REGULAR COUNCIL MEETING

A G E N D A

October 24, 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 COUNCIL PRESIDENT LEARY

AGENDA ADDITIONS/DELETIONS

* **CONSENT AGENDA**
Those items on the Council Agenda which are considered routine and non-controversial are 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 as a separate item.

* **1. Adoption of Minutes - Special Council Meeting of September 29, 2011**
- Regular Council Meeting of October 10, 2011

2. Emergency Public Hearing - Violation of the Dangerous Building Ordinance - 29 N. Kirkwood Street (Catherine Stevenson Bowen, LTR (Lifetime Rights) and Others)

* **3. Parks, Recreation, and Community Enhancement Committee Report - October 10, 2011**

A. Presentation - Foster Care Treatment Services Provided by Pressley Ridge
(Committee Action Not Required)

B. Neighborhood Stabilization Program (NSP) Partnership with Habitat for Humanity
(Committee Recommended Approval of the Partnership)

C. Proposed Ordinances

c-1. 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)*(See Item #9-A)*
(Committee Recommended Adoption of Proposed Ordinance #2011-25)

c-2. 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)*(See Item #9-B)*
(Committee Recommended Adoption of Proposed Ordinance #2011-26)

D. Benchmarks Established for the Economic Development Office
(Committee Recommended Acceptance of the Report)

E. Updates
(Committee Action Not Required)

* **4. Utility Committee Report - October 10, 2011**

A. 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) *(See Item #9-C)* *(Committee Recommended Adoption of Proposed Ordinance #2011-27)*

B. Review of Utility Related Capital Investment Plan (CIP) *(Electric and Water/Wastewater)* *(Committee Action Not Required)*

* **5. Legislative, Finance, and Administration Committee Report - October 10, 2011**

A. Review of Cell Phone Use *(Committee Took No Action)*

B. Review of Take-Home Vehicle Use *(Committee Took No Action)*

C. Disposal of Excess Property - US 13 Sewer Main Extension - Schwartz Pumping Station *(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)*

D. Review, Consolidation and/or Elimination of City Committees, Commissions, and Boards - Historic District Commission *(Committee Took No Action)*

E. Public Comment Period *(Committee Action Not Required)*

6. Quarterly Revenue Report

* **7. Semi-Annual Inspection by City Manager - Robbins Hose Company**

* **8. Appointment of Judges - Robbins Hose Company Election - November 21, 2011**

A. James Hurley B. Kline Kemp C. James Howlett *(Alternate)*

9. First Reading - Proposed Ordinances

The First Reading is offered on the following proposed ordinances. Since they are amendments to the Zoning Code, they are recommended for referral to the Planning Commission on November 21, 2011, that a Public Hearing be set for December 12, 2011 at 7:30 p.m., and that the Second Reading and Final Action by Council take place at that time. Copies of all proposed ordinances are available at the entrance of the Council Chambers or can be obtained from the City Clerk's Office.

A. 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)*

B. 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)*

C. 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)*

10. Council Members Announcements

SPECIAL COUNCIL MEETING

A Special Council Meeting was held on September 29, 2011 at 6:38 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Dr. McGlumphy, Mr. Lynn, Mrs. Williams, Mr. Hare, and Mr. Hutchison. Mr. Bonar and Mrs. Russell were absent.

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

AGENDA ADDITIONS/DELETIONS

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

PROPOSED EMERGENCY ORDINANCE - #2011-24

In accordance with Section 1-9(b) - Emergency Ordinances, of the Dover Code, members were provided Proposed Ordinance #2011-24, amending Chapter 26 - Businesses, Article I - In General, by adding a new Section 26-1 - Sale of Dangerous Substances, which would ban the sale of "bath salts" within the City of Dover.

Police Chief Hosfelt read the following statement into the record:

> "There is growing abuse of a variety of synthetic compounds that produce stimulant effects when ingested. These synthetic stimulants, which are based on a variety of known compounds, such as "MDPV" (methylenedioxypyrovalerone) are sold under the guise of "bath salts" in retail outlets and over the Internet. In addition to their psychoactive effects, they also have potentially harmful side effects when ingested. These products are not approved by the FDA [Food and Drug Administration] for human consumption and are not currently in any schedule under the Controlled Substance Act. In fact, these synthetic stimulants are "designer drugs" that are manufactured and distributed in an attempt to circumvent the Controlled Substance Act.
>
> The manufacturers and retailers who make and sell these products do not fully disclose all of the product ingredients and never disclose the active and potentially harmful ingredient(s). These products are sold at a variety of retail outlets, in head shops, and over the Internet from both domestic and international sources.
>
> These substances currently have no known medical use. They cause effects similar to those caused by other stimulants such as methamphetamine, MDMA (ecstasy), and cocaine. What is known about these chemicals is disconcerting. Recent reports, from my officers and those throughout the region, describe overdoses from ingestion of "bath salt" products which resulted in emergency room visits, hospitalizations, and severe psychotic episodes, some of which have led to violent outbursts, self inflicted wounds, and, suicidal attempts. Abusers of "bath salt" products have reported that they experienced many adverse effects such as chest pain, increased blood pressure, increased heart rate, seizures, and stroke. Behavioral and mental effects include panic attacks, anxiety, hallucinations, extreme paranoia, psychosis, aggressive or

> violent behavior (such as self-mutilation, suicide attempts, and homicidal activity), insomnia, anorexia and depression. Users of "bath salt" products self administer the drugs by snorting the powder, smoking it, or injecting themselves intravenously.
>
> Based on statistics provided to me through medical sources at Bayhealth I know this much about our local epidemic. During the time frame of January through the first two weeks of September, there have been 396 cases involving bath salts at the Emergency Department. During January they treated 12 cases and the number grew exponentially each month. Of this number 272 are male and 124 are female. The average length of stay in the emergency room is between 6-8 hours, which obviously ties up both police and medical staff. Of these 396 patients, 137 were either admitted to the hospital or to a psychiatric facility for long term care.
>
> What is being done both nationally and on the state level? As of September 7, 2011, possessing and selling these chemicals or the products that contain them are both illegal in the United States for at least 1 year while the DEA [Drug Enforcement Administration] and the US Department of Health and Human Services mull over whether the substances should be permanently controlled. Within our state, several lawmakers and representatives from law enforcement, the medical field and the Governor's Office met this past Tuesday (September 27, 2011) to discuss pending legislation and what actions could be taken by state and local officials to add these substances to the list of Schedule 1 drugs, which will give law enforcement the authority to enforce laws restricting its possession and use."

Chief Hosfelt stated that, since the writing of his statement, the Governor's Office issued a press release indicating that, once approved, a Commission would meet to put "bath salts" on the Controlled Substance Act List of Schedule I Drugs. The Secretary of State would then sign an Emergency Executive Order which would grant arrest authority and enforcement powers to law enforcement personnel. For informational purposes, Chief Hosfelt provided members with samples of "bath salts."

In response to Mrs. Williams, Chief Hosfelt indicated that the use of "bath salts" started in the early 2000s in Europe's club scene and subsequently made its way to the United States. He noted that the largest sales are over the Internet and the problem was not just in Dover or Kent County; it was statewide and across the United States. Chief Hosfelt stated that the effects of these substances have been horrific. As an example, he stated that, in August 2011, the Dover Police responded to a domestic dispute in a West Dover development where a husband had assaulted his wife. By the time the police arrived, the husband was nude, standing in the middle of an intersection, and slitting his wrist. Upon the arrival of police, he begged the officers to shoot him. Chief Hosfelt assured members that the police were able to control the situation and that the individual was taken into custody.

Responding to Mr. Hare, Chief Hosfelt explained that the "bath salts" being discussed were only marketed as such, and are not the bath salts typically purchased in local stores.

Mr. Hutchison relayed appreciation for the Police Chief's quick response to this matter and noted that, although an effort will be made to address this issue throughout the State, these "bath salts" will still be available elsewhere. Concurring, Police Chief Hosfelt advised members that the Federal Government has issued a ban; however, the DEA could not realistically visit all individual "mom and pop" shops in the country. With local governments being given authority by the Federal and State governments, police departments will be able to enforce these laws on a local and state level.

In response to Mr. Anderson, Police Chief Hosfelt stated that, since he was not sure of the State's response to this emergency matter, and knowing that there were shops within City limits selling "bath salts," he felt that this matter should be presented to members immediately to stop these sales in the City. He stated that, although a fine would be imposed with the passage of the Proposed Ordinance, the goal was to revoke the business licenses of shops selling the substances.

Police Chief Hosfelt introduced Ms. Amber Roos, 5611 Mud Mill Road, Camden-Wyoming. He explained that Ms. Roos has a 19-year-old son who has been using "bath salts" for approximately 4-5 months, and Chief Hosfelt felt it was appropriate for those attending to be aware of the devastating effects this has had on Ms. Roos, her family, and her son.

Ms. Roos advised members that her son is a very hard worker who worked diligently to graduate from high school. He had held one (1) or two (2) jobs, which he lost due to the use of "bath salts." She stated that users of these substances cannot rationalize, function, or complete a sentence; they are violent and have extreme strength. Ms. Roos explained that her son became unresponsive and the Emergency Medical Technicians (EMTs) were called. It took both of the EMTs to utilize all their strength to wrestle her son in order to take him to the hospital. Once he became coherent at the hospital, he was permitted to sign himself out against medical advice. Having served as an EMT for seven (7) years, she explained that she has worked hard to save the lives of strangers and she requested members to do the same by helping to save her son.

Police Chief Hosfelt noted that the "bath salts" purchased by Ms. Roos' son were purchased from some of the retail establishments in the City.

Mr. Hare moved for adoption of Ordinance #2011-24, amending Article I, Chapter 26 by inserting a new Section 26-1 - Sale of Dangerous Substances, seconded by Mrs. Williams.

Council President Leary noted that two (2) members of Council who were not able to attend this meeting had requested that statements be read into the record, as follows:

> Councilwoman Russell
> "I am unable to attend tonight's Special Council Meeting; however, I would like to express my opinion regarding Proposed Emergency Ordinance #2011-24. I am in agreement with the proposal to ban the sale of "bath salts" within the City of Dover.
>
> Sophia R. Russell
> Fourth District Representative"

Councilman Bonar
"I am sorry I can't be there with you this evening, to help decide on this proposed ordinance. My employment schedule requires me to conduct a public comment session this evening in Georgetown on a case that's pending before the Delaware Public Service Commission.

Under ordinary circumstances this Ordinance could be handled through a Committee process, but the dangers of selling "bath salts" and similar designer drugs, calls for immediate action as provided under an emergency provision in City Code. The explosiveness of complaints involving these substances makes it urgent Council take action now, and I applaud my colleagues for meeting to discuss it.

We recently lost a police officer in New Castle County. His murder was allegedly committed by a man suspected of having been under the influence of illegal substances like those contained in "bath salts." A Dover Police officer was confronted, within the past few days, with a situation that may have involved the use of these chemicals. The result of that confrontation, while potentially disastrous, was that a suspect was taken into custody, without a police officer or someone else being seriously injured or killed. We have evidence that these compounds are being sold over the counter at several retail establishments in Dover. This must stop.

I urge my colleagues to vote to ban the dangerous substances listed in Ordinance 2011-24 within the City of Dover.

Sincerely,

David Bonar
Councilman 3rd District"

Responding to Mr. Hare, Police Chief Hosfelt stated that, based on tomorrow's anticipated actions by the State, the City would be able to institute the same penalties for those selling "bath salts" as those selling heroin. Mr. Hare suggested that any businesses caught selling these substances should have their licenses permanently revoked.

In response to Mrs. Williams, Police Chief Hosfelt assured members that there will be penalties for selling "bath salts," whether through a business or "on the streets" and they will be treated as any other Schedule 1 Substance.

On a call for the question by Mrs. Williams, the motion for adoption of the proposed ordinance, amending Article I, Chapter 26 by inserting a new Section 26-1 - Sale of Dangerous Substances, was carried by a unanimous roll call vote (Mrs. Russell and Mr. Bonar absent), and Council adopted Emergency Ordinance #2011-24, as follows:

WHEREAS, the use of "bath salts," a powerful designer drug made of up to three (3) stimulants, makes users agitated, delusional, paranoid, and violent; and

WHEREAS, the use of "bath salts" is sending abusers to emergency rooms in Delaware and across the United States in startling numbers; and

WHEREAS, Bayhealth Medical Center officials have reported that its emergency rooms treat an average of one (1) person per day for adverse reactions to "bath salts"; and

WHEREAS, the 57 poison control centers in the United States received 303 calls in 2010 and more than 4,720 calls in the first eight (8) months of 2011 relating to the use of "bath salts"; and

WHEREAS, the Mayor and City Council of the City of Dover believe that the abuse of "bath salts" has reached epidemic proportions and presents a public health and public safety emergency.

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

That Chapter 26 - Businesses, Article I - In General, of the Code of the City of Dover, be amended by inserting a new Section 26-1. Sale of dangerous substances, as follows:

Sec. 26-1. Sale of dangerous substances.

1. It shall be unlawful to sell or offer to sell any material, compound, mixture, or preparation which contains any quantity of the following substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

   (a) Methylone

   (b) MDPV

   (c) Methylenedioxypyrovalerone

   (d) Methylmethcathinone

   (e) Mephedrone

   (f) Methoxymethcathinone

   (g) Fluromethcathinone

2. Penalties - Violations of this section shall be subject to fines in accordance with Appendix F - Fees and Fines, Sec. 1-17 and revocation of business license under the provisions of Chapter 26 - Businesses, Article II - Licenses, Sec. 26-59 and Sec. 26-63.

3. The provisions of this section may be enforced by any City inspector or officer of the Police Department.

ADOPTED: SEPTEMBER 29, 2011

Mayor Carey relayed appreciation to Council President Leary and Police Chief Hosfelt for bringing this matter forward, and for the action taken by City Council.

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

Meeting Adjourned at 7:01 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Special Meeting of September 29, 2011, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM/jg
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REGULAR COUNCIL MEETING

The Regular Council Meeting was held on October 10, 2011 at 7:30 p.m. with Council President Leary presiding. Council members present were Mr. Anderson, Dr. McGlumphy, Mr. Lynn, Mr. Bonar, Mrs. Williams, Mr. Hare, and Mr. Hutchison. Mrs. Russell was absent.

Council staff members present were Police Chief Hosfelt, Mrs. Mitchell, Mrs. Townshend, Fire Chief Fortney, 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.

Mr. Lynn moved to suspend the rules to allow Mrs. Fran Hettinger to speak regarding Item #8-B, Recommendation of the Health Benefits Committee Regarding Elimination of Medicare Part B Reimbursements for Current Non-Bargaining Employees, during the Open Forum segment. The motion was seconded by Mr. Bonar and carried with Mr. Anderson voting no (Mrs. Russell absent).

Mrs. Fran Hettinger, City of Dover retiree, 63 Sackarackin Avenue, requested that members not place the burden of Medicare Part B on the backs of employees who have worked for the City numerous years. She referenced a memo dated 1978 that established this particular benefit or "promise" to the City employees. Mrs. Hettinger stated that City employees worked at lower rates of pay in those days; however, with the increased cost of living, City employees are working for less pay today. She applauded Council members for the outstanding job they are doing to try to balance the budget and requested that they not balance it on the backs of employees who were hired with the understanding that this would be one of their benefits when they retired and reached 65 years of age. Mrs. Hettinger also requested that the Medicare Part B reimbursement benefit not be capped. She noted that employee morale is already very low.

The invocation was given by Chaplain Dixon, followed by the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS

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

Mr. Bonar moved for approval of the Consent Agenda, seconded by Mrs. Williams and carried by a unanimous roll call vote (Mrs. Russell absent).

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF SEPTEMBER 26, 2011

The Minutes of the Regular Council Meeting of September 26, 2011 were unanimously approved by motion of Mr. Bonar, seconded by Mrs. Williams and bore the written approval of Mayor Carey.

CERTIFICATE OF RECOGNITION - EDWARD R. PERKOWSKI

Mayor Carey presented a Certificate of Recognition to Mr. Edward R. Perkowski in recognition of his witnessing a burglary and alerting the authorities immediately. As a result of his quick actions, the thief was apprehended and all the materials were returned to their rightful owner.

PROCLAMATION - CYBER SECURITY AWARENESS MONTH

The City Clerk read the following Proclamation into the record:

WHEREAS, we recognize the vital role that technology has in our daily lives and in the future of the City of Dover, whereby today many citizens, schools, libraries, businesses and other organizations use the Internet for a variety of tasks, including keeping in contact with family and friends, managing personal finances, performing research, enhancing education and conducting business; and

WHEREAS, critical sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, utilities, health care, and emergency response systems; and

WHEREAS, the use of the Internet at the primary and secondary school levels in our city enhances the education of youth by providing them access to online educational and research materials; and at institutions of higher education, the use of information technology is integral to teaching, learning, research, outreach, and service; and

WHEREAS, Internet users and our information infrastructure face increasing threats of malicious cyber-attack, invasion of privacy from spyware and adware, and significant financial and personal privacy losses due to identity theft and fraud; and

WHEREAS, maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role, and awareness of computer security essentials will improve the security of the City of Dover information infrastructure and economy.

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim October 2011 as Cyber Security Awareness Month in the City of Dover and urge all citizens to learn about cyber security and put that knowledge into practice.

Mayor Carey presented the Proclamation to Mr. Andrew Siegel, IT Director for the City of Dover. Mr. Siegel noted that a great deal of information related to cyber security is available on the City's website.

PROCLAMATION - FIRE PREVENTION WEEK

The City Clerk read the following Proclamation into the record:

WHEREAS, the City of Dover is committed to ensuring the safety and security of all those living in and visiting our city; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk of fire, which results in more than 3,000 deaths per year; and

WHEREAS, less than one-fourth of Americans have both developed and practiced a home fire escape plan, so it is imperative that individuals and families develop and practice, at least twice per year, a home fire escape plan; and

WHEREAS, the National Fire Protection Association recommends installing at least one smoke alarm on every level of the home (including the basement), outside all sleeping areas, and in all bedrooms; informing the public about the importance of smoke alarm installation and that maintenance serves as an essential step toward increasing the public's safety from home fires; and

WHEREAS, the City of Dover Fire Marshals and Volunteer Fire Department are dedicated to reducing the occurrence of home fires and home fire deaths and injuries through prevention and proper education; and

WHEREAS, the 2011 Fire Prevention Week theme, "It's Fire Prevention Week! Protect Your Family From Fire!" actively works to help keep individuals, families, and communities safer from fire.

NOW, THEREFORE, I, CARLETON E. CAREY, SR., MAYOR OF THE CITY OF DOVER, do hereby proclaim October 9 - 15, 2011 as Fire Prevention Week in the City of Dover and urge all people to protect their homes and families by heeding the potentially life-saving messages of Fire Prevention Week 2011, and support the many activities and efforts of fire and emergency services.

Mayor Carey presented the Proclamation to Fire Chief Jack Fortney and thanked the members of the Fire Department for all they do to protect the citizens of Dover.

PROCLAMATION - HALLOWEEN TRICK-OR-TREAT

The City Clerk read the following Proclamation into the record:

WHEREAS, the children of the City of Dover enjoy the fun and festivities associated with the observance of the Halloween Trick-or-Treat custom of traveling with friends and family going from door to door in their neighborhood, displaying their costumes, and gathering treats; and

WHEREAS, parents are urged to join in the festivities by accompanying their children throughout their journeys in celebrating Halloween Trick-or-Treat; and

WHEREAS, residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes so lighted; and

WHEREAS, the Mayor of the City of Dover has deemed it advisable to observe the celebration of Halloween Trick-or-Treat on Monday, October 31, 2011 between the hours of 6:00 p.m. and 8:00 p.m.

NOW, THEREFORE, I, Carleton E. Carey, Sr. MAYOR OF THE CITY OF DOVER, DELAWARE do hereby proclaim that the Halloween Trick-or-Treat observance be held on the 31st day of October 2011, between the hours of 6:00 P.M. and 8:00 P.M. in the City of Dover and urge all residents, both young and old, to make this a happy and safe occasion for our children.

REZONING REQUEST - PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2011-23

A public hearing was duly advertised for this time and place to consider the rezoning of property located at 327 Martin Street, southeast of the intersection of Court Street and South DuPont Highway (Route 13), consisting of 0.277+/- acres (11,744+/- S.F.), owned by EJB, Inc. The property is currently zoned C-4 (Highway Commercial Zone) and the requested zoning is IO (Institutional and Office Zone).

Mr. Hare moved that the final reading of the proposed ordinance be acknowledged by title only, seconded by Dr. McGlumphy and unanimously carried. *(The First Reading of the proposed ordinance was accomplished during the Council Meeting of August 22, 2011.)*

Planner's Review

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the petition to amend the zoning district and the findings and recommendations of the Planning Commission. She noted that the Planning Commission recommended approval of the rezoning request. Mrs. Townshend advised members that the proposed use is a substance abuse treatment center.

Public Hearing

Council President Leary declared the public hearing open.

Mr. William Boyles, 8345 Westville Road, Wyoming, Delaware, Executive Director of Serenity Place, stated that this organization has been operating for 20 years and has helped over 1,000 men combat substance abuse. He stated that the rezoning would permit them to rebuild the facility that was destroyed in a June 7, 2011 fire. Mr. Boyles advised members that the planned facility will double their capacity.

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

Mr. Hare moved for approval of the rezoning request, as recommended by the Planning Commission. The motion was seconded by Mr. Bonar and, by a roll call vote of seven (7) yes, one (1) abstention (Mr. Lynn) and one (1) absent (Mrs. Russell), Council adopted Ordinance #2011-23, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 327 MARTIN STREET

WHEREAS, the City of Dover has enacted a zoning ordinance regulating the use of property within the limits of the City of Dover; and

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from C-4 (Highway Commercial Zone) to IO (Institutional and Office Zone).

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

That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from C-4 (Highway Commercial Zone) to IO (Institutional and Office Zone) on that property located at 327 Martin Street (southeast of the intersection of Court Street and South DuPont Highway (Route 13), consisting of $0.277^{+/-}$ acres ($11{,}744^{+/-}$ S.F.), owned by EJB, Inc.

ADOPTED: OCTOBER 10, 2011

Mr. Lynn advised members that he disqualified himself from voting due to his prior involvement with Mr. Boyles in a real estate transaction.

PUBLIC HEARING/FINAL READING - PROPOSED ORDINANCE #2011-21

A public hearing was duly advertised for this time and place to consider approval of proposed zoning text amendments to Appendix B - Zoning, Article 3 - District Regulations, Section 1 - One-Family Residence Zones [(R-20, R-15, R-10, R-8, and R-7)], Subsection 1.15 - Accessory Uses, and Article 5 - Supplementary Regulations, Section 1 - Supplementary Regulations Applying to Residence Zones, (New) Subsection 1.11 - Swimming Pools, of the Dover Code.

Mr. Bonar moved that the Final Reading of Proposed Ordinance #2011-21 be acknowledged by title only, seconded by Mr. Hutchison and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council Meeting of August 22, 2011.)*

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the text amendments would more closely align the zoning requirements for swimming pools with the building code requirements. She noted that the Planning Commission unanimously recommended adoption of the ordinance.

Council President Leary declared the public hearing open.

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

Mr. Anderson moved for adoption of the ordinance, as recommended by the Planning Commission. The motion was seconded by Dr. McGlumphy and, by a unanimous roll call vote (Mrs. Russell absent), Council adopted Ordinance #2011-21, as follows:

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

That Appendix B - Zoning, Article 3 – District Regulations, Section 1 – One-Family Residence Zones [(R-20, R-15, R-10, R-8 and R-7)], Subsection 1.15 – Accessory Uses, be amended to read as follows:

1.15 Accessory uses, limited to the following:

(a) Professional office or studio of an artist, dentist, musician, teacher, or physician, but not including veterinarians, provided that:
   i. Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than one nonresident assistant; and
   ii. Such office or studio shall occupy not more than 30 percent of the area of one floor of the main building.
   iii. Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.
   iv. Medical centers, barbershops, beauty parlors, real estate offices, funeral homes or similar uses shall not be considered permitted accessory uses.

(b) Garden house, tool house, playhouse, greenhouse or pool incidental to the residential use of the premises and not operated for gain.

(c) Private garage, provided that, in the case of a one-family dwelling, such garage shall have a capacity of not more than three passenger automobiles. One such space may be leased to a person not [a] resident on the premises.

(d) Keeping domestic animals (except pigs) for individual domestic purposes or as pets, provided not more than three dogs over six months old and not more than 25 fowl shall be permitted, and no animals (except dogs) or fowl shall be penned or housed within 20 feet of any lot line.

(e) (Reserved.)

(f) Dormitories accessory to schools, provided that such dormitories conform to the bulk regulations of the RG-1 zone. For purposes of computing bulk requirements, each four rooms shall be considered one dwelling unit. Parking shall be calculated as identified in Article 6—Off-Street Parking, Section 3—Required off-street parking spaces, Paragraph 3.1—Schedule of requirements.

(g) Customary home occupations, provided that:
   i. No display of products, goods and/or signs shall be visible from the street.
   ii. Such home occupation shall be incidental and secondary to the residential use of the premises and shall be conducted in the principal building by the resident or residents that reside therein.
   iii. Nonresident assistants or co-workers shall be prohibited.
   iv. Such home occupation shall not occupy more than 30 percent of the area of one floor in the principal building.
   v. There shall be no exterior effect such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.

BE IT FURTHER ORDAINED That Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 1 – Supplementary Regulations Applying to Residence Zones, be amended by inserting a new subsection 1.11 Swimming Pools, as follows:

1.11 Swimming Pools

1.111 Definition – For the purposes of this section, swimming pools shall be defined as any pool, tank, depression, or excavation in or above ground, or other structure which shall cause retaining of water over a greater depth than twenty-four (24) inches.

1.112 Safety – All swimming pools as defined in this section must conform to the requirements of Dover Code, Chapter 22 – Buildings and Building Regulations.
1.113 Placement – Swimming pools shall be permitted to be established in the side and rear yard, but shall be prohibited from placement between the principal structure and the street.

1.114 Setback – The edge of the swimming pool, specifically referring to the edge of the water containment portion of the pool shall be no less than fifteen (15) feet away from all property lines. All associated structures, buildings, and pavement related to the swimming pool shall be no less than five (5) feet away from all property lines.

ADOPTED: OCTOBER 10, 2011

COMPENSATION COMMISSION REPORT - SEPTEMBER 20, 2011

The Compensation Commission meeting was held on September 20, 2011 with Chairman Hogan presiding.

Compensation for the Mayor, City Council, and Paid Members of City Committees, Commissions, and Boards

Mr. Hogan reiterated that the goal of the Commission was to develop a recommendation to Council regarding compensation for: 1) City Council, 2) the Mayor, and 3) members of City committees, commissions, and boards. He suggested that the Commission begin its task by formulating a recommendation in regard to City Council.

City Council

Mrs. Webb stated that she could not support a raise for Council in the current economic climate.

Mr. Cook felt that the Commission should establish a basis for their recommendation to Council regarding the level of compensation suggested. He noted that Council members are currently paid $7,416 per year and that a survey regarding Council's responsibilities revealed that members work an average of 20 hours per week (half-time). He advised members that the federal minimum wage is currently $7.25 per hour and that 20 hours per week at that rate would total $7,540 per year.

Mr. Cook moved to recommend that Council's level of compensation be changed to $7,540 annually, that this be the basis for future evaluation and recommendations regarding compensation, and that the Council President receive an additional 15% of this amount, or an annual salary of $8,671.

In response to Mrs. Hawkins, Mr. Cook stated that, under this proposal, if the federal minimum wage were to increase, this could be addressed during the Compensation Commission's regularly scheduled review of compensation.

Mr. Perza felt that tying compensation to the minimum wage rate could bring unintended consequences in the future.

Mrs. Webb noted that, since this was the first time the Compensation Commission would be presenting a recommendation to Council, their initial recommendation could serve as the basis for reviewing this issue in the future.

The motion to recommend that Council's level of compensation be changed to $7,540 annually, that this be the basis for future evaluation and recommendations regarding compensation and that the Council President receive an additional 15% of this amount, or an annual salary of $8,671, failed for lack of a second.

Mr. Hogan suggested that the Commission advise Council that, in reviewing this matter, members found that the current salary was reasonable and just for the work that Council members perform.

The Committee recommended that, because: 1) in reviewing this matter, the Commission found that current Council salaries are very similar to compensation at the current federal minimum wage level for a half-time (20 hour per week) position; and 2) there was no empirical data or overwhelming public sentiment that demonstrated that change was indicated, current salary levels for City Council remain unchanged.

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

Mayor

In reviewing the Mayor's salary, Mr. Hogan noted that there was no strong public opinion regarding a change in the current level of compensation.

The Committee recommended that the Mayor's salary and compensation remain at the current level ($45,000), in view of the lack of evidence of strong public opinion to support a change.

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

City Committees, Commissions, and Boards

In considering compensation for members of City committees, commissions, and boards, Mr. Hogan felt that the City provides fair compensation to these individuals. He noted that members of the Election Board have had a decrease in responsibility since their compensation was set; however, he noted that they are involved in the City's redistricting process which occurs every ten (10) years following the census.

The Committee recommended that no changes be made in the compensation of paid members of the City's committees, commissions, and boards but that Council review the compensation and work responsibilities of the members of the Election Board due to changes made by the State in regard to their duties.

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

Members agreed that the previous recommendations made by the Commission be incorporated in their final recommendations to be presented to City Council on October 10, 2011, as follows:

1. It is recommended that staff be directed to distribute a survey to outgoing members of Council each year, prior to their departure, to obtain information regarding the responsibilities and time commitment involved in service.

2. It is recommended that staff be directed to perform comparisons with other jurisdictions each year regarding the rates of compensation for the Mayor, Council, and paid members of committees, commissions, and boards.

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

By consent agenda, Mr. Bonar moved for acceptance of the Compensation Commission's report, seconded by Mrs. Williams and carried by a unanimous roll call vote (Mrs. Russell absent).

UTILITY COMMITTEE REPORT - SEPTEMBER 26, 2011

The Utility Committee met on September 26, 2011 with Chairman Bonar presiding.

Discussion - Informational Presentation by Delaware Electric Cooperative (Referred Back to Committee by Council on September 12, 2011)

During the Legislative, Finance, and Administration Committee meeting of August 22, 2011, staff presented a response to the Delaware Electric Cooperative (DEC) presentation of June 27, 2011. The Committee recommended that the City proceed with a Request for Proposals (RFP) for an independent study to be conducted by an entity that is not currently or planned to be associated with the City of Dover, the DEC, or any other local electric company, to determine the feasibility of the City remaining in the electric business, the possibility of getting out of the electric business, and the anticipated ramifications of either approach. During their Regular Meeting of September 12, 2011, City Council considered the Committee's recommendation and referred further this matter back to the Utility Committee for discussion of the sale of the electric department and the issuance of an RFP for an independent study regarding the possible sale and disposition of the utility, including a Cost of Service Study.

Mr. Blakeman felt that there was a need to obtain information, including the cost of replacement for generation and the life expectancy of current generation, that would allow the City to make a reasonable decision, and that a rate study would also be helpful. In addition, he stated that there should be a general review of the City's position in the Pennsylvania, Jersey, Maryland Interconnection (PJM) and how this impacts the City's ability to purchase power and meet capacity requirements by purchase of capacity, ownership of capacity, and/or generation to sell.

Mr. Hare requested assurance that, if is determined that the City should continue in the electric business, the study would determine if there are inefficiencies.

In response to Mr. Hutchison, Mr. Blakeman recalled that in 1992 a cost of generation and necessity of generation study was conducted. He stated that the City's contract with Duke Energy (1996) was the result of an offer made by Delmarva Power and Light (DP&L) to purchase the City Electric Department (including generation, customers, etc.).

With regard to an Integrated Resource Plan (IRP), Mr. Ron Lunt, Public Utilities Director, advised members that PACE Global Energy Services previously completed five (5) year plans and that The Energy Authority (TEA) is ready to conduct a more elaborate and detailed five (5) year plan as a part of their contract. Staff has also discussed an IRP with TEA, which would be over and above their contract. He anticipated that staff will be submitting a request to City Council later in the year for a 20-year IRP.

Responding to Mrs. Williams, Mr. Lunt stated that the cost of an IRP would be approximately $300,000 and require an extended period of time to complete.

Mrs. Donna Mitchell, Controller/Treasurer, stated that she reviewed the July 5, 2011 letter from the DEC, including the illustrative example provided of paying $120M and the valuation methods utilized. She advised members that she applied the City's numbers to the valuation methods used and relayed concern that the DEC numbers appeared extremely understated. Referring to the Net Valuation Method included in the DEC Consultant's Report, she stated that the City's amount would equate to $188M versus $120M, the number of customers method would equate to $162.7M versus $120M, and the revenue valuation method would equate to $196.5M versus $120M. Mrs. Mitchell questioned if the City should pursue this matter further without a serious offer and explained that, although conducting such a study would provide the City with details, it might not be worth the expense and time if no action is taken by City Council. She noted that performing such a study would be a very time consuming process, not only for the company selected to conduct the study, but also for staff. Should the City move forward, she stated that she has concerns with the methodology and whether the City would receive the best price for its assets. Mrs. Mitchell advised members that, when reviewing the $120M listed in the DEC example, they should be aware that the City currently has $35.4M in bonds and $29.4M in retirement liabilities that must be paid; therefore, she requested that members take into consideration all of the economic factors when deciding whether the City should move forward with this process.

Mr. Hare felt that the City was not presented with DEC's best offer; however, without a study, he did not feel that the City could respond with a counteroffer. Responding, Mrs. Mitchell suggested that the City present DEC with the City's preliminary numbers and determine if DEC still has a desire to purchase the City's utility.

For clarification, Mr. Bonar explained that the DEC's presentation was provided for informational purposes only as a starting point of discussion and should not be considered as an offer by DEC. He stated that DEC or another entity may make an offer. If the City brought forward a study that showed the Electric Department operations were worth between $200M and $300M as a sale price through a purchase, this amount would more than offset the revenue derived from the electric utility in interest alone. In addition, he stated that the City could eliminate 25% of its payroll expenses (employees of the City's Electric Department) through the sale of the utility. Mr. Bonar explained that these were issues that must be considered by Council and that members should not make a judgement without a professional review, which has never been completed in the history of the City's ownership of the electric operation.

Mr. Bonar stated that consideration of this matter must consist of a step-by-step process that involves evaluation of every aspect, not just the $7M-$8M received through the electric utility, but whether this income can be offset by interest, whether electric costs for City residents and businesses

can be reduced, if the City can reduce payroll, and if the City's utility remains a viable and reliable portion of the local economy.

Mr. Hare reminded members that DEC offered to pay for half the cost of a study if the City were to make their offer public.

The Committee recommended approval of a Request for Proposals for a Cost of Service Study to determine the valuation of the entire City of Dover electric system and all appendices to include generation, distribution, personnel costs, etc.

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

Cost of Service Study to be Performed on the Electric Utility and the Possibility of Allowing Some Rate Classes to Shop for Services
See the discussion and action on the above item.

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

Responding to Mr. Blakeman regarding the Unit #3 turbine inspection, Mr. Ron Lunt, Public Utilities Director, stated that a borescope is utilized to conduct the inspection.

The Committee took no action.

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

The Committee recommended acceptance of the TEA/NAES Monthly Report for July as presented.

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

Mrs. Williams requested that staff provide all Committee members with copies of a report entitled "Dover Energy 2030 - Frequently Asked Questions."

Mr. Bonar relayed appreciation for staff's invitation to attend the recent planning meeting at the Electric Plant, which he stated was very helpful and informative. He expressed his gratitude for the hard work performed by staff and acknowledged that this was a difficult time for the Electric Division staff as well as for City Council.

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

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE REPORT - SEPTEMBER 26, 2011

The Legislative, Finance, and Administration Committee met on September 26, 2011 with Chairman McGlumphy presiding.

Chairman McGlumphy requested that Item #9 - Proposed City of Dover Prescription Assistance Plan be moved to Item #4 to accommodate the attendance of a guest from New Jersey.

Discontinuation of Pay for Performance (PFP) Evaluation Form and Review of Proposed Evaluation Form *(Deferred by Committee on August 22, 2011 Due to Time Constraints)*

Mr. Scott Koenig, Interim City Manager, reviewed performance appraisal forms, as follows: 1) the current City of Dover Pay for Performance (PFP) Evaluation for Non-Council Appointed Positions; 2) the current City of Dover PFP Evaluation for Council Appointed Positions; 3) a sample State of Delaware Employee Performance Review; and 4) a sample Dover Police Department Civilian Employee Evaluation Form. He suggested discontinuation of the City's current PFP Evaluation Forms, explaining that employees who use the forms find them to be cumbersome, noting that they are 12 pages long. He indicated the importance of having an evaluation tool; however, he suggested that members consider a shorter and less cumbersome evaluation form.

Mr. Koenig advised members that utilizing core competencies for non-bargaining employees has worked well and suggested including three (3) to five (5) goals rather than 10-15. Referring to the sample evaluation form for the State of Delaware, he felt that it would not provide the evaluation mechanism necessary for City staff. Mr. Koenig noted that the Dover Police Department form requires less written support documentation; however, it does not provide much flexibility in the evaluation and is lengthy due to the instruction packet. He advised members that staff also considered Kent County's evaluation form; however, the instructions were 20-25 pages in length, which he felt was problematic.

Staff recommended the use of a revised evaluation form that would utilize the strengths of the PFP evaluation forms and adapt them to include the strengths of the Dover Police Department Civilian Employee Evaluation Form.

Mr. Hare stated that it was his experience that goals are often a routine part of an employee's job and he did not feel that a 4-5 page evaluation form was necessary. In addition, he suggested a review of employee job descriptions. Concurring, Mr. Koenig stated that there are many instances where job descriptions do not reflect an employee's duties and responsibilities. He concurred that, as a supervisor, he is aware if an employee is performing well or not; however, he noted the necessity for evaluation forms as court documentation in the event of employee dismissal. Mr. Koenig explained that performance appraisal forms meet the needs of both the employer and employee.

Dr. Jones suggested that staff develop a revised evaluation form appropriate for non-bargaining employees and consider the difference between goals and objectives. She felt that an evaluation form should include objectives for the employee, explaining that goals are established for the position or organization and that objectives are time based and measurable and help to determine an employee's level of performance. It was her opinion that the purpose of an evaluation was not only to evaluate an employee over a given period of time but also to assist in planning growth for an employee.

Concurring with Dr. McGlumphy, Mr. Hare felt that staff should consider the use of the Dover Police Department Civilian Employee Evaluation Form.

Dr. McGlumphy requested that staff take the Committee's comments into consideration and develop a revised evaluation form to be brought back to the Committee.

Recommendation of the Health Benefits Committee Regarding Elimination of Medicare Part B Reimbursements for Current Non-Bargaining Employees *(Referred to Committee by LF&A on June 27, 2011)*

Mrs. Kimberly Hawkins, Human Resources Director, reminded members that, as directed by the Legislative, Finance, and Administration Committee during their meeting of June 27, 2011, the Health Benefits Committee considered the proposal to eliminate Medicare Part B reimbursement for current non-bargaining employees at their meeting held on August 16, 2011. She reported that the Health Benefits Committee recommended that the Medicare Part B reimbursements for non-bargaining employees remain unchanged.

Mr. Scott Koenig, Interim City Manager, explained that the City has been attempting to address budget issues and that by the end of October 18 positions will be vacant, resulting in organizational gaps throughout the City. He stated that staff is struggling with how to develop and maintain a balanced budget for Fiscal Year 2013. Mr. Koenig noted that at the beginning of Fiscal Year 2012-13, it is estimated that the City will be $5M further "in the hole" than in the current year, and that this is being driven by retiree health care benefit funding and other post-employment benefits. Taking this into consideration, Mr. Koenig stated that there has been much discussion regarding the reimbursement of Medicare Part B. He noted that there are approximately 82 non-bargaining employees who would be eligible for Medicare Part B reimbursement between now and the date the employee turns 65 years old. This benefit amounts to approximately $115 per month. Mr. Koenig explained that his recommendation to impose a cap is due to the cost involved, noting that approximately $9.8M would be necessary to fund this benefit between the current year and 2053. The proposed $200 cap would drop this obligation to $4.8M and he felt that a $200 cap was a reasonable trade to preserve the benefit. Mr. Koenig explained that his concern was that if action is not taken to preserve the benefit, at some point this benefit will be eliminated. He clarified that the proposed cap would apply only to the 82 current non-bargaining employees and was not intended to affect any employee who is already retired. He also stated that his intention would be to set a date for instituting the cap rather than making the change effective immediately, which would provide those employees wishing to retire an opportunity to do so before the cap is established.

Ms. Diane Glenn, 218 Northdown Drive, read the following statement into the record:

> "Good Evening, my name is Diane Glenn.
>
> In 1993, I moved from New Castle County to Dover to work with Dover Police to establish a Victim Services Program. When I was offered the job, I carefully thought about this move I was making and the impact this would have on my future. I thought about the opportunities that this job would provide me and I reviewed the benefits because at that point in my life, I was at an age where it was equally important for me to know that the benefits that were offered were in line for what my needs were for future retirement. I fully committed to the City of Dover over 18 years ago based on the above. What was offered to me was in line with what I wanted and I couldn't have chosen a better place to come and work.

Years ago, the three unions had an opportunity to negotiate with the City about Medicare Part B, they chose to negotiate this away in exchange for other compensation. As a non bargaining employee, those same opportunities to negotiate have not been afforded to me. I am not able to sit at the table to discuss or bargain with the City. I come here tonight, because it is the only forum in which I am able to at least voice my opinion and let you know where I stand.

Tonight, I want to go on record as stating that I am not in agreement with the Legislative and Finance Committees proposal to eliminate Medicare Part B for non bargaining employees AND I do not support the idea that a cap be put on either for the City or an employee. I want the plan to stay in place from when I was hired.

I fully understand the financial climate that faces government entities be it on the federal state, or municipal level. I understand that corporations as well struggle with the same questions, however policy within government agencies is generally to make changes to retirement plans for incoming employees and has never affected plans for those employee already in place.

Every day it is expected that I come to work and that I act in a professional manner. I am expected to respond at a moment's notice day and night to emergency situations and provide crisis support to crime victims and survivors and I am expected to do my job to the best of my ability.

I will do no less than my best and I will continue to provide the quality of care that each person deserves AND I expect that the City plan in which I was hired continue to remain intact for my future retirement.

Thank you for giving me this opportunity to speak tonight."

Ms. Donna Mills, 5459 Sandtown Road (Felton), advised members that she is a 25-year veteran of the City of Dover. She stated that Medicare Part B Reimbursement was a benefit, a promise made by the City of Dover to her as an employee. Noting that non-bargaining employees do not have the ability to negotiate benefits, she stated that if this benefit is eliminated, the City would be breaking a promise made to these employees when hired. She reminded members that this matter was considered in 2009 and City Council confirmed at that time that this benefit was promised to these employees and should be retained; therefore, she questioned why this matter is being presented again for consideration. She suggested that the budget issues be addressed equally and not be placed on 82 individuals who, as non-bargaining employees, do not have a voice.

Ms. Robin Adkins, 27 Waterwheel Circle, read the following statement into the record:

"I'd like to thank you for this opportunity to speak. It is an honor to work for the Dover Police Department and I am truly thankful that I am employed in a position that I enjoy. However, the handling of the Medicare-B entitlement issue for non-bargaining employees has been very disappointing.

I have survived a lot of hard economic times and challenges throughout my 30 plus years of federal and municipal government experience. As a member of the military, I served many years overseas and stateside. We worked a lot of hours, withstood a lot of

hardships including extended family separations. We worked through issues such as Gramm-Rudman budget cuts, military base closures, Desert Storm and others. The pay was sufficient, but our dedication to the larger picture of National Defense was more important. Morale was fairly high because our leadership treated us fairly and with respect, according to the standards and policies in place to keep it that way. Unions weren't needed in most areas because the leadership did the right thing to take care of us.

I've been working for the City of Dover for almost eleven years. I consider myself to be among a group of similarly dedicated individuals in the city employed as mid and department level managers, technicians, professionals and their assistants. We are educated, so many of us have undergraduate degrees, graduate degrees and/or professional certifications. We are collectively responsible for maintaining the continuity of the outstanding services this city provides to the community, so we are a stable and dependable group. However, we do not belong to any union because our positions disqualify us from joining one.

All I want to ask you today is why can't ALL City employees be treated fairly and equitably? The union Groups within the city negotiated annual pay raises in their contracts and negotiated away their Medicare B entitlements. However, we non-union employees are expected to sacrifice pay raises year after year and Medicare B entitlements for the "greater good". We have not been asked to participate in any form of negotiations for these items so the loss of ANY portion of the Medicare-B entitlement should not be considered fair and equitable since we had no say in determining any of the reductions to that entitlement.

I do acknowledge the hard economic times we are currently experiencing, but you as members of our City's Leadership, should also acknowledge your basic responsibility for treating all city employees fairly and equitably. The right for equal treatment is as basic as the 1st and 14th Amendment rights we enjoy as citizens in our great nation."

Police Chief James Hosfelt, 303 Pebble Valley Place, read the following statement into the record:

"I know I don't need to remind you that the non-bargaining group of city employees did not receive a raise this year and I don't think it will be a shock to any of us if we don't receive a raise in 2012.

We as a group already anticipate paying a portion of our Health Care costs and by all accounts are doing so in an attempt to share the burden.

One year of furloughs, two years of no pay raises and we are going to pay more for health care, something we have never had to do. Now on top of all of this I have to worry about you as a committee working towards taking away a retirement benefit that has been promised to those non-bargaining employees who work for the police department.

We don't mind doing our part, but when is enough – enough.

Before this was sent to the City Solicitor for a legal opinion and then forwarded to the Health Benefits Committee for a review and recommendation, there was a motion on the floor to retain this benefit for those employees who were vested or had reached ten years of service.

I hope we haven't reached the point where promised retirement benefits are being arbitrarily taken away from non bargaining employees, i.e. Medicare B. If we have then I would ask you to reconsider a motion that was made by Councilman Hare and seconded by Dr. McGlumphy before being withdrawn on June 13, 2011. In that motion it was moved that Medicare Part B for all vested employees, or should I say those employees with ten or more years of service, be maintained. If this were the case, according to Ms. Mitchell's estimates, over 5 million dollars would be saved.

While this is a tough stance to take and a hard one for me to put forth, I do so because those employees who are vested have demonstrated their loyalty and commitment to the city through their hard work and years of service."

Ms. Christina Kober, 343 Orchard Grove Drive, Camden, read the following statement into the record:

"Good evening. Thank you for allowing me to speak regarding Medicare Part B for non-bargaining employees. My name is Christina Kober. I have been with the City of Dover for 23 years. My first 10 years was served as an unioned police dispatcher and the remaining 13 years I have served as the 911 Manager. I am a part of a group of the non-bargaining employees.

I accepted employment with the City of Dover due to the benefits. I have been dedicated and loyal to my responsibilities as a City of Dover employee but I do not feel that my voice has been heard or that my opinion matters to Council. I have upheld the terms of my employment and hope you will also do the same – and honor the Medicare Part B as agreed upon.

The city budget for 2012 has already been passed and all non-bargaining employees will receive no pay increase. Every union group had the right to negotiate Medicare Part B and subsequently received compensation for it. As a non-bargaining employee, the same respect has not been afforded to non-bargaining employees.

- The IUE-CWA received additional vacation days per year and retirement health care.
- The IBEW received additional vacation days per year and salary step increases.
- The FOP received a rank increase of MCPL, which is equivalent to a 4.5% increase.
- All of these have been above and beyond their contractual pay increases.

> City council is seeking to eliminate Medicare Part B reimbursement from all non-bargaining employees. Council has previously agreed that any employee hired after July 27, 2009 would not be eligible for Medicare Part B. Why are we back here today?
>
> There is a small group within the city that are non-bargaining employees, of our group only a few of us have come forward to speak. I know that others may feel they are in a compromised position and feel that they cannot fully express how they feel. For those of us that are willing to get up and speak, I know that there are others who stand with us in principle.
>
> I respectfully request you uphold our current benefit plan. Thank you for your time and attention to this matter."

Mrs. Fran Hettinger, 63 Sackarackin Avenue (retiree), noted that the proposal, as presented, did not affect retirees; however, she addressed members on behalf of current employees. She stated that many of the employees who would be affected by the proposal were hired before salaries became comparable to the private sector and "gave their all." Mrs. Hettinger explained that it is often the benefits offered by the City, rather than salaries, that attracts new employees, and this is what drew many current employees. Mrs. Hettinger advised members that, several years ago, non-bargaining employees became concerned because union employees were receiving pay raises, resulting in the salaries of some employees becoming higher than their supervisors, since non-bargaining employees had no representation. When this concern was brought to the City Manager, they were advised that it was the City Manager's job to take care of the non-bargaining employees. Mrs. Hettinger noted that, at that time, some of the non-bargaining employees met and decided to form a bargaining group, fearing that the City may "let them down" some day. The City Manager at that time assured the non-bargaining employees that it was not necessary for them to form a bargaining group and that they would be taken care of. She noted that now the City has no City Manager and that a new City Council is in place. Although Mrs. Hettinger supported a balanced budget, she requested that members not penalize certain employees by discontinuing a benefit that they were promised.

Mr. Anderson reminded members that during the past few years, other than last year, non-bargaining employees received pay raises beyond union employees. He stated that the current Council is not bound by the action of a previous Council and that City Council has the responsibility to consider the current realities. Mr. Anderson noted that the world is changing, including Medicare, and Council must consider this and evaluate limiting the City's liability. He stated that the Medicare Part B Reimbursement is not offered by any other entity and that the legal opinion provided indicated that this is not a benefit but rather a right. Although the reimbursement has been the City's practice, he stated his support for its elimination; however, he indicated he was willing to consider a compromise.

Mr. Lynn stated that, as several speakers expressed, the City made a promise to their employees regarding Medicare Part B reimbursement when they were hired. He felt that City employees have relied upon this promise and that such reliance was reasonable and foreseeable by the City. It was his opinion that injustice can only be avoided by honoring the promise; therefore, he suggested that the Committee recommend honoring the promise.

Mr. Bonar referred to fellow police officers with whom he worked and advised members that the police officers made promises to protect and serve the City of Dover, just as the non-bargaining employees committed to serve the City, although these employees may not put their lives on the line on a daily basis as police officers do. He stated that the City made a promise to their employees and, although the economics have changed, he felt that the promise should be honored. He supported eliminating the benefit for employees with less than five (5) years of service and for new hires; however, he stated that he would not support the proposal as presented, particularly for those employees with 20-25 years of service.

Responding to Mr. Hutchison, Mr. Koenig stated that there are a total of 42 non-bargaining vested and 41 non-bargaining non-vested employees. He indicated that eliminating the Medicare Part B reimbursement for non-vested employees would result in a $5M savings (using a 5.6% inflation rate).

Mr. Hare reminded members that City Council has an obligation, not just to the employees but also to the citizens of Dover, to protect their quality of life and the future of the City. He reiterated his suggestion that the reimbursement be capped at $300. He stated that Medicare Part B is an unfunded mandate from the Federal Government and that the City has no control over its cost.

In response to Dr. Jones, Mrs. Hawkins stated that, to her knowledge, details regarding Medicare Part B reimbursement were included in a single-page document, dated 1976, written by a previous Finance Director. It was not included in the Employee Handbook until 2009, when new language was included to indicate that the reimbursement would not be offered to new employees. Mr. Koenig stated that there is now a new employee orientation procedure whereby the benefit package is discussed and employees acknowledge receipt of the Employee Handbook, which includes the employee benefit package.

Mr. Hare moved to recommend that there be no changes to the Medicare Part B reimbursement, seconded by Mr. Shevock.

For clarification, Mrs. Hawkins stated that when this matter was considered in 2009, staff was directed to include language in the Employee Handbook to indicate that the Medicare Part B reimbursement is considered a “right” and not a “benefit”; therefore, it could be presented in the future for reconsideration.

The motion to recommend that there be no changes to the Medicare Part B reimbursement failed by a roll call vote of two (2) yes, two (2) no (Mr. Anderson and Dr. McGlumphy), and one (1) abstention (Dr. Jones).

Mr. Anderson moved to recommend capping the Medicare Part B reimbursement benefit at a $200 level to preserve the integrity of the City’s finances and out-year liability. The motion failed for lack of a second.

Dr. McGlumphy advised Committee members that the matter would be considered by City Council during their Regular Meeting of October 10, 2011 with no recommendation from the Committee.

Dr. McGlumphy moved that the Medicare Part B reimbursements be capped at $200 for all eligible non-bargaining employees effective February 2, 2012. The motion was seconded by Mr. Anderson.

Mr. Lynn reminded members that such a change would require an ordinance amendment.

Council President Leary read the following statement provided by Councilwoman Russell:

"October 10, 2011

I am unable to attend tonight's Council meeting; however, I would like to express my opinion regarding Agenda Item #8B, Recommendation of the Health Benefits Committee Regarding Elimination of Medicare Part B Reimbursements for Current Non-Bargaining Employees.

I feel that Council should not eliminate Medicare Part B Reimbursements for current non-bargaining employees because it has been promised to the employees, and I believe that this promise should be honored as a binding contract. Many employees have stated that they originally accepted employment with the City of Dover because of the benefit package. Although Medicare Part B Reimbursements were previously eliminated for new hires, this practice should be maintained for existing employees.

As members of Council, it is our duty to maintain good faith between the City and its employees.

Sophia R. Russell
Fourth District
Representative"

The motion that the Medicare Part B reimbursements be capped at $200 for all eligible non-bargaining employees effective February 2, 2012 failed by a roll call vote of four (4) yes, and four (4) no (Mr. Lynn, Mr. Bonar, Mr. Hare, and Mr. Leary).

Proposed Resolution No. 2011-11 - Request to General Assembly to Amend the City of Dover Charter - Length of Terms for Mayor and Council *(Deferred by Committee on August 22, 2011 Due to Time Constraints) (Tabled by Committee on 9/12/11 Pending Additional Review of the 2005 Charter Review Committee Recommendation)*

During their meeting of September 12, 2011, members considered Proposed Resolution No. 2011-11 requesting the Delaware General Assembly to amend the City of Dover Charter to increase the term lengths for the Mayor and Council from two (2) years to four (4) years. The Committee tabled the matter pending additional review of actions taken by previous Charter Review Committees.

Members received excerpts of the minutes of the previous Charter Review Committee meetings for their review.

The Committee recommended adoption of Proposed Resolution No. 2011-11.

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

Proposed City of Dover Prescription Assistance Plan

At the request of Councilman Anderson, information related to United Networks of America Free Statewide Prescription Assistance Program was provided to members for their review and consideration.

Mr. Alan Caan, Program Development for United Networks of America, (19-62 Chandler Drive in Fair Lawn, New Jersey) briefly reviewed the information received by members regarding the Free Statewide Prescription Assistance Program and noted that the program includes eyeglasses, hearing aids, dental, etc. He stated that the program is available to everyone.

Responding to Mr. Anderson, Mr. Caan stated that there would be no cost to the City of Dover to provide this program to its residents, nor any fees to members. He explained that discount cards would be provided to the City to distribute to its residents, family members, employees, businesses and their employees. In addition, Mr. Caan stated that every time a card is used at a pharmacy to fill a prescription, the City of Dover would receive .50¢. He noted that when he departed Bergen County, New Jersey, there were approximately 5,600 prescriptions filled per month in the County through this program, which equated to over $300,000 in savings to residents. Multiplied annually, he stated that the residents would save over $3.5M per year.

In response to Mr. Shevock, Mr. Caan stated that the United Networks of America (UNA) receives revenue from the prescription drug program, which is derived from the formation of pharmacy networks; however, UNA receives no revenue from the other programs offered, such as eyeglasses and hearing aids. He explained that participating pharmacies provide discounts and payment to the UNA who shares its portion with the groups, organizations, and governments that participate in the program.

Responding to Mr. Lynn, Mr. Caan indicated that individuals utilizing prescription insurance coverage cannot use the prescription drug program to pay the co-pay.

The Committee recommended the implementation of the United Networks of America Free Statewide Prescription Assistance Plan, as presented.

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

Due to time constraints, the Committee recessed until Thursday, September 29, 2011 at 5:00 p.m.

The Legislative, Finance, and Administration Committee Meeting reconvened on September 29, 2011 at 5:00 p.m. with Dr. McGlumphy presiding.

Chairman McGlumphy requested that Item #2 - Discussion of Historical Perspective of Economic Development Office be considered as Item #1.

Discussion - Historical Perspective of Economic Development Office

Mrs. Ann Marie Townshend, Director of Planning and Community Development, read the following statement into the record:

"The creation of the economic development office was tied closely to the Economic Development Chapter of the Comprehensive Plan, the Hyett Palma Economic Revitalization Strategy for downtown, and the consolidation of the three organizations charged with downtown redevelopment (Parking Authority, DDDC, Main Street Dover).

In 2007, the Kent County Economic Development Strategy Initiative was released. This strategy was funded jointly by Kent County, Dover, Smyrna and DRBA. In November 2007, the consultant (Moran, Stahl and Boyer) who developed the strategy gave a presentation of the Strategy to City Council. The Strategy included Economic Development Recommendations for the City of Dover.

This study and the Hyett Palma study were used heavily in the development of the Economic Development chapter of the Comprehensive Plan. This chapter was developed by assembling a working group of professionals representing Kent County, DEDO, the Chamber of Commerce, and others. The Comprehensive Plan ultimately recommended hiring an economic development professional for the City of Dover.

Concurrently, as a part of implementing Hyett Palma, meetings were taking place with the leaders of the downtown groups (DDDC, Parking Authority and Main Street) about consolidating the organizations. Ultimately, this was done in July 2008, creating the DDP. In working to consolidate the three organizations, there were three staffing scenarios evaluated: simply absorbing the Main Street Director; absorbing the Main Street Director and creating a new Administrative Assistant position; absorbing the Main Street Director and hiring a new Administrative Assistant and Economic Development Manager. This was the scenario ultimately chosen. Prior to this, City staff (Clerk's Office and Planning Department) provided staff support for the DDDC and Parking Authority, and the Main Street Director provided staff support for Main Street Dover. By-laws for DDP indicate that City Planner is executive director if another executive director is not hired.

The idea was that the new positions would spend 50% of their time on DDP/downtown functions, and 50% of their time on city-wide economic development. Responsibilities to include Garrison Oak, streamlining of business development, working with GSA on locating office space, work with higher education to create a partnership, packaging of downtown redevelopment incentives.

Economic Development Office initially placed under the City Planner; ultimately moved under the City Manager."

Responding to Mr. Hutchison, Mrs. Townshend recalled that the City was paying $16,000-$20,000 annually for a membership with the Kent County Economic Development Office.

Mr. Lynn requested a ratio comparing the cost of staffing the Economic Development Office (EDO) versus the amount of revenue that has been generated for the City. Mrs. Townshend stated that the Economic Development Director tracks economic statistics and reminded members that the City created the Economic Development Office during a time when the economy was declining.

However, she assured members that there has been business growth in the downtown area. Elaborating, Mr. William Neaton, Economic Development Director, stated that although he does not have specifics, the unemployment rate this year decreased approximately 1% compared to last year, noting that the unemployment rate in August 2011 was 9.4% and in August 2010, it was 10.3%.

Mr. Neaton advised members that, during the last three (3) years, the EDO has established relationships and completed infrastructure improvements so that the City will be positioned to move very quickly to begin attracting new businesses when the economy turns around. Referring to the Garrison Tract, he reminded members that the City's EDO was tasked with getting the Garrison Tract "shovel ready." The City's EDO sent Requests for Proposals (RFPs) and worked with engineers, the Delaware Department of Transportation (DelDOT), the Delaware Economic Development Office (DEDO), and others, and obtained an approved site plan. Mr. Neaton also noted that he was expecting a response after October 1, 2011 regarding the receipt of infrastructure improvement funds from the State of Delaware. He stated that the City has budgeted $3M for infrastructure improvements to the site. He also advised members that he has been working with a second lessee, Calpine, who is awaiting an impact study from Pennsylvania, Jersey, Maryland Interconnection (PJM) in order to move forward. Mr. Neaton reminded members that the Calpine project consists of a 618 megawatt power plant at a cost of approximately a half of a billion dollars, which will generate significant tax revenues and water and sewer fees for the City of Dover.

In response to Mr. Hare regarding Main Street Dover, Mrs. Townshend explained that when the Hyett Palma Study was completed in 2006, one of the observations made was that there were three (3) organizations targeting downtown redevelopment, one (1) of which was Main Street Dover. It was determined that there was duplication of efforts and, at times, these organizations were working at cross purposes; therefore, it was recommended that the (3) organizations be brought under one (1) umbrella. She stated that many individuals and organizations that have been part of the downtown area agreed that bringing these organizations together would improve their effectiveness.

Mr. Hare requested that Mr. Neaton provide documentation that proves that the City's EDO has created additional revenue over and above the $250,000 cost of the office. In addition, he stated that the SunPark is costing the citizens of Dover, noting that $112,000 was charged to the City for July.

Responding, Mr. Neaton reminded members that the SunPark was a part of an overall economic development plan for the City, noting that the 2030 Committee recommended that the department develop green energy and a previous Council agreed. As an energy supplier, he stated that the City was mandated by the State to acquire renewable energy credits. He advised members that 80% of the labor for the SunPark was obtained from Kent County and that Calpine, which is a two (2) to three (3) year project, is also committed to utilizing local labor. Concurring, Mrs. Townshend explained that any jobs brought into or retained in the City are beneficial to the economic development of the City. She noted that although some of the successes in retaining jobs are small, the impact to the City is huge.

Mr. Anderson stated that it has been his observation that there have been changes that have provided a focus to the downtown area and that if the City does not invest in economic development, it will go elsewhere. Responding, Mr. Neaton explained the importance of an active economic development office which lays a foundation for future growth. He reminded members that an ordinance was recently developed at the request of the Mayor which provides a tax incentive/tax

abatement for large unoccupied buildings, which can be used to attract new tenants. He noted that the City Manager, the Mayor, and real estate partners collaborated in this effort. In addition, he stated that there are 13 parcels available at the Garrison Oak Tract and, once funding is obtained, this area will become "shovel ready." He explained that another advantage of having an EDO is that it allows for the City to act and react more quickly in such matters as the issuance and review of RFPs for recommendation.

Mr. Anderson stated that he has been in contact with other organizations and was advised that the City's EDO is well known and considered one of the most proactive organizations throughout the State. Noting that these are difficult economic times, he reminded members that immediate results cannot always be obtained.

Concurring, Mr. Neaton indicated the importance of developing relationships in the process of economic development and that during the past three (3) years, he has developed relationships with the Secretary of Economic Development for the State of Delaware and Presidents and/or Campus Administrators of Colleges/Universities, etc. Although these relationships take time to develop, he reiterated their importance.

Mr. Anderson suggested that the City become more involved with obtaining grants and stated that he felt the City lacks in this area. He questioned if the City's EDO will be pursuing a strategic partnership with Delaware State University's new research initiatives. Responding, Mr. Neaton stated that he has worked with the Delaware State University's School of Business and that they have developed a business plan and marketing plan for the downtown area. In regard to the grants, he advised members that a Delaware Main Street Conference was held recently where grant acquisitions was discussed, and he assured members that he would be pursuing this in the future. He noted that grants have been awarded to the City during the past few years, such as a $45,000 grant awarded by the United States Department of Agriculture (USDA) that continues to be utilized.

Dr. McGlumphy noted that the City's EDO had provided monthly updates, including statistics, to the Parks, Recreation, and Community Development Committee and encouraged staff to also provide updates of the information that was included in the City's budget, including goals and objectives. He offered to meet with Mr. Neaton to explain further. Dr. McGlumphy relayed his understanding of the value of recent projects in the City, such as the new library and the Dover SunPark. However, he stated his concern that jobs created through these undertakings may not be benefitting City residents and minorities. He requested that staff provide detailed information regarding the residence and ethnicity of individuals hired for such projects.

There was no further action taken by the Committee.

Presentation by Downtown Dover Partnership (DDP): Recent Grant Award in the Amount of $3M; Status of $1.3M Loan for 120 S. Governors Avenue; Future Plans

Mr. William Neaton, Executive Director of the Downtown Dover Partnership (DDP), advised members that, as a result of several studies conducted, it was determined that there was a need for an overall plan for the downtown area. Upon completion of the Dover Transit Center, he stated that the Dover/Kent County Metropolitan Planning Organization (MPO) requested a "plan book" to determine what the area surrounding the Transit Center could or should become in the future. The MPO hired the Renaissance Planning Group and Becker Morgan Group, Inc. to assist with this project. Mr. Neaton stated that he approached the MPO regarding the possibility of the DDP

partnering in this effort, since there were several properties in the downtown area that should be reviewed by the architects and engineers to determine their potential use in the future and how they would fit into the Master Plan for the downtown area. As a result, Mr. Neaton reminded members that a charrette was conducted, which consisted of interested parties meeting to determine what the City should become in the future, without consideration of funding. During this charrette, several parcels were evaluated, including those owned by the DDP and the North Street Corridor. Legislators were then approached and presented with a written document regarding proposed improvements in the downtown area and, in response, legislators awarded $3M in Bond Bill monies to assist in the completion of downtown projects.

Recent Grant Award in the Amount of $3M

Mr. Gregg Moore, President of the DDP, reviewed the Dover Transit Center Neighborhood Plan - Charrette Presentation. He stated that the projects that were chosen for funding by the State are located on North Street and include the Collegian Site (consisting of three buildings - newsstand, hardware store, and former Capital Office Supply), seven (7) parking lots, and upgrades to North Street so that it serves as another gateway to the City.

Mr. Moore reminded members that the vacant building at 22-24 W. Loockerman Street, which was formerly occupied by W.T. Grant and consists of 20,000 sq. ft., was purchased by the DDP. He noted that although this project is not a part of the $3M that the DDP received through the FY 2012 State Bond Bill to finance area improvements, it is a part of the overall plan to make investments in the heart of downtown, in an effort to upgrade Loockerman Street and The Green, and to improve parking. Mr. Moore stated that the DDP plans to make upgrades to the former W.T. Grant building and obtain tenants. Once this has been completed, the DDP will sell the property to a developer to own and operate.

Mr. Moore explained that the Collegian Property would be developed in such a manner that pedestrian pathways would be created from Loockerman Street to and from North Street. He noted that it would not be appropriate to construct additional buildings on the property at this time; however, he noted that this would be the ultimate goal.

Mr. Moore advised members that there are many other projects in the DDP Comprehensive Plan and that funding is required as part of the Transit Center Study; however, he assured members that the City is not being requested to consider any funding issues involved with these projects. He stated that the DDP plans to continue to pursue funding from the State of Delaware to continue other projects and improvements to the area.

Mr. Moore noted that DDP is also working on the old Acme site, stating that this project would not be funded through the $3M that the DDP received from the State. On the advice of local commercial realtors, he stated that a plan was developed for the site so that the sale of the property actually includes an improved plan. Mr. Moore explained that the plan for the site has been reviewed and approved by the Historic District Commission, Planning Commission, etc. and the property is listed for sale at $1.4M.

In response to Dr. Jones, Mr. Moore stated that the developer would determine the tenants of the apartments. Dr. Jones felt that consideration should be given to making the City as diverse as possible.

Responding to Mr. Hare, Mr. Moore stated that the DDP does not own any of the properties along New Street; however, it is their desire for New Street and other surrounding streets to be upgraded and redeveloped. He noted that the DDP could assist in facilitating such a change. Mr. Moore explained that the DDP obtains revenues through rental properties, re-investments, parking lot revenues, etc.

Status of $1.3M Loan for 120 S. Governors Avenue

Mr. Moore advised members that the DDP inherited a $1.3M loan co-signed by City Council in 2008 (prior to the creation of the DDP). He stated that the loan is an interest only loan, paid by the DDP, with approximately two (2) years remaining. The goal of the DDP is to sell the property before the loan expires and pay the loan; however, if this does not happen, the DDP plans to renegotiate the loan in such a manner that there is positive cash flow. He anticipated that the DDP would be successful in either situation. He noted that the DDP owns several properties and, therefore, felt confident that the City will not be faced with any catastrophic problem in this regard.

The Committee took no further action regarding this matter.

Due to time constraints, and noting that there were members of the public wishing to speak, by unanimous consent, Agenda Item #5 - Review, Consolidation and/or Elimination of City Committees, Commissions, and Boards - Dover Human Relations Commission was considered prior to Item #3.

Review, Consolidation and/or Elimination of City Committees, Commissions, and Boards - Dover Human Relations 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 reviewed information regarding the Dover Human Relations Commission (DHRC).

Ms. Faye Della White, 101 Babb Drive, relayed her support for the DHRC, feeling that they have accomplished good work for the City, including the defense of human rights and freedom of expression. She noted that there currently are six (6) vacancies on the DHRC and informed members that she submitted a resume for consideration earlier in the day. She requested that the City retain the DHRC.

Mr. Lawrence Byrd, 49 Acacia Place, felt that there is a need for a voice for those who have a better understanding of the people's backgrounds and status of living. He also felt that the Commission makes the City a better place in which to live, noting that there have been racial issues throughout the City. With a Human Relations Commission, he felt that the City can build a better place for its resident to live, an improved school system, etc.

Mr. David McCorkle, 20 N. New Street, stated that, as a representative of the House of Pride, this organization has worked closely with the Dover Human Relations Commission. He stated that the DHRC has provided much assistance to recovering addicts, explaining that addicts living in the area of New Street have been discriminated against. He relayed appreciation for the DHRC and requested that they not be disbanded or discontinued.

Mr. Anderson stated that he has had the pleasure of serving as a member of the DHRC. Although he was aware that there have been weaknesses in the Commission, he indicated that he has been impressed with the new leadership during the past year. Mr. Anderson noted that the DHRC has been involved in recent issues regarding the relations of people of the City. He stated that Dover has had a homeless problem that was not being recognized and that the DHRC provided a forum to make this issue known to assist in developing a resolution. It was Mr. Anderson's observation that the Commission has made several issues known to the public. He noted that the Commission provides a means for the public to relay concerns, explaining that constituents do not always come to City Hall to express their concerns. He stated that these forums resulted in a new electric bill format and helped defeat a hike in natural gas rates. Mr. Anderson felt that there are minimal costs associated with the Commission, noting that the members serve without compensation. He stated that the Commission is a good investment for the City and that members should allow the new leadership an opportunity to provide beneficial results.

Dr. Jones stated that the DHRC serves a role in the City. She stated that, as a citizen, she would like for it to continue and for their leadership to work, as partners, with members of City Council and other leadership positions within the City. She felt that the membership should include all who are represented, particularly those that may feel they are disenfranchised.

Mr. Hare relayed his concurrence with Dr. Jones; however, he felt that the Commission may be acting outside their purview. He did not feel that the Commission should make recommendations to the Police Department for arrests, or suggestions regarding who should obtain counseling or rehabilitation, etc. Should the Commission be maintained, he suggested that they act within their defined objectives and goals.

Council President Leary stated that, due to the City's economic situation, there have been various considerations to save expenses, including leaving vacant positions unfilled. He felt that if there are ways to contract some of the City's activities without affecting constituent services, it was important that these suggestions be presented for consideration. In this particular instance, he noted that there is a State of Delaware Human Relations Commission, which has a similar charge and currently has seven (7) members that reside in Kent County. He felt that the City's Human Relations Commission is duplicative and felt that this would be a good time for members to consider eliminating the City's Commission and utilize the State's Commission in this regard.

At the request of Mrs. Russell, Dr. McGlumphy read the following statement, dated September 29, 2011, into the record:

> "I am unable to attend tonight's meeting of the Legislative, Finance, and Administration Committee; however, I would like to express my opinion regarding Agenda Item #6, the Review, Consolidation and/or Elimination of City Committees, Commissions, and Boards as it relates to the Dover Human Relations Commission.

> I do not feel that this organization should be eliminated. I believe that the Commission would benefit from reorganization, improved guidelines, better defined rules, and possibly diversity training. The Commission should also work more closely with the State Human Relations Commission. I believe that the Dover Human Relations Commission serves a useful purpose in promoting understanding between people of all races and backgrounds.
>
> Sophia R. Russell
> Fourth District Representative"

Council President Leary reiterated that this is not the only Board, Committee, or Commission being considered and that there will be others examined as well.

In response to Dr. Jones, Mr. Roy Sudler, Jr., Chairman of the DHRC, stated that initially the Commission's budget was $10,000, it was later reduced to $5,000, and the current budget was $3,000.

The Committee recommended that the Dover Human Relations Commission be retained and that the Commission itself conduct a review and report back to the Committee within three (3) months with suggestions to make operations more effective.

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

Due to time constraints, Items #3 - Review of Cell Phone Use, and #4 - Review of Take-Home Vehicle Use were deferred until the next Committee meeting.

Dr. McGlumphy moved for acceptance of the Legislative, Finance, and Administration Committee Report, seconded by Mr. Anderson and unanimously carried.

MONTHLY REPORTS - AUGUST 2011

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

Budget Report
Chief of Police Report
City Assessor's Report
City Manager's Report
City Planner's Report
Dover Fire Department Report
Capital Investment Plan (CIP) Report

APPOINTMENTS (REAPPOINTMENTS) RECOMMENDED BY MAYOR CAREY

Mayor Carey requested the following reappointments to the Dover MPO Public Advisory Committee - Two (2) Year Terms to Expire July 2013:

Prameela Kaza
James P. Webster

By consent agenda, Mr. Bonar moved for approval of the reappointments, as recommended by Mayor Carey, seconded by Mrs. Williams and carried by a unanimous roll call vote (Mrs. Russell absent).

Mayor Carey requested the appointment of Susan Betts to the Dover 4th of July Celebration Committee - Annual Appointment to Expire May 14, 2012.

By consent agenda, Mr. Bonar moved for approval of the appointment, as recommended by Mayor Carey, seconded by Mrs. Williams and carried by a unanimous roll call vote (Mrs. Russell absent).

APPOINTMENT RECOMMENDED BY COUNCIL PRESIDENT LEARY - DR. KIM WARFIELD - SALARY AND BENEFITS COMPENSATION COMPARISON AD-HOC COMMITTEE

Council President Leary requested the appointment of Dr. Kim Warfield to the Salary and Benefits Compensation Comparison Ad-Hoc Committee.

By consent agenda, Mr. Bonar moved for approval of the appointment, as recommended by Council President Leary, seconded by Mrs. Williams and carried by a unanimous roll call vote (Mrs. Russell absent).

COUNCIL MEMBERS ANNOUNCEMENTS

Council President Leary extended a happy belated birthday to Councilwoman Williams.

Mayor Carey announced that the Mayor's Prayer Breakfast would be held on October 11, 2011 at the Sheraton Dover Inn at 7:00 a.m.

Mr. Bonar moved for adjournment into Executive Session, seconded by Mr. Lynn and unanimously carried.

Meeting Adjourned at 8:02 P.M.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Regular Meeting of October 10, 2011, are hereby approved.

CARLETON E. CAREY, SR.
MAYOR

/TM
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ACTION FORM

PROCEEDING: Council

DEPARTMENT OF ORIGIN: Public Services **DATE SUBMITTED**: October 14, 2011

PREPARED BY: Ann Marie Townshend, AICP, Director of Planning and Community Development

SUBJECT: 29 N. Kirkwood Street, Dover, Delaware – Violation of Dangerous Building Ordinance

REFERENCE: Chapter 22, Article XI – Dangerous Buildings, Sec. 22-385 - Hearing before Council and Chapter 22, Article XI - Dangerous Buildings, Sec. 22-388 – Emergency Cases Case # 10-346

RELATED PROJECT: N/A

APPROVALS: Scott D. Koenig, P.E., Interim City Manager/Public Services Manager; Donna Mitchell, City Controller/Treasurer

EXHIBITS: PowerPoint Presentation and File Photos to be presented at the Council meeting.

EXPENDITURE REQUIRED: Preliminary estimate is $10,000-15,000.
AMOUNT BUDGETED: $100,000 Budgeted for all demolitions Citywide in the FY-2012 Budget; $72,489.75 remains in line item.
FUNDING SOURCE (Dept./Page in CIP & Budget): 110-1600-534-30-33 – Page 155 in the FY 2012 Operating Budget.

TIMETABLE: As soon as possible.

RECOMMENDED ACTION:

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**.
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.

BACKGROUND AND ANALYSIS

The property is owned Bowen, Catherine LTR and others. This is a two-story single family wood framed dwelling that 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. Because this structure has been vacant and due to fire damage cannot be fully secured, staff recommends that this be considered as 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 days of Council action.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee Meeting was held on October 10, 2011, at 12:00 p.m. with Mr. Hare presiding in the absence of Mrs. Russell. Members present were Mrs. Horsey and Mr. Lewis. Mr. Anderson was absent.

AGENDA ADDITIONS/DELETIONS

Mrs. Horsey moved for approval of the agenda, seconded by Mr. Lewis and unanimously carried.

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," *(Attachment #1)* 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.

Mrs. Horsey moved to recommend that Council approve the Neighborhood Stabilization Program (NSP) partnership between the City and the Central Delaware Habitat for Humanity, seconded by Mr. Lewis and unanimously carried.

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.

Mrs. Horsey moved to recommend 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) ***(Attachment #2)*****, as recommended by staff, seconded by Mr. Lewis and unanimously carried.**

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 ***(Attachment #3).*** 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.

Mr. Lewis moved to recommend 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) ***(Attachment #4)*****, seconded by Mrs. Horsey and unanimously carried.**

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.

Mr. Lewis moved to accept the Economic Development Office (EDO) report, seconded by Mrs. Horsey, and unanimously carried.

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.

Mrs. Horsey moved to accept the report, seconded by Mr. Lewis and unanimously carried.

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.

Mr. Lewis moved for adjournment, seconded by Mrs. Horsey and unanimously carried.

Meeting adjourned at 1:18 P.M.

William F. Hare
Acting Chairman

WFH/JS/dd/tm
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Attachments

Attachment #1 - Presentation - "An Introduction to Pressley Ridge"
Attachment #2 - Proposed Ordinance #2011-25 - Amending Appendix B - Zoning, Article 3 (Relating to Neighborhood Shopping Center Zone)
Attachment #3 - Diagrams Depicting the Provisions of Proposed Ordinance #2011-26
Attachment #4 - Proposed Ordinance #2011-26 - Amending Appendix B - Zoning, Article 5 (Relating to Corner Lots)

An Introduction to

Pressley Ridge

Serving Children and Families Since 1832

Cha-Tanya Lankford, LCSW
Program Director

An Introduction to Pressley Ridge TFC Services

Presentation Outline:

I. History
II. Mission / Values
III. Model of Care
IV. Services
V. Re-Education
VI. Pressley Ridge- Delaware
VII. Delaware Specific Outcomes
VIII. Question/Answer

Beginnings

- Pressley Ridge traces it's beginnings to two orphanages started in the 1800's.
  - The Protestant Orphan Asylum of Pittsburgh and Allegheny – opened in 1832.
  - The Pittsburgh and Allegheny Home for the Friendless – opened in 1861.

Beginnings

- In 1866, The Protestant Home for Children moved to a new building in Allegheny City on Ridge Avenue.
- Also in 1866, the Home for the Friendless moved to a new building named "Pressley House" on Pressley Street.

Years of Traditional Services . . .

- The Protestant Home and the Home for the Friendless continued to operate as traditional orphanages into the 1950's.
- In 1955, Pressley House was reorganized as a residential treatment center for emotionally disturbed children ages six to twelve.

The Next Steps . . .

- In 1957, the Marshall Avenue property was purchased and cottage-style residences were built.
- Pressley House provided residential treatment, educational services, foster care and day care programs.
- A special education day-school was built in 1965.

Next Steps . . .

- In 1966, the Protestant Home began serving emotionally disturbed children ages 12 to 15, and also provided psychiatric and psychological consultants and caseworkers.
- Can you see where this is leading . . . .

The Merger

- In 1969, the two institutions merged and took the name Pressley Ridge School.
- By 1973, all educational and residential services were moved to the Marshall Avenue campus.
- The Pressley Ridge board continued to explore innovations in services to troubled children. The Re-Education philosophy was adopted.

Continued Growth

- Through the 1970's, 80's & 90's Pressley Ridge continued to add programs and expand services:
  - 1975 – The Ohiopyle Wilderness School
  - 1981 – PRYDE Therapeutic Foster Care
  - 1983 – Residential and Foster Care service expand in Pennsylvania and West Virginia
  - TFC services expand to Maryland (1988), Ohio (1990), Washington, DC (1998), Portugal (1999), Delaware (2003), Hungary (2006) and Texas (2007)

Changing Names

- In 1985, the name was change to Pressley Ridge Schools to reflect the diversification of programs and locations.
- In 2004, the name was simplified to Pressley Ridge.
- In 2008, Pressley Ridge merged with Family and Children's Services of Central Pennsylvania adding many new, unique programs to the organization.

Pressley Ridge Programs Today

- Residential Treatment Services
- Treatment Foster Care
- Community-based Services
- Education Services
- International Programs & Services
- The Pressley Ridge Institute

Our Mission

- To improve the adjustment and achievement of children & youth with troubling behaviors through effective programs that focus on all aspects of their lives.
- To lead in the development of innovative programing through evaluation, research and outcome measurement.
- To champion initiative to improve the system of care for children , youth and their families.

Re-ED is our Foundation- Our Values

- Nicholas Hobbs
- **Six Re-Education Value Statements:**
  - Idealism is Imperative
  - Relationships are Paramount
  - Joy in Our Work is Essential
  - Re-ED is our Foundation
  - We Strive for Quality – Nothing Less than the Best
  - We are All Teachers and We are All Learners

Re-ED is our Foundation

- Twelve Re-ED Principles

1. Life is to be lived now;
2. Trust is Essential;
3. Competence makes a difference;
4. Time is an ally;
5. Self-control can be taught;
6. Intelligence can be taught;
7. Feelings should be nurtured;
8. The group is very important;
9. Ceremony & ritual give order;
10. The body is the armature of self;
11. Communities are important;
12. Know some joy in each day;

Pressley Ridge- Model of Care



Model of Care

Pressley Ridge- Delaware
The beginning

- Services in Delaware began Spring 2003
- Luke McDonough, MS came from Pressley Ridge Day School in Pittsburgh and began the program from his home in Magnolia, DE
- Introduced to Delaware to provide specific Individualized Residential Treatment (IRT) services for youth in care





Initial IRT Services

- IRT was a structured program with specific requirements of parents:
  - Preferred two parent homes;
  - Preferred one parent not work and primary role was as the care taker of the IRT youth;

Next Chapter

- Cha-Tanya Lankford, LCSW began September 2005; charged with increasing census & programming capacity
- Luke McDonough returned to Pittsburgh
- Program experienced continued growth in 2005 and 2006
  - 2005- 18 youth and approximately 23 homes to 45 youth and 70 homes

Growth Spurt

- February 2007 new contract entered into with DFS to provide Treatment Foster Care (TFC) services;
  - Increased Levels of Care (LOC) of TFC that included Level IV & V
  - Resulted in continual recruitment and certification efforts

Expansion

- 2008 marked by continued growth
- Expanded and opened two additional offices in the state- one office servicing each County (New Castle & Sussex);
- Growth continued throughout 2008 & 2009

The Recession of 2009

- January 2009 the State of Delaware hit with the great financial crisis;
- The Delaware TFC programs felt the hit via a dramatic decrease in referrals and placements;
- Census peaked at 90 youth and 120 TFC homes throughout the state;

Stabilization

- 2010 – 2011 Programs and services have begin to level off;
- Today serve approximately 65 youth/year
- 75 TFC homes located throughout the state;

Going Forward

- Seeking to provide specialty services in the state; Take advantage of the niche treatment needs of the state (juvenile sex offenders)
- Increase community based services
- Continue community based outreach
- Seeking additional financial streams:
  - Medicaid Billing

Delaware Outcomes - Immediate

Outcomes	Benchmark Score	Delaware Results	Service Line Result
Goal 1: Feel better about family sit/life (based on Satisfaction Survey Results)	80%	87%	
Goal 2: Hopefulness in future quality of life (based on Follow Up Interview Results)	80%	100%	69%

Delaware Outcomes - Intermediate

Outcomes	Benchmark Score	Delaware Results	Service Line Result
Goal 1: Individuals manage their behavior and relationships with family and peers (based on Satisfaction Survey Results)	80%	87%	
Goal 2: Successfully Manage Behavior at Follow-Up (based on Follow Up Interview Results)	80%	82%	90%

Delaware Outcomes – Long Term

Outcomes	Benchmark Score	Delaware Results	Service Line Result
Goal 1: Obtain Permanency/Stability (based on the # of internal transfers that occurred in the program)	90%	91%	
Goal 2-Indicator I: Improvement in Permanency and Stability at Discharge (based on the living environment at discharge)	80%	77%	90%

Delaware Outcomes – Long Term cont'd.

Outcomes	Benchmark Score	Delaware Results	Service Line Result
Goal 2-Indicator II: At follow up, youth will continue to live in a less restrictive placement and experience no moves.	80%	93%-Less restrictive LE 71%-No Moves since d/c	Less LE -83% No Moves-85%
Goal 3: Improvement in Functioning (Well-being) (CAFAS) Indicator I- improvement in CAFAS/PECFAS scores at d/c	80%	74%	

Delaware Outcomes – Long Term cont'd.

Outcomes	Benchmark Score	Delaware Results	Service Line Result
Goal 4: Achieve Safety At Follow-up, youth will be free from harm or victimization	80%	100%	98%
Goal 5: Educational Functioning - Youth will be attending school, receiving good grades or will have graduated.	80%	82% of them were attending school or had graduated 67% of those attending school reported receiving good grades	95% of them were attending school or had graduated 70% of those attending school reported receiving good grades

Questions?



Pressley Ridge TFC

Cha-Tanya Lankford, LCSW
Program Director
846 Walker Road
Suite 32-1
Dover, DE 19904
302-677-1590 office
302-677-1591 fax
302-423-5072 cellular

www.pressleyridge.org

Pressley Ridge- New Castle Co.
56 W. Main Street
Suite 203
Newark, DE 19702

Pressley Ridge- Sussex Co.
20145 Office Circle
Unit 2
Georgetown, DE 19947

CITY OF DOVER PROPOSED ORDINANCE #2011-25

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

That Appendix B - Zoning, Article 3 - District Regulations, Section 17 - Shopping Center Development [(SC-1, SC-2 and SC-3)], Subsection 17.3 - Permitted Uses, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in bold, red, strikeout as follows:

17.31 In a neighborhood shopping center (SC-1), the following are permitted uses:

1. All uses permitted in the neighborhood commercial zone C-1, with no limitation on the size of establishments;
2. Business, professional and governmental offices, public libraries, banks and restaurants~~.~~***;***
3. Retail and service establishments, subject to the following:
   (a) The following uses shall be prohibited:
      i. Wholesaling, warehousing, storage;
      ii. Motor vehicle service, sales, and/or fueling stations.
   (b) Gasoline pumps shall be permitted only as an accessory use and shall be subject to conditional use approval by the planning commission in accordance with Appendix B - Zoning, Article 10 - Planning Commission, Section 1 - Approval of conditional uses.

ADOPTED: *

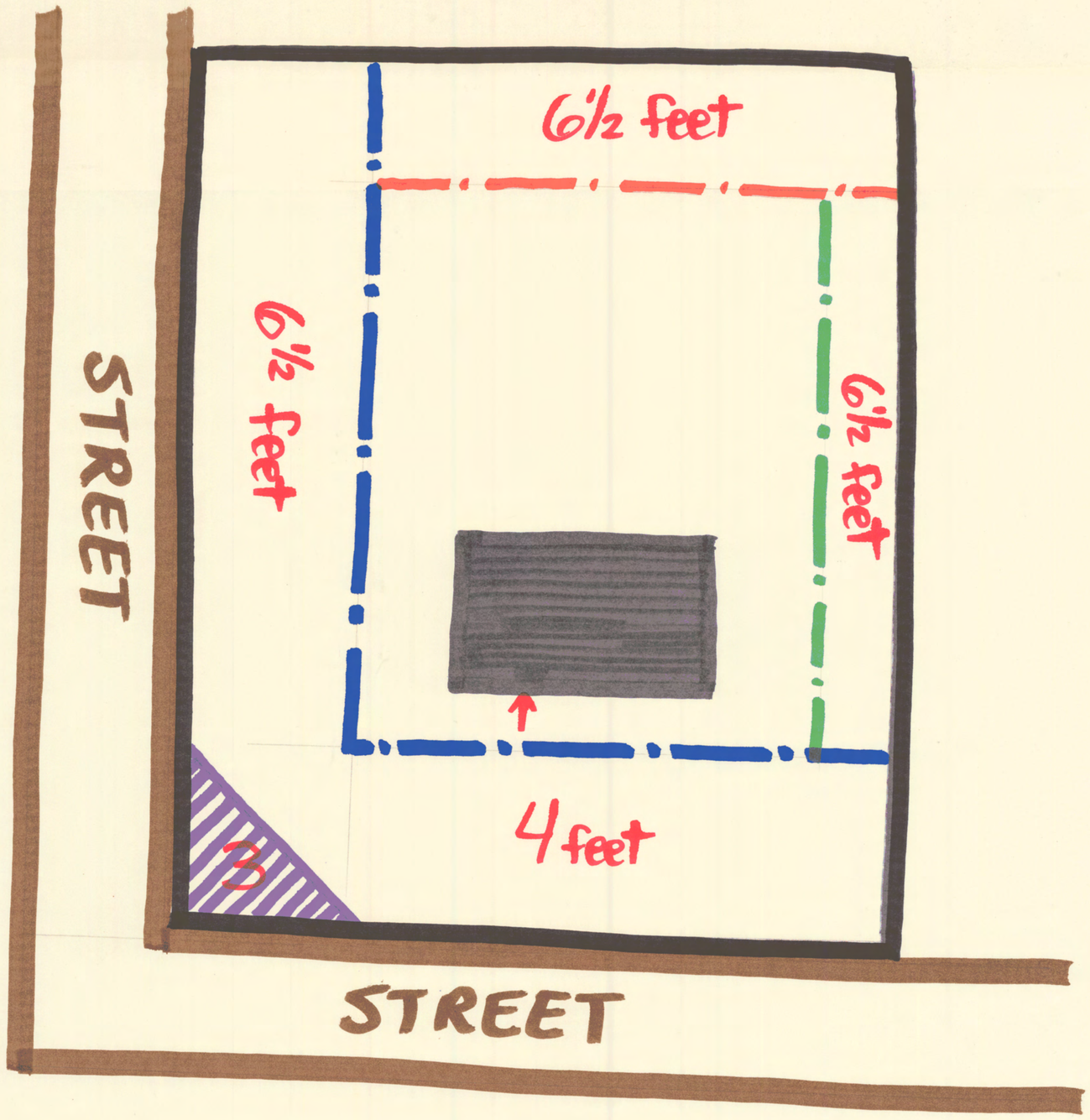
SYNOPSIS

The proposed ordinance would amend the SC-1 (Neighborhood Shopping Center) zone to permit retail and service establishments, would specify that gas pumps would be permitted only as an accessory use and would be subject to conditional use approval, and would prohibit wholesaling, warehousing, storage, and motor vehicle service, sales, and/or fueling stations.

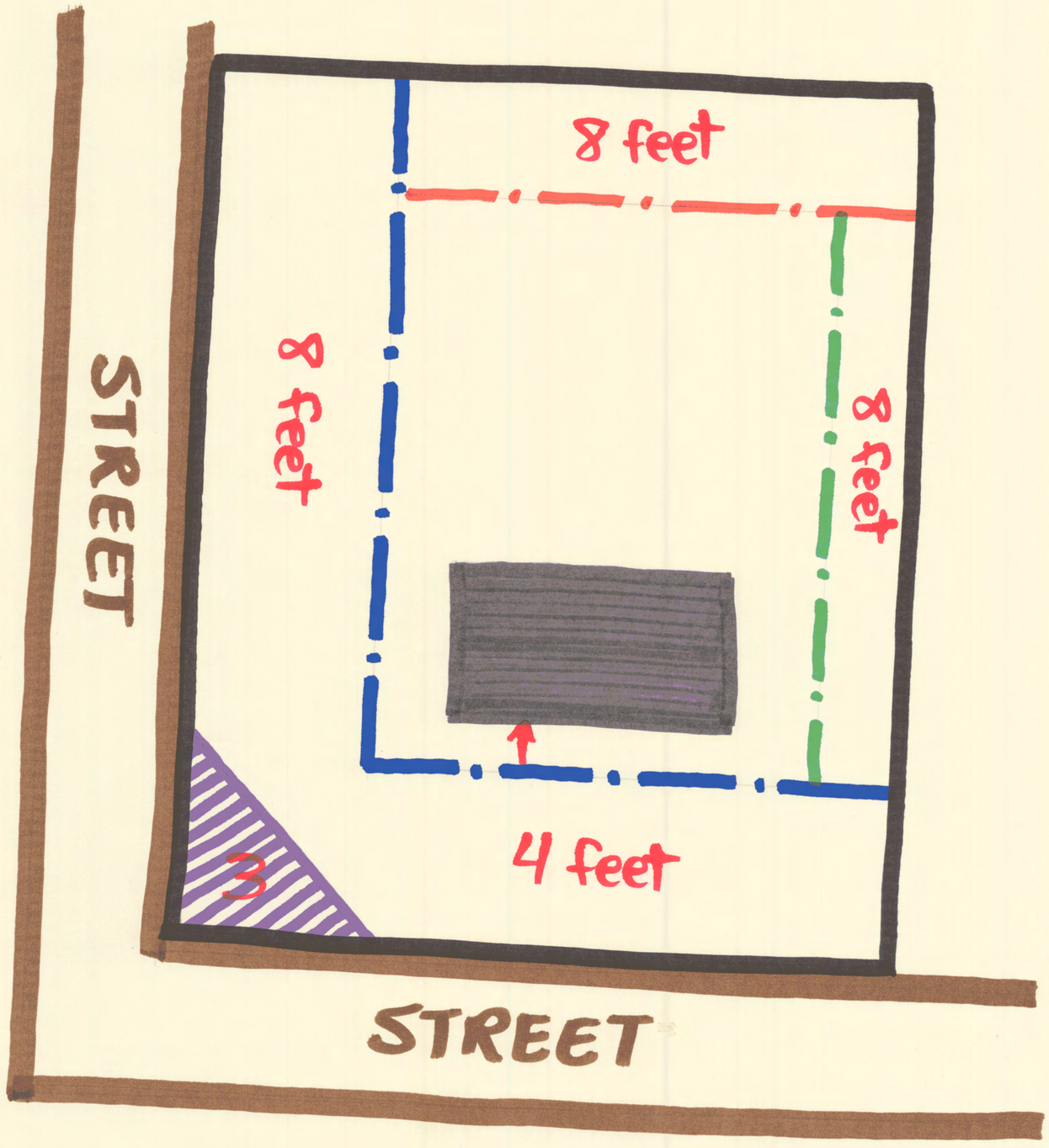
Actions History
October 10, 2011 - Scheduled for consideration by the Parks, Recreation, and Community Enhancement Committee

Draft

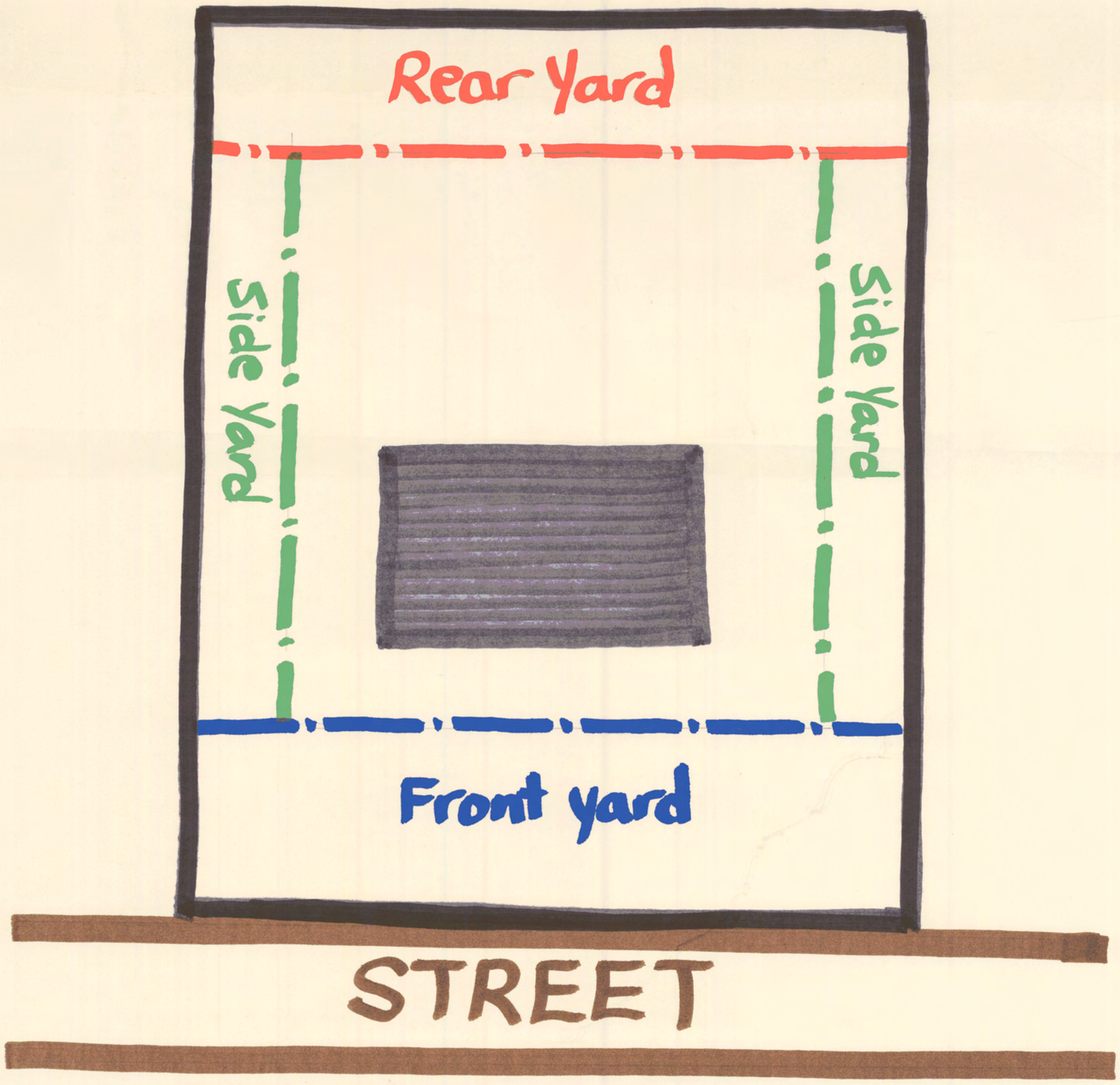
Corner Lot Residential Fence Heights (maximum)



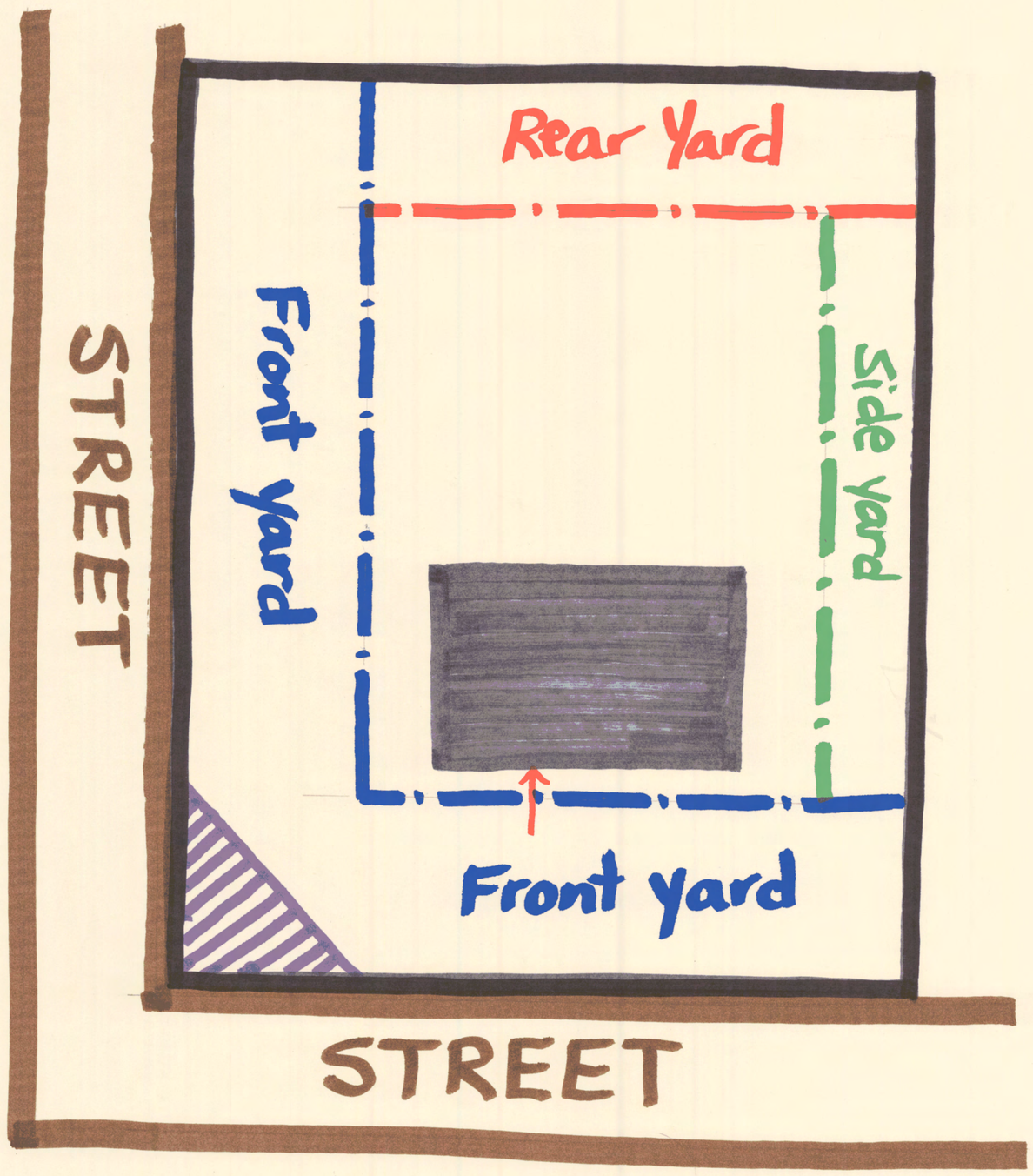
Corner Lot Non-Residential Fence Heights (maximum)



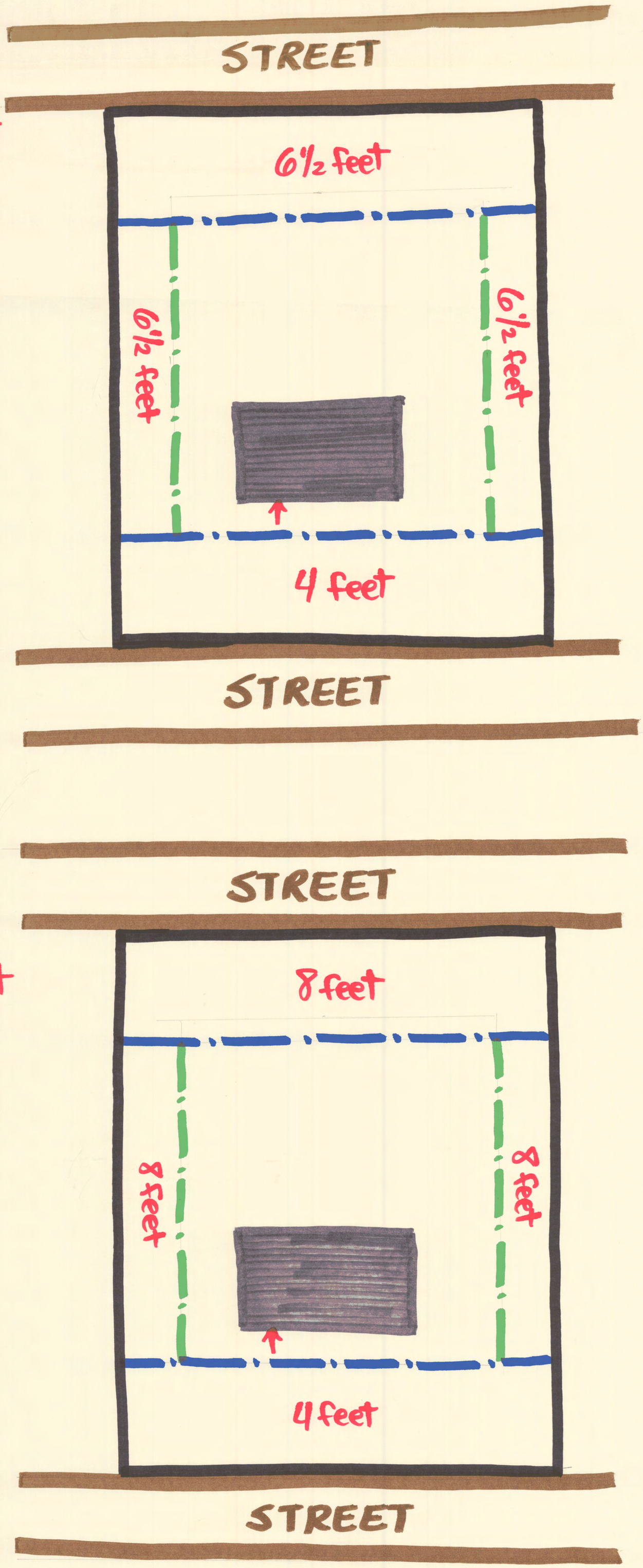
Lot setbacks



Corner Lot Setbacks

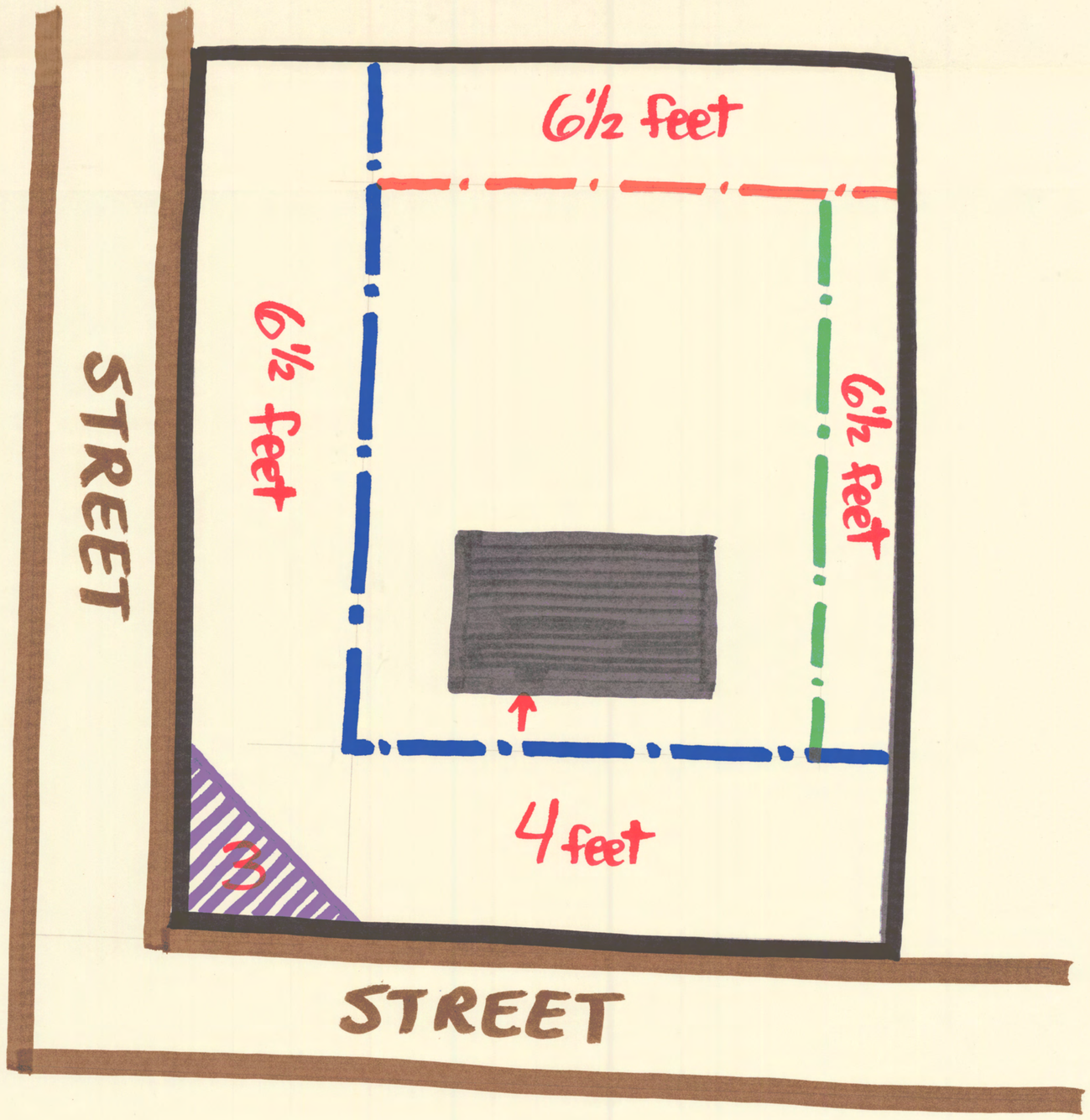


Dual Frontage Lot
Residential
Fence Height
(maximum)

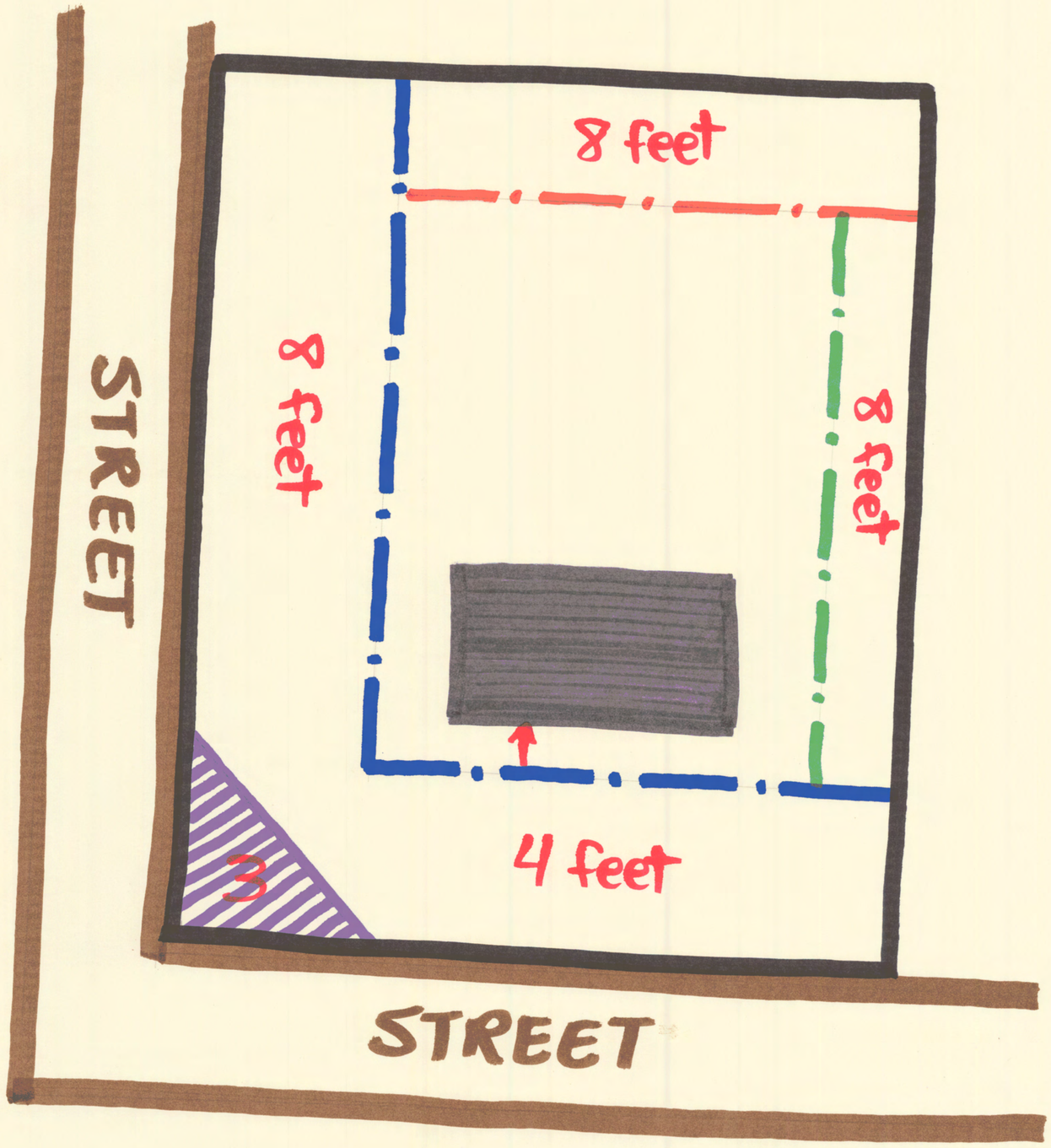


Dual Frontage Lot
Non-Residential
Fence Height
(maximum)

Corner Lot Residential Fence Heights (maximum)



Corner Lot Non-Residential Fence Heights (maximum)



CITY OF DOVER ORDINANCE #2011-26

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

That Appendix B - Zoning, Article 5 – Supplementary Regulations, Section 1 – Supplementary Regulations Applying to Residence Zones, Subsection 1.3 – Corner Lots, be amended by inserting the text indicated in bold, blue, italics as follows:

1.3 *Corner lots.*

1.31 ***Corner Visibility.*** In all zones within the city, no structure, fence, wall, landscaping, earthen berm, sign or any other form of obstruction to visibility, in excess of three feet in height above the adjacent street grade, shall be erected, placed or maintained on any corner lot within the triangular area formed by intersecting right-of-way lines. Two sides of the triangular area shall be 20 feet in length and measured from the point of intersection of the right-of-way lines as further illustrated in figure 5-1.

1.32 Yard Requirements. Corner lots are considered to have two front yards. The rear yard for a corner lot shall be the yard that is opposite the street upon which the principal structure fronts. The side yard for a corner lot shall be the yard that is opposite the street adjacent to the side of the principal structure.

1.33 Fences. A fence on a corner lot shall comply with the front yard requirement for height along the street upon which the principal structure fronts. A fence on a corner lot shall comply with the side yard requirement for height along the street adjacent to the side of the principal structure.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 1 – Supplementary Regulations Applying to Residence Zones, Subsection 1.5 – Exceptions to Yard Requirements, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in bold, red, strikeout as follows:

1.5 *Exceptions to yard requirements.*

1.51 *Permitted obstructions.* Cornice or cantilevered roofs and chimneys may project not more than two and one-half feet into a required yard. Belt courses, windowsills and other ornamental features may project not more than six inches into a required yard. Paved terraces, steps, and walks (other than such as are needed for access to the buildings on the lot) shall not project within 15 feet of a street line or four feet of a property line.

1.52 *Entries and porticos.* A roofed-over but unenclosed projection in the nature of an entry, portico or awning not more than eight feet wide and extending not more than six feet into the required front yard shall be exempt from the requirements of this section

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when the building otherwise complies with the regulations of this section. In computing the average setback, the presence of such entries and porticos shall be ignored.

1.53 *Existing setback.* No proposed one-family or two-family dwelling need have a setback greater than the average setback of the two existing dwellings with the greatest setbacks within 200 feet on each side of the said proposed dwelling, on the same side of the street and within the same block and the same zone.

1.54 *Open decks.* An open deck or patio extending to within ten feet of a rear lot line or within 20 feet of a rear lot for second story decks shall be exempt from rear yard setback requirements and lot coverage requirements so long as the principal structure complies with the regulations. Such open decks or patios shall not be enclosed and used as a part of the principal structure.

1.55 *Fences.* Fences or walls shall be limited to a maximum height of four feet above the ground when situated within front yard areas, and shall be limited to a maximum height of six and one-half feet above ground when situated within side and rear yard areas~~. , except that corner lots shall comply with the more restrictive provisions of article 5, section 1.31.~~ ***Fences situated on corner lots shall be subject to the provisions of article 5, section 1.3. For the purposes of this provision, on lots with dual street frontage that are not corner lots, a fence situated to the rear of the principal structure shall be limited to a maximum height of six and one-half feet above ground.*** Fences or walls with a height in excess of six and one-half feet above ground shall conform to the setback requirements for dwelling buildings as set forth in article 4 of this Appendix. Fence material commonly referred to as "barbed wire" and/or "razor wire," or any similar material, shall be prohibited in residential zones.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 7 – Supplementary Regulations Applying to All Non-Residential Zones, Subsection 7.5 – Fences, by inserting the text indicated in bold, blue, italics and deleting the text indicated in bold, red, strikeout as follows:

7.5 *Fences.* Fences or walls shall be limited to a maximum height of four feet above the ground when situated within front yard areas, and shall be limited to a maximum height of eight feet above ~~[~~the~~]~~ ground when situated within side and rear yard areas~~, except that corner lots shall comply with the more restrictive provisions of article 5, section 1.31~~. ***Fences situated on corner lots shall be subject to the provisions of article 5, section 1.3. For the purposes of this provision, on lots with dual street frontage that are not corner lots, a fence situated to the rear of the principal structure shall be limited to a maximum height of eight feet above ground.*** Fences or walls with a height in excess of eight feet above ~~[~~the~~]~~ ground shall conform to the setback requirements for dwelling buildings as set forth in article 4 of this Appendix. Fence material commonly referred to

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as "barbed wire" and/or "razor wire," or any similar material shall be prohibited along property lines which adjoin residential zones.

ADOPTED: *

SYNOPSIS

The proposed ordinance would clarify that corner lots have two front yards; permit such lots in residential zones to have a fence of up to six and one-half 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 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 clarifies that residential lots with dual frontages would be permitted to have fences of up to six and one-half 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 feet in height situated in the yard to the rear of the principal structure.

Action History

October 10, 2011 - Scheduled for Consideration by the Parks, Recreation, and Community Enhancement Committee

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UTILITY COMMITTEE

The Utility Committee Meeting was held on October 10, 2011 at 5:01 p.m. with Chairman Bonar presiding. Members present were Mr. Lynn, Mr. Blakeman, and Mr. Snaman. Mrs. Williams was absent. Other members of Council present were Mr. Hare (arrived at 5:04 p.m.) and Mr. Hutchison. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

By unanimous consent, the agenda was approved as presented.

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.

Mr. Blakeman moved to recommend 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) *(Attachment #1)*, as recommended by staff. The motion was seconded by Mr. Lynn and unanimously carried.

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 unanimous consent, the meeting adjourned at 5:19 P.M.

David L. Bonar
Chairman

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Attachment

Attachment #1 - Proposed Ordinance #2011-27 - Amending Appendix B - Zoning, Article 5 - Supplementary Regulations, (New) Section 21 - Public Utility Infrastructure

CITY OF DOVER ORDINANCE #2011-27

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

That Appendix B – Zoning, Article 5 – Supplementary Regulations, be amended by inserting a new Section 21 – Public utility infrastructure, as follows:

Section 21 – Public utility infrastructure.

Public utility infrastructure shall be permitted in all zones and generally exempt from the requirements of Article 4 – Zoning Bulk and Parking Regulations, except as provided in this section.

21.1 *Setback.* The minimum setback for public utility structures shall be equal to the setback of the zone in which the structure is located.

21.2 *Fences.* Fences shall be limited to a maximum height of eight feet above ground.

21.3 *Site development plan required.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and related accessory structures.

21.4 *Exceptions.*

21.41 Electric power generation facilities shall be subject to all zoning requirements.

21.42 Private communications antennas and towers shall not be considered public utility infrastructure under the provisions of this subsection, and shall be subject to all zoning requirements.

ADOPTED: *

SYNOPSIS

The proposed ordinance would permit public utility infrastructure, except for electric power generation facilities, in all zoning districts and exempt such infrastructure from bulk requirements.

Action History

October 10, 2011 - Scheduled for Consideration by the Utility Committee

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LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on October 10, 2011 at 6:00 p.m. with Chairman McGlumphy presiding. Members present were Mr. Anderson, Mr. Hare, and Mr. Shevock. Dr. Jones was absent. Members of Council present were Mr. Bonar, Mr. Hutchison, and Council President Leary (arrived at 6:35 p.m.). Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

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

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.

Mr. Anderson moved to recommend 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, seconded by Mr. Shevock and unanimously carried.

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.

Mr. Hare moved for adjournment, seconded by Mr. Shevock and unanimously carried.

Meeting Adjourned at 6:55 P.M.

William P. McGlumphy
Chairman

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CITY OF DOVER
FISCAL YEAR JULY 1, 2011 TO JUNE 30, 2012
REVENUE FORECAST
As of September 30, 2012

GENERAL FUND	FY12 BUDGET	September YTD Receipts	% Budget Received	COMMENTS	FY11 RECEIPTS	FY10 RECEIPTS
Property Taxes	$ 11,133,367	$ 10,618,058	95.4%	Budget for 7/1 Billing = $10,632,000; PILOT less than budget;	$ 10,855,007	$ 9,977,466
Transfer from Electric Fund	7,876,288	-	0.0%	Timing of transfer based on need and investment maturities;	8,856,000	6,758,100
Intrafund Service Receipts Electric	3,370,778	758,235	22.5%		3,148,974	3,159,199
Transfer Tax	900,000	763,147	84.8%	Large value transfers (4) totaling $639,000	1,461,890	867,795
Business Licenses	1,523,675	1,115,316	73.2%	Reflects July 1 Billing;	1,467,382	1,464,341
Intrafund Service Receipts Water/Wastewater	988,393	220,418	22.3%		892,015	900,164
Trash Fees & DSWA Rebate	2,050,000	494,389	24.1%		2,173,433	1,340,730
Permits & Other Licenses	934,000	237,778	25.5%		949,982	960,427
Transfer from Municipal Street Aid Fund	526,814	263,521	50.0%	1st & 2nd Quarter received from State	527,226	-
Fines & Police Revenue	639,000	120,696	18.9%		671,859	626,833
Court of Chancery Fees	690,000	206,360	29.9%		692,180	675,390
Transfer from Water/Wastewater Fund	424,508	-	0.0%	Timing of transfer based on need and investment maturities;	-	548,020
Transfer from Civil Traffic Penalties Fund	1,000,000	62,086	6.2%	State always runs behind in remitting; July receipts;	967,020	791,583
Library Revenues & County Reciprocal Pymt.	435,000	17,089	3.9%	County payment not received;	444,455	465,387
Police Extra Duty Fees	300,000	103,635	34.5%	Reflects Billing for July Nascar Race $68,000;	334,023	418,479
Franchise Fees	520,000	-	0.0%		559,354	520,157
Grants	753,500	47,090	6.2%	Police Pension Grant - based on State Funding & timing	973,819	651,853
Business Improvement District Tax	51,821	51,612	99.6%	FY12 Billing;	49,902	52,118
Other Miscellaneous Receipts	404,750	59,147	14.6%		404,370	283,106
Interest Income	215,900	6,261	2.9%	Lower market rates, delay in investing cash, & Sept not recorded	47,554	145,869
Transfer from Reserves	-	-	0.0%		-	236,582
TOTALS	$ 34,737,794	$ 15,144,838	43.6%		$ 35,476,445	$ 30,843,599

CITY OF DOVER
FISCAL YEAR JULY 1, 2011 TO JUNE 30, 2012
REVENUE FORECAST
As of September 30, 2012

WATER/WASTEWATER FUND	FY12 BUDGET	September YTD Receipts	% Budget Received	COMMENTS	FY11 REVENUES	FY10 REVENUES
Water Fees	$ 4,603,400	$ 1,456,168	31.6%	Seasonal usage - June & July	$ 4,945,385	$ 4,274,966
Wastewater Fees	3,756,700	1,080,260	28.8%	Seasonal usage - June & July	3,694,020	3,015,856
Wastewater Adjustment Fees - County Trtmt	3,090,900	898,818	29.1%	High water table;	3,058,656	3,100,547
Groundwater Inflow Adjustment	1,386,900	333,717	0.0%		1,171,376	-
Wastewater Impact Fees	323,000	89,300	27.6%	Blue Hen Apartments	354,825	418,475
Water Impact Fees	357,000	98,700	27.6%	Blue Hen Apartments	393,750	369,750
Water Tank Space Leasing	307,600	24,225	7.9%		300,137	293,154
Interest Income	27,800	2,027	7.3%		9,808	1,573
Other Miscellaneous Revenues	58,000	16,011	27.6%		83,056	58,848
TOTALS	$ 13,911,300	$ 3,999,226	28.7%		$ 14,011,013	$ 11,533,169

ELECTRIC REVENUE FUND	FY12 BUDGET	September YTD Receipts	% Budget Received	COMMENTS	FY11 REVENUES	FY10 REVENUES
Sales to Customers	$ 95,675,500	$ 29,488,304	30.8%	Seasonal usage	$ 99,859,602	$ 96,289,984
Purchased Power Adjustment	(6,012,000)	(1,879,580)	31.3%		(2,290,989)	-
Utility Tax	1,966,100	462,574	23.5%	Tax rate was lowered by State after budget was set; Pass thru	1,944,543	1,922,645
Transfer from Rate Stabilization Reserve (FY12)	1,000,000	1,000,000	0.0%		-	-
Miscellaneous Revenue	1,208,300	456,204	37.8%	LS Power billings for Sun Park work;	1,106,496	1,532,506
Interest Income	264,900	12,757	4.8%		823,171	16,441
Intrafund Service Fees - Water/Wastewater	240,203	38,121	15.9%	Lower actual expenses for support services;	171,646	179,360
TOTALS	$ 94,343,003	$ 29,578,380	31.4%		$ 101,614,469	$ 99,940,936

City of Dover

Memorandum

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

To: Mayor and City Council

From: Scott D. Koenig, P.E.
Interim City Manager

Date: October 24, 2011

Subject: Semi Annual Inspection – Robbins Hose Company

In accordance with Section 46-43 of the City Code, I performed the inspection of the Dover Fire Department on Monday, October 10, 2011 with Chief Jack Fortney. Chief Fortney and I met at Station #1 and discussed a wide range of issues. Chief Fortney indicated that volunteer levels have remained relatively constant. Typically, the number of members responding increases in the evening hours since a number of members work during the daytime hours. The Chief reported that he is satisfied with volunteer levels and response times. He also reported that the building assets remain in excellent condition. Only a few minor building maintenance problems exist.

Currently, all vehicles are in service and there are no major vehicle or equipment problems. The Chief reported that the new Ladder #1 has been an excellent addition to the fleet. This vehicle significantly enhances the tactical capabilities of the department.

Jason Osika gave a brief overview of the dispatch center and the operational procedures associated with dispatching calls using the computer system. All radio and computer equipment appears to be in superior working order.

In general, the Robbins Hose Company continues to provide and outstanding level of service to the City of Dover. Please feel free to contact me if you have any questions or concerns.

SDK/yml

cc: Fire Chief Jack Fortney

t:/City Manager/Robbins Hose Inspection/October 2011

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2011-25

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

That Appendix B - Zoning, Article 3 - District Regulations, Section 17 - Shopping Center Development [(SC-1, SC-2 and SC-3)], Subsection 17.3 - Permitted Uses, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in bold, red, strikeout as follows:

17.31 In a neighborhood shopping center (SC-1), the following are permitted uses:

1. All uses permitted in the neighborhood commercial zone C-1, with no limitation on the size of establishments;
2. Business, professional and governmental offices, public libraries, banks and restaurants~~.~~***;***
3. Retail and service establishments, subject to the following:
    (a) The following uses shall be prohibited:
        i. Wholesaling, warehousing, storage;
        ii. Motor vehicle service, sales, and/or fueling stations.
    (b) Gasoline pumps shall be permitted only as an accessory use and shall be subject to conditional use approval by the planning commission in accordance with Appendix B - Zoning, Article 10 - Planning Commission, Section 1 - Approval of conditional uses.

ADOPTED: *

SYNOPSIS

The proposed ordinance would amend the SC-1 (Neighborhood Shopping Center) zone to permit retail and service establishments, would specify that gas pumps would be permitted only as an accessory use and would be subject to conditional use approval, and would prohibit wholesaling, warehousing, storage, and motor vehicle service, sales, and/or fueling stations.

Actions History

October 24, 2011 - First Reading Scheduled Before City Council
October 10, 2011 - Considered by the Parks, Recreation, and Community Enhancement Committee

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FIRST READING

CITY OF DOVER ORDINANCE #2011-26

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

That Appendix B - Zoning, Article 5 – Supplementary Regulations, Section 1 – Supplementary Regulations Applying to Residence Zones, Subsection 1.3 – Corner Lots, be amended by inserting the text indicated in bold, blue, italics as follows:

1.3 *Corner lots.*

1.31 ***Corner Visibility.*** In all zones within the city, no structure, fence, wall, landscaping, earthen berm, sign or any other form of obstruction to visibility, in excess of three feet in height above the adjacent street grade, shall be erected, placed or maintained on any corner lot within the triangular area formed by intersecting right-of-way lines. Two sides of the triangular area shall be 20 feet in length and measured from the point of intersection of the right-of-way lines as further illustrated in figure 5-1.

1.32 Yard Requirements. Corner lots are considered to have two front yards. The rear yard for a corner lot shall be the yard that is opposite the street upon which the principal structure fronts. The side yard for a corner lot shall be the yard that is opposite the street adjacent to the side of the principal structure.

1.33 Fences. A fence on a corner lot shall comply with the front yard requirement for height along the street upon which the principal structure fronts. A fence on a corner lot shall comply with the side yard requirement for height along the street adjacent to the side of the principal structure.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 1 – Supplementary Regulations Applying to Residence Zones, Subsection 1.5 – Exceptions to Yard Requirements, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in bold, red, strikeout as follows:

1.5 *Exceptions to yard requirements.*

1.51 *Permitted obstructions.* Cornice or cantilevered roofs and chimneys may project not more than two and one-half feet into a required yard. Belt courses, windowsills and other ornamental features may project not more than six inches into a required yard. Paved terraces, steps, and walks (other than such as are needed for access to the buildings on the lot) shall not project within 15 feet of a street line or four feet of a property line.

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1.52 *Entries and porticos.* A roofed-over but unenclosed projection in the nature of an entry, portico or awning not more than eight feet wide and extending not more than six feet into the required front yard shall be exempt from the requirements of this section when the building otherwise complies with the regulations of this section. In computing the average setback, the presence of such entries and porticos shall be ignored.

1.53 *Existing setback.* No proposed one-family or two-family dwelling need have a setback greater than the average setback of the two existing dwellings with the greatest setbacks within 200 feet on each side of the said proposed dwelling, on the same side of the street and within the same block and the same zone.

1.54 *Open decks.* An open deck or patio extending to within ten feet of a rear lot line or within 20 feet of a rear lot for second story decks shall be exempt from rear yard setback requirements and lot coverage requirements so long as the principal structure complies with the regulations. Such open decks or patios shall not be enclosed and used as a part of the principal structure.

1.55 *Fences.* Fences or walls shall be limited to a maximum height of four feet above the ground when situated within front yard areas, and shall be limited to a maximum height of six and one-half feet above ground when situated within side and rear yard areas~~. , except that corner lots shall comply with the more restrictive provisions of article 5, section 1.31.~~ ***Fences situated on corner lots shall be subject to the provisions of article 5, section 1.3. For the purposes of this provision, on lots with dual street frontage that are not corner lots, a fence situated to the rear of the principal structure shall be limited to a maximum height of six and one-half feet above ground.*** Fences or walls with a height in excess of six and one-half feet above ground shall conform to the setback requirements for dwelling buildings as set forth in article 4 of this Appendix. Fence material commonly referred to as "barbed wire" and/or "razor wire," or any similar material, shall be prohibited in residential zones.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 7 – Supplementary Regulations Applying to All Non-Residential Zones, Subsection 7.5 – Fences, by inserting the text indicated in bold, blue, italics and deleting the text indicated in bold, red, strikeout as follows:

7.5 *Fences.* Fences or walls shall be limited to a maximum height of four feet above the ground when situated within front yard areas, and shall be limited to a maximum height of eight feet above ~~[~~the~~]~~ ground when situated within side and rear yard areas~~, except that corner lots shall comply with the more restrictive provisions of article 5, section 1.31~~. ***Fences situated on corner lots shall be subject to the provisions of article 5, section 1.3. For the purposes of this provision, on lots with dual street frontage that are not corner lots, a fence situated to the rear of the principal structure shall be limited to***

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a maximum height of eight feet above ground. Fences or walls with a height in excess of eight feet above ~~[~~the~~]~~ ground shall conform to the setback requirements for dwelling buildings as set forth in article 4 of this Appendix. Fence material commonly referred to as "barbed wire" and/or "razor wire," or any similar material shall be prohibited along property lines which adjoin residential zones.

ADOPTED: *

SYNOPSIS

The proposed ordinance would clarify that corner lots have two front yards; permit such lots in residential zones to have a fence of up to six and one-half 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 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 clarifies that residential lots with dual frontages would be permitted to have fences of up to six and one-half 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 feet in height situated in the yard to the rear of the principal structure.

Action History

October 10, 2011-Considered by the Parks, Recreation, and Community Enhancement Committee

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FIRST READING

CITY OF DOVER ORDINANCE #2011-27

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

That Appendix B – Zoning, Article 5 – Supplementary Regulations, be amended by inserting a new Section 21 – Public utility infrastructure, as follows:

Section 21 – Public utility infrastructure.

Public utility infrastructure shall be permitted in all zones and generally exempt from the requirements of Article 4 – Zoning Bulk and Parking Regulations, except as provided in this section.

21.1 *Setback.* The minimum setback for public utility structures shall be equal to the setback of the zone in which the structure is located.

21.2 *Fences.* Fences shall be limited to a maximum height of eight feet above ground.

21.3 *Site development plan required.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and related accessory structures.

21.4 *Exceptions.*

21.41 Electric power generation facilities shall be subject to all zoning requirements.

21.42 Private communications antennas and towers shall not be considered public utility infrastructure under the provisions of this subsection, and shall be subject to all zoning requirements.

ADOPTED: *

SYNOPSIS

The proposed ordinance would permit public utility infrastructure, except for electric power generation facilities, in all zoning districts and exempt such infrastructure from bulk requirements.

Action History

October 24, 2011 – Scheduled for First Reading Before City Council

October 10, 2011 - Considered by the Utility Committee

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