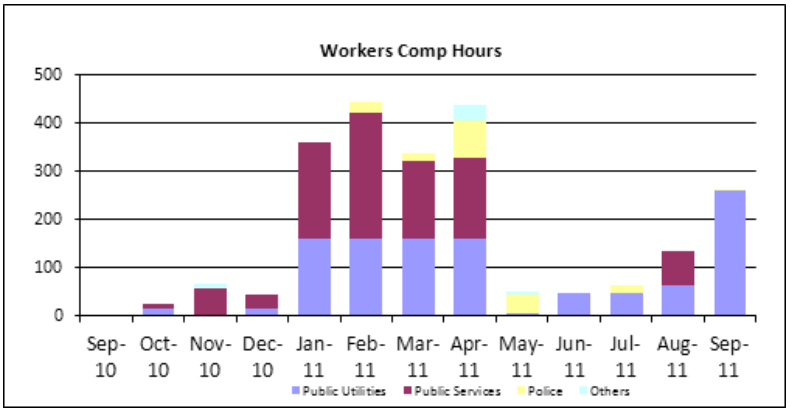
All Other Departments: Custodian I (1), Sr. LAN Analyst (due to A. Siegel currently acting as IT Director), Central Services Director, Human Resources and Safety Coordinator, City Manager, Senior City Administrator, Library Page (PT), Administrative Assistant - Clerk's Office, Planner II

Bonus Programs by Month

Bonus Program Category	Sept 10	Oct 10	Nov 10	Dec 10	Jan 11	Feb 11	Mar 11	Apr 11	May 11	Jun 11	July 11	Aug 11	Sept 11	Total
Stop Program-*Sensibly Taking Off Pounds(weigh-ins)*	10	5	13	7	-	27	17	6	21	-	15	4	5	130
Caught Doing it Right-*Promotes employees productivity & creativity (submissions)*	1	-	2	63	-	-	-	-	-	-	-	1	1	68
Breathe Program-*Rewards for ending tobacco use (submissions)*	-	-	-	4	-	-	-	-	-	-	-	1	1	6
Ducs in a Row-*Doing Useful Community Service (submissions)*	-	-	-	-	-	-	-	-	-	-	-	-	-	-

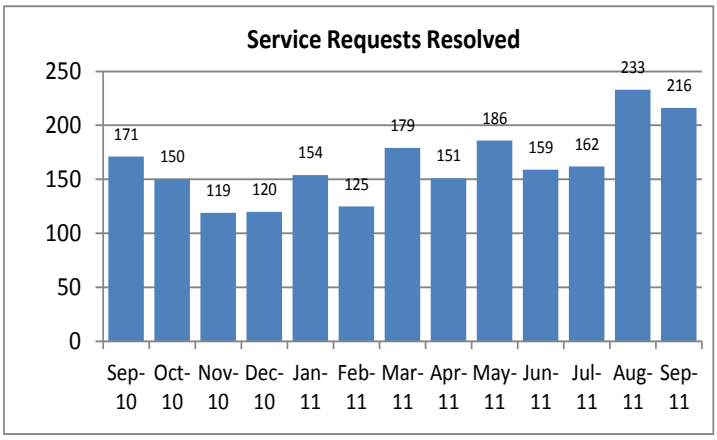


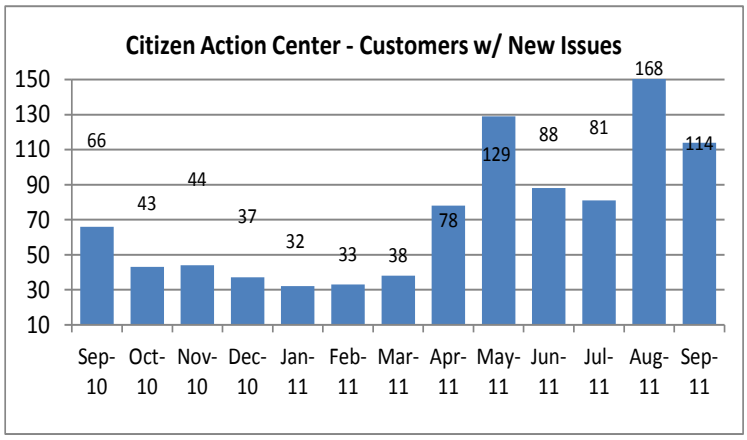
Public Utilities: 1 Public Services: 2 Police: 0 All Other Depts.: 1

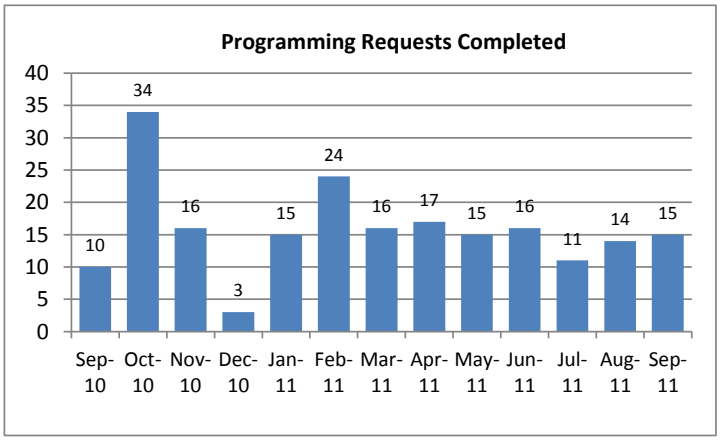


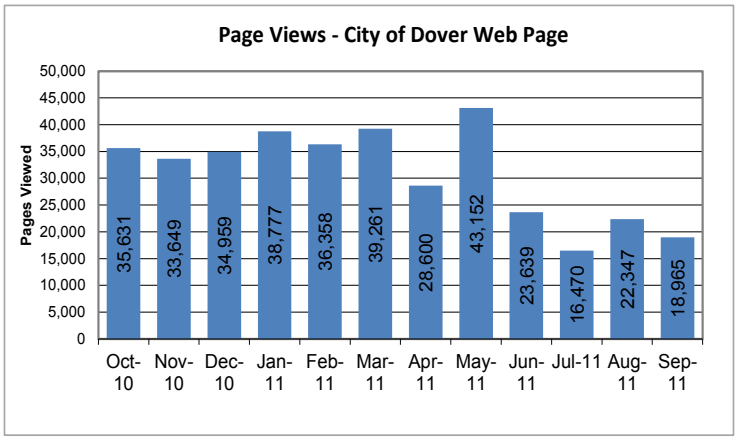
Public Utilities: 258 Public Services: 2 Police: 3 All Other Depts.: 0

INFORMATION TECHNOLOGY





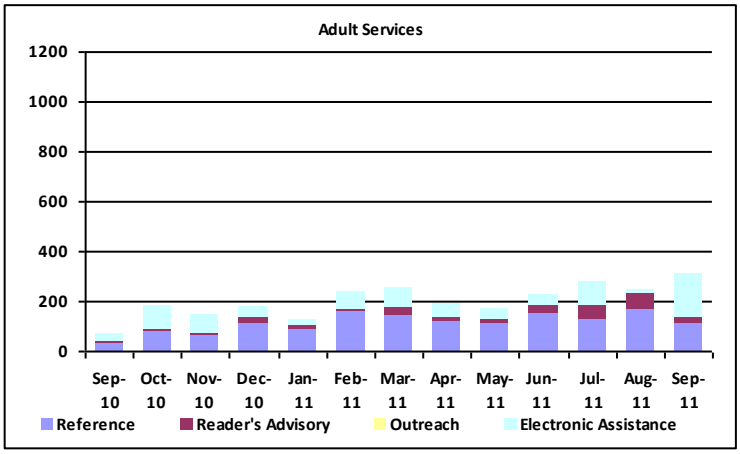


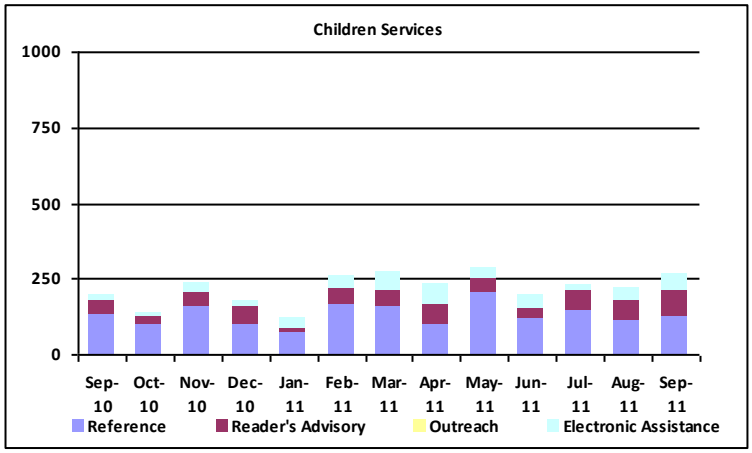


Performance Indicators	Current Month	Last Month	Same Month Last Year
iSeries Availability	100%	100%	100%
Server Availability	100.000%	99.758%	100%
AS/400 Connections *(concurrent/authorized users)*	N/A	N/A	N/A
PCs Supported	337	336	343
Scheduled PCs Replaced	-	-	-
Servers Supported	16	16	16
People Trained	8	7	5

Availability Statistics based on 7:00 AM until 5:00 PM Monday—Friday

Library





Reference - 112 Reader's Advisory – 26
Electronic Assistance – 174; Outreach – 0

Reference - 128; Reader's Advisory – 81
Electronic Assistance – 57; Outreach – 0

CIRCULATION	SEPTEMBER 2011	FYTD 2012	SEPTEMBER 2010	FYTD 2011
Dover Residents	13,912	50,801	16,262	54,452
Kent County Residents*	12,320	44,837	13,937	46,289
Non-County Residents	1,250	4,872	1,182	3,763
REGISTRATIONS				
Dover Residents	212	651	250	810
Kent County Residents*	118	305	102	367
Non-County Residents	11	33	N/A	25
OTHER				
Visiting Patrons	31,221	96,604	30,688	100,886
Meeting Room Usage	100	120	240	660
Photocopier Usage	1,670	4,625	1,392	5,259
Dial-A-Story	1,075	3,425	1,087	4,464
Computer Usage	4,193	12,234	4,437	14,465
Holds (Total)	7,089	22,248	N/A	17,710

***Breakout of Kent County Residential Statistics**

Circulation	Registrations
Harrington: 152	Harrington: 0
Smyrna: 658	Smyrna: 14
Milford: 208	Milford: 2
Outside City Limits: 11,302	Outside City Limits: 102

Total Registered Users: (Card Holders)

City: 18,003 Kent County: 13,835 Outside Kent County: 965

Other Points of Interest:

Interlibrary: 5,242 items loaned out
3,562 items borrowed

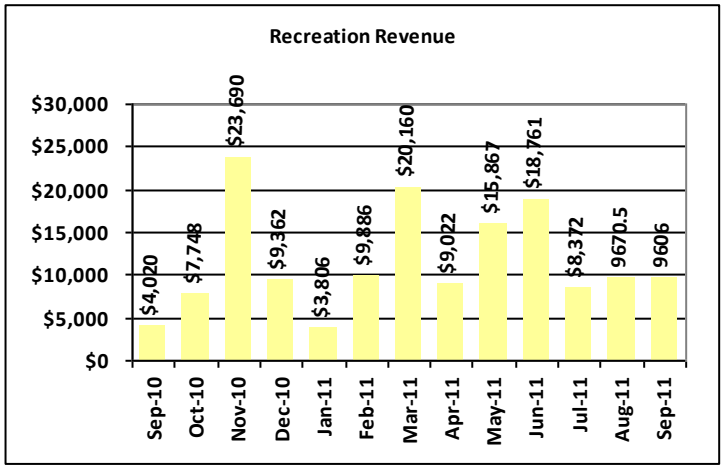
Technical services: 1,407 items added
2,151 items deleted

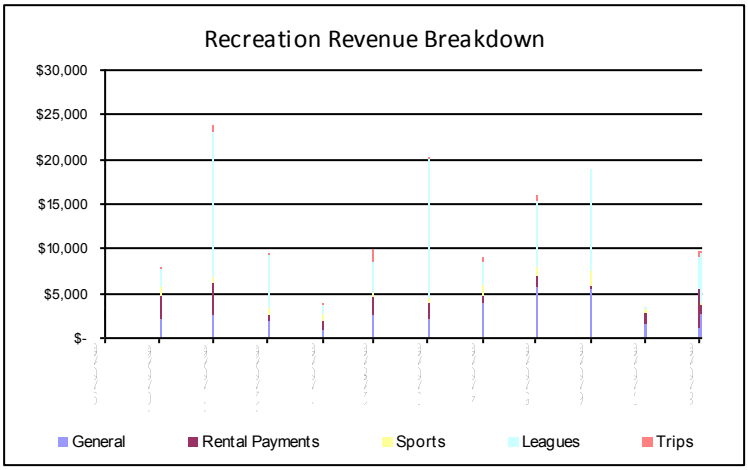
Volunteers: 234 hours of service completed

***** Meeting Room Usage***

Usage number is down as this room hosts the Job Center

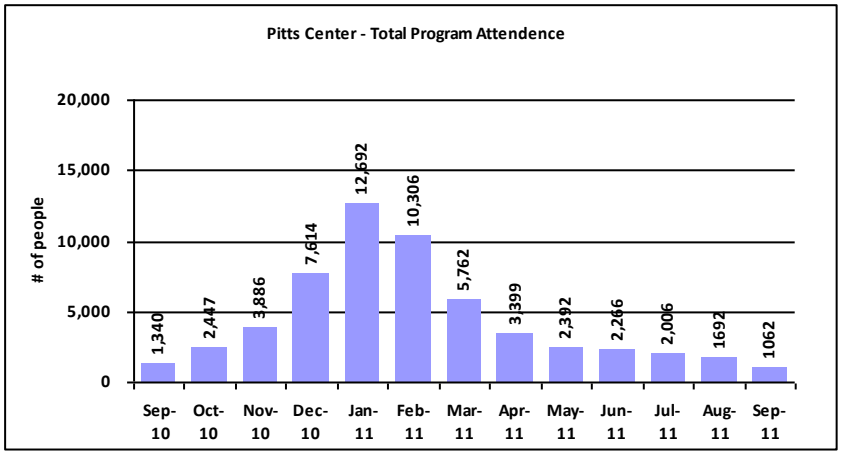
Parks and Recreation





General: $1,150 Rental Payments & Special Events: $4,161
Sports: $140 Leagues: $3,485 Trips: $670

Rentals	SEPTEMBER 2011		FYTD 2012		SEPTEMBER 2010		FYTD 2011
Baseball/Softball Field Rentals*	23		75		29		99
Dover Park Pavilions (2)	3		29		0		17
Multipurpose/Field Hockey Field Rentals*	2		21		0		51
Recreation Center – Dover Park	16		55		15		83
Silver Lake Pavilions (2) / Schutte (1)	3		11		5		23
Soccer Field Rentals*	3		3		2		6
Stage – Mobile Platform	3		12		3		11
These numbers reflect groups that utilized our facilities during August 2011.							
Program Attendance*	**SEPTEMBER 2011**		**FYTD 2012**		**SEPTEMBER 2010**		**FYTD 2011**
Super Summer Playground	0		0		0		0
This number reflects activities that took place in September 2011. (Not included on the JWP report.)							



FREE Open Gym Registration Cards* - through 8/30/2011
Total Cards Issued: **4,506**
City Residents: 2,036 - (45%)
Non-City Residents: 2,470- (55%)
- Kent County: 2,023 - (45%)
- Sussex County: 148 - (3%)
- New Castle County: 105 - (2%)
- Out of State: 194 - (4%)

The cards permit entrance to the facility during scheduled Public Open Gym Periods at no charge.

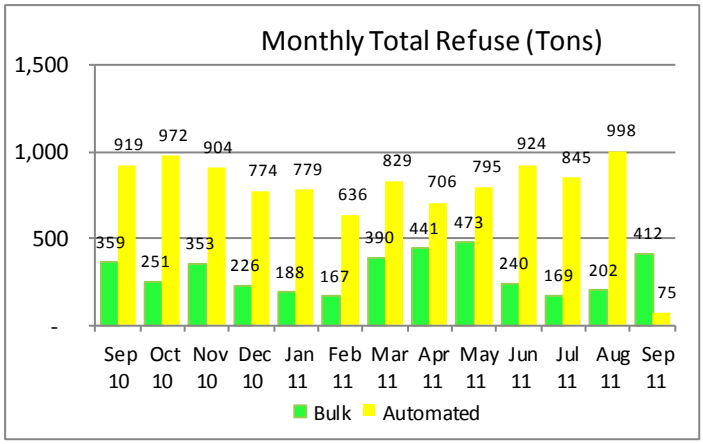
PUBLIC SERVICES

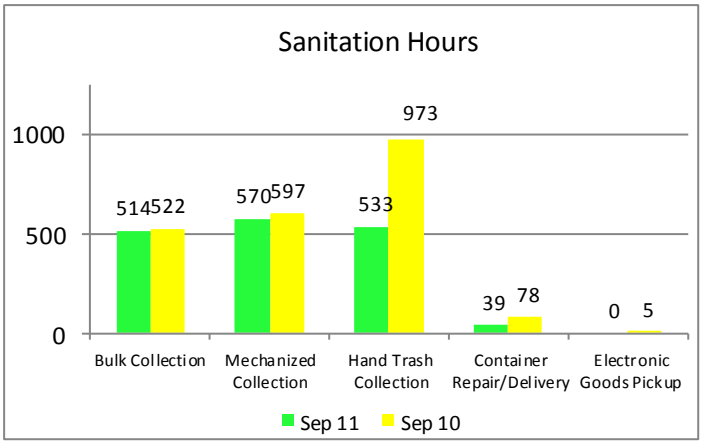
Administration

Administrative review and inspection services continued on all residential and commercial developments. The following residential subdivisions are in various phases of construction:

Oak Shadows
Village of Westover (Phase VI)
Patriot Village
Eden Hill (Residential)
Emerald Pointe
Farthing Woods
Clearview Meadows
Lexington Glenn
Nottingham Meadows
Village of Cannon Mill

Sanitation





	SEPTEMBER 11	FYTD 12	SEPTEMBER 10	FYTD 11
Trips to DSWA Sandtown Landfill	188	579	244	781
Total Tonnage to DSWA	1,157.20	3,370.90	1,277.69	4,039.89
90-Gallon Containers Delivered	22	70	44	79
300-Gallon Containers Delivered	2	4	4	18
Total Man Hours-containers Delivered	39	127	78	202

CURBSIDE RECYCLING STATS	TOTAL # OF HOUSEHOLDS	TOTAL # OF AC-COUNTS	WEIGHT/LBS.	AVE. LBS.
SEP 2011	17,636	8,015	264,080	14.97

Streets	SEPTEMBER 11	FYTD 12	SEPTEMBER 10	FYTD 11
Signed Installed	17	56	23	80
Signs Repaired	20	45	3	63
Curbs Painted Yellow (feet)	290	416	540	833
New Post Installed	8	33	10	28
Storm Catch Basins Repaired	3	30	0	24
Storm Catch Basin Repairing (Hrs.)	56	100	0	148
Storm Catch Basins Cleaned	184	184	0	0
Storm Catch Basins Cleaning (Hrs.)	38	38	0	0
Hot Mix Patching (Tons)	0	63	20	90
Hot Mix Patching (Hrs.)	0	420	75	348
Cold Mix Patching Hrs.)	24	125	16	80
Concrete Work (Hrs)	38	544	108	192
Concrete Patching (Cubic Yards)	0	1	10	33
Street and Alley Maintenance (Hrs)	176	520	157	469
Ditch Work (Hrs).	24	64	0	65
Street Sweeping (Miles)	1,403	3,399	1,577	3,793
Street Sweeping (Cubic Yards)	366	746	348	744

GROUNDS - Arborist Crew	**September 2011**	**September 2010**
Trees Trimmed	13	48
Trees Removed	35	26

Much of the time was spent cleaning up storm damaged trees in the parks from the hurricane.
Cleared out tree debris from the Puncheon Run stream behind Lynnhaven Drive.
Chipped brush in the Towne Point subdivision to assist the Sanitation Division with storm debris removal.

Beautification Crew

Assisted with storm clean up including trees and Grounds shop.

Began pulling beds for planting of spring flowering bulbs.

Prepared quotes for the following: spring blub order, seed and plug order and horticulture supplies.

Planted chrysanthemums in front edge of the Route 8 island bed.

Assisted the Streets Division by helping put down 600 sq. feet of sod at The Meadows and keeping it watered.

Mowing Crew

Assisted the arborist crew with storm damaged trees it the parks.

Removed three (3) small trees and cut back vines and underbrush at 21 N. Kirkwood Street to provide access for inspection and removal of vacant property.

Cleaned up the Grounds shop from flood damage including raw sewage from the Kent County Pumping Station.

Economic Development

UNEMPLOYMENT RATES	AUG 10	SEP 10	OCT 10	NOV 10	DEC 10	JAN 11	FEB 11	MAR 11	APR 11	MAY 11	JUN 11	JUL 11	AUG 11
City of Dover	10.2%	10.1%	10.3%	10.1%	9.4%	10.0%	9.6%	9.5%	9.0%	8.9%	9.9%	9.6%	9.4%
National & State averages (US-9.2% & State-8.0%) Source: State of Delaware Department of Labor													

TYPE	YTD Contacts Made
Small Businesses	8
Out-of-town Companies	7

Number of contacts made with small businesses and with out -of-town companies interested in locating to Dover.

- Staff provided an update on the historical perspective of the Economic Development Office to the City Council's Legislation and Finance Committee.
- Staff participated in a Webinar on Captive Insurance.
- Staff provided historical data to DEDO on the Blue Hen Mall
- Staff met with the Campus Director of Delaware Technical and Community College;
- Staff attended meetings of the Central Delaware Business and Entrepreneurship Consortium.
- Staff provided an Economic Development Update to the Dover Rotary, including the plan for North Street Area Improvements.

Downtown Dover Partnership

- Bids were received in response to the RFP for Renovations to 22-24 W Loockerman. All bids received were in excess of the funds budgeted and we are working with Becker Morgan and the bidders to perform value engineering for this project.
- Bids have been reviewed and interviews held with the top two firms responding to the RFP for Architectural and Engineering Services on the North Street Area Improvements. Only one RFP was received for Legal Services on the North Street Area Improvements. Recommendations on the North Street Project Contracts will be presented to the DDP Board at the October 6th Board Meeting.
- Six applications were received for the Design Demonstration Grant which will award up to $20,000 to be used for exterior improvements on a downtown property.
- The Loan and Incentive Subcommittee of the DDP Economic Development Committee is finalizing the application documents, policies, and procedures for their loan program.
- Staff provided an update on the North Street Area Improvements and the funding received from the State Bond Bill to the City Council's Legislation and Finance Committee.
- A workshop was held on September 14, 2011 on QuickBooks. It was attended by eleven (11) small business owners.
- Staff gave a presentation on the outcomes of the 2010 Charrette and conducted a walking tour for Main Street Managers and DEDO representatives to highlight the planned redevelopment activities in the downtown district (Bayard Plaza, North Street Improvements, and the Acme Site Plan).

Life Safety

Inspections	SEPTEMBER 11	FYTD 12	SEPTEMBER 10	FYTD 11
Fire Protection Inspections (new & existing)	71	226	51	233
Fire Code Inspections	55	203	46	339
Inspection Deficiencies	99	298	40	367
Certificate of Occupancy	1	7	16	25
Office	83.5	282	98	294
Meetings	44	130	47	134
Plan Review	23	86	31	137
Training	4	4	25	42
Fire Investigations	8	20	17	55
Accidental	$23,350.00	$124,750.00	$8,050.00	$48,550.00
Incendiary	$51,800.00	$52,200.00	$0.00	$10,000.00
Undetermined	$1,000.00	$41,500.00	$800.00	$2,300.00

Permitting and Inspections

Permits Issued	SEPTEMBER 11	FYTD 12	SEPTEMBER 10	FYTD 11
Administrative Permit	1	5	2	7
Building Addition/Renovation Permits	42	99	45	189
Building Permits	15	58	19	33
Demolition Permits	2	4	2	6
Fence Permits	7	29	6	28
Fire Prevention Permits	2	13	10	22
Mechanical Permits	26	69	16	66
Plumbing Permits	41	107	63	164
Sign Permits	17	61	19	63
Swimming Pool Permits	0	6	0	2
Licenses Issued				
Business Licenses	204	1,159	263	1,359
Fire Protection	40	189	0	0
Merchant Licenses	32	245	12	256
Contractor Licenses	59	580	58	669
Lodging House Licenses	0	0	0	0
Mobile Homes	17	223	16	151
Public Occupancy	22	39	11	27
Rental Dwelling	19	61	24	55

Building Inspections

Permits Issued	SEPTEMBER 11	FYTD 12	SEPTEMBER 10	FYTD 11
Building	256	842	365	1,239
Plumbing/Mechanical	375	1,084	567	1,259
Certificate of Occupancy	10	29	22	78

Geographic Information Systems (GIS)

- Created map of DDP properties.
- Created many maps for voter redistricting.
- Calculated pipe mileage for City water system.
- Created and printed several maps and posters for Downtown Dover Development Office.

Dangerous Building/Demolition Status – September 2011

58 East Rustic Lane

- Declared dangerous by City Council on June 13, 2011.
- Property owner requested a 30-day extension until August 13, 2011.
- Bids have been solicited for the pending demolition of the structure.

43 East Division Street

- Declared dangerous by City Council on June 13, 2011.
- Property owner has demolished the structure without further city intervention.
- Case is still open pending completion of demolition by the property owner.

423 Collins Drive

- Declared dangerous by City Council.

443 Collins Drive

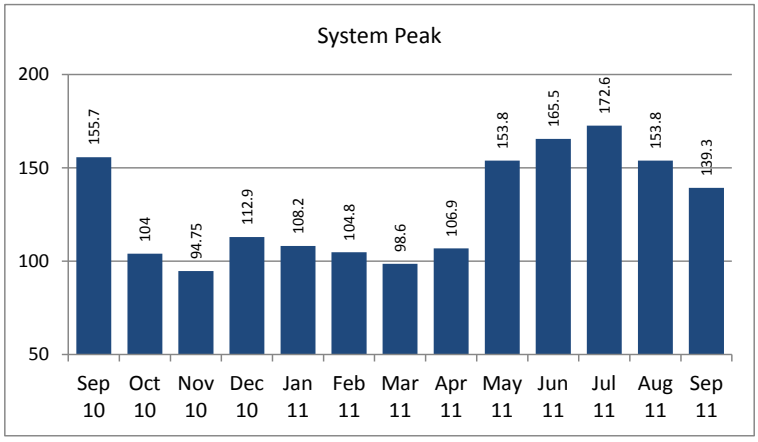
- Declared dangerous by City Council.

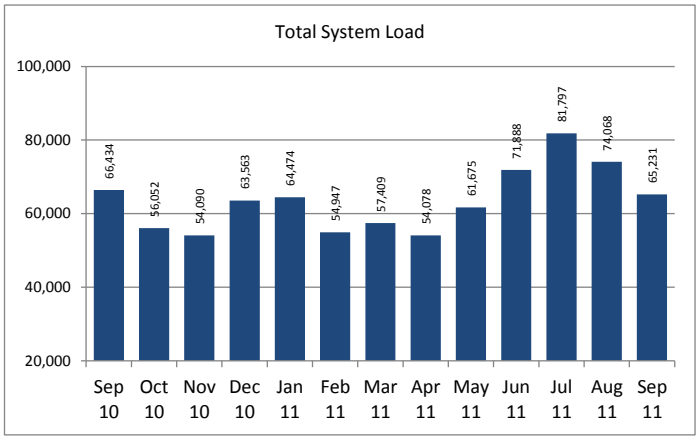
21 North Kirkwood Street

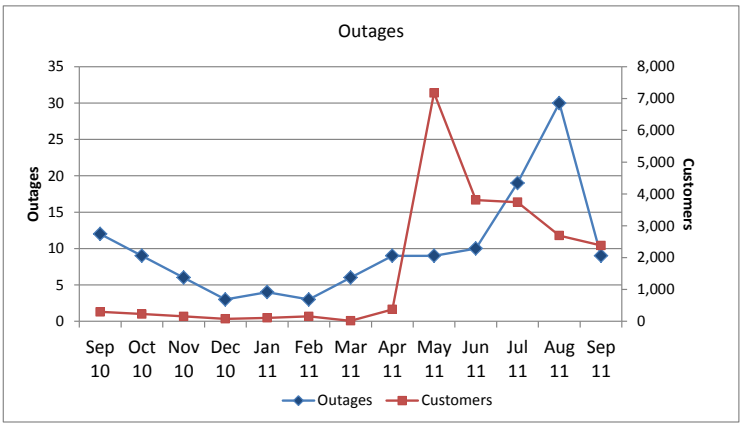
- Declared dangerous by City Council.
- Bids have been solicited for the pending demolition of the structure.

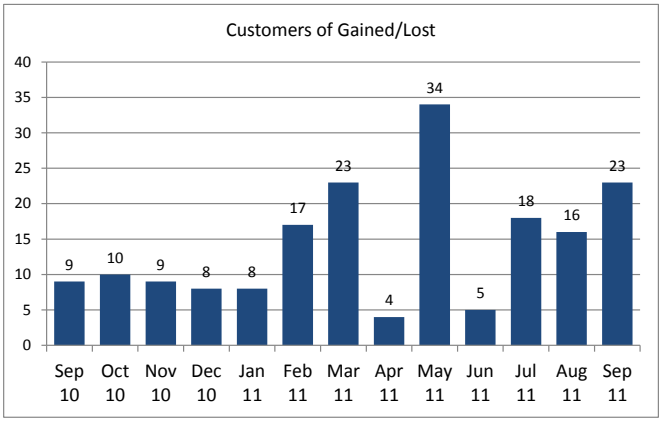
PUBLIC UTILITIES

Electric









Outages: 9 Customers: 2,381

Electric Monthly Outage Report

The annual outage goal will be less than 295 minutes per customer, which is a Delaware Standard. This will be measured by calculating the System Average Interruption Duration Index.		
FY 12 YTD	**FY 11**	**FY 10**
50.30	63.78	160.14

Controllable Outages *Annual goal is less than 40*		**Average Response Time** *Goal is less than 30 minutes*	
Month	**Year-to-date**	**Month**	**Year-to-date**
4	25	37.43 Minutes	39.97 Minutes

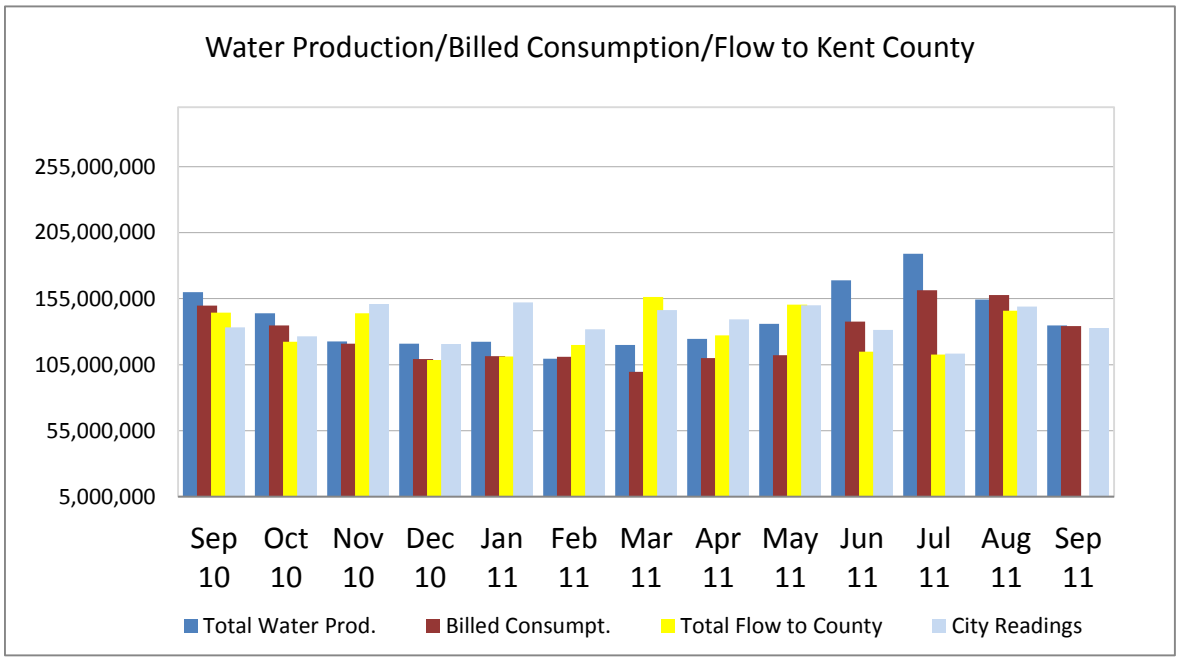
Electric Engineering Design

Major Program Updates	SEPT 11	SEPT 10	DIFF	FY12 YTD	FY11
Extensions Design Completed Within 30 days of complete Submission	0	0	-	2	0

New Underground Installation	% Completed	New Underground Installation	% Completed
N/A		N/A	

PROGRAM UPDATES	SEPT 11	SEPT 10	FY12 YTD
Tree Trimming	115	142	463
Number of Oil Releases	0	0	1
Lost Time Accidents – All Electric Utility Divisions	0	0	2
New Services	23	9	57
Major Goals Completed in the Past Two Months			
N/A			

Water/Wastewater



ENGINEERING SUMMARY

Major Program Updates	SEPTEMBER 11	SEPTEMBER 10	DIFF	FY12 YTD	FY11
State and Federal Violations	0 violations	0 violations	-	-	-
Water Quality Complaints	14	9	5	39	26
Plan Review Completed Within 30 days of Submission	5 plans 100%	10 plans 100%	-5 plans	100%	100%
Field Inspection Response within 48 hours of Request	100%	93.75%	6.25%	99.1%	93.15%

Major Goals Completed in the Past Two Months
✓ Twelve inch water main installed from Wild Meadows toward the Sun Park.

OPERATIONAL SUMMARY

Task	SEPTEMBER 11	SEPTEMBER 10	Current FY
Water Production – Daily Average	4,487,200	5,335,367	478,126,000
Average Field Response Time (goal is < 30 minutes)	25.4	22.25	25.82
Water Mains Repaired	4	1	10
Water Service Lines Repaired	2	1	8
Wastewater Mains Repaired	0	1	0
Wastewater Service Lines Repaired	1	1	4
Sewer Lines Flushed – Linear Feet	72,587	135,357	259,318
Percentage of Flow Sent to Kent County vs. Gallons Billed (inflow/Infiltration monitoring)	118%	98%	104%
Total Water Meters in City Distribution System	13,973	13,862	33
Lost Time Accidents – All Water/Wastewater Divisions	1	-	1

CITY PLANNER'S MONTHLY REPORT

Public Services Group
P.O. Box 475
Dover, DE 19903
Phone: (302) 736-7196 Fax (302) 736-4217

September 2011

PERSONEL

September 21, 2011 was Michael Albert's (Planner II) last day with the City of Dover Planning Department. Best wishes as his family relocates to Raleigh, North Carolina for his wife's post-doctorate employment.

During the September 2011 NASCAR Race staff activities involved manning the Command Post, data gathering with GIS technology, intake of business licenses, license and code compliance checks, and incident response by Fire Marshals in addition to the regular daily operations of the Department of Planning. The Staff activities specifically related to the NASCAR event covered the period of Wednesday, September 28th through Sunday, October 2nd and involved 15 City Staff, 1 State Fire Marshal and 4 Kent County Dispatchers.

EDEN HILL FARM TND

- In early September permits were re-issued for a series of revisions to six townhouse dwelling units proposed for construction on Ridgely Boulevard. For the Residential District of Eden Hill Farm Traditional Neighborhood Design the totals remain at 53 dwelling units complete of the 59 permits approved for dwelling units.
- In September, there was no specific activity associated with the Professional Office, Medical & Financial District.
- There was no activity associated with the Neighborhood Commercial District.
- Construction staging and preparation activities continue for the construction of the North Street Circle (Roundabout). This road system element at the previous intersection of the farmhouse driveway and North Street will include a traffic circle with connections from North Street into the Commercial District area, the Professional, Medical & Financial District, and the Eden Hill farmhouse property.

COMPREHENSIVE PLAN IMPLEMENTATION

Planning Staff continues to focus efforts on the implementation items identified in the *2008 Comprehensive Plan* as amended.

- Following the adoption of revision to the application processing provisions of *Zoning Ordinance*, Article 10, Planning Staff has updated the Public Notice instructions. The Planning Commission and City Council have approved the Policy on Physical Posting of Properties.
- Planning Staff continues to work on the development of several other ordinances including text amendments to the *Land Subdivision Regulations* pertaining to Homeowners Associations. In September, the Planning Commission reviewed and provided a recommendation regarding the text amendments to the *Zoning Ordinance* pertaining to swimming pools.

Other Activities

New Dover High School Project (C-10-05) - Construction activities related to utilities, stormwater management facilities, and site prep continue at the site. The monthly progress meeting on the Dover High School project was held on September 15th with Planning Staff and Public Utilities Staff meeting with the district's design professionals and DelDOT staff. The Planning Office continues working on the review of Bid Pack C for Check Print review of the overall site development plan as associated with Application C-10-05/S-

11-18.

The construction activities continue for the following Capital School District projects: Professional Development Offices & Maintenance Facility located on Commerce Way and Site Improvements to William Henry Middle School/Booker T. Washington Elementary School.

PERMITTING AND LICENSING REVIEW

The Planning Staff is part of the Building Permit review process. Our activities involve reviewing specific types of permit applications for compliance with the *Zoning Ordinance* and for compliance with any conditions of approval from the Planning Commission, Board of Adjustment, or Historic District Commission.

Permits Reviewed (Issued)	Jan-11	Feb-11	Mar-11	Apr-11	May-11	June-11	July-11	Aug-11	Sep-11	Permits Reviewed YTD 2010	Permits Reviewed YTD 2011
Building Additions/Renovations Permits	12	13	24	36	29	42	36	22	35	307	249
Building Permits	2	3	10	11	7	6	13	4	3	75	59
Demolition Permits	3	6	2	3	11	1	1	1	2	23	30
Fence Permits	5	2	14	14	18	5	11	11	7	70	87
Sign Permits	9	4	6	10	11	12	7	8	5	81	72
Temporary Sign Permits	2	6	9	3	11	7	6	7	9	52	60
Swimming Pool Permits	0	0	1	0	3	8	6	0	0	10	18
Certificate of Occupancy	11	9	22	17	20	17	10	7	10	147	123
Total # Permits Reviewed (Issued)	**44**	**43**	**88**	**94**	**110**	**98**	**90**	**60**	**71**	**765**	**698**

CODE ENFORCEMENT

Case Type	# cases current month	# cases YTD	% staff initiated current month	% staff initiated YTD
No valid rental permit	2	141	100%	95%
No valid building permit	8	56	75%	75%
Tall grass and weeds	113	511	65%	65%
Unregistered vehicle	1	20	100%	70%
Abandoned vehicle	13	89	38%	62%
Annual Housing Inspection	76	510	96%	98%
Property Maintenance – Exterior	37	393	62%	55%
Electric Termination	2	151	50%	92%
Dover Code of Ordinances	60	432	73%	68%
Zoning	10	88	60%	56%
Total Cases	**322**	**2391**		
Total # of Inspections	**445**			

COMMUNITY DEVELOPMENT
CDBG FY11 PROJECTS

The funding approval agreement for the release of CDBG funds was approved by the Mayor on July 21st and all FY 11 projects are underway.

Neighborhood Stabilization Program (NSP)

The City was awarded $1,426,740 for the acquisition and rehab of foreclosed properties to be sold to qualifying families. A total of $1,249,467 has been expended on the acquisition and renovations for 8 properties. One property has been purchased with program income and is for sale. The remaining balance of $177,272 will be utilized for renovations and acquisition. Three properties have been sold, four are for sale, one is a lease purchase and one is a rental that serves persons with disabilities.

218 Ann Avenue (sold)
343 Mimosa Avenue (sold)
907 Woodcrest Avenue (lease purchase)
1430 S. Hancock (group home rental)
1415 S. Hancock (for sale)
337 N. Governors Avenue (for sale)
254 Green Blade Drive (sold)
302 Stonebrook Place (for sale)
11 Westover Drive (for sale)

MEETING REPORTS

Board of Adjustment:

The Board of Adjustment met on September 21, 2011 and took the following actions. The next regular scheduled meeting of the Board of Adjustment is scheduled for October 19, 2011.

1. **Applicant #V-11-07 - 155 N. DuPont Hwy, W. Scot Parsons** – Moved to approve variance pertaining to signage and sign placement.
2. **Applicant #V-11-02 - 725 Horsepond Road, UHS of Dover, LLC** – Moved to approve variance for expansion of a structure within the AEOZ (Airport Environs Overlay Zone).
3. **Applicant #V-11-09 - 545 S. State Street: Adam Perza** – Moved to approve variance for rear yard setback and lot coverage to allow an addition to the dwelling.
4. **Applicant #V-11-10 - 852 S. Little Creek Road: The Dover Special School District** – Moved to approve variance for the type and size of signage.
5. **Applicant #V-11-11 - 591 S. DuPont Highway: Deanna Hynansky** – Moved to postpone action on application seeking submission of additional information.

Historic District Commission:

The Historic District Commission did not meet on September 15, 2011 as there were no applications for review. The next regular Historic District Commission meeting is scheduled for October 20, 2011.

Planning Commission

The Planning Commission met on September 19, 2011 and took the actions summarized listed below. The next scheduled Planning Commission meeting is scheduled for October 17, 2011.

1. **S-09-19 Walker Pavilion at Four Seasons at 101 Mont Blanc Boulevard** - Moved to approve a one year extension.
2. **SB-10-02 Wynsome Oaks Subdivision on White Oak Road** - Moved to approve a one year extension.
3. **S-10-17 Duncan Plaza at 600 Forest Street** - Moved to approve a one year extension.
4. **S-10-21 NBR Properties at 850 New Burton Road** - Moved to approve a one year extension.
5. **HI-10-08 Bayard Plaza on West Loockerman Street** – Moved to approve the revisions to the Architectural Review Certification for the project based on recommendations of Historic District Commission.

6. **S-11-11 Lands of Downtown Dover Partnership at 120 S. Governors Avenue** - Recognized that the Historic District Commission has approved the side yard setback waiver request to allow a seven (7) foot setback as conditionally approved by the Planning Commission. Action becomes part of the Architectural Review Certification approved for the project.
7. **S-11-09 State Street Plaza at 1004 S. State Street** – Accepted the revised architecture for the building including the removal of two (2) dormers on the front facade.
8. **C-08-01 House of Pride at Properties on North New Street and South New Street** – Moved to approve continuation of the Conditional Use Permit for seven properties contingent upon the repair and correction of identified discrepancies(from the September 2011 Inspections) and to continue with the annual review of the Conditional Use Permit to take place in July with inspections to take place in June.
9. **Z-11-06 Lands of EJB, Inc. at 327 Martin Street: Serenity Place** - Moved to forward a recommendation of approval to City Council to rezone the property from C-4 to IO.
10. **S-11-16 Governors Avenue Animal Hospital at 1008 South Governors Avenue** – Moved to approve the Site Plan to include the approval of the waiver for the Arterial Street Buffer and the waiver for the elimination of the fence component for the opaque barrier only in the front yard setback with the rest of the fence remaining as an alternative material of vinyl rather than wood.
11. **MI-11-09 Text Amendment: Revisions to Article 3 and Article 5 of the Zoning Ordinance regarding Swimming Pools** - Moved to forward recommendation of approval to City Council for the text amendment.

Submitted by:

Ann Marie Townshend

Ann Marie Townshend, AICP
Planning & Community Development Director

DOVER
FIRE DEPARTMENT



SEPTEMBER
2011

Incident Type Report (Summary)

Dover Fire Department

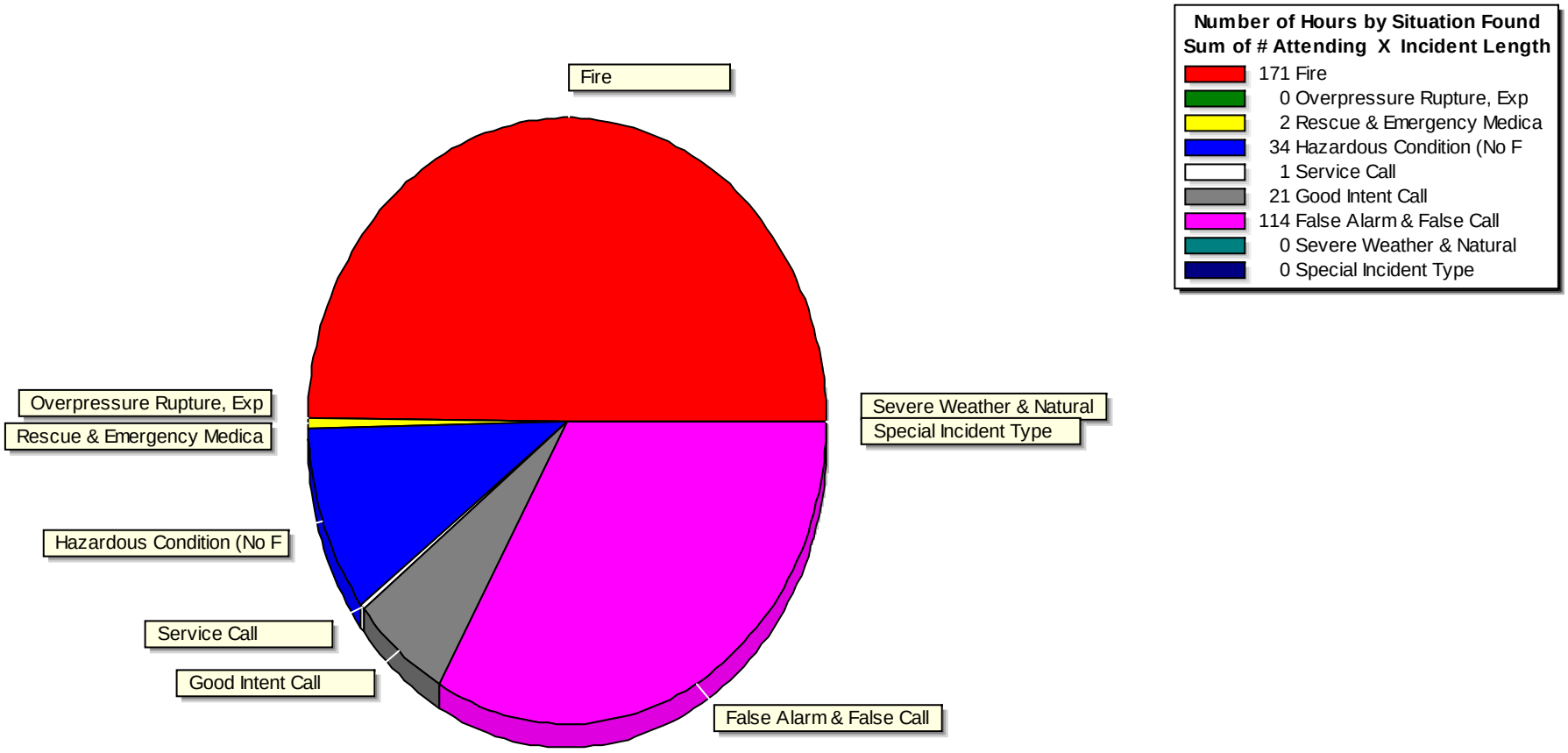
Date Range: From 9/1/2011 to 9/30/2011

Incident Type		Count	Pct of Incidents	Total Est Loss	Total Est Loss
1 Fire					
111 Building fire		4	5.80%	$0	0.00%
113 Cooking fire, confined to container		9	13.04%	$0	0.00%
131 Passenger vehicle fire		3	4.35%	$0	0.00%
150 Outside rubbish fire, other		1	1.45%	$0	0.00%
151 Outside rubbish, trash or waste fire		1	1.45%	$0	0.00%
154 Dumpster or other outside trash receptacle fire		1	1.45%	$0	0.00%
	Totals	**19**	**27.54%**	**$0**	**0.00%**
2 Overpressure Rupture, Explosion, Overheat(no fire)					
	Totals	**0**	**0.00%**	**$0**	**0.00%**
3 Rescue & Emergency Medical Service Incident					
353 Removal of victim(s) from stalled elevator		1	1.45%	$0	0.00%
	Totals	**1**	**1.45%**	**$0**	**0.00%**
4 Hazardous Condition (No Fire)					
412 Gas leak (natural gas or LPG)		4	5.80%	$0	0.00%
440 Electrical wiring/equipment problem, other		2	2.90%	$0	0.00%
441 Heat from short circuit (wiring), defective/worn		1	1.45%	$0	0.00%
	Totals	**7**	**10.14%**	**$0**	**0.00%**
5 Service Call					
500 Service Call, other		1	1.45%	$0	0.00%
511 Lock-out		1	1.45%	$0	0.00%
	Totals	**2**	**2.90%**	**$0**	**0.00%**
6 Good Intent Call					
600 Good intent call, other		3	4.35%	$0	0.00%
611 Dispatched & canceled en route		1	1.45%	$0	0.00%
622 No incident found on arrival at dispatch address		1	1.45%	$0	0.00%
631 Authorized controlled burning		2	2.90%	$0	0.00%
651 Smoke scare, odor of smoke		1	1.45%	$0	0.00%
	Totals	**8**	**11.59%**	**$0**	**0.00%**
7 False Alarm & False Call					
700 False alarm or false call, other		14	20.29%	$0	0.00%
714 Central station, malicious false alarm		1	1.45%	$0	0.00%
730 System malfunction, other		1	1.45%	$0	0.00%
733 Smoke detector activation due to malfunction		8	11.59%	$0	0.00%
735 Alarm system sounded due to malfunction		2	2.90%	$0	0.00%
743 Smoke detector activation, no fire - unintentional		4	5.80%	$0	0.00%
745 Alarm system activation, no fire - unintentional		2	2.90%	$0	0.00%
	Totals	**32**	**46.38%**	**$0**	**0.00%**
8 Severe Weather & Natural Disaster					
	Totals	**0**	**0.00%**	**$0**	**0.00%**
9 Special Incident Type					
	Totals	**0**	**0.00%**	**$0**	**0.00%**
	Totals	**69**		**$0**	

Manpower Hours by Sitation Found

Date Range: From 9/ 1/ 2011 to 9/ 30/ 2011

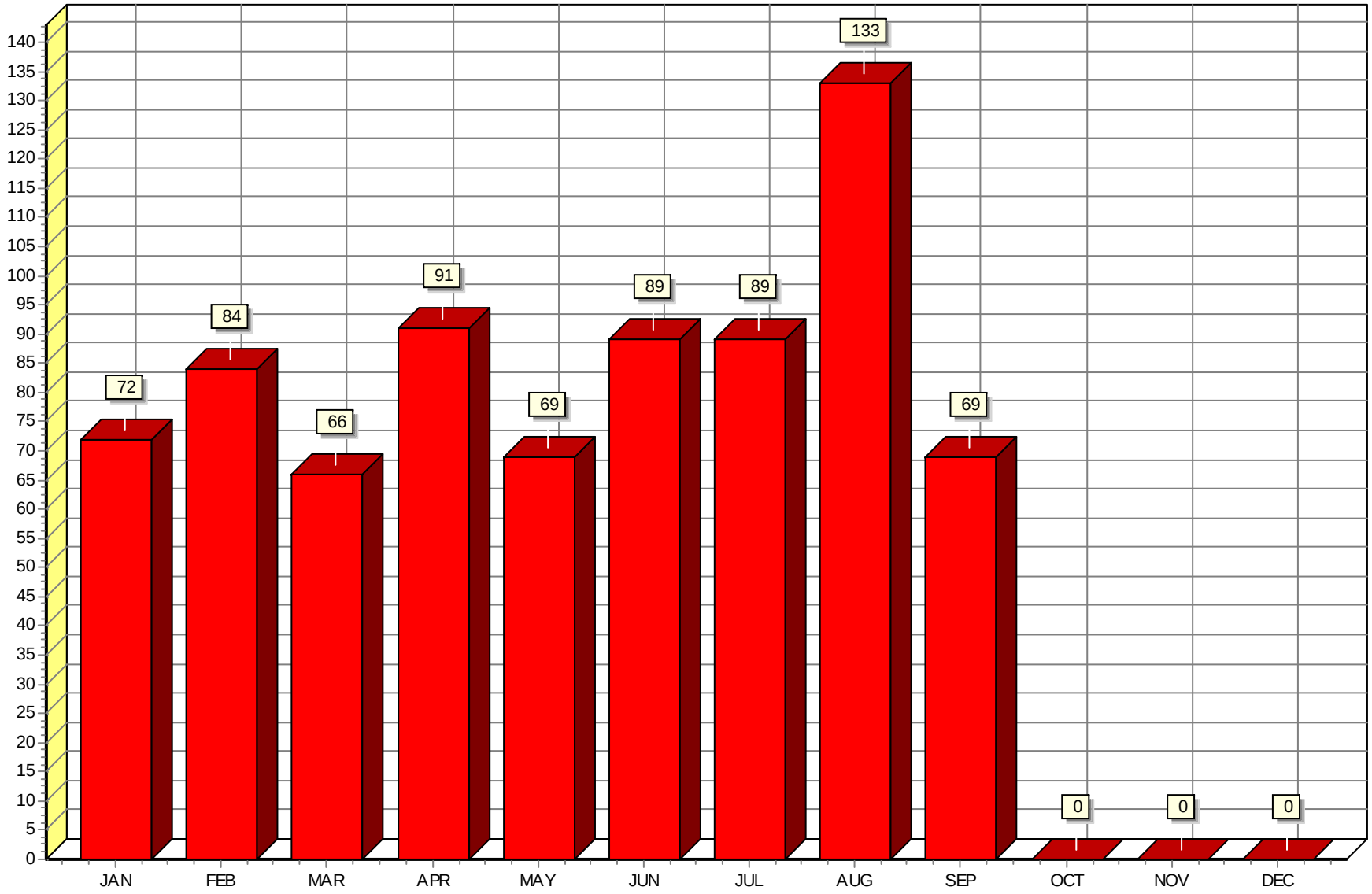
Dover Fire Department



Alarms by Month of Year

Dover Fire Department

Date Range: From 1/1/2011 to 9/30/2011



Incident Run Log

Dover Fire Department

Date Range: From 9/1/2011 to 9/30/2011
Company: All Companies
Sorted by: Incident Number

Date	FDID	Incident#	Alarm	###	Address	Suite	Type
09/01/2011	30046	2011-000694	22:35	930	WHATCOAT DR		Cooking fire, confined to container
		On arrival occupant advised they had a grease fire contained to the pan in apt 14. I went in to investigate same. No damage, however there was smoke and dry Chemical in the apt. Apt was ventilated using natural ventilation. 17 Cleared.					
09/02/2011	30046	2011-000695	20:16	1137	S STATE ST		Smoke detector activation due to malfunction
09/02/2011	30046	2011-000696	23:36	11	BAKER TURN		Electrical wiring/equipment problem, other
09/03/2011	30046	2011-000697	00:08	1	W LOOCKERMAN ST		Central station, malicious false alarm
		Pull station activation in the club area of the bar. FD could not make access due to large number of occupants (500+) FM and Dover PD were notified.					
09/03/2011	30046	2011-000698	04:04	516	West St		Dumpster or other outside trash receptacle fire
		On arrival Dover PD on scene of a small dumpster fire outside 516 West Street. Engine 7's crew extinguished same and cleared.					
09/03/2011	30046	2011-000699	08:33	237	PRESIDENT DR		Authorized controlled burning
		UNAUTHORIZED CONTROLLED BURN. RESIDENT WAS ADVISED TO EXTINGUISH FIRE.					
09/03/2011	30046	2011-000700	14:59	172	S GOVERNORS BLVD		Authorized controlled burning
		UNAUTHORIZED CONTROLLED BURN. RESIDENT WAS ADVISED TO EXTINGUISH FIRE.					
09/04/2011	30046	2011-000701	19:09	402	KESSELRING AVE		Building fire
		Dispatched to a reported working structure fire. I responded from my residence less than 1/2 mile away in the Command Car. Upon location, found a 2-story, single family dwelling with smoke evident from the "C' side. The home owner relates that there was an active fire in the basement and that all subjects were out of the house. Fire could be seen coming through the dryer vent opening. CWVFC Engine 41-1 was first on scene and was sent to the "B" side and directed to take an 1-3/4" attack line to the basement. Engine 4 arrived and was told to ventilate. Ladder 1 arrived on scene and was told to ladder the structure and perform search and rescue. Ladder 2 arrived on scene and was told to secure the utilities. LCVFC Engine 54-4 arrived on scene and was told to make themselves available. E-41-1's crew advised the fire was knocked down. Crews checked for extension and ventilated the smoke from the structure. All utilities were secured (gas, electric,water). The Red Cross was contacted for 1 adult male and 2 adult females. The scene was turned over to Dover FM-5 for his investigation.					
		User: O'Connor, Jr., Michael 09/04/2011 20:35:07					
09/05/2011	30046	2011-000702	04:11	213	WESTOVER DR		Smoke detector activation due to malfunction
		Responded to the above address for a smoke detector activation. Crews investigated to find the detectors needed new batteries. Scene was placed under control and all units returned.					
09/05/2011	30046	2011-000703	14:50		STATE ROUTE 1		Good intent call, other
		On arrival vehicle was overheating all units cleared.					
09/06/2011	30046	2011-000704	02:35	46	WILLIS RD		Good intent call, other
		RP CALLED BACK TO CANCEL ALARM. ALARM NOT SOUNDING. CANCELLED PER DOVER 15.					
09/06/2011	30046	2011-000705	08:10	1700	E LEBANON RD		Lock-out
		Two small children locked in a GMC Envoy. 16 upon arrival, had children out in 30 secs. Both children were 10-1.					
09/06/2011	30046	2011-000706	13:51	430	COLLEGE RD	100	Dispatched & canceled en route
		DSU security called and advised that system was being tested and they forgot to call					
09/07/2011	30046	2011-000707	07:15	1200	N DUPONT HWY		Smoke detector activation, no fire - unintentional
		Subject in dorm room W19-3 activated a smoke detector from doing there Hair. Crews completed a walk through of the building with no other findings. Fm 4 was made aware and untis cleared.					
09/07/2011	30046	2011-000708	16:31	530	N GOVERNORS AVE		Electrical wiring/equipment problem, other
		DFD responded to the above address in reference to a possible house fire. On arrival, investigation revealed the electrical panel in the basement began smoking and caused smoke conditions in the basement and slightly on the first floor. Crews secured the power and utilized the positive pressure to ventilate the residence. FM4 was on location and the scene was turned over to same. No further action taken.					
09/07/2011	30046	2011-000709	19:59	1300	S FARMVIEW DR	H	Heat from short circuit (wiring), defective/worn
		CREWS FOUND A HEATING ELEMENT THAT HAD SHORTED OUT IN APARTMENT 39. CREWS SECURED THE POWER TO THE OVEN AND CLEARED.THE FIRE ALARM DID NOT ACTIVATE EVEN THOUGH THERE WAS A HAZE OF SMOKE IN THE APARTMENT. THE ON CALL FM WAS NOTIFIED OF THE PROBLEM.					
09/08/2011	30046	2011-000710	03:05	1200	N DUPONT HWY		False alarm or false call, other
		Investigated automatic fire alarm . Found no problems.					
09/08/2011	30046	2011-000711	07:52	1001	FORREST AVE		Gas leak (natural gas or LPG)
		Single call for gas leak.					
09/08/2011	30046	2011-000712	12:06	32	W LOOCKERMAN ST		False alarm or false call, other
		Crews investigated and found pull station activated on the fourth floor. False alarm .					
09/08/2011	30046	2011-000713	23:40	400	N DUPONT HWY	A	False alarm or false call, other
		Crews responded and found smoke detector activation with no known reason. Crews cleared with no further action.					

Date	FDID	Incident#	Alarm	###	Address	Suite	Type
09/09/2011	30046	2011-000714	00:19	430	COLLEGE RD	600	Building fire
		On arrival found a 4 story apartment building with smoke on the first floor. Crews went in to investigate and found a sprinkler head activation from attended cooking with extension into the cabinets above the stove in the apt. Fire was extinguished by the sprinkler system prior to FD arrival. Crew secured the sprinkler system, checked for additional extension and performed natural horizontal ventilation. Scene turned over to FM 2 and DSU PD. Engine 4 cleared.					
09/09/2011	30046	2011-000715	00:29	1200	N DUPONT HWY		Smoke detector activation, no fire - unintentional
		On arrival DSU PD had checked the building and found a burning odor on the 2nd floor which thought was hair. Crews checked the area and confirmed same. Scene turned over to DSU PD. Engine 4 cleared.					
09/10/2011	30046	2011-000716	00:34	1030	S GOVERNORS AVE		Gas leak (natural gas or LPG)
		Dispatched to the above location for a possible gas leak. Upon arrival, crews investigated and found a faulty stove unit. The gas supply was shut off to same and the residents were advised to not restore the gas until it has been inspected by a repair technician. User: O'Connor, Jr., Michael 09/10/2011 01:04:27					
09/10/2011	30046	2011-000717	14:52	400	HASLET ST		System malfunction, other
		DFD responded to the above location reference to an alarm activation. Crews conducted a check of the building and met with negative findings. No further action taken.					
09/12/2011	30046	2011-000718	13:47	2703	FORREST AVE		Passenger vehicle fire
		E7 and E4 responded for report of a car fire at the above location. Upon arrival crews found a dodge stratus with a small fire in the front passenger wheel area due to the vehicle losing a wheel bearing. Charles Harvey was the registered owner of the vehicle. Vehicle was in motion when the fire started, due to this DSP was notified . Crews extinguished the fire and units returned turning the scene over to DSP for same.					
09/12/2011	30046	2011-000719	22:16		S LITTLE CREEK RD		Outside rubbish fire, other
		Dispatched for shopping cart on fire, on location, discovered a plastic type shopping cart on fire. on the sidewalk extinguished same, no exposures.					
09/14/2011	30046	2011-000720	07:12	101	BABB DR		Cooking fire, confined to container
		Dover Fire was alerted for an automatic fire alarm at the above location. Upon arrival crews found unattended cooking in a toaster in apt 1131. It was contained to same and scene was turned over to maintenance.					
09/15/2011	30046	2011-000721	18:45		SAULSBURY RD		Passenger vehicle fire
		DFD responded to the area of Saulsbury Rd b/t Walker Rd and Rt 8, in reference to a vehicle fire. Writer arrived on location first and observed a passenger vehicle with the engine compartment involved, extending into the interior of the vehicle. Engine 3 arrived and placed the front 1 3/4 ' proconnect in service. Crews quickly extinguished the fire, and after that, the scene was turned over to Dover PD. No further action taken.					
09/15/2011	30046	2011-000722	23:49	1	W LOOCKERMAN ST		Service Call, other
		Writer responded to above for report of an automatic alarm at above due to someone ripping the pull station off the wall as they were being escorted from the business for being disorderly. Writer contacted the owner Jason Leone who stated the subject had left the area and he did not cause damage to same he simply pulled the pull station as he was exiting. Alarm was reset prior to FD arrival.					
09/16/2011	30046	2011-000723	08:25	150	SAULSBURY RD		False alarm or false call, other
		Dover Fire was alerted for report of an automatic fire alarm at the above location. Upon arrival crews investigated and found that the alarm had been reset by maintenance prior to FD arrival. It was set off due to maintenance cutting pipes inside the building. Units cleared .					
09/16/2011	30046	2011-000724	11:10	2800	N DUPONT HWY		Alarm system activation, no fire - unintentional
		Responded to the above address for a smoke detector activation in the back of the store. Crew investigated to find workers had set the system off with steam cleaner. Scene was placed under control and E 4 returned.					
09/16/2011	30046	2011-000725	15:15	97	COMMERCE WAY	101	Removal of victim(s) from stalled elevator
		On arrival for a mlae subject in stuck in an a stalled elevator on the second floor. Crew used elevator keys and freed same. No further action.					
09/16/2011	30046	2011-000726	15:16	612	N WEST ST		Smoke detector activation due to malfunction
		Occupant turned off the power to her alarm system due to an issue with a smoke detector and activated same.					
09/16/2011	30046	2011-000727	20:48	820	CARVEL DR	D	Cooking fire, confined to container
		UNATTENDED COOKING APT D-11. NO DAMAMGE.					
09/17/2011	30046	2011-000728	14:08	799	Townsend blvd		Smoke scare, odor of smoke
		Single call or smoke coming from the rear of a structure. Caller was a passerby. Reported in the area of 799 Townsend Blvd. Crews handling a cover up for the Convention (Engine 32, Truck 2, Squad 7, and Rescue 3) handled the call. They investigated the area and found nothing. Units cleared, good intent.					
09/18/2011	30046	2011-000729	15:51	1407	N DUPONT HWY		Alarm system activation, no fire - unintentional
		Responded to the above address for a AFA. All units arrived on location about the same time. Crews were unable to make entry into the building because none of the keys in the notch box worked. Crews did a walk around of the building from the exterior with negative results. Scene was placed under control and all units returned.					
09/19/2011	30046	2011-000730	04:24	1572	N DUPONT HWY		Smoke detector activation due to malfunction
09/20/2011	30046	2011-000731	19:02	950	WHATCOAT DR		False alarm or false call, other
		CHILDERN PULLED THE PULL STATION.					
09/20/2011	30046	2011-000732	21:54	950	WHATCOAT DR		False alarm or false call, other
		SUBJECTS SMOKING IN THE BASEMENT SET THE ALARM OFF. CAPTAIN HALL COMPLETED A WALK THROUGH WITH KNOW OTHER FINDINGS.					
09/21/2011	30046	2011-000733	10:19	209	S STATE ST		Smoke detector activation, no fire - unintentional

Date	FDID	Incident#	Alarm	###	Address	Suite	Type
					LIGHT BULB EXPLODED IN THE BUILDING. CREWS COMPLETED A WALK THROUGH OF THE BUILDING AND ISOLATED THE PROBLEM.		
09/21/2011	30046	2011-000734	18:42	29	N kirkwood st		Building fire
					DFD responded to 25 N Kirkwood St in reference to a working building fire. Writer arrived and reported a 2 story residential with fire showing from the front of the residence. Engine 4 arrived and established a water supply from the hydrant at Fulton and Kirkwood Sts. The crew from Engine 4 advanced an 1 3/4" preconnect for an interior attack. Ladder 1 arrived and were instructed to advance another preconnect line to the interior for fire supression. As the crews were attacking the fire on the first floor, the scond floor and the attic area became engulfed with fire. Writer (Command) ordered the evacuation of the building and an exterior attack was initiated. Rescue 1 and Engine 6 arrived and their crews assisted with fire supression efforts. After the bulk of the fire was extinguished, writer made the dicision to re-enter the residence and conduct interior operations. Engine 6 and Rescue 1's crews conducted a primary and secondary search of the residence and met with negative results. Crews subsequently extinguished the remaining hot spots and completed an extensive overhaul. The scene was then turned over to the Fire Marshal's office for their investigation.		
09/21/2011	30046	2011-000735	18:54	308	KESSELRING AVE		Cooking fire, confined to container
					BROKEN PAN IN THE OVEN.		
09/21/2011	30046	2011-000736	19:46	359	MIMOSA AVE		Smoke detector activation due to malfunction
					DEAD BATTERY IN SMOKE DETECTOR. DOVER PD ON SCENE MADE ENTRY PRIOR TO FD ARRIVAL.		
09/21/2011	30046	2011-000737	22:57	120	N STATE ST		Cooking fire, confined to container
					UNATTENDED COOKING THIRD FLOOR.		
09/22/2011	30046	2011-000738	22:54	907	W. north street		Gas leak (natural gas or LPG)
					DFD responded to the above location in reference to a possible gas leak inside the structure. On arrival, crews conducted a walk through of the residence and met with negative results. No further action taken.		
09/23/2011	30046	2011-000739	11:29	1200	N DUPONT HWY		False alarm or false call, other
					Smoke detector activation, unknown reason		
09/23/2011	30046	2011-000740	17:50	1371	S. STATE		False alarm or false call, other
					DFD responded to the above address in reference to an alarm activation. On arrival, crews located a detector on the first floor activated. A walk through of the residence was completed and met with negative findings. No further action taken.		
09/24/2011	30046	2011-000741	11:44	1200	N DUPONT HWY		Smoke detector activation, no fire - unintentional
					Dover 20 (Troubataris) was enroute to Evers Hall, DSU, in reference to an alarm activation. While responding, Dover dispatch advised DSU security was on location with burnt popcorn and no need for the fire department. Dover 20 cancelled his response and returned.		
09/24/2011	30046	2011-000742	21:30	1045	N DUPONT HWY		False alarm or false call, other
					Alarm activation due to construction workers. Call cancelled prior to responding.		
09/25/2011	30046	2011-000743	08:24	115	S. NEW STREET		False alarm or false call, other
					FF Osika arrived on location of 111 S New St in reference to an alarm activation. FF Osika conducted a walk through and placed the scene under control. No further action taken.		
09/25/2011	30046	2011-000744	09:47	100	HAMAN DR		False alarm or false call, other
					Dover 20 responded to the above address in reference to an alarm activation. Dover dispatch received a call from a resident in the building advising the alarm has been sounding for approximately an hour. Dover 20 arrived and placed the scene under control. Maintenance arrived and silenced / reset the alarm. No further action taken.		
09/25/2011	30046	2011-000745	13:05	125	HAMAN DR		Cooking fire, confined to container
					DFD responded to the above address in reference to a possible stove fire. While enroute, dispatch advised that the fire was extinguished but there was light smoke conditions. On arrival, crews from E4 and Ladder 2 noticed the stove had a coil wire broken and was still burning. Crews secured the power to the stove and extinguished the small flame. No further action taken. Building maintenance was unable to be contacted..		
09/25/2011	30046	2011-000746	15:25	1371	S State St		False alarm or false call, other
					DFD responded to the above location in reference to an alarm activation. Crews conducted a walk through of the building and met with negative results. No further action taken. This is the second response for the same activation.		
09/25/2011	30046	2011-000747	16:06	222	S DUPONT HWY		False alarm or false call, other
					E4 responded to the above location in reference to an alarm activation. E4 arrived on location and management had already reset the alarm prior to fire department arrival. No action taken.		
09/26/2011	30046	2011-000748	15:01	1225	WALKER RD		Cooking fire, confined to container
					BURNT BUTTER ON STOVE. FM 4 RESPONDED.		
09/26/2011	30046	2011-000749	15:54	1575	MCKEE RD	102	Alarm system sounded due to malfunction
					ALARM MALFUNCTION		
09/27/2011	30046	2011-000750	15:39	60	CARVER RD		Smoke detector activation due to malfunction
					ALARM MALFUNCTION		
09/28/2011	30046	2011-000751	11:20	10	FAIRWAY LAKES DR	A	Passenger vehicle fire
					Vehicle fire in the roadway. Meadows development		
09/28/2011	30046	2011-000752	18:39	21	S prestwick ct		Cooking fire, confined to container
					Unattended cooking fire contained to container.		
09/28/2011	30046	2011-000753	22:04	320	BILLY MITCHELL LN		Outside rubbish, trash or waste fire
					HOODIE ON FIRE. FIRE OUT ON ARRIVAL.		
09/28/2011	30046	2011-000754	23:35	1200	N DUPONT HWY		Smoke detector activation due to malfunction
					MALFUNCTIONING SMOKE DETECTOR 46C.		

Date	FDID	Incident#	Alarm	###	Address	Suite	Type
09/29/2011	30046	2011-000755	09:36	211	N NEW ST		Alarm system sounded due to malfunction
09/29/2011	30046	2011-000756	19:46	1131	N DUPONT HWY		Good intent call, other
	WHILE CHECKING THE DOVER DOWNS AREA B9 SPOTTED A SMALL FIRE IN A TREE. B9'S CREW WET DOWN THE AREA AND CLEARED.						
09/30/2011	30046	2011-000757	09:37	263	N DUPONT HWY		False alarm or false call, other
	CREWS CONDUCTED A WALK THROUGH OF THE BUILDING WITH NEGATIVE RESULTS. THE ALARM SYSTEM CONTIUED TO MALFUNCTION WHILE DFD WAS ON SITE. FM 1 PUT THE SYSTEM ON TEST AND ALL UNITS CLEARED.						
09/30/2011	30046	2011-000758	12:13	101	SILVER LAKE DR		Gas leak (natural gas or LPG)
	Gas leak outside discovered by HVAC technition. CU arrived on scene and found a leak in the charlie side piping. Gas was shut down and scene was turned over to C Utilities.						
09/30/2011	30046	2011-000759	15:21	631	RIDGELY ST		Smoke detector activation due to malfunction
	Smoke detector activation in suite 302. Unfounded, building placed on fire watch						
09/30/2011	30046	2011-000760	16:28	1001	WHITEOAK RD BLDG M		Cooking fire, confined to container
09/30/2011	30046	2011-000761	21:32		N.Dupont Highway		No incident found on arrival at dispatch address
	No incident found. Units cleared.						
09/30/2011	30046	2011-000762	21:42	271	N DUPONT HWY		Building fire
	On arrival contacted the manager who advised there was an odor of smoke in the building and she stated it was coming from the electrical room. Crews checked same and found the electrical wires were smoking and melting together on the in coming electrical wires from the city into the main breaker of the restaurant. Management advised they have been having issues since Thursday. City Electric was contacted and responded. The building was evacuated and City Electric disconnected the power to the building at the pole. Scene was turned over to City Electric and FM -1. All units cleared.						

Total Incidents: 69

FY 11-12 City Funded Account Balance Sheet

ACCOUNT	BUDGET	SPENT	BALANCE
Apparatus Repairs & Maintenance	$ 62,000.00	$ 32,117.00	$ 29,883.00
Gasoline	$ 19,050.00	$ 3,623.99	$ 15,426.01
Medical Supplies	$ 700.00		$ 700.00
Other Equipment Repairs	$ 3,000.00		$ 3,000.00
Program Expenses	$ 36,630.00	$ 6,998.40	$ 29,631.60
Radio Repairs	$ 2,000.00		$ 2,000.00
Safety & Security	$ 2,150.00	$ 474.15	$ 1,675.85
Small Tools	$ 4,800.00	$ 2,477.80	$ 2,322.20
Uniforms & Firefighting Gear	$ 26,100.00	$ 15.30	$ 26,084.70
Building Expenses- Electricity	$ 51,820.00	$ 15,207.75	$ 36,612.25
Building Maintenance Supplies	$ 1,650.00		$ 1,650.00
Heating Expenses- Gas	$ 20,000.00	$ 299.11	$ 19,700.89
Telephone	$ 20,340.00	$ 1,928.61	$ 18,411.39
Water & Sewer	$ 3,150.00	$ 299.24	$ 2,850.76
Contractual Services	$ 16,587.00		$ 16,587.00
Training & Travel	$ 8,815.00	$ 1,716.00	$ 7,099.00
Pension	$ 3,500.00		$ 3,500.00
Office Supplies	$ 2,500.00	$423.84	$ 2,076.16

Balance as of: 09/30/2011

Robbins Hose Company # 1, Inc.
Profit & Loss Detail
September 2011

Type	Date	Num	Name	Memo	Clr	Split	Amount	Balance
Ordinary Income/Expense								
Expense								
Apparatus Repairs & Maintenance								
Check	9/4/2011	486	Atlantic Emergency ...	MOR1244MOP		City Fund Acco...	346.94	346.94
Check	9/4/2011	486	Atlantic Emergency ...	MOR1438MOP		City Fund Acco...	751.72	1,098.66
Check	9/4/2011	486	Atlantic Emergency ...	MOS0849P		City Fund Acco...	134.58	1,233.24
Check	9/4/2011	486	Atlantic Emergency ...	MOR1351-A...		City Fund Acco...	1,798.50	3,031.74
Check	9/4/2011	486	Atlantic Emergency ...	MOS0844P		City Fund Acco...	161.04	3,192.78
Check	9/26/2011	495	Atlantic Emergency ...	MOR1542-AM0		City Fund Acco...	114.42	3,307.20
Check	9/26/2011	495	Atlantic Emergency ...	MOR1397MOP		City Fund Acco...	1,847.01	5,154.21
Check	9/26/2011	495	Atlantic Emergency ...	MOR1539MOP		City Fund Acco...	303.64	5,457.85
Check	9/26/2011	495	Atlantic Emergency ...	MOR1359MOP		City Fund Acco...	1,976.02	7,433.87
Check	9/26/2011	495	Atlantic Emergency ...	MOR1394MOP		City Fund Acco...	9,280.48	16,714.35
Check	9/26/2011	495	Atlantic Emergency ...	MOR1395MOP		City Fund Acco...	240.00	16,954.35
Check	9/26/2011	495	Atlantic Emergency ...	MOR1363-AM0		City Fund Acco...	7,896.64	24,850.99
Check	9/26/2011	495	Atlantic Emergency ...	MOR1517MOP		City Fund Acco...	347.10	25,198.09
Check	9/26/2011	496	Atlantic Emergency ...	MOR1349MOp		City Fund Acco...	437.95	25,636.04
Check	9/26/2011	496	Atlantic Emergency ...	MOR1476MOP		City Fund Acco...	44.00	25,680.04
Check	9/26/2011	496	Atlantic Emergency ...	MOR1477MOP		City Fund Acco...	66.00	25,746.04
Check	9/26/2011	497	Carl King Tire Comp...	Doc # 302496		City Fund Acco...	80.00	25,826.04
Check	9/26/2011	501	Municipal Emergenc...	Emergency Li...		City Fund Acco...	1,339.96	27,166.00
Check	9/26/2011	503	Townsend Bros. Ch...	Car 15 Serviced		City Fund Acco...	92.10	27,258.10
Total Apparatus Repairs & Maintenance							27,258.10	27,258.10
Electricity								
Check	9/4/2011	487	City of Dover	Sta 1- 7/29 to ...		City Fund Acco...	4,247.72	4,247.72
Check	9/11/2011	493	City of Dover	Acct-44255-3...		City Fund Acco...	893.26	5,140.98
Check	9/11/2011	493	City of Dover	Acct-44253-3...		City Fund Acco...	38.66	5,179.64
Total Electricity							5,179.64	5,179.64
Gasoline								
Check	9/4/2011	487	City of Dover	Diesel- 1853....		City Fund Acco...	2,172.13	2,172.13
Total Gasoline							2,172.13	2,172.13
Heating Expenses- Gas								
Check	9/11/2011	492	Chesapeake Utilities	Acct-01-7234...		City Fund Acco...	70.39	70.39
Check	9/11/2011	492	Chesapeake Utilities	Acct-01-3005...		City Fund Acco...	48.74	119.13
Total Heating Expenses- Gas							119.13	119.13
Office Supplies								
Check	9/4/2011	487	City of Dover	July Postage		City Fund Acco...	23.66	23.66
Check	9/27/2011	505	Staples	Acct # 6035 5...		City Fund Acco...	18.68	42.34
Total Office Supplies							42.34	42.34

Robbins Hose Company # 1, Inc.
Profit & Loss Detail
September 2011

Type	Date	Num	Name	Memo	Clr	Split	Amount	Balance
Program Expenses								
Check	9/4/2011	485	Atlantic Emergency ...	Invoice- EOS...		City Fund Acco...	3,648.00	3,648.00
Check	9/4/2011	489	Witmer Public Safety	Invoice-11412...		City Fund Acco...	110.16	3,758.16
Check	9/4/2011	489	Witmer Public Safety	Invoice- 1208...		City Fund Acco...	22.00	3,780.16
Check	9/4/2011	489	Witmer Public Safety	Invoice- 1141...		City Fund Acco...	292.80	4,072.96
Check	9/4/2011	490	Magnum	Invoice-28276		City Fund Acco...	18.00	4,090.96
Check	9/4/2011	490	Magnum	Invoice- 27711		City Fund Acco...	98.00	4,188.96
Check	9/4/2011	490	Magnum	Invoice- 28080		City Fund Acco...	8.40	4,197.36
Check	9/26/2011	499	ESI Equipment, Inc.	Holmatro Res...		City Fund Acco...	1,750.00	5,947.36
Check	9/26/2011	504	Witmer Public Safety	MSA Meters ...		City Fund Acco...	101.83	6,049.19
Total Program Expenses							6,049.19	6,049.19
Radio Repairs								
Check	9/26/2011	500	Magnum	Invoice # 27046	X	City Fund Acco...	0.00	0.00
Check	9/26/2011	500	Magnum	Invoice # 28519	X	City Fund Acco...	0.00	0.00
Total Radio Repairs							0.00	0.00
Safety & Security Material								
Check	9/26/2011	494	ATCO International	Invoice 10322...		City Fund Acco...	143.15	143.15
Check	9/26/2011	498	Delaware Fire & Saf...	Refill Extingui...		City Fund Acco...	331.00	474.15
Total Safety & Security Material							474.15	474.15
Small Tolls								
Check	9/4/2011	485	Atlantic Emergency ...	Invoice- EOS...		City Fund Acco...	868.00	868.00
Check	9/4/2011	491	Rommel's ACE	Acct # 718379		City Fund Acco...	78.16	946.16
Check	9/26/2011	502	Municipal Emergenc...	Invoice # 002...		City Fund Acco...	492.69	1,438.85
Check	9/26/2011	502	Municipal Emergenc...	Invoice # 002...		City Fund Acco...	732.70	2,171.55
Total Small Tolls							2,171.55	2,171.55
Telephone								
Check	9/4/2011	487	City of Dover	Verizon and C...		City Fund Acco...	767.20	767.20
Total Telephone							767.20	767.20
Uniforms								
Check	9/4/2011	488	Dover Army-Navy St...	Invoice-18479...		City Fund Acco...	15.30	15.30
Total Uniforms							15.30	15.30
Water/Sewer								
Check	9/4/2011	487	City of Dover			City Fund Acco...	94.25	94.25
Check	9/4/2011	487	City of Dover			City Fund Acco...	11.54	105.79
Total Water/Sewer							105.79	105.79
Total Expense							44,354.52	44,354.52
Net Ordinary Income							-44,354.52	-44,354.52
Net Income							**-44,354.52**	**-44,354.52**

PETITION TO AMEND SUBDIVISION REGULATIONS TEXT

Report to the
Dover Planning Commission
November 14, 2011

Proposed Change: Amendment to *Subdivision Regulations*, Article VII –Special Provisions, to create a new Section B – Homeowners Associations

Summary of Amendment: City Council and many residents of the City have expressed concerns about the state of several subdivisions that have gone inactive. This had led to infrastructure that is incomplete and not dedicated to the City and lack of maintenance of the private common areas (stormwater management areas and common open space) by homeowners associations. City Council assigned this issue to staff to develop a list of the problems and potential solutions related to the maintenance of development projects that are incomplete. On January 24, 2011, staff presented a report to the Utility Committee, who in turn ranked the problems and instructed staff to address the three top-ranked problems.

This ordinance addresses Problem #4 from the report, "Stormwater/Passive Open Space Not Being Maintained". The *Zoning Ordinance* requires that private open spaces within residential development be turned over and maintained by a homeowners association. In many locations, the homeowners association was developed, land is owned by the homeowners association, and yet the property is not being maintained. The City receives complaints about the lack of maintenance. If the City expends funds to maintain these areas, there is no mechanism to recover the funds. The City does not have the resources to maintain these areas without receiving payment to do so. The proposed ordinance would amend the Subdivision Regulations and require that homeowners associations be formed, membership mandatory, and that they assume and continue the maintenance responsibilities for the common open space, including the stormwater management areas, passive open space, and active recreation areas. If the City needs to perform maintenance of these areas due to code violations not addressed by the homeowners association, the City could bill the property owners of the lots within the subdivision to recover costs, and place these charges on the tax bill of these property owners.

Planning Commission Recommendation: Following discussion by the Planning Commission at their meeting on October 17, 2011, the Planning Commission voted unanimously (six members voting yes and three members absent) to recommend approval of the proposed ordinance.

Ordinance Number: 2011-15

File Number: MI-11-07

Attachments: Excerpt from DRAFT Minutes from Planning Commission meeting of October 17, 2011
DAC Agency Reports
Dover Private Open Space Inventory
Minutes from Utility Committee Meeting of January 24, 2011
Memo of January 3, 2011 to Utility Committee

MI-11-07 Text Amendment: Revisions to Article VII of the *Land Subdivision Regulations* regarding Homeowners Associations – Review for Recommendation to City Council on a series of Amendments to the *Land Subdivision Regulations,* Appendix A – Subdivisions, Article VII – Special Provisions by re-lettering Section B as Section C and adding a new Section B. Homeowners Associations. The proposed ordinance clarifies the requirements and responsibilities of existing and new homeowners associations in regards to open space/common areas and allows the City to complete delinquent maintenance responsibilities not performed by the homeowners associations and to bill the property owners for the incurred costs. Ordinance #2011-15.

Representative: None

Mrs. Townshend stated that this is a proposed amendment to the Subdivision Regulations, Article VII Special Provisions, which would create a new section regarding Homeowners Associations. Currently, Article 5 Section 10 of the *Zoning Ordinance* already requires that in areas that have required open space that a Homeowners Association be formed and membership mandatory. This text amendment would reinforce that within the Subdivision Ordinance and then go a step further. In the case where a Homeowners Association is not functioning or maintaining the open space that is part of their charge, it would allow the City to address Code violations such as tall grass, if there are issues with the stormwater management facility, and dead trees if there is wooded open space. It would allow us to correct the problem and bill back to the homeowners in the subdivision through their individual tax bills the cost of that maintenance. We are finding more and more that Homeowners Associations are having a very hard time existing. A lot of property owners do not pay their dues. In some cases, the Homeowners Associations have never been active and the City gets calls when the grass gets high asking when we are going to come cut the grass. If we are going to have someone cut the grass, then the reality is that it is the Homeowners Association that is supposed to do that. This has become a real problem with the number of subdivisions that have not reached completion and where land was never turned over to the Homeowners Associations. We suspect that Homeowners Associations are not formed as they are supposed to be and anticipate this being a growing problem.

Mrs. Townshend further stated that this does not necessarily solve the problem; however, allows us to be able to recover the costs if we have to go in and maintain areas. As an example, and this is not one that would be covered by this because it is one of the ones where the open space was never turned over; however, we have had to cut some of the common open space in the Village of Cannon Mill in the last year and it is around $1,000 every time we have to cut it. Those kinds of charges will eat up our Code Enforcement budget and then we would have no way to recover the costs.

Mrs. Townshend further stated that the Subdivision Ordinance does not required that things come before the Planning Commission when it is proposed that they be amended; however, because the Planning Commission oversees the land development process and *Land Subdivision Regulations* govern the land development process, Staff made the recommendation that this be sent through the Planning Commission for a recommendation to City Council.

Mr. Holt questioned, as he does belong to a Homeowners Association, will you be able to do any kind of warning like a two (2) or three (3) weeks warning notice before you have to take action which may let the Homeowners Association see if someone in that group would want to pitch in together to get the job done before you have to step in? Responding to Mr. Holt, Mrs. Townshend stated that the short answer is yes. The challenge that we have is that the violation

notice would go to whatever the address is on the tax rolls for the Homeowners Association. In some cases, it goes to someone who was the President when they first took over ten (10) years ago and now no longer lives at that address. We do send notice to the address of record for the Homeowners Association; however, we do not necessarily have an updated address and cannot be sure who is getting it and what they would do with it.

Colonel Welsh questioned that he is assuming that the City Solicitor has taken a look at this? Responding to Colonel Welsh, Mrs. Townshend stated that yes, he has.

Colonel Welsh further questioned that he is curious as to how we can make membership in Homeowners Associations mandatory and what method we have to enforce that? Responding to Colonel Welsh, Mrs. Townshend stated that the way that we enforce it is through the deed restrictions which we review before the subdivision is recorded. It has been mandatory under the *Zoning Ordinance* since the early 1990's. It has been on the books; however, it has not been in the Subdivision section from a functional standpoint of individual lots with common open space this is a subdivision issue. When property owners buy into a subdivision, they are made aware of the deed restrictions and they agree to them. When the conditional approval of the development is that the Homeowners Association be formed and the membership mandatory, that becomes part of the deed restrictions that gets recorded.

Colonel Welsh further questioned if it is the City Ordinance that directs the membership as mandatory? Responding to Colonel Welsh, Mrs. Townshend stated that yes it is.

Colonel Welsh further questioned how the City would enforce that? Let's say you have a Homeowners Association with 30 homes and there are two (2) people who are saying they are not going to pay their dues. Responding to Colonel Welsh, Mrs. Townshend stated that we cannot necessarily enforce the membership mandatory portion; however, what we can do is if we have to incur costs, we can bill it to all the homeowners. This is a problem throughout the State where Homeowners Associations were formed to manage common areas in residential developments most significant of which is the stormwater management. In the State stormwater management regulations, as they are implemented through the Kent Conservation District, rely heavily on the Homeowners Associations. Through the approval processes, we have delegated that role to the Homeowners Associations and it is now starting to catch up with us.

Colonel Welsh further stated that the Homeowners Associations bill for what the City has to come in and do or contracts someone else to come in and do the work. Responding to Colonel Welsh, Mrs. Townshend stated that each property owner would be billed.

Colonel Welsh further stated that if he were a property owner and a member of the Homeowners Association and the issue is not on his property then the issue is on the portion of open space. For instance, where he lives, he has a drainage ditch that the City comes out a couple of times during the summer and cuts. If this were to be the responsibility of the stormwater management of the Homeowners Association and he as a conscientious homeowner went out there with a weed whacker and lawnmower and takes care of all of the stuff that is on his side of the drainage ditch; however, the person on the other side does not do anything, why would he be a part of the billing process because this person failed to do his area?

Responding to Colonel Welsh, Mrs. Townshend stated Foxhall would not be affected by this because the common areas are City owned; but, in areas where the common area are privately owned, they are collectively owned by all of the property owners and are the collective responsibility of the property owners. The only other way to do it is to have the City assume that

burden and from a budget standpoint, we simply could not do that. The Town of Smyrna has this type of Ordinance on their books so we did look at that before developing this.

Mr. Ambruso stated that he belongs to an Association as a property owner outside the City. With issues, this Civic Association places liens on properties for non-payment.

There was no public hearing required for the text amendment.

Colonel Welsh moved to forward a recommendation of approval to City Council for MI-11-07 Text Amendment: Revisions to Article VII of the Land Subdivision Regulations regarding Homeowners Associations, seconded by Mr. Baldwin and the motion was unanimously carried 6-0 with Mr. Tolbert, Mr. Nichols and Mr. Friedman absent.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: SEPTEMBER 28, 2011

CITY OF DOVER
PUBLIC UTILITIES
DEPARTMENT

APPLICATION: **TEXT AMENDMENTS: REVISIONS TO ARTICLE VII OF THE LAND SUBDIVISION REGULATIONS REGARDING HOMEOWNERS ASSOCIATIONS**

FILE #: **MI-11-07**

REVIEWING AGENCY: **City of Dover Public Utilities Department**

CONTACT PERSON: **Steve Enss - Electric**
Sharon Duca, P.E. - Water, Wastewater, Stormwater

CONTACT PHONE #: **302-736-7070**

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

ELECTRIC / WATER / WASTEWATER

1. Our office has no objections to the proposed amendments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC / WATER / WASTEWATER

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER

1. None.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: October 5, 2011

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APPLICATION: Text Amendment: Revisions to Article VII of the land Subdivision Regulations Regarding Homeowners Associations.

FILE#: MI-11-07 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Julio F. Seneus PHONE#: 760-2145

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THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

If you have any questions or need to discuss any of the above comments, please call the above contact person and the planning department as soon as possible.

Dover Private Open Space Inventory
October 5, 2011

Name	Dedicated?	Open Space Owner	Comments
Acorn Farms	Yes	ACORN FARMS LTD.	
Cannon Mill	No	MOORE-CANNON MILL LLC	Open space and HOA functions are the responsibility of the developer until the subdivision is dedicated and the HOA turned over to the homeowners.
Clearview Meadow	No	FIRST DEVELOPMENT GROUP LLC	Open space and HOA functions are the responsibility of the developer until the subdivision is dedicated and the HOA turned over to the homeowners.
Cranberry Run	Yes	CRANBERRY RUN MAINTENANCE CORP	
Eden Hill Farm	No	HILL FARM ASSOCIATES LLC	Open space and HOA functions are the responsibility of the developer until the subdivision is dedicated and the HOA turned over to the homeowners.
Emerald Pointe	No	EMERALD POINTE INC	Open space and HOA functions are the responsibility of the developer until the subdivision is dedicated and the HOA turned over to the homeowners.
Farthing Woods	No	ASHBURN HOMES INC	
Four Seasons	Yes	FOUR SEASONS HOMEOWNERS ASSOC	HOA has been inactive since initial formation. Residents frequently call the City for maintenance of areas that are HOA responsibility. Private open space on delinquent tax list. A builder who owns multiple lots has been maintaining the grass in the open areas.
Fox Hall West Addition	Yes	FOX HALL WEST ADDITION	
The Greens of Dover	Yes	THE GREENS TOWN MEETING ASSOC	
The Hamlet	Yes	HAMLET HOMES ASSOCIATION	HOA owns pool and tennis courts.
Hidden Creek	Yes	HIDDEN CREEK HOMEOWNERS	
Lexington Glen	No	LEXINGTON GLEN INC	Open space and HOA functions are the responsibility of the developer until the subdivision is dedicated and the HOA turned over to the homeowners.

Maple Glen	Yes	MAPLE GLEN HOMEOWNERS	HOA is active.
Marsh Creek	Yes	PRESIDENTIAL ASSOC	
Meadows at Dover	Yes	MEADOWS HOMEOWNERS ASSOC INC	
Nottingham Meadows	No	STOVER HOMES LLC	Open space and HOA functions are the responsibility of the developer until the subdivision is dedicated and the HOA turned over to the homeowners.
Oak Shadows	Yes	OAK SHADOWS CONDO COUNCIL INC	
Patriot Village	No	CRAFT BUILT HOMES LLC	Open space and HOA functions are the responsibility of the developer until the subdivision is dedicated and the HOA turned over to the homeowners.
Persimmon Park Place	Yes	PERSIMMON PARK PLACE	Condominium Association serves as the HOA.
The Overlook on Silver Lake	Yes	THE OVERLOOK ON SILVER LAKE	
Seskinore	Yes	SESKINORE HOME BUILDERS, INC	
Silver Lake Townhouses	Yes	SILVER LAKE PROPERTIES LLC	
Stoney Creek	Yes	COUNTRY LIVING HOMES LLC	
Turnberry	Yes	TURNBERRY MAINTENANCE ASSOC	
Village of Westover	Phases I-V Dedicated - Phase VI Undedicated	WESTOVER LLC VILLAGE OF WESTOVER HOMEOWNERS	HOA has responsibility for open space in Phases I-V. HOA is currently functioning; however, many owners do not pay their dues, and long-term viability of HOA and maintenance of open space is a concern.
Westfield	Yes	WESTFIELD MAINTENANCE CORP	

Development Projects - Performance and Maintenance Bonding Concerns

During their meeting of January 10, 2011, members were advised that, as part of a shared performance goal, the City Manager, the Public Services Manager, and the Director of Planning and Community Development conducted a series of four (4) internal meetings to brainstorm various ideas to address concerns raised about performance and maintenance bonding in subdivisions, site plan compliance, ensuring the functionality of homeowners' associations (HOAs), and other development project issues. As a result of these meetings, which were held in October, November, and December of 2010, he stated that eight (8) specific issues/concerns were identified. Members requested that staff provide the list of Development Projects to members for their review and prioritization to be considered by the Committee during their next meeting.

Mr. Scott Koenig, Public Services Manager/Director of Public Works, advised members that he, Mr. Ruane, Mr. McGiffin, Mrs. Townshend, and Mr. DePrima ranked the projects and written comments were submitted by Major Kosior. He stated that the highest-ranked projects are as follows:

1) Problem #2 - Some projects are partially built and the construction or the site work has been abandoned.

2) Problem #5 - Nuisance issues such as maintenance of buildable lots with homes, partially complete homes, partially complete subdivisions, roll-off trash containers for construction debris, soil stockpiles, and material storage areas are degrading the overall quality of various subdivisions (in both dedicated and undedicated subdivisions).

3) Problem #4 - Stormwater / Passive Open Space – Not Being Maintained.

Mr. Koenig stated that these three (3) problems ranked significantly higher than the others, based on the feedback received.

Staff recommended that a timeline be developed to begin resolving the three (3) highest-ranked problems and that recommendations be developed in the form of proposed ordinances or procedural amendments to be presented to the Committee for review. Responding to Mr. Ruane, Mr. Koenig advised members that administrative action is being taken on all problems and assured members that the goal is to resolve them. With regards to snow removal (Problem #7) at Nottingham Meadows, Mr. Koenig stated that the bank has hired a contractor to oversee both the "punch list items" and snow removal for this season at Nottingham Meadows.

He stated that the developers or the banks are hiring contractors for removal of snow in other abandoned areas; therefore, he assured members that, to his knowledge, all undedicated developments have some method of snow removal in place during the current winter season.

At the request of Mr. Ruane, Mr. Koenig read the comments submitted by Major Kosior in response to Mr. Koenig's memorandum of January 3, 2011, Subject: Development Projects – Performance and Maintenance Bonding Concerns (***Attachment #3 - Major Kosior's comments are depicted in***

red font).

Council President Hogan stated that he had prepared a ranking, apologized for not submitting it to staff, and noted that he also ranked Problem #2 as the top priority.

Mr. McGiffin moved to recommend acceptance of the designation of Problems #2, #5, and #4 as the highest-ranked concerns related to Development Projects - Performance and Maintenance Bonding, with the expectation that a timeline would be developed to begin resolving these problems, as recommended by staff. The motion was seconded by Mr. Snaman and unanimously carried.

Memorandum

Public Services Manager
P. O. Box 475
City Hall/ The Plaza
Dover, Delaware 19903-0475
Phone: (302) 736-7026
Fax: (302) 736-7177
E-mail:skoenig@dover.de.us

TO: Utility Committee Members

FROM: Scott D. Koenig, P.E., Public Services Manager
Anthony J. DePrima, AICP, ICMA-CM, City Manager
Ann Marie Townshend, AICP, Director of Planning & Community Development

DATE: January 3, 2011

SUBJECT: **Development Projects – Performance & Maintenance Bonding Concerns**

As part of a shared performance goal, the City Manager, the Public Services Manager and the Director of Planning & Community Development conducted a series of four (4) internal meetings to brainstorm various ideas regarding concerns raised about Performance & Maintenance Bonding in subdivisions, site plan compliance, ensuring the functionality of homeowners associations (HOAs), and other development project problems. These meetings were held in October, November and December of 2010.

Eight (8) specific problems/concerns were identified. Each problem is listed below along with one or more suggestions to improve the area of concern.

Problem #1 – Active Recreation Areas in some Subdivisions / Site Plans (Apartments) are not being completed in proportion to the lots constructed. Article 5, Section 10.6 of the *Zoning Ordinance* is weak and difficult to enforce. It is difficult to build the recreation areas in proportion to the lots / building permits, as specified by code; therefore, an alternative solution must be developed.

Possible Solutions:

1. Require specific phasing plan for the Active Recreation Plan.
2. Require a Performance Bond / Letter Of Credit (LOC) equal to 150% of the value (or add the active recreation improvements to current infrastructure LOC). LOC is preferred over a bond as the LOC creates more leverage.

Note: A Code amendment is required to accomplish this.

Problem #2 – Some projects are partially built and the construction or the site work has been abandoned. (Examples: Enterprise Business Park, Tall Pines, Dove View)

Possible Solutions:

1. Fund a Demolition Reserve that can be sustained with monies collected from liens and be used to demolish or safely seal construction.
2. Amend Tall Grass & Weed Ordinance (Chapter 114, Article II) to allow the City to regrade or restore the property and place a lien against the property to collect the costs.
3. Amend state law for Demolition Liens to allow for the City to recover costs through sheriff's sale.
4. A Dangerous Building (DB) declaration accelerates tax sale (for delinquent taxes). This is an administrative action that is already in place.

Problem #3 – Failure of HOA to take over initial responsibilities or HOA does not form or stay formed and therefore fails to function. Common Areas are not maintained. (Example: Four Seasons)

Possible Solutions:

1. Amend assessment section of the code to allow city to bill and lien individual property owners for the common areas that the City is forced to maintain.
2. Amend subdivision ordinance to require an escrow start up account so HOA is capitalized from the beginning.
3. Buyers somehow are notified and certify / acknowledge that they are required to be part of the HOA and that there are maintenance responsibilities for which the HOA is responsible. Possible venues could include requiring that information be posted conspicuously in model homes or the City could send a letter after real estate transfer tax is received.
4. Require developer to meet guideline to turn over HOA at 75% of the initial phase of the development.
    - City could facilitate initial HOA meeting – Notice, Public Meeting at City Hall, City representative in attendance
    - Ensure elected official in attendance.
5. Amend subdivision ordinance to include a specific turnover requirement.
6. Amend subdivision ordinance to require a Certified Management Agency.

Problem #4 – Stormwater / Passive Open Space – Not Being Maintained

Possible Solutions:

1. Amend sections of the code addressing special assessment (Chapter 94) and/or amend tall grass and weeds (Chapter 114) to allow staff to hire contractors to maintain the passive open space and/or stormwater management areas and bill the property owners (developer or individual owners) and place a lien against the property to recover costs.
2. Create a Limited Stormwater Utility
    - Unilateral authority to take over facilities that are not being maintaned
    - Start with new developments

Problem #5 – Nuisance issues such as maintenance of buildable lots with homes, partially complete homes, partially complete subdivisions, roll-off trash containers for construction debris, soil stockpiles and material storage areas are degrading the overall quality of various subdivisions (in both dedicated and undedicated subdivisions).

Possible Solutions:

1. Require an upfront agreement and escrow deposit from the developer of the subdivision ($1,000 / lot) to address these issues if they arise.
2. Provide incentives to dedicate infrastructure – Bill developer for Street Light operating costs and pump station maintenance until subdivision is dedicated.

Problem #6 – Sidewalk network not complete and the developer wants to dedicate the rights-of-way and infrastructure.

Possible Solutions:

1. Require all sidewalk construction to be complete prior to dedication. This position would maintain the status quo.
2. Add option that developer can go to Safety Advisory & Transportation Committee with a special Letter of Credit for the uncompleted sidewalks on the streets to be dedicated. The uncompleted sidewalks are associated with lots that have not had building permits issued as of that date. Potential enhancement to this option is to require a Public Hearing with notice to all residents and/or property owners in the development.

Problem #7 – Snow Removal on uncompleted and/or undedicated streets represents a serious service delivery problem for the City of Dover and residents in these areas.

Possible Solutions:

1. Require a maintenance escrow to be set up by the developer that can be used for snow and ice removal.
2. Require a signed contract between the developer and a private contractor responsible for snow removal be shared with the City.

Problem #8 – The City does not provide a full range of services on undedicated streets since they are considered private property. (i.e. – snow removal, street sweeping, speed enforcement)

Possible Solutions:

1. Earlier dedication – city would accept dedication of uncompleted streets and follow up with completion of the infrastructure on a designated time line identified in the dedication action.
2. Require more extensive maintenance agreement with longer time period for coverage.

Based upon the above information, staff is proposing the following next steps:

1) Staff would like to receive feedback from members of the Committee and Council on the possible solutions presented above as well as other items you would like to consider to address the identified problems.
2) Prioritize the problems listed above.
3) Prepare a timeline to address the problems in priority order.
4) Hold focus group with stakeholders (HOAs, Civic Associations, Civic Leaders, the development community, KCD)
5) Develop ordinances / charter amendments / administrative changes

If you have any questions, please contact me.

SDK/sdk

FINAL READING

CITY OF DOVER PROPOSED ORDINANCE #2011-15

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

That Appendix A - Subdivisions, Article VII - Special Provisions, be amended by re-lettering Section B - Severability, as Section C and inserting a new Section B - Homeowners' associations, to read as follows:

B. Homeowners' associations.

1. *Creation of homeowners' association*. The owner and/or developer shall create a homeowners' association for the proposed development where private open space and stormwater management facility ownership and maintenance responsibility exist. The homeowners' association shall be organized and established as a legal entity prior to or as a part of the final plat approval and recording process and all documents related to the homeowners' association shall be submitted in draft form at the time of application for the subdivision plan review (whether minor or major). Such documents shall be acceptable to the city as a condition of subdivision plan approval.

2. *Legal documents recorded.* The owner and/or developer should pay for the preparation of the legal document necessary to create the association, have same approved by the city solicitor and council and record same in the recorder of deeds office for Kent County.

3. *Maintenance of property of the homeowners' association.* The legal documents prepared will give the city the authority to require the homeowner's association to perform routine maintenance and minor/major repairs as necessary to keep the property in good condition, and eliminate any health or safety issues.

   If the homeowners' association does not respond to a notice of violation from the city regarding maintenance within 14 calendar days of the date of such notice, the city shall have the right to perform the work itself or hire a contractor to perform the work and assess each property owner of the homeowners' association and/or each owner of property within the final plat for the subdivision a fee to recover its cost. Such fee shall include an administrative charge equal to 15% of the cost of the work performed. This fee will be added to the real estate tax bill as a special assessment to these lot owners.

4. *Homeowners' association requirements.* If the applicant is required to establish a homeowners' association for purposes of ownership and maintenance of common areas, common facilities and/or open spaces, such association documents shall require, at minimum:

   (a) *Mandatory membership.* All owners of property within the subdivision must be members of the homeowners' association. The members of the homeowners' association shall share equitably in the costs of maintaining all open space, common areas and facilities, recreation areas and facilities, and stormwater management areas and facilities which are not accepted by the city in writing in accordance with the provisions of all deed restrictions and maintenance agreements, all applicable property maintenance codes, all record plan notes, and in accordance with procedures established by the homeowners' association. The deed

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restrictions shall require, at minimum, that the costs of such maintenance shall be collectable from the owner of the lot(s) to which such costs are assessed; and that such costs shall be and constitute a lien upon such lot(s).

(b) *Responsibilities.* The homeowners' association shall be responsible for all maintenance, insurance, taxes, fees, and other burdens customary to the ownership of real property and all improvements and construction thereon, including, but not limited to all recreation amenities, walkways, storm water facilities, ponds, landscaping, and other facilities not owned or accepted by the City of Dover.

(c) *Deed restrictions.* Restrictive covenants shall provide that in the event the association fails to maintain the common areas, common facilities, and open areas according to the adopted codes of the City of Dover, in accordance with the recorded plan, and in accordance with the requirements of recorded restrictions, the city may:

(1) Demand that the deficiency of maintenance be corrected. If the homeowners' association shall fail to correct the deficiency, after reasonable notice, the city may enter the common area to inspect and correct the deficiency. The cost of such maintenance shall be charged to the association in accordance with the provisions of subsection (B)(3) - Maintenance of property of the homeowners' association.

5. *Homeowners' association reporting responsibilities.* Each homeowners' association established pursuant to Appendix A, Subdivisions shall, not later than December 31 of each year, provide to the City Clerk of the City of Dover a listing of the officers of such homeowners' association, including their addresses and telephone numbers, and the date of the annual meeting. The homeowners' association shall list the terms of office of each officer and the date of the annual election. The homeowners' association shall provide the name, address, phone number and contact information for any firm providing services on behalf of or acting as agent for the homeowners' association in carrying out its responsibilities.

BE IT FURTHER ORDAINED:

That the provisions of this ordinance shall be in effect upon its adoption and shall apply to all existing subdivisions where the homeowners' association has maintenance responsibilities for open space and stormwater management areas. The city manager shall send a letter to all property owners within the City of Dover who have homeowners' association maintenance responsibilities under this ordinance informing them of these responsibilities and the City's right to bill property owners within the homeowners' association for any maintenance performed by the City of Dover due to lack of maintenance on the part of the homeowners' association.

BE IT FURTHER ORDAINED:

That all homeowners' associations with maintenance responsibilities for open space and stormwater management areas that existed prior to the adoption of this ordinance shall report to the city manager by December 31, 2011 those items required in subsection (B)(5) - Homeowners' Association Reporting Responsibilities.

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SYNOPSIS

The proposed amendment would clarify the requirement that developers of subdivisions with common open space, including active recreation areas, woodlands, and stormwater management areas, form homeowners' associations where membership is mandatory. It would allow the City to perform work that is the responsibility of the homeowners' association if such work is not performed in accordance with code requirements. Such work would be billed to the property owners on their tax bill, including an administrative charge. The proposed amendment would require that homeowners' associations with management responsibility for common open space submit annually a listing of officers of the association. The proposed amendment also clarifies that these requirements are retroactive to all subdivisions with common open space in existence prior to adoption of the ordinance.

ADOPTED: *

Actions History

November 14, 2011 - Scheduled for Final Reading by Council
September 26, 2011 - First Reading by Council
September 12, 2011 - Considered by the Legislative, Finance, and Administration Committee
June 13, 2011 - Tabled by the Legislative, Finance, and Administration Committee

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ACTION FORM

PROCEEDING: Council
DEPARTMENT OF ORIGIN: City Council
PREPARED BY: Traci A. McDowell, City Clerk, on behalf of Council President Leary

SUBJECT: Council and Committee Meetings - Holiday Schedule	**DATE SUBMITTED**: **10-31-2011**
RELATED PROJECT: N/A	
APPROVALS: N/A	
EXHIBITS: N/A	
EXPENDITURE REQUIRED: $ N/A	**AMOUNT BUDGETED**: $ N/A
FUNDING SOURCE (Dept./Page in CIP & Budget): N/A	
TIMETABLE: N/A	

RECOMMENDED ACTION:	Cancellation of December 26, 2011 Utility and Legislative, Finance, and Administration Committee Meetings and City Council Meeting, as well as the December 28, 2011 Safety Advisory and Transportation Committee Meeting.

BACKGROUND AND ANALYSIS

As we have done in the past, due to the holiday season, it is recommended that the Utility and Legislative, Finance, and Administration Committee Meetings and the City Council Meeting scheduled for December 26th be cancelled, as well as the Safety Advisory and Transportation Committee meeting scheduled for December 28th. Please keep in mind that if the need arises, Special Meetings will be called.